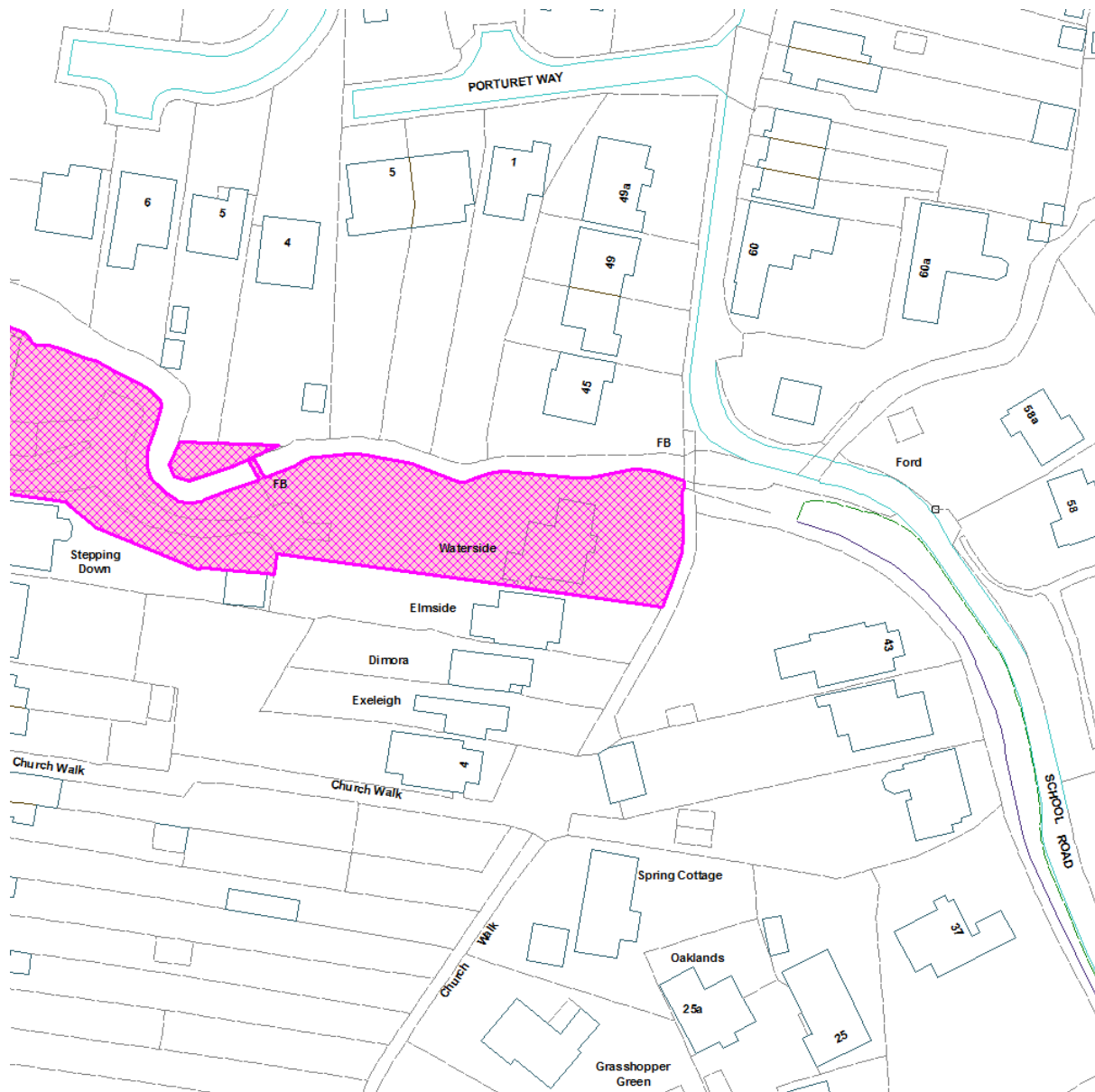


APPLICATION NO: 21/00193/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 9th February 2021	DATE OF EXPIRY: 6th April 2021/Agreed Ext of Time 23rd August 2021
DATE VALIDATED: 9th February 2021	DATE OF SITE VISIT:
WARD: Charlton Kings	PARISH: Charlton Kings
APPLICANT:	Mr and Mrs McCrerrick
AGENT:	Stanley Partnership Architects
LOCATION:	Waterside, Church Walk, Charlton Kings
PROPOSAL:	Erection of replacement dwelling

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a two storey, extended, four bedroom detached dwelling constructed in the 1960'S. The dwelling fronts Church Walk but occupies a long plot which extends to Copt Elm Road to the west. Within the site are a number of mature and semi mature trees, some of which are subject to a TPO, a large garage, various footpaths and ancillary outbuildings and an outdoor swimming pool. There is pedestrian access (plus an informal arrangement for vehicular access) to the dwelling from Church Walk. The principal vehicular access to the property and its garage and off road parking area is via Copt Elm Road.
- 1.2 The site generally is heavily landscaped with an unmistakable woodland character. The River Chelt runs adjacent to the northern site boundary with a small parcel of the site extending to the opposite side of the river bank via a footbridge. The site is surrounded on all sides by established residential development which varies in age and architectural style. The site lies just outside of the Charlton Kings Conservation Area.
- 1.3 The applicant proposes the erection of a two storey replacement dwelling, plus the filling in of the swimming pool. The summer house located on the river bank would be retained along with the majority of the other existing outbuildings and structures. Vehicular access is proposed via Copt Elm Road with pedestrian access only from Church Walk.
- 1.4 The scheme has been revised during the course of the application; in response to concerns regarding potential overlooking into neighbouring properties, flood risk and drainage issues and the retention and protection of trees within the site.
- 1.5 This application is before the Planning Committee at the request of Councillor McCloskey. The reason given for the referral is the potential impact of the proposals on neighbour amenity.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area
Smoke Control Order

Relevant Planning History:

74/00275/PF 12th July 1974 PER

Church Walk Waterside . Cheltenham Gloucestershire - Erection Of Garage And Covered Swimming Pool

82/00194/PF 27th May 1982 PER

Church Walk Waterside . Cheltenham Gloucestershire - New Bed Sitting Room And Bathroom For Young Handicapped Person

84/00605/PF 27th September 1984 PER

Church Walk Waterside . Cheltenham Gloucestershire - Erection Of Garage

10/01441/TPO 30th September 2010 PER

3 x beech alongside Copt Elm Rd (T10, T11 and T12 on TPO) - crown lift all round to 15ft max and trim back from lamp standard

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

4. CONSULTATIONS

Tree Officer

24th February 2021

The CBC Tree section considers that there is a lack of tree related information accompanying this application and as such please could the following be submitted as a part of the application:

- i. BS5837 (2012) tree survey of all trees on and off site within the sphere of influence of this development,
- ii. Tree retention and removal plan,
- iii. Tree protection plan of all trees to be retained,
- iv. Details of any access facilitation and other pruning,
- v. Details of all underground services to run through the root protection area of retained trees,
- vi. Arboricultural implications assessment.

Upon receipt of this information further consideration would be possible.

9th April 2021

I have no objection to the proposed tree removals. However I would like to see an "Arb monitoring" timetable to include:

- i. Prior to any demolition (and to include CBC Trees Officer) to view tree protection
- ii. During the hand dig of excavations. Greenwood Tree Surveys recommend specialist foundation type for installation around trees. I would like it confirmed that the architect is happy to instruct such bespoke foundations.

- iii. The infill of soil into the pool-if the pool sides and base are to be demolished, this need to be undertaken with supervision being so close to the large oak (T20?)
- iv. During the reconstruction/upgrading of footpaths where they are within the RPA of trees.

26th July 2021

The CBC Tree Section welcomes the retention of T36 Magnolia

Please could new Tree protection Plan be submitted reflecting this retention. In that it is anticipated that much demolition and construction work is to be within the vicinity of this tree, it is anticipated that all hard surface within its Root Protection Area is retained during the course of all demolition/construction until the end of all construction activity. Should it need to be removed prior to this, suitable ground protection must be installed so as to continue to maintain root protection.

Drawing no 1547(SK)025 Revised Proposed Site Plan shows this tree retained but marked "retained and reduced as required". Anything other than a very minor reduction of the crown of this tree will likely seriously reduce the tree's amenity-such species does not usually respond well to significant pruning. Any pruning should be done by a qualified arborist and be to BS3998 (2010) (as should all other tree pruning works on site).

Environmental Health

24th February 2021

Assessed application, replacement dwelling. No con land concerns, next to River Chelt therefore pile condition added as precaution. Adjacent to other residential properties and potential to affect amenity. Response below posted on PP:

With reference to the above planning application I have reviewed the documents provided and have no objection to this development in principal, however there is also potential for noise and nuisance from demolition and construction works to affect neighbouring properties.

In light of this I must therefore request the following be added to any permission for development:

Construction Management:

No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Method of prevention of mud being carried onto highway
- Waste and material storage
- Control measures for dust and other air-borne pollutants
- Control measures for noise in regards to both demolition and construction
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works.

Pile Foundations:

No piling activities shall be carried out at this site until a full pile method statement method statement has been submitted to and been approved in writing by the Local Planning

Authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential property, dates and times of piling and details of monitoring measures.

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

Informatives:

- Environmental Protection will require a noise report should there be installation of air source or ground source heat pumps - to indicate impact on nearby residential property, not just the rated noise levels for the equipment.
- Electric vehicle charging points shall be considered as a basic minimum requirement and where it is considered unviable to do so, dwellings should be designed to enable the provision of an electrical charging point either as an optional extra or at a later date. Where residential dwellings do not have parking within their curtilage, consideration should be given to providing charging points on-street or within communal parking areas, including designing the development so as to minimise the cost and disturbance of retrofitting charging points at a later date

If you would like to discuss further, or if you believe the recommendation not suitable, please do not hesitate to contact me.

Building Control

22nd February 2021

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

15th February 2021

No Objection

Gloucestershire Centre For Environmental Records

28th February 2021

Biodiversity report available to view.

Architects Panel

5th March 2021

Design Concept The panel had no objection to the principle of replacing the existing dwelling which is in a poor state of repair. The site is surprisingly large but the scheme proposed is relatively modest, no doubt constrained by the sloping site and the need to retain important mature trees.

Design Detail

The panel thought the contemporary design approach was refreshing and entirely appropriate in this location. Considerable thought has been given to the architectural language and construction details resulting in a very well designed scheme that takes full advantage of the site's special characteristics.

Recommendation

Supported.

Cheltenham Civic Society

20th March 2021

SUPPORT

The Civic Society Planning Forum are pleased to see this original and thoughtful design, on this awkward site. The design is well considered with good proportions and good use of materials. We hope the applicant will retain the woodland character of the garden.

Publica Drainage and Flooding

3rd March 2021

See Comment in documents tab.

5th August 2021

ADDENDUM TO PREVIOUS COMMENTS

Apologies I hadn't realised this was an existing structure to be replaced. I can now confirm all matters relating to surface water drainage and flood risk have been addressed subject to implementation in accordance with the attached drainage document. Please see below compliance condition.

CONDITON: The development shall be carried out in accordance with the approved drainage details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance).

21st July 2021

With regards to the surface water drainage proposal although this is acceptable in principle we will require infiltration tests to confirm that infiltration is not viable.

We do not appear to have received any information addressing my flood risk concerns. 'A Flood Risk Assessment has been submitted providing information regarding existing and proposed finished floor levels relative to the adjacent river. However, the assessment only appears to take into account flood depths for the high risk scenario and not the medium and low risk scenarios where surface water encroaches on the dwelling. Proposed levels should take into account the potential for below 300mm flood depths at the property. We would strongly recommend that the standing advice for vulnerable developments be applied with FFLs 300mm above the ground level. If this cannot be achieved flood resistance and resilience measures should be considered.

The currently proposed site plan suggests the new dwelling and associated structures will be in close proximity to the watercourse. Please note, to allow for future maintenance of the watercourse the dwelling should be a minimum of 5m from the watercourse bank, confirmation is sought. Details of the proposed structure on the watercourse bank are also required.'

I would expect the above concerns to be addressed prior to a decision.

Environment Agency

16th March 2021

Thank you for referring the above application, which was received on 3 March 2021.

We note the reason for consultation is development in or within 8 metres of top of bank of a Main River.

New development and/or built structures should ordinarily be set at least 8 metres from the top of bank of Main Rivers. This is to assist in operational management and maintenance, to help improve flood flow and conveyance; and in the interest of biodiversity.

At this time we are not providing bespoke comments on developments within 8m of Main Rivers. The fact that we are not providing comments does not mean that there are no easement issues, but we leave this is for your Council to consider in the context of any other material considerations, including relevant Local Plan policies.

In addition to obtaining planning permission, any works, in, under, or within 8 metres of the top of the bank of any designated main river require a permit from us under the Environmental Permitting (England and Wales) Regulations 2016. We are not in a position to confirm whether the proposals are likely to obtain a permit and would advise the applicant to contact the Environment Agency at the earliest opportunity for more information and advice to confirm whether a permit is required, what type, and exemptions. The submission of the permit with the planning application may provide you with greater reassurance and assist decision making. The applicant should ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. For further advice please see: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Please note the riparian owner is responsible for the maintenance of their length of bank, as appropriate.

I trust the above will assist in your determination of the application.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	20
Total comments received	11
Number of objections	8
Number of supporting	1
General comment	2

5.1 Letters of notification were sent to 20 neighbouring properties. A total of 11 representations were received and the comments and concerns raised, in summary, are as follows:-

- Visual impact of inappropriate footprint, scale and design and resultant harm to the character and appearance of the area
- Overlooking and loss of privacy
- Loss of and damage to trees and unstable trees within site
- Impact on natural habitat, fauna and flora
- Application lacks detail of retained and proposed landscaping and tree planting, location and resurfacing of proposed parking areas, existing outbuildings and swimming pool and alterations to the river bank

- Impact of foundations on river bank and potential flood risk to neighbouring properties
- Proposals are attractive and would enhance the area

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues for consideration are the loss of the existing dwelling, the design, scale and layout of the proposed development and their impact on the character and appearance of the area, the amenities of occupiers of neighbouring properties, drainage and flood risk, natural habitats and protected species and existing trees. Parking, access and highway safety implications will also need to be considered.

6.3 Principle/Policy Context

6.4 The relevant policy documents for consideration are the policies of the adopted Cheltenham Plan (2020) (CP), the NPPF (2019) and the adopted Joint Core Strategy (2017) (JCS). Policies D1 and SL1 of the CP and policies SD4, SD10 and SD14 of the JCS are most relevant.

6.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated in NPPF paragraph 47.

6.6 The site lies within the Principal Urban Area (PUA) and in a sustainable location where the principle of residential development or the conversion of buildings to residential uses on previously developed land is supported by Policy SD10 of the JCS, unless otherwise restricted by policies within District Plans.

6.7 The existing four bedroom dwelling is of no special architectural merit and although constructed in the 1960s and since extended is nonetheless dated and considered by the applicant to be beyond useful repair and offering little in terms of energy efficiency. As such, there are therefore no concerns regarding its demolition and the proposed development offers a unique opportunity to provide a bespoke replacement dwelling within the setting of this unique plot.

6.8 In light of the above, the principle of redeveloping the site to provide a single replacement dwelling is acceptable.

6.9 Design and layout

6.10 Paragraph 124 of the NPPF sets out that good design is a key aspect to achieving sustainable places, and creating better places in which to live. Paragraph 127 goes on to set out that development should add to the overall quality of the area, be visually attractive, and be sympathetic to local character. Policy SD4 of the JCS and Policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings.

6.11 In addition, the Council's Supplementary Planning Document 'Development on Garden Land and Infill Sites (June 2009)' offers useful and relevant guidance in respect of new residential development on garden land – 'Proposals for development on garden land and other infill sites should be based upon a thorough understanding of the character of the neighbourhood and in particular the street and block within which the site is located' with a

'requirement to complement and respect neighbouring development'. This advice can be applied equally to replacement dwellings.

- 6.12** The proposed development (as revised) includes the demolition of the existing dwelling and its replacement with a single, three bedroom, two storey dwelling with small basement area. The existing dwelling follows the staggered building line of properties on the west side of Church Walk, leading towards the river bank. The proposed dwelling overlays the existing building footprint; responding to the established staggered building line, but the front elevation projecting a little further at ground floor level, towards Church Walk. As such, the building line and gaps between the neighbouring house and river bank are maintained. Similarly, site topography and the ridge height of the proposed dwelling have been considered carefully such that the shallow pitched roof of the proposed dwelling does not extend beyond the ridge height of the existing dwelling or that of adjacent properties.
- 6.13** The design approach and architectural detailing of the proposed dwelling are overtly contemporary with extensive use of full height glazing, timber louvered screens and panelling and a wraparound overhanging eaves feature at ground floor level which also provides a covered side walkway and covered side entrance. The internal layout and fenestration have maximised outlook onto the front and rear garden and riverside aspects. Given the length of the plot, with access via Church Walk and Copt Elm Road, the proposed dwelling does not have a conventional front and rear aspect. The main pedestrian and vehicular access would be via Copt Elm Road. However, the elevation fronting Church Walk has been designed to complement and address the street frontage. The courtyard to the front of the dwelling would be re-landscaped with the retention of the existing Magnolia tree.
- 6.14** Proposed facing and external materials and palette are a simple and consistent mix of facing brickwork, and timber cladding with elements of profiled metal and timber beams. The main roof would be covered in metal standing seam and the lower roofs would be sedum planted.
- 6.15** Both the Architects Panel and Civic Society support of the proposals. The Architects Panel thought *'the contemporary design approach was refreshing and entirely appropriate in this location. Considerable thought has been given to the architectural language and construction details resulting in a very well designed scheme that takes full advantage of the site's special characteristics'*. These comments are echoed by the Civic Society.
- 6.16** For the reasons outlined above, this is a good quality development which, despite a slight increase in footprint, mass and scale in comparison with the original dwelling, and despite its contrasting architectural style, is considered appropriate. The proposed replacement dwelling should assimilate well into the landscape of this site and therefore sit comfortably within the plot without harm to the character and appearance of the street scene. As such, the proposed development adheres to the objectives of policy D1 of the Cheltenham Plan and policy SD4 of the Joint Core Strategy.
- 6.17 Impact on neighbouring property**
- 6.18** Paragraph 127 of the NPPF requires development to be of a high standard of amenity for existing and future users. Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.19** In response to the concerns raised by local residents regarding overlooking, the first floor windows/glazing in the north elevation facing the river Chelt are shown as obscurely glazed. Similarly, the first floor external terrace is shown with a privacy screen to protect the privacy of the adjacent property to the south, Elmside.

6.20 The first floor kitchen window on the south elevation would be located approximately 7 metres from the boundary with Elmside and some 10 metres to the front elevation of Elmside. This degree of separation coupled with the forward projection of the two storey element and set back of the proposed kitchen window, would mean that views out of the kitchen window towards Elmside would be largely blocked by the front elevation of the proposed dwelling. As such, there should be no significant harm to the amenities of the adjacent dwelling.

6.21 Conditions have been added to ensure that the obscure glazing and privacy screen elements are carried out and retained. A condition has also been added requiring approval of a Construction Management Plan which will include measures to control dust and noise nuisance during both the demolition and construction phases of the proposed development.

6.22 In light of the above considerations, the proposals adhere to the objectives of Policy CP4 of the Local Plan and Policy SD14 of the JCS.

6.23 Access and highway issues

6.24 There are no proposed alterations to the vehicular access from Copt Elm Road and off road parking arrangements, other than some general improvements and the re-surfacing and extension of the driveway into the site. Ample off road parking and turning facilities would be available and in closer proximity to the proposed dwelling.

6.25 Other considerations

6.26 Landscaping and Trees

6.27 Although the significant trees within the site would be retained (including the TPO Alder, Sycamore, Oak and Maple), a small number of existing trees and hedging are proposed to be removed. The application is therefore accompanied by an Arboricultural Impact Assessment and Tree Survey.

6.28 In summary, the Tree Survey identifies 33 individual trees and 3 tree groups across the site. Four grade C trees would require removal to facilitate the construction of the proposed dwelling, alongside 2no. very low grade categorised trees which should be removed for reasons of sound arboricultural management. All 12no. grade B and 6no. grade A trees would be retained. It is also noted that site topography and conditions would not allow standard tree protection fencing to be installed around all root protection areas. Alternative methods of demolition of outbuildings and ancillary structures and hand dug excavations, as appropriate, are therefore recommended.

6.29 The Council's Tree Officer has reviewed the above documents and considers the extent of tree removal acceptable subject to conditions relating to arboricultural monitoring during construction works and appropriate tree protection measures, where feasible. A condition has also been added requiring the submission of details of specialist foundations near trees and all new landscaping within the site.

6.30 Ecology/Biodiversity

6.31 Given the nature and character of this site and proposed demolition works, there is potential for ecological interest and harm to protected species. As such, the applicant was asked to carry out a (proportionate) preliminary ecological site survey and roost survey.

6.32 The submitted Preliminary Ecological Survey and Roost Survey identifies the existing building as having moderate potential to support roosting bats with two possible roosting features (via damaged roof soffits), but there was no evidence of bat roosting within the building. Two bat emergence and re-entry surveys would be required prior to the

commencement of development. Trees impacted by the development have negligible potential for bat roosting. No other protected species were recorded on or in close proximity to the site, including badgers, otters and reptiles. Similarly, no protected and/or notable flora and fauna were identified, nor is the site considered suitable to support such species.

6.33 The various outbuildings within the site (other than a greenhouse/shed) would be retained and are therefore not impacted by the proposed development in terms of ecological implications.

6.34 GCER records also show that other important species have been sighted near the site. Given the distance from the site, when they were sighted and the nature of the proposals, it is not considered that this development would have any impact on these species. In addition, there is no evidence to suggest that these species are located on the application site.

6.35 The proposed development would need to be carried out in accordance with the recommendations of the Preliminary Ecology Survey, notably the bat survey. A condition has been added accordingly alongside the requirement to submit an Environmental Construction Method Statement prior to commencement of development.

6.36 Drainage and Flood Risk

6.37 Given the proximity of the river Chelt and parts of the site falling within Flood Zones 2 and 3, the applicant has provided a Flood Risk Analysis and subsequent proposed Drainage and Maintenance Strategy. These documents have been reviewed by the Environment Agency and the Council's Drainage advisor. It should be noted that the majority of the site and the existing and proposed dwelling footprints are almost entirely within Flood Zone 1; land with the lowest flood risk probability. The two consultee comments are set out in full in section 4 above and are not repeated here.

6.38 The revised scheme and proposed Drainage Strategy address the concerns raised initially regarding proposed finished floor levels needing to take account of both flood risk depth and the medium and low risk scenarios of surface water encroaching on the dwelling. Finished floor levels 300mm above the ground level are now shown.

6.39 There were also concerns about the proximity of the proposed dwelling to the watercourse bank. To allow for future maintenance this distance should normally be a minimum of 5 metres. Whilst the existing dwelling footprint, in places, falls a little short of the required 5 metre distance, the proposed dwelling footprint (as revised) would, in contrast, be set slightly further away from the river bank and largely improves on the current situation. The applicant has also confirmed that the existing summerhouse constructed immediately adjacent to the river bank would be retained. The applicant intends at some point in the future to replace this outbuilding with a more light weight, pergola type structure. The applicant has also confirmed that the current outbuilding sits on a concrete base which could be retained should a replacement structure be erected.

6.40 In light of the above considerations, no objection is raised by the Council's Drainage advisor subject to a condition to secure the implementation of an approved drainage scheme.

6.41 Public Sector Equalities Duty (PSED)

6.42 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.43 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

7. CONCLUSION AND RECOMMENDATION

7.1 The proposed development achieves a good standard of architectural design, which architecturally, is interesting and responds well to this attractive but challenging site. Despite the contrast in architectural style, the proposed dwelling would not appear as a discordant addition or appear overly prominent within the street scene to cause significant harm to the overall character and appearance of the area. Similarly, there are no significant amenity, flood risk or highway safety concerns. The proposals (as revised) thus adhere to relevant local and national policy guidance.

7.2 For the reasons set out above, it is recommended that planning permission be granted subject to the following conditions; the applicant having agreed the pre-commencement conditions.

8. CONDITIONS / INFORMATIVES

1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission hereby granted 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 following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:

- i) windows and external doors (including materials, colour, finish, glazing detail and opening mechanism)
- ii) roof overhang detail on north and west elevations, including front entrance timber screen
- iii) balustrades and (solid, obscure) privacy screen to first floor rear external terrace
- iv) new retaining walls/structures, boundary walls and fences
- v) rainwater goods
- vi) vents, flues and any other external pipework
- vii) specialist foundation type/details (installation near trees)

- viii) sedum roof (including planting specification and maintenance strategy)

Reason: To preserve or enhance the character or appearance of the area, having regard to adopted policies D1, GE12 and GE13 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

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

(a) a full site survey showing:

- i) the datum used to calibrate the site levels;
- ii) levels along all site boundaries at regular intervals;
- iii) levels across the site at regular intervals;
- iv) finished floor levels or other datum of adjacent buildings; and
- v) cross section drawings clearly showing existing ground levels in relationship with the finished floor and eaves levels of adjacent buildings

(b) full details showing:

- i) the proposed finished floor level of all buildings and ground levels including hard surfaces; and
- ii) cross section drawings showing the proposed finished floor and eaves levels of all buildings and ground levels including hard surfaces.

The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 5 Prior to the commencement of development, including any works of demolition or site clearance, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be adhered to throughout the development process and shall, where necessary:

- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;
- vi) specify measures to control the emission of noise, dust and dirt during construction;
- vii) specify measures to control pollution of adjacent watercourse;
- viii) provide for wheel washing facilities; and
- ix) specify the access points to be used and maintained during the construction phase.

Reason: To minimise disruption on the public highway and to adjacent land users, accommodate the efficient delivery of goods and supplies during the course of the

construction works, prevent harm to protected species and pollution of the watercourse, having regard to adopted policies SD14 SD9, SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 6 The development shall be carried out in strict accordance with the recommendations and requirements of the ecological survey report dated 29th June 2021 submitted with the planning application. Prior to the commencement of development (including demolition works), the results of the required bat surveys shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 7 Prior to first occupation of the development, parking and turning facilities shall be 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 the adequate provision of car parking within the site in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 8 Prior to the implementation of any hard surfaces within the site, including driveways, parking and turning areas, footways and patios, details shall be submitted to and approved in writing by the Local Planning Authority. All new hard surfacing areas shall be permeable or drain to a permeable area and shall be carried out in accordance with the approved details prior to first occupation of any part of the development.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 9 No external facing or roofing materials shall be applied unless in accordance with:

- a) a written specification of the materials; and/or
- b) physical sample(s) of the materials.

The details of which shall have first 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 adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) 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 adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 11 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the first floor windows/glazing in the north elevation (as shown in Drawing No 1547(SK)027) shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 12 Prior to first occupation of the development the privacy screen to the first floor external terrace (accessed from the kitchen) shall be installed in accordance with the approved details and shall thereafter be retained as such.

Reason: To safeguard the amenities of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 13 All trees and hedges within the site shall be retained unless shown on the drawing No GWS-2102-TPP as being removed (with the exception of T36 Magnolia which is proposed to be retained). Any retained trees and hedges indicated on the approved drawings which, within a period of five years from the date of first occupation of the development, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season (October to March inclusive) with other trees and plants of a location, species and size to be first approved in writing by the Local Planning Authority. Any pruning works within the five year period shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

Reason: In the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

- 14 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 15 Prior to the commencement of development, full details of the proposed no-dig method for works within the tree Root Protection Area(s) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the approved details. All paths, parking areas and other forms of hard landscaping that fall within the tree Root Protection Area(s) shall be constructed using a no-dig method.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 16 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.

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

- 17 Prior to the commencement of development a full drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The proposed drainage scheme shall accord with the drainage strategy principles as set out in 'Davidson Walsh Drainage & Maintenance Strategy' dated June 2021 (received 5th July 2021) and Drawing No 1547(SK)025(A). The approved drainage scheme shall be implemented in full and prior to the first occupation of the development hereby approved.

Reason: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 18 No piling activities shall be carried out on site until a full pile method statement has been submitted to and been approved in writing by the Local Planning Authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential property, dates and times of piling and details of monitoring measures.

Reason: To prevent nuisance being caused to residents of neighbouring property due to noise and vibration having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the JCS (2017).

- 19 Prior to the commencement of development (including any works of site preparation or demolition), an Arboricultural Monitoring Statement and timetable thereof shall be submitted to and agreed in writing by the Local Planning Authority. The arboricultural monitoring shall take place at and/or during the following stages of development, the details of which shall be included within the submitted arboricultural monitoring statement:

- i) Prior to any demolition to view tree protection (and to include Cheltenham Borough Council's Trees Officer)
- ii) During the hand dig of excavations.
- iii) The infill of soil into the pool
- iv) During the reconstruction/upgrading of footpaths where they are within the root protection areas of trees.

The development shall be carried out at all times in accordance with the approved arboricultural monitoring statement and timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 20 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting

specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first 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 which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

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 revisions to the scale, layout and design of the proposed development in the interests of local amenity and potential flood risk.

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

- 2 It is anticipated that all hard surfaces within the Root Protection Area of the retained Magnolia Tree (T36) will be retained during the course of all demolition/construction works and until the end of all construction activity. Should it need to be removed prior to this, suitable ground protection must be installed to ensure continued tree root protection. In addition, anything other than a very minor reduction of the crown of this tree will likely seriously reduce the tree's amenity. Such species do not usually respond well to significant pruning.
- 3 The applicant is advised that any works, in, under, or within 8 metres of the top of the bank of any designated main river (including a new outfall to the watercourse) require a permit from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016. The EA is not in a position to confirm whether the proposals are likely to obtain a permit and would advise the applicant to contact the Environment Agency at the earliest opportunity for more information and advice to confirm whether a permit is required, what type, and exemptions. The applicant should ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. For further advice

please see: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
Please note the riparian owner is responsible for the maintenance of their length of bank, as appropriate.