

Cheltenham Borough Council Planning Committee

Meeting date: 23 March 2023

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillor Paul Baker (Chair), Councillor Garth Barnes (Vice-Chair), Councillor Glenn Andrews, Councillor Adrian Bamford, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Emma Nelson, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler

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Contact: democraticservices@cheltenham.gov.uk
Phone: 01242 264 246

Agenda

5a 20/00759/FUL Elms Park, Tewkesbury Road, Cheltenham (Pages 5 - 8)
[Planning application documents](#)

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APPLICATION NO: 20/00759/FUL		OFFICER: Mrs Lucy White
DATE REGISTERED: 14th May 2020		DATE OF EXPIRY: 13th August 2020/Agreed Ext of Time 27 th March 2023
WARD: Swindon Village		PARISH: Swindon
APPLICANT:	Persimmon Homes Ltd	
AGENT:	Emily Wentworth	
LOCATION:	Elms Park Tewkesbury Road Cheltenham	
PROPOSAL:	Erection of new residential development (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. This update is to inform Members of further discussions that have taken place between the applicant and Highway Authority (HA), over the wording and inclusion of some of the highway related conditions, with associated potential revisions to the draft s106 Agreement. For clarity, Members are also being informed of some minor inaccuracies and inconsistencies within the Officer report; none of which alter the officer recommendation to grant planning permission.
- 1.2. Conditions/s106 Obligations
- 1.3. Conditions 22 and 23 are removed. These conditions relate to the introduction of a 30 mph speed restriction on Manor Road and a 20 mph speed restriction on all proposed on-site estate roads, respectively. Alternatively, the Traffic Regulation Orders (TROs) would be secured via suitably worded s106 obligations. Essentially, the obligations will require the applicant to cover the HA's TRO application costs. Thereafter, the developer would implement the necessary physical site works once the order is made through the s38 approval process. The triggers for such payments are still being discussed between the parties.
- 1.4. Paragraph 6.75 refers incorrectly to the M5 J10 contribution as payable upon occupation of the first dwelling. The M5 J10 highway contribution will be paid in instalments, as referred to in the s106 Heads of Terms section at paragraph 6.148 of the Officer report. The HA has also recently re-entered discussions with the applicant on the quoted, suggested triggers for payment. The applicant has agreed to HA's request that the M5 J10 highway contributions be paid in three equal instalments; the first upon occupation of

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the first dwelling, the second prior upon occupation of the 90th dwelling and the third instalment upon occupation of the 180th dwelling. The s106 obligation will be redrafted accordingly.

- 1.5. It is expected that a HA representative will be attending Planning Committee to respond to any Member questions on highway matters and, if able to do so, provide an update on the above outstanding matters.
- 1.6. Notwithstanding the above, it is important to add that none of the above amendments to conditions and s106 obligations impact on the officer recommendation. They are being carried out to assist the effective and timely delivery of the proposed development and to adhere to the relevant 'tests' when adding conditions to a planning permission.
- 1.7. Report Corrections
- 1.8. Para 6.39 – for the avoidance of doubt, the River Swigate lies outside of the site, close to the northern site boundary and Dog Bark Lane and therefore does not run centrally across the site. The overhead power lines and proposed green infrastructure corridor are the features shown running centrally across the site.
- 1.9. Paras 6.39 and 6.40 – the retained Public Right of Way (PROW) referred to in the report is not Dog Bark Lane, which lies outside of the application site and is unaffected by the proposed development. The subject retained PROW would bisect the northern part of the site, running along one of the secondary estate roads. This PROW will not be subject to any diversion application; the Ramblers Association not having agreed to the principle of the applicant's suggested diversion of this PROW. However, the applicant has made provision for a new pedestrian link from Dog Bark Lane which would connect with and extend into Elms Park and Tewkesbury Road beyond.
- 1.10. Para 6.41 – Not all of the three storey houses have been relocated to the Manor Road frontage; three storey houses continue to front Dog Bark Lane, as stated at paragraphs 6.45 and 6.46.
- 1.11. Tree Officer Comments
- 1.12. The Council's Tree Officer consultee response dated 4th April 2022, as set out at the end of the report, is incorrect. These are the original comments made by the Tree officer in 2020. The correct and most recent Tree Officer comments, dated 4th April 2022, are set

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out below and confirm that all previous concerns have been addressed through the various scheme revisions. Members will also note that Tree Officer's requests for additional information have been incorporated in the suggested conditions list.

Landscape drawing no's 33113-L-03-5 are acceptable from a tree perspective (-not including landscape design). There is an interesting mix of suitably sized native and exotic tree species and a number of potentially large trees to be planted at appropriate strategic locations.

There are suitable tree species planted along the main arterial routes within the site (albeit in relatively sparse numbers within "secondary" roads). It is hoped and expected that new owners will plant suitable trees in front/rear gardens. This should further increase canopy cover.

As requested the proposed willow in the public open space has been removed and is proposed to be confined to be in a suitable location of the wetland site to the north west of the site where they should not become a nuisance. It is assumed that future long term maintenance of all trees is not to be undertaken by this council.

Please could it be made a condition that all trees must be retained and maintained for a period of at least 5 years

Tree pit details (drawing no 3313-L-16) are acceptable.

Please could an Arb Method Statement referred to para 5.19 of the Arb Report 3313-T AA Rev B be conditioned as a part of any planning permission. It is noted that this Arb Report is recorded as "superseded" but no revised report is apparent-it is assumed this is an admin error.

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