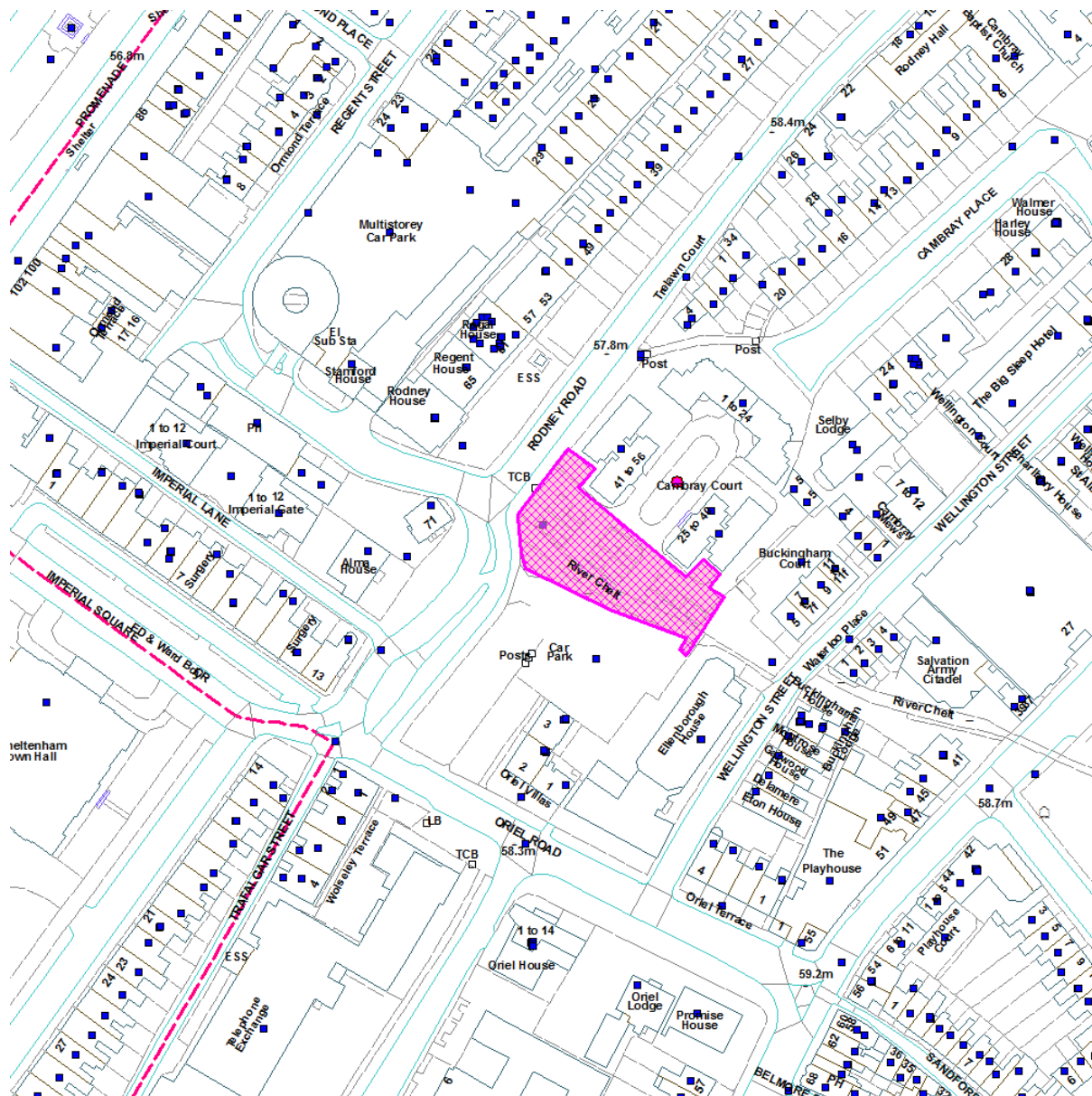


APPLICATION NO: 22/00778/FUL	OFFICER: Miss Claire Donnelly
DATE REGISTERED: 6th May 2022	DATE OF EXPIRY: 1st July 2022; extension of time agreed until 16th December 2022
DATE VALIDATED: 6th May 2022	DATE OF SITE VISIT:
WARD: College	PARISH: n/a
APPLICANT:	Cheltenham Civic Society
AGENT:	n/a
LOCATION:	Cambray Court Cambray Place Cheltenham
PROPOSAL:	Proposed improvement works to the setting of the River Chelt to include removal of 23 garages associated with Cambray Court and parking spaces in Rodney Road car park, and replace with 16 garages and 9 parking spaces in Cambray Court, and associated landscaping on both sides of river.

RECOMMENDATION: Approve



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to the River Chelt, specifically the section to the south of Cambray Court, and to the north of Rodney Road Car Park. The application site includes the River Chelt, a section of Rodney Road Car Park and 23no. garages associated with the flats of Cambray Court. The site is within the College Ward and the Montpellier Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking improvement works to the River Chelt, to include alterations to the riverside, the demolition of the existing garages associated with the Cambray Court flats and replace with 16no. garages, 9no. parking spaces, and associated landscaping.
- 1.3 This application follows a previously approved application ref. 21/01085/FUL for the demolition and rebuild of the existing garages within Cambray Court and the demolition and rebuild of the retaining wall to the River Chelt.
- 1.4 Revised plans have been submitted to address comments received from the Environment Agency.
- 1.5 The application is at planning committee at the request of Councillor Baker due to the site being in a prominent location, is a significant application and is of significant interest.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Core Commercial Area
Flood Zone 2
Flood Zone 3
Principal Urban Area
Smoke Control Order

Relevant Planning History:

97/00891/PF 15th January 1998 PER

Flood Defence Works On The River Chelt From Hayden Road To Coxs Meadow And At Balcarras Farm, London Road

04/01931/FUL 24th January 2005 REF

Proposed installation of three additional antennae and one additional equipment cabinet

11/00049/FUL 2nd March 2011 PER

(Garage 23) Erection of a replacement garage

11/00050/CAC 14th January 2011 NOTREQ

Demolition of existing garage (Garage 23)

21/01085/FUL 4th August 2021 PER

Demolition of 3no. existing garage blocks together with northern retaining wall to River Chelt followed by construction of new retaining wall and re-construction of 3no. garage blocks

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making

Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management
INF5 Renewable Energy/Low Carbon Energy Development

Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living
GI3 Trees and Development

Supplementary Planning Guidance/Documents

Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)

4. CONSULTATIONS

Tree Officer

29th June 2022 –

The tree protection plan is adequate. As stated before, some landscaping works are proposed within the root protection areas, and so a method statement should be submitted detailing how these works can be achieved without damaging the roots of these trees. This can be submitted as a condition of any permission granted.

Property Services

22nd June 2022 –

Further to the above planning application, whilst the council is keen to support improvements to the public realm and make the town centre more attractive and accessible, there are a number of factors that we would like to clarify as landowner.

- 1) The application makes no reference as to any agreement with all of the numerous individual landowners affected by this proposal. Whilst not directly a planning matter, the land take will involve multiple land acquisitions/agreements which will require both freeholders and all individual leaseholders to co-operate and treat accordingly.

Taking into account formal objections from some of the residents at Cambray Court, it appears that this is unlikely, therefore casting doubt on whether the scheme could be implemented and, therefore, creating uncertainty from a town planning perspective.

- 2) The application suggests the loss of 6 car parking spaces from the Rodney Road Car Park. This is one of the council's busiest town centre car parks and, therefore, any loss of spaces may have an adverse impact on the town centre and deter visitors.
- 3) In respect of loss of car parking, notwithstanding any adverse impact on the town centre, the loss would also see a reduction of some £22,000+ per annum in revenue income to the council. This would have an immediate impact upon council services and service delivery which would equate to a substantial capital opportunity cost.

Further, Parking Services are of the opinion that the stated loss of 6 spaces may prove an underestimate, taking into account the revised layout, which would exacerbate both any adverse impact and revenue impact. In addition, it is also likely that disruption during any construction phase will result in a further temporary loss of spaces, which we would wish to avoid.

- 4) We will defer to the Environment Agency in respect of the proposed works and any consequences on flood risk and impacts accruing from them but clearly, any risk of flooding to the car park which risks harm to people or property would be unacceptable. No doubt the Environment Agency will also consider and advise on the impact of climate change in this regard and the need to future proof existing flood defence measures.
- 5) The Planning, Design and Access Statement, dated April 2022 states at page that "While the costs of the new riverside walk on the car park side will fall to the Borough Council, we believe there are sources of funding that can be accessed for this kind of work, and the Civic Society is ready to work with the Council in trying to secure such funding" (our underlining).

Bearing in mind the scale of the proposals and works to infrastructure, retaining walls, groundworks, street furniture, etc. set out in the application, the capital cost of the scheme will be significant.

There is no capital funding budgeted for this and no provision has been made within the council's Medium Term Financial Strategy. Such funding would, therefore, require either:

- a. Diversion of capital funding from other approved projects across the Borough, which would impact on the delivery of such democratically approved projects; or
- b. Borrowing the necessary capital funding, which will have additional revenue impacts for delivery of services.

Either option would require the proper democratic processes to be followed and subsequent prudential financial planning in context to the wider capital, service and strategic priorities and responsibilities of the council. Reliance cannot be made upon unidentified grant funding sources or programmes (which inevitably require match funding from the council), especially as bidding for such is always fierce and over-subscribed, often leading to disappointment.

- 6) There appears to be no reference to future management or maintenance. Taking into account the comments made at 5 above, if it is presumed that the council will take on these further responsibilities, this will have further revenue implications for the council, which again, will impact on Borough-wide services and service delivery. Again, this is a matter that Members would need to consider through the proper democratic processes.

In summary, whilst the proposals appear well intended and aspirations for public realm shared, there are a number of very real and fundamental legal, technical and financial concerns that cast doubt on the ability for this scheme to be delivered. These all require the proper democratic processes to be followed and for all decisions taken to be within the entire context of the Borough and the council's wider priorities. We, therefore, believe that this application is premature.

GCC Highways Planning Liaison Officer

17th June 2022 –

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning Development Management Procedure)(England) Order, 2015 has no objection.

The justification for this decision is provided below.

The proposal is perceived to result in little material changes in respect of car parking calculations, as in accordance with the guidance set out in Manual for Gloucestershire Streets, garages are excluded from car parking calculations due to their usage for personal storage rather than that of a vehicle.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

The Highway Authority therefore submits a response of no objection.

Environmental Health

15th June 2022 –

In relation to application 22/00778/FUL for Cambray Court, Cambray Place, Cheltenham, Gloucestershire, please can I add the following conditions and advisory comment from the Environmental Protection team:

Condition:

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

"The developer shall provide a plan for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site."

Condition:

For the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

Query:

Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.

Tree Officer

24th May 2022 –

The proposed development would add numerous trees to the town centre. This would be welcomed by the Trees Section. A detailed landscape plan should be submitted as a condition of any permission granted. In principle though, the outlined species selection would be successful in this location.

As some landscaping works are proposed within the root protection areas of two mature trees (a plane managed by CBC and a lime managed by Highways Gloucestershire), a method statement should be submitted detailing how these works can be achieved without damaging the roots of these trees. To accurately plot the trees and their RPAs, a tree survey should also be submitted.

A tree protection plan should also be submitted.

These documents should conform to BS:5837 (2012).

Reason: to protect the amenity value of trees in the Borough as per Policies GI2 and GI3 of the Cheltenham Plan.

Environment Agency

21st June 2022 –

Comment available to view in documents tab.

5th September 2022 –

We write further to our letter dated 17 June 2022, our reference SV/2022/111307/01-L01. (For context, please read this letter in conjunction with our 17 June letter). Since then the applicant has submitted revised information. I apologise for the delay in providing our formal written response to this information, and understand our comments, as set out below, are still required and will be taken into consideration:

Firstly, we would reiterate our previous comments that in principle the Environment Agency has no objections to the proposed development, and we welcome the scheme for enhancement works here.

We have reviewed the additional response provided by Cheltenham Civic Society. We have the following comments with reference to our 17 June letter (and specifically the following paragraphs shown in italics below):

Whilst this has been achieved along most of the length of the Cambray Court bank, alterations will need to be made from section G through to section K lifting the current design retaining wall level from 57.65 to that of the original river wall. This will also need to occur along the whole length of the opposite bank Rodney Road car park side, even though this bank is currently higher. That is increasing the height of the parking edge from 58.05 as currently shown to 58.70. At present on the right hand bank (northern Cambray Court side) the current riverbank top level varies between 57.73 to 57.91m AOD(N) as shown on drawings LP255/02 Rev C, LP255/05 and LP255/06 the current modelled 1%AEP level at this location including the 20% climate change is 57.70m AOD(N). This would be above the proposed wall height of 57.65m AOD(N) as shown on the aforementioned drawings and LP255/08. On the left hand bank (car park side) the current riverside wall height varies between 58.71 - 58.75m AOD(N), the new proposed set back wall height is set at 58.02m AOD(N) as set out on drawing LP255/02 RevC.

The Environment Agency do not have peak river level figures for the current recommended climate change uplift of 37%. Hence at present there could be the potential for exacerbating flood risk on both sides of the watercourse in future, which is not appropriate under common law should such actions impact upon third parties. Hence for the applicant to avoid further expensive hydraulic modelling the proposed design would have to maintain the existing wall levels on the new set back alignments so that they are identical to the existing situation. Clearly changes to the level of land between the new wall alignments and the river on both banks are likely to have some benefits, but again without appropriate modelling this cannot be quantified.

The above alterations cannot be covered by condition as the planning application is for detailed permission, hence the drawings currently submitted should be revised to reflect the above requirements and be resubmitted as part of the supporting design evidence.

I trust the above will assist at this stage. Please do not hesitate to contact me if you have any queries.

11th November 2022 –

We write further to our previous letters on this application. The applicant has submitted additional plans, upon which you consulted us on 21 October 2022. Our comments are set out below.

Further to the additional details submitted with regards proposals at the above site to create a more visually appealing channel.

There appears to have been a mis-understanding of the Environment Agency's requirements.

The Rodney Parade Car Park wall is now deemed acceptable as its top level of 58.70m AOD(N) is the same as the current wall the runs the entire length of the car park.

On the Cambray Court side the central and downstream gaps have also been raised to 58.70m AOD(N), though we have never requested this was done.

As previously highlighted provided the bank top height is maintained within the new design with exiting levels along the bank top then this would be deemed acceptable.

The only section which we previously required to be altered was between the midway steps and the upstream boundary of the site which needed to vary between 57.73 - 57.91m AOD(N).

However with the current garage arrangement now providing a continuous barrier this would be less of an issue.

In conclusion we have no objection to the proposals submitted but question the interpretation of the advice we have provided.

I trust the above will assist in your determination of the application. Please do not hesitate to contact me if you have any queries. A copy of the subsequent decision notice would be appreciated.

Building Control

16th May 2022 –

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

Gloucestershire Centre For Environmental Records

23rd May 2022 –

Biodiversity report available to view in documents tab.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	80
Total comments received	33
Number of objections	8
Number of supporting	24
General comment	1

- 5.1 Letters have been sent to eighty properties, a site notice has been displayed and an advert placed in the Gloucestershire Echo; thirty three responses have been received. Of the responses received, eight have been in objection, twenty four have been in support and one a general comment.

5.2 Below is a summary of the comments received throughout the application process;

Support

- Greening of the riverside would be an improvement,
- Improvement of surrounding amenity,
- Enhance biodiversity,
- Inclusion of EV charging.

Objections

- Parking an issue at Cambray Court,
- Storing of bins an issue,
- Concern over anti-social behaviour,
- Privacy and security concerns,
- Concern over demolition of garages and ownership,
- Future maintenance,
- Works result in reduction in space of Cambray Court residents,
- Security,
- Size of proposed garages not adequate,
- Car ports are unsightly,
- Access,
- Safety concerns,
- Flooding risk,
- Impact on the conservation area and Cheltenham's heritage,
- Alteration to the design/location of the garages would change the appearance and historic character of Cambray Court.

General comment

- Scale of garages,
- Turning space,
- Replacement garages do not replace all existing garages/parking spaces,
- Financial/funding,
- Existing leases and how these will be changed/paid for.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The application proposes the removal of 23 existing garages associated with Cambray Court, and replace with 18 garages, 2 car port spaces, and 5 parking spaces, along with associated landscaping works to Cambray Court and Rodney Road. The key considerations for this application are the design, impact on the conservation area, impact on neighbouring amenity, sustainable development, highway safety and flood risk.

6.3 The site and its context

6.4 An application for the demolition of the existing 3no. garage blocks and retaining wall to the River Chelt, and rebuild a new retaining wall and re-construction of the garage blocks was granted permission in 2021 (application ref. 21/01085/FUL). The reason for this application was to repair the failing northern retaining wall this section of the River Chelt. The reasons for the demolition of the garages was to gain the access required to repair the retaining wall. The garages were to be re-built exactly the same as existing.

6.5 This application, is a revised scheme to the previous application insofar as to address the works required to the River Chelt, however the applicants have identified an opportunity at this site for an alternative scheme. The application has been submitted by the Civic Society as an alternative scheme to the previously approved application. The reasons, as set out in the submitted Design and Access Statement, for this scheme are as follows:

- Improve environment,
- To enhance biodiversity, reduce carbon emissions and encourage walking,
- To support the regeneration of the town centre,
- Enhance the setting of Cambray Court and improve facilities to its residents,
- To meet the needs of Cambray Court residents in regards to car parking and storage,
- To provide access to the river to the public.

6.6 Design and layout

6.7 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. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

6.8 Policy SD8 of the Joint Core Strategy requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment. Section 16 of the NPPF seeks development to consider the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation.

6.9 The application proposes to excavate land to either side of the river Chelt, to create a landscaped area which slopes down to the riverside, creating a destination. As a result of the works, the parking configuration within Rodney Road car park would be amended and the garage blocks associated with the Cambray Court flats would be demolished and the site layout reconfigured.

6.10 As a result of the works, the parking bays within Rodney Road car park adjacent to the river would be pushed further into the car park and the associated reconfiguration would result in a loss of 6no. spaces. New landscaping and a stepped access to the new area would be created on the Southern, Rodney Road side.

6.11 To the North within Cambray Court, the existing 3no. blocks of flat roof garages would be demolished and rebuilt with new garages, however less and in a different layout on site. The garages would be lined along the edge of the new riverside landscaping. There would be 16no. garages, 7no. parking spaces and 2no. carport parking spaces provided as a result of the works. The garages and parking spaces would be split into two blocks either side of the central access steps to the newly created landscaped area. The garage blocks would have flat roofs which would include solar PV, and timber, outward opening doors.

6.12 The design of the garages and site layout proposals are considered to be acceptable in terms of design and impact on the conservation area and therefore would comply with the relevant planning policies and guidance.

6.13 Impact on neighbouring property

6.14 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; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.

6.15 Given the nature of the works, there would be no harm to the amenity of adjoining land users in regards to a loss of light or loss of privacy. However, given the nature of the works; demolition, excavating etc. the Environmental Health Officer (EHO) has commented on the scheme. Conditions for a construction method statement for the control of noise, dust and construction vehicles; and working hours were suggested by the EHO due to the proximity to residential units, officers consider these to be necessary and therefore have been added to the suggested conditions.

6.16 The proposal is considered to be acceptable in regards to impact on amenity, subject to conditions, and therefore is compliant with the relevant planning policies.

6.17 Trees

6.18 The Tree Officer has been consulted on this application; full comments can be read above. As mentioned, the scheme proposes the inclusion of landscaping works which would see tree planting, shrub planting, and introduction of grass and wildflower meadows. As per the Tree Officers comments, a condition has been added for the submission of a detailed landscaping plan to set out the exact planning types and locations for comment. Furthermore, a condition for the submission of a tree protection plan has been submitted to ensure existing/retained trees are not damaged throughout the construction works.

6.19 Access and highway issues

6.20 The County Council Highway Officer has commented on the scheme; full comments can be read above. No objection has been raised in regards to highway safety concerns as a result of the proposed works. As such, the proposal would not result in any highway safety concerns and would comply with policy INF1 of the JCS.

6.21 Flood Risk

6.22 Due to the proposed works, the Environment Agency (EA) has provided comment on the scheme; full comments can be read above. The initial scheme raised concern with the EA due to flood risk, following the submission of revisions and further comments, the EA now support the scheme and consider that the scheme would mitigate the risk of flooding.

6.23 Sustainability

6.24 Policy SD3 of the JCS requires development to demonstrate how they will contribute to the aims of sustainability and be expected to be adaptable to climate change in respect of design, layout, siting, orientation and function. The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. The SPD sets out how new development could contribute to achieving Cheltenham's ambitions to respond to climate change and biodiversity crisis.

6.25 The applicant has submitted a sustainability statement to accompany the application. The statement sets out that the development would include the following:

- Solar PV to the roofs of the garages,
- Reduction in hardstanding and increase in permeable surfaces,
- Reduced flood risk,
- Introduction of new vegetation; trees, shrubs, plants,
- Reduction in embodied carbon.

6.26 It is considered that the proposal has addressed the SPD where it can, based on the nature of development. As such the proposal is considered to comply with the aforementioned sustainability policies and guidance.

6.27 **Other considerations**

6.28 Neighbour comments

Comments have been received by neighbouring residents in regards to future maintenance of the site, how the project would be funded and leaseholds on garages. Whilst these comments have been noted and raised with the applicants, these matters are civil matters in which the application cannot consider. The excavation works, works to the retaining wall and the demolition and re-building of the garages trigger the need for planning permission, as such the impacts arising from the overall works as discussed above are the key considerations for the application.

Comments in regards to security of the residents of Cambray Court have been raised; the existing access to Cambray Court is relatively open. Whilst these concerns have been noted, it is considered that the scheme results in a betterment of the area by introducing soft landscaping. Security improvements can be made in the future by land owners.

6.29 Land ownership

The Council's property team has provided comment on the scheme; full comments can be read above. As a result of the scheme, there would be alterations to the Council owned Rodney Road car park. The layout of the car park would be slightly amended, and would result in the loss of 6no. parking spaces to make way for the riverside alterations and inclusion of more green space. The property team highlight the loss of revenue as a result of this loss, however this is not a material planning consideration.

It is worth noting that the applicant of an application does not need to be the owner of the land in which the application relates, however if permission is granted, consent from the land owner/s is required to be sought by the applicants in order to carry out the works.

6.30 Public Sector Equalities Duty (PSED)

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.

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.

In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons set out within this report, the proposed alterations to the river Chelt and associated works are considered to be acceptable in terms of design, protecting neighbouring amenity, highway safety, trees and sustainable development. Whilst neighbouring concerns have been noted, it is considered that the proposal is compliant with the relevant planning policies and guidance.
- 7.2 The recommendation is to therefore permit this application subject to the suggested conditions set out below.

8. SUGGESTED 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 No external facing or roofing materials of the new garage blocks 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).

- 4 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.

- 5 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, 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.

- 6 Prior to the commencement of development, a demolition and construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The demolition and construction plan shall include measures to control noise, dust, vibration and other nuisance (from vehicles operating at and accessing the site from the highway) during the demolition and construction phase. No demolition or construction shall be carried out unless in accordance with the approved details.

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 without proper mitigation the use could have an unacceptable environmental impact on the area.

- 7 No solar panels and associated works shall be implemented unless carried out in accordance with details, 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).

- 8 No demolition or construction works shall be carried out outside the following hours:

Monday to Friday - 07:30 to 18:00 hours
Saturday - 08:00 to 13:00 hours

No such works shall be carried out on Sundays, Public or Bank Holidays.

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).

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 scheme in response to consultee comments, specifically those relating to flood risk.

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