

APPLICATION NO: 21/02038/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 10th September 2021	DATE OF EXPIRY: 10th December 2021
WARD: Swindon Village	PARISH:
APPLICANT:	Cheltenham Borough Homes
AGENT:	Miss Olivia Bostock
LOCATION:	320 Swindon Road, Cheltenham, Gloucestershire
PROPOSAL:	Demolition of all existing buildings and erection of 24 dwellings comprising seven houses and 17 apartments (Use Class C3), and other associated works including access, infrastructure, landscaping, and parking

Update to Officer Report

12th November 2021

1. OFFICER COMMENTS

- 1.1 This update is primarily to provide members with an up-to-date list of conditions following the publishing of the original report.
- 1.2 The conditions which have changed are as follows:

Condition 3 – The wording has been changed to cover the scenario of the scheme being 100% affordable. This change is required to ensure CBH potentially secure grant funding.

Condition 10 – This requires EV charging *infrastructure* as opposed to *points* as this is the wording of the Manual for Gloucestershire Streets.

Conditions 12 and 22 – This change provides for two separate conditions; 1 for the demolition phase and 1 for construction phase. This is at the request of the applicant as the work will be carried out by different contractors.

Condition 16 – This has been amended to remove the need for a site investigation as this has already been carried out.

Condition 19 – The noise report originally requested by this condition has been received and the Environmental Health Officer has confirmed that this is acceptable and as such the condition has been adjusted to make sure that the recommendations of the report are implemented. This involves providing sound insulation to a certain standard within the dwellings.

2. CONCLUSION AND RECOMMENDATION

The conclusion and recommendation is unchanged from the original report, aside from the updated conditions which are listed below.

3. CONDITIONS

- 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 development shall provide for a minimum of 40% affordable housing (comprising 7 no. social rented homes and 3 no. shared ownership homes) unless otherwise agreed in writing with the Local Planning Authority. For clarity; in the event that the whole development is delivered as 100% affordable housing, there will be no restriction on the application of Homes England grant funding, including what would otherwise be the 40% nil grant provision. The affordable housing units provided shall be retained as such in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with the requirements of Policy SD12 of the Joint Core Strategy 2011 to 2031.

- 4 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).

- 5 Prior to the occupation of the development hereby approved a Waste Minimisation Statement shall be submitted to and approved in writing by the Local Planning Authority and the measures contained therein fully implemented. All of the approved measures shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 6 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.

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.

- 7 Prior to the planting of any new trees on the site details of the proposed tree pits shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity, having regard to adopted policy G12 of the Cheltenham Plan (2020).

- 8 The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 154373-STL-01-00-DR-A-17002

Reason: To ensure conformity with submitted details

- 9 The vehicular accesses hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

- 10 The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging infrastructure. Any charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle infrastructure including charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

- 11 The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

- 12 Prior to the commencement of the construction phase of development, 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) provide for wheel washing facilities; and
- viii) 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, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy 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.

- 13 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

- 14 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.

- 15 No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

- 16 Prior to the commencement of development, a detailed remediation scheme shall be submitted to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.
The remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

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 adopted policy SD14 of the Joint Core Strategy (2017).

- 17 Prior to the first occupation of the development hereby approved the Solar PV panels and air source heat pumps detailed on the approved plans shall be installed and operational and shall be maintained as such thereafter.

Reason: In the interests of sustainability in accordance with policy SD3 of the JCS.

- 18 Prior to the first occupation of the development hereby approved a landscape management plan shall be submitted which sets out the arrangements and funding for the maintenance of the public and shared areas of amenity space and landscaping. The approved management plan shall be adhered to thereafter.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 19 The development shall be completed in accordance with the recommendations of the Noise and Vibration report dated 26th April 2021 and maintained as such thereafter.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because the mitigation scheme may be integral to the overall design of the development.

- 20 All residents of the units hereby approved shall be provided with a Homeowner Information Pack (HIP) which shall provide the following information:

- information to help new home owners make informed choices about where to go for informal outdoor leisure and if they choose to visit sensitive sites
- information on how to avoid impacting sensitive areas.
- general information on the informal, outdoor recreation opportunities in relation to the site and how to help protect the places they visit.
- specific information on nearby sensitive designated sites, which would include the Cotswold Beechwoods SAC / Cotswold Commons and Beechwoods SSSI as well as other SSSIs

Reason: To help maintain the integrity of the Cotswold Beechwoods SAC in accordance with the Habitats Regulations 2017 (as amended) and policy BG1 of the Adopted Cheltenham Plan 2020.

- 21 The development shall be carried out in strict accordance with the recommendations and requirements of the Bat Survey sates September 2020 and the Ecological Appraisal dated September 2020 submitted with the planning application.

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

- 22 Prior to 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) specify the intended hours of demolition;
- vi) specify measures to control the emission of noise, dust and dirt during demolition;
- vii) provide for wheel washing facilities; and
- viii) specify the access points to be used and maintained during the demolition phase.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy 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.

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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.
- 3 The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with

the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement
A Monitoring Fee
Approving the highway details
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 4 You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

- 5 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public. Informing, respecting and showing courtesy to those affected by the work; Minimising the impact of deliveries, parking and work on the public highway; Contributing to and supporting the local community and economy; and Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

- 6 It is noted from the ecological appraisal that Japanese Knotweed is present on the site. Please be aware that any removal of this invasive species must be carried out in accordance with the requirements of the Environment Agency.