

Suggested Draft Conditions

APPLICATION No: APP/B1605/W/19/3238462
19/00334/OUT

PROPOSAL: Residential development of up to 25 dwellings, associated infrastructure, open space and landscape with the creation of new vehicular access from kidnappers lane, demolition of existing buildings.

LOCATION: Land off Kidnappers Lane, GL51 0NP

1. Approval of the details of the access, layout, scale, landscaping and external appearance of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and the development shall be carried out in accordance with the approved details.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whenever is the later of the following dates:-

(a) the expiration of 3 years from the date of this permission

(b) the expiration of 2 years from the final approval of reserved matters

(c) in the case of approval on different dates the final approval of the last such matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Highways

3. Means of vehicular access to the development hereby permitted shall be from Kidnappers Lane only.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and Policy INF 1 of the Joint Core Strategy.

4. The Reserved Matter details relating to access submitted pursuant to condition 1 for the vehicular access shall be in general accordance with the Site Access Plan ref LE.KL.SA.01A provided at Appendix F of the Transport Statement dated December 2018. The vehicular access shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre

of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 53m (or as agreed with GCC in accordance with the GCC Document 'Technical Specification For New Streets') to the left and 53m (or as agreed with GCC in accordance with the GCC Document 'Technical Specification For New Streets') to the right (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: - To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and Policy INF 1 of the Joint Core Strategy.

5. The development hereby permitted shall not be occupied until the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and Policy INF 1 of the Joint Core Strategy.

6. No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and Policy INF 1 of the Joint Core Strategy.

7. The details to be submitted for the approval of reserved matters shall include vehicular access, parking and turning facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

Reason: - To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and Policy INF 1 of the Joint Core Strategy.

8. The construction of the car parking associated with each building within the development (including garages and car ports where proposed) shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
Reason: - To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework and Policy INF 1 of the Joint Core Strategy.

9. No dwelling hereby permitted shall be occupied until a minimum of 1 no. cycle storage facility for that dwelling has been provided and those facilities shall be maintained for the duration of the development.
Reason: - To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework and Policy INF 1 of the Joint Core Strategy.

10. Prior to commencement of the development hereby permitted, details of a new footway between the site access off Kidnappers Lane and the existing footway near to the junction of Vineries Close (based on the principles shown on PFA drawing H561/2 at Appendix D of the Transport Statement dated December 2018 or a suitable alternative arrangement) shall be submitted to and approved in writing by the Local Planning Authority and the approved footway shall be provided prior to first occupation and maintained as such thereafter unless and until adopted as highway maintainable at public expense and Policy INF 1 of the Joint Core Strategy.
Reason: - To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

11. Prior to occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
Reason: - To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework and Policy INF 1 of the Joint Core Strategy.

12. No above ground works shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water

supply) and no dwelling shall be occupied until the hydrant serving that property has been provided in accordance with the approved details.

Reason: - To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

13. Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Reason: - To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework and Policy INF 1 of the Joint Core Strategy.

Drainage

14. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority, this should be in accordance with the proposal set out in the applicant's submission (Flood Risk Assessment and Drainage Strategy - January 2019) and address the advice and recommendations raised by the Lead Local Flood Authority in the letter dated 27th March 2019. The SuDS Strategy must include a detailed design, maintenance schedule, confirmation of the management arrangements and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in accordance with Chapter 14 of the National Planning Policy Framework and Policy INF 2 of the Joint Core Strategy.

Contamination

15. Prior to the commencement of development a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be conducted in accordance with DEFRA and the Environment

Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
 - human health
 - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
 - adjoining land
 - ecological systems
 - groundwaters and surface water
 - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

Where remediation is required, a detailed remediation scheme 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 site investigation, risk assessment report, and proposed 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 Joint Core Strategy Policy SD14 relating to health and environmental quality and Chapter 15 of the NPPF.

16. Prior to the commencement of development, other than that necessary to comply with the requirements of this condition, the approved remediation scheme necessary to bring the site to a condition suitable for the intended use shall be implemented in full. Following the completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

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 Joint Core Strategy Policy SD14 relating to health and environmental quality and Chapter 15 of the NPPF.

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately

to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination.

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 Joint Core Strategy Policy SD14 relating to health and environmental quality and Chapter 15 of the NPPF.

General

18. No external facing or roofing materials shall be applied to the buildings hereby approved unless in accordance with a) a written specification of the materials; and b) samples of the materials, details of which shall have 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 Policy CP7 of the Cheltenham Borough Local Plan and Policy SD4 of the Joint Core Strategy both relating to design and Chapter 12 of the NPPF.

19. The Reserved Matter details relating to landscaping submitted pursuant to condition 1 shall include a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area). The scheme shall specify species, density, planting size, root type and layout. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The scheme shall also include a 5 year maintenance plan following planting. The scheme approved shall be carried out in the first planting season following the first occupation of the dwellings to which the works relate or completion of the development, whichever is the sooner.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 and Policy SD4 of the Joint Core Strategy both relating to design and Chapter 12 of the NPPF.

20. Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The storage facilities shall thereafter be retained for that purpose.

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

21. Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved. Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees and Chapter 12 of the NPPF.
22. Before any works to the site can begin a detailed Construction Environmental Management Plan for the bats, reptiles, birds and badgers (details of how they will be protected and the proposed enhancements) in line with the recommendations and conclusions of the Ecological Assessment dated February 2019 should be submitted and approved in writing by the Local Planning Authority and implemented in full in accordance with the timetable and details laid out within the plan. Reason: To ensure that Bats, Reptiles, Birds and the biodiversity of the site is protected and enhanced in accordance with the Wildlife and Countryside Act 1981 as amended, Planning Policy Statement 9, The conservation of species and habitats Regulations 2010 and under the Natural Environment and Rural communities Act 2006, Policy GE 7 of the Cheltenham Borough Council Local Plan, Policy SD9 of the Joint Core Strategy and Chapter 15 of the NPPF.

Natural England

23. Prior to first occupation of the development, details of a Homeowner's Information Pack resource providing information on recreation resources in the locality shall be submitted to and approved in writing by the Local Planning Authority. The pack should reference:
- Alternative local recreation opportunities (off site), e.g. website information for Cotswolds AONB and recreation 'offer': <https://www.cotswoldsaonb.org.uk/visiting-and-exploring/>
 - Relevant adopted Cheltenham, Gloucester and Tewkesbury JCS policy (e.g. INF3 green infrastructure) and supporting text (e.g. 5.4.6 re. Green Infrastructure strategy 'vision').
- Each dwelling shall be provided with an approved Homeowner Information Pack on occupation. Reason: To ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the proposal, are suitably addressed in accordance with adopted policy SD9 of the Joint Core Strategy and Chapter 15 of the National Planning Policy Framework.
24. Prior to the first occupation of the development a Landscape & Ecological Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. To ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the proposal, are suitably addressed in accordance with adopted policy SD9 of the Joint Core Strategy (2017) and Chapter 15 of the National Planning Policy Framework.

Statement of Agreement on Pre-Commencement Conditions

The Appellant agrees to the pre commencement conditions that are set out above.

The Appellant has had the opportunity to review the draft conditions and can confirm that the wording is appropriate and that the number of pre commencement conditions has been kept to the minimum that is considered necessary.