

<b>APPLICATION NO:</b> 21/02148/FUL	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 28th September 2021	<b>DATE OF EXPIRY:</b> 23rd November 2021
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	The Applicant
<b>AGENT:</b>	Simon Firkins
<b>LOCATION:</b>	Land East Of Leckhampton Reservoir Leckhampton Hill Cheltenham
<b>PROPOSAL:</b>	The erection of 2 dwellings

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Determining Issues
- 1.2. As mentioned in the committee report, Councillor Horwood and Councillor Nelson have been in direct contact with Gloucestershire Highways in order to discuss their formal comments on the application. In addition, further highways related information has been sent to Gloucestershire Highways for review and comment.
- 1.3. Following a further site visit, Gloucestershire Highways have provided a follow up response to Councillor Horwood and Councillor Nelson (dated 11<sup>th</sup> Feb 2022), which will be circulated to members as a further consultee comment. In conclusion, Gloucestershire Highways have confirmed their position remains that no objection is raised to the application on highway safety grounds and therefore their original comment and recommendation of 'No objection' remains.
- 1.4. In response to the latest comments from Highways, Councillor Horwood has submitted a further representation (dated 11<sup>th</sup> Feb 2022).
- 1.5. In addition to the above, the applicant has provided a further supporting statement and response to some of the comments made on the application, this focuses on highway matters and Public Right of Way (PROW), as well as addressing other relevant material considerations.
- 1.6. All of the above comments and information will be circulated to members for review ahead of the committee meeting.

### 2. CONCLUSION AND RECOMMENDATION

- 2.1. Officers have no reason to dispute the comments and recommendation made by the Local Highways Authority, the recommendation therefore remains to approve the application. Furthermore, the further highway related comments and information does not require any

amendment to the suggested conditions, the conditions therefore remain the same as those in the original officer report, as set out 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 Prior to the commencement of development (including demolition and site clearance), the Tree Protection measures identified in drawing number 20093.502 B and the mhp Arboricultural survey, impact assessment and protection plan received on 21st January 2022 be installed, inspected and approved in writing by the Local Planning Authority, these measures 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.

- 4 All landscaping works shall be carried out in accordance with the approved details (drawing no. 20093.101 C) 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 10 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.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2, GI3 and L1 of the Cheltenham Plan (2020), and adopted policies SD4, SD6, SD7 and INF3 of the Joint Core Strategy (2017).

- 5 Prior to the implementation of the landscaping strategy as detailed in drawing number 20093.101 C, a Landscape Management Plan based on the Landscape Strategy drawing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a drawing and document that covers:

- a. Aims and objectives of the scheme
- b. A plan with annotations showing the soft landscape, hard landscape, vegetation and artificial features to be retained, created and/or managed;
- c. Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;
- d. A work and maintenance schedule for 10 years and arrangements for beyond this time;
- e. Monitoring and remedial or contingency measures;

The scheme shall be implemented as approved by the Local Planning Authority.

Reason: To conserve and enhance the landscape value of the land and in accordance with JCS policies D1, GI2, GI3 and L1 of the Cheltenham Plan (2020), and adopted policies SD4, SD6, SD7 and INF3 of the Joint Core Strategy (2017).

- 6 The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The 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 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 prioritise movement by sustainable transport modes, having regard to adopted policy SD4 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework (2019).

- 7 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. 21.20.008 PL005 with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: In the interests of highway safety, in accordance with adopted JCS policy INF1.

- 8 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) 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.

- 9 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 and to conserve the landscape value of the land, in accordance with JCS policies D1, GI2, GI3 and L1 of the Cheltenham Plan (2020), and adopted policies SD4, SD6, SD7 and INF3 of the Joint Core Strategy (2017).

- 10 The works shall be carried out in accordance with the information and measures contained within the Drainage and Maintenance strategy received on 18th November 2021.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cheltenham Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works, in accordance with adopted JCS policy INF2.

- 11 Prior to the installation of any external lighting, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area with regard to Cheltenham Plan policies D1, L1 and SL1, adopted JCS policies SD6, SD7, SD9 and SD14, and the Cotswold AONB Management Plan 2018-23.

- 12 No external facing materials shall be applied unless in accordance with:

- a) a written specification of the materials; and
- b) photos of the 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).

#### 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 Planning Authority (LPA) are aware that there is an alleged Public Right Of Way (PROW) that is suggested to be crossing the application site. This route is not included on the Definitive Map's held by Gloucestershire County Council (GCC), however the LPA are aware that an application has been made to GCC for this route to be included within the Definitive Maps register. The Definitive Map Modification Order (DMMO) application to add this route has not yet been determined by GCC.

The applicant should be aware that if the PROW is established, it is a criminal offence to obstruct the PROW under the Section 137 Highways Act 1980. In order to be able to

complete the development as proposed, the applicant would be required to apply to the Council under Section 257 of the Town and Country Planning Act 1990 for the path to be diverted. The applicant should be aware that there is no guarantee that an application for a diversion will be successful.

3 Given the proximity of the highway and road junction, traffic noise will be a significant impact at the site of the proposed dwellings. The applicant should therefore give careful consideration to noise control through their choice of materials, glazing and ventilation arrangements.

4 With regards to the existing nearby public rights of way, ASH42 & CHL18, the County Council have offered the following information that the applicant should be aware of:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route (preferably providing a suitable alternative route); or

b) If the development will permanently affect the public right of way, then the developer must apply for a diversion of the route by the Planning Authority under the Town and Country Planning Act 1990 as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order.

2)

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.