

<b>APPLICATION NO:</b> 21/02755/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 29th December 2021		<b>DATE OF EXPIRY:</b> 30th March 2022 (extension of time agreed until 20th June 2022)
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr & Mrs Evans	
<b>AGENT:</b>	Mr David Jones	
<b>LOCATION:</b>	Brecon House Charlton Hill Cheltenham	
<b>PROPOSAL:</b>	Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements, access, parking and garaging on land adjacent to Brecon House	

## Officer update

### 1. OFFICER COMMENTS

- 1.1 As Members will be aware, this application originally appeared on last month's committee agenda but was deferred to enable the applicant to make some changes to the scheme.
- 1.2 The changes relate to the Estate Management building only; the proposed dwelling itself is unchanged.
- 1.3 The amended scheme has sought to omit the home office from the Estate Management building; the resultant building now single storey, and reduced in height and footprint. The building now proposed would simply accommodate the solar kiln and log store, a tractor and machinery store, and a working yard.
- 1.4 Additional information has also been submitted setting out the need for the Estate Management building, identifying the machinery and equipment required *"to undertake the day-to-day management and maintenance operations to implement, manage and enhance the landscape proposals and to achieve the required biodiversity net gain targets."*

### 2. RECOMMENDATION

- 2.1 APPROVE - The officer recommendation remains to grant planning permission for the reasons set out in the May 2022 Planning Committee Report which is attached in full at Appendix 1; subject to the following conditions:

### 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, a Construction Method Statement or Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The approved plan/statement shall be adhered to throughout the construction process and shall include, but not be restricted to:

- i) Provision of parking for vehicles of site operatives and visitors;
- ii) Any temporary access to the site;
- iii) Locations for the loading/unloading and storage of plant, waste and construction materials;
- iv) Measures to control the emission of noise, dust and dirt during construction;
- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles; and
- vii) Arrangements to receive abnormal loads or unusually large vehicles.

Reason: In the interests of the safe operation of the adopted highway during the construction phase of the development, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 4 Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include mitigation measures that apply to the site clearance and construction phase of the development, with detailed Method Statements. This should include precautionary mitigation measures for amphibians and reptiles, in the form of Reasonable Avoidance Measures (RAMs). The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policy SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, and paragraphs 8, 174 and 180 of the National Planning Policy Framework (2021). This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities. Approval is required up front because without proper mitigation the construction works could have an unacceptable impact on protected species at the beginning of construction.

- 5 Prior to the commencement of development, a Lighting Scheme covering both the construction and operational phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- (a) the position, height and type of all lighting;
- (b) the intensity of lighting and spread of light as a lux contour plan;
- (c) the measures proposed must demonstrate no significant effect of the lighting on the environment including preventing disturbance to bats
- (d) the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

The approved scheme shall thereafter be implemented and maintained in accordance with the manufacturer's recommendations and approved details.

Reason: To provide adequate safeguards for protected species on the site, ensure that foraging and commuting of bats is not discouraged at this location, and to conserve the dark skies of the AONB, having regard to adopted policy SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, paragraphs 109, 118 and 125 of the National Planning Policy Framework 2021, Section 40 of the Natural Environment and Rural Communities Act 2006, and policy CE5 of the Cotswolds AONB Management Plan 2018-2023.

Approval is required up front because without proper mitigation the construction works could have an unacceptable impact on protected species at the beginning of construction.

- 6 Prior to the commencement of development, 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 before the end of the next available planting season after first occupation 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.

Reason: In the interests of the landscape character 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). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 7 No external facing or roofing materials shall be applied unless in accordance with: a) a detailed written specification of the materials; and b) physical samples of the materials. The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with adopted policy D1 of the Cheltenham Plan (2020), and adopted policy SD4 of the Joint Core Strategy (2017).

- 8 Prior to first occupation of the development, the proposed means of vehicular access from the adopted highway shall be constructed in accordance with approved Drawing No. CTP-16-478-SK01-E and thereafter retained as such at all times.

Reason: To ensure a safe and suitable access to the development is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

- 9 Prior to first occupation of the development, an updated Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The updated LEMP shall expand on the mitigation and enhancement measures, including long-term management and monitoring activities (covering a period of 30 years, as proposed) and shall include:

- a) plans showing locations and extent of all habitats and wildlife features;
- b) a timetable of activities;
- c) details of a person and/or organisation responsible for the implementation of the plan; and the method by which the protection of retained, enhanced and created habitats will be secured.

The extent and location of removed, retained and newly created habitats presented in the updated LEMP should match that set out in the Biodiversity Impact Assessment (BIA). The LEMP should also demonstrate that the Biodiversity Net Gain proposed in the BIA has been achieved.

The approved plan shall therefore be implemented in accordance with the approved details.

Reason: To ensure the protection and enhancement of the landscape and biodiversity value of the site, having regard to adopted policies SD6, SD7 and SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, paragraphs 8, 174 and 180 of the National Planning Policy Framework (2021) and Section 40 of the Natural Environment and Rural Communities Act.

- 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 preserve the landscape character of the area, having regard to adopted policies D1 and L1 of the Cheltenham Plan (2020) and adopted policies SD4, SD6 and SD7 of the Joint Core Strategy (2017).