



CHELtenham

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

**Thursday, 21 January 2016
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	Garth Barnes (Chair), Jacky Fletcher (Vice-Chair), Paul Baker, Andrew Chard, Diggory Seacome, Bernard Fisher, Colin Hay, Adam Lillywhite, Helena McCloskey, Andrew McKinlay, Klara Sudbury, Pat Thornton, Louis Savage, Malcolm Stennett and Simon Wheeler

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 30)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **15/01162/FUL Pittville School, Albert Road -
DEFERRED** (Pages 31 - 116)
 - b) **15/01163/OUT Pittville School, Albert Road -
DEFERRED** (Pages 117 - 148)
Please note, the two applications at Pittville School,
15/01162/FUL and 15/01163/OUT, have been

considered together in a combined officer report.

- c) **15/00321/OUT Cotswold BMW, Tewkesbury Road** (Pages 149 - 214)
- d) **15/01449/COU Former workshop and garage to rear of 174 Bath Road** (Pages 215 - 240)
- e) **15/01441/OUT Land off Harp Hill** (Pages 241 - 354)
- f) **15/02067/FUL James Court, Griffiths Avenue** (Pages 355 - 358)
- g) **15/02082/FUL Hatherley Park, Hatherley Court Road** (Pages 359 - 366)
- h) **15/02097/FUL Naunton Park, Naunton Lane** (Pages 367 - 370)

7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
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Planning Committee

17th December 2015

Present:

Members (15)

Councillors Barnes, Chair (GB); Baker (PB); Chard (AC); Fisher (BF); Colin Hay (CH); Lillywhite (AL); McCloskey (HM); McKinlay (AM); Savage (LS); Seacome (DS); Stennett (MS); Sudbury (KS); Thornton (PT); Wheeler (SW).

Substitutes: Councillor Chris Nelson (CN)

Officers

Tracey Crews, Head of Planning (TC)
Martin Chandler, Team Leader, Development Management (MJC)
Chris Chavasse, Senior Trees Officer (CC)
Cheryl Lester, Legal Officer (CL)
Ben Hawkes, Planning Officer (BH)
Michael Doust, Trees Officer (MD)

1. Apologies

Councillor Fletcher

2. Declarations of interest

Councillor McCloskey

- i. **15/01676/FUL Land at Ham Close**
knows the applicant through community work in the ward
- ii. **15/01859/FUL Cheltenham Cemetery & Crematorium**
has worked on this as a member of the Scrutiny and Cabinet Member Working Group

Does not consider either of these interests prejudicial; will remain in the Chamber and participate in the debates for both these items.

Councillor Stennett

- i. **15/01238/CONF Forden House, Timbercombe Lane**
Is a friend of the applicant; will leave the Chamber for this debate.

3. Declarations of independent site visits

None.

4. Public Questions

None.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 19th November 2015 be approved and signed as a correct record without corrections.

6. Planning applications

Application Number:	14/00209/FUL
Location:	24 Horsefair Street, Charlton Kings, Cheltenham
Proposal:	Erection of 3no. detached dwellings with garages and construction of private access drive following demolition of existing dwelling
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Refuse
Letters of Rep:	31
Update Report:	Additional representation

MJC introduced the application as above, reminding Members that it was deferred in July to allow more information on badgers at the site to be collected. The applicant has worked with the County Council to resolve access issues to Horsefair Street, and the County is now satisfied that this is safe. The lay-out has changed slightly since the July report – it is looser, Plot 2 is re-orientated in the site, and Plot 3 altered to reduce the impact on No. 22 Horsefair Street. The recommendation is to permit.

Public Speaking:

Mr Peter Lidgard, neighbour, in objection

Speaking as a former planning officer and executive chairman of an international charity, on behalf of neighbours, feels that Members had been seriously misled by the planning officer, in addition to valid concerns expressed by the Parish Council and local residents. There are two contradictory plans: RM2B, which requires removal of the neighbour's wisteria tree and wall (for which they would never give permission), and M348/03, which leaves the tree but moves the entrance road a metre east and would result in the probable demolition of No. 26 Horsefair Street, leaving an ugly gaping hole in the street scene. The plans are incompatible; do Members know which one they are considering tonight? Why do officers consider narrowing the street will make it safer? Lorries frequently mount the pavement as it is, and the proposed build-out will look like the pedestrian crossing on Cirencester Road, making it unsafe for pedestrians and cyclists. Is the area of permeable block paving going to ensure no increase in surface water run-off from three large houses in place of the existing orchard? There is no mention in the officer report that this site was highlighted as being at high flood risk by the Environment Agency – why? Notes that the badger setts are to be protected, but why hasn't the officer asked for a survey to ensure other protected species aren't living on this site? And why has there been no historic assessment of the two cottages, clearly marked on the 1806 and 1810 maps in Cheltenham Library? This is a conservation area, and the cottages should be protected, not butchered. Anyone who walks or drives through the villages know how congested and dangerous Horsefair Street gets at certain times of day, and the proposal will make it worse. Members should ignore the officer advice and reject the application.

Member debate:

MS: in light of what Members have just heard, can officers comment on the flood risk and status of the cottages?

HM: uses the street at least once a day and confirms that it is extremely difficult to negotiate. Is not convinced that the build-out will improve the situation, with heavy lorries making deliveries to the Co-

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op on Church Piece. This is also a key route for schoolchildren. Is concerned about road safety here and would welcome officer comment. Is also concerned about the demolition of No 24 Horsefair Street. Looking up Horsefair Street from Lyefield Road West, the gable end of 24 is a prominent feature of the street, and there is nothing in the plans to indicate what it will look like when it is demolished. The report states that the conservation officer would like more detail about this, but no condition is included; would like one added, if the application is approved. Is delighted that this application has finally made it to Planning Committee; it has been concerning residents for two years, and hopes it will be concluded tonight.

SW: noted the speaker's comments about the wall and tree. Who do these belong to?

BF: on Planning View, it was clear that to gain access to the site, an old wisteria would have to be removed. Is it protected?

MJC, in response:

- to MS, regarding flood risk: the site is in Flood Zone 1, not considered to be particularly prone to flooding, though the differing levels within the site have implications: the surrounding buildings and land are elevated, resulting in flooding implications for the lower land;
- the Environment Agency doesn't require a flood risk assessment for this site, but if the application is permitted, officers will recommend a suitable drainage system be put in place before the site is developed, to ensure surface water run-off on the site as good or better than at present – to replicated run-off on a greenfield site;
- regarding the historic status of the cottage in the conservation area, it has not been sensitively treated over the years, with the additional of tile cladding and barge board. There are elevation details of the site after demolition of the cottage, showing oblique views which tell Members what they need to know; they can make an informed judgement on that basis;
- the comments in the report from the Conservation Officer were made in June; drawings which were missing then have since been produced;
- to HM, a condition regarding the gable end is missing and should be added if Members are minded to grant consent, to ensure sensitive treatment;
- to SW, regarding the wisteria, wall and access, this is an issue planners are faced with on a regular basis; it was thoroughly investigated in the summer, with County Council involvement. The applicant was asked if all the land within the red line was in his ownership, which he confirmed. As officers and the local planning authority, it isn't for us to question that. If the applicant has applied for planning permission for land not in his ownership, he won't be able to implement it;
- regarding the wisteria, the same applies; if the applicant doesn't own it, he does not have the right to remove it.

BF: estimates the wisteria to be 80 years old or more, and it would be a shame to lose it through this development. It isn't just a piece of wood; it is a beautiful specimen, and it is critical that access arrangements are sorted out before anything else.

PT: as regards the site plan, where are the wall and the wisteria?

GB: were on the right hand side as Members walked in on the site visit.

PB: are there two plans, as the speaker said, or only one? Members need to know how the access will work; this is a very busy road, and three additional houses will create extra traffic. Will half a cottage have to be demolished to ensure access? What is the value of these cottages in the conservation area?

AC: the elevation appears to show a door opening straight onto the access road, without any pavement? This would be very dangerous.

CN: reinforces comments about access, the wisteria, and comments from GCC, which seem to be the key issue for this particular site. Is uncomfortable with the proposed access arrangements. In view of Parish Council comments, has there been an environmental study?

SW: accepts MJC's comments about the land within the red line, but as the access is so critical, is concerned that the applicant will insist the land is his until the wisteria has been dug up and the wall knocked down – by which time it will be too late to save them. Surely it's possible to determine exactly what land belongs to the applicant, even if Members vote to approve subject to this information coming forward; then, if the land required for access isn't owned by the applicant, the scheme could not proceed.

MJC, in response:

- to SW, this application is the same as any other, and if it transpires that the applicant doesn't own the land he says he does, he won't be able to implement any permission. Issues such as this have to be resolved outside the planning system, with the landowner challenging the applicant. The planning authority wouldn't involve itself;
- to HM, regarding road safety, Horsefair Street is a busy road, which is why the county council has been so detailed in considering the application. Visibility is poor, and buildings about the back of the footpath, which is why a build-out and demolition are considered necessary, so that cars can advance further down the road to see traffic coming the other way. The County is satisfied that, subject to a build-out, visibility can be achieved. Condition 11 requires the building and access road to be delivered before any other work on the site;
- to AC, the door in question opens into a space used by vehicles, but is in a recess behind the retained flat roof extension – so not directly onto the road, but to a buffer area;
- regarding the ecological value of the site, there is clearly an active badger sett on the perimeter, and it is well-treed. All applications are screened by the Gloucestershire Centre for Environmental Records; if they are aware of any other species on the site, they will let the planning authority know, but have not responded to this application, suggesting no particular diversity;
- to CN, regarding the wisteria, cannot give any more advice; the applicant has certified that he owns the land in the red line, and the planning authority cannot challenge that.

CN: if the wisteria is owned by someone else who won't allow its removal, would that be critical to allow suitable access?

MJC, in response:

- the wisteria eats into the land which is needed to ensure access to the rear. The applicant says this land is in his ownership.

CL, in response:

- this appears to be a boundary dispute, not a matter for the Council. It's not unknown for someone to say he owns land that he doesn't, and for the other person to take him to court, resulting in costs being awarded. It is at applicant's risk to do work to land not in his ownership as it could well lead to claims against him.
- understands that the wisteria needs to come down to ensure safe access, and if it turns out that the applicant is not the owner and the owner says no, the applicant cannot pursue his planning permission.

CN: if Members agree to the proposal, the applicant has a dispute with the owner of the wisteria who subsequently proves that it is his land, would the council also have a legal claim against the applicant for having claimed it was his land?

CL, in response:

- in some parts of planning law as regards statements made in respect of notices, there are specific provisions as to making fraudulent statements, but this is not one. An incorrect certificate statement can have consequences for an issued planning permission, but this depends on the impact, for example, where it has been to hide the application; here it is obvious the application is known, given the apparent land dispute that is going on.

PT: understood that it is being said that the Gloucestershire Centre for Environmental Records knows the environmental attributes of all sites and gardens, but this can't be so. In this garden, the badgers were not taken into account at first, so what about all the smaller species that might be eradicated in the lust for development? Why are we bending over backwards to allow someone to demolish an old cottage? It doesn't make sense. Please can we make sure that no-one and nothing is being harmed by this. Living standards depend on what is all around us; journeys for school children will be more dangerous, delivery lorries making things more difficult. There seems no sense to consider this as a planning application. Cannot see we can do anything but refuse it.

SW: is not comfortable with this application, but Members have to come up with some acceptable planning objections. Was concerned about Condition 7, regarding wheel washing, loading and parking of vehicles etc, with nothing to say that lorries must off-load on site – that they can't park on Horsefair Street. This must be strengthened to say no site vehicles can park on Horsefair Street, but only on the site.

AM: there are a lot of questionable facts with this application. Doesn't like making decisions without knowing all the facts. It would be better to defer the decision, check the facts, and bring this proposal back to committee at a later date, so that Members' decision can be based on clear and tested facts. Proposes deferral to the January meeting.

PB: can officers comment on the age and value of the cottages in the conservation area?

KS: had a number of concerns about this this application which have not been overcome by the debate so far. In another location, the houses would be quite nice, but we need the right application in the right location – which this isn't. Is troubled that this road is never easy to drive along; the real world is different from the planning world, as demonstrated by the Cirencester Road garage site. Is concerned about access, regarding the wisteria and ownership of land; all that officers have said is true but if this can't be safely engineered, it isn't a good thing to permit as Planning Committee. If the tree can't be removed, what will happen? Can it be TPO'd? Is worried that County officers have told us that highways matters are all okay and officers say conditions can be used to ensure safety, but this isn't okay – this is a narrow street, much-used by the elderly and by children. The property is clearly very old and has been unsympathetically modified – does this make it too onerous to determine its historic status? What sort of message is that? It could be put right and restored, but not if it is demolished. Finds this irritating. Regarding the badgers, there will be three houses on quite a small site; will the new residents want badgers digging up their gardens? We should ensure there is space for wildlife in our town. Will vote against this proposal; it is not the right location for this development, will upset the neighbours, and will not be safe.

MS: had reservations at the beginning of the debate. Accepts the reasoning for AM's move to defer, but considers we will face the same problems next month. Therefore moves to refuse on CP7 (unacceptable erosion of green space), NE1 (regarding the habitat and ecology of the area) and BE1

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(regarding development in a conservation area). Would also suggest the proposal is contrary to the NPPF.

HM: to AC's point about the door opening onto the roadway, MJC has said this will be flush with the extension, but someone leaving the house by this door will not be able to see if vehicles are coming until they have come right out of the site, which is not satisfactory. Also, can the Tree Officer comment on whether the wisteria is classed as a tree or a bush?

BF: whether the application is refused, deferred or permitted, the key issue is the access and ownership of the land. Urges the applicant and neighbour to resolve that issue.

AC: the longer he is on Planning Committee, the more he wonders what Gloucestershire Highways do for a living. They said that the Cirencester Road development would be okay – but it isn't. Cannot see how this cottage can be demolished without vehicles parking on the road during the demolition. The decision could be deferred, as suggested by AM, but personally will not change his mind. Is not in favour of this scheme. It should be refused.

MJC, in response:

- to PT, the Gloucestershire Centre for Environmental Records works on tip-offs from members of the public, and cannot be aware of absolutely everything – although it is always a good place to start;
- PT asked why officers are bending over backwards to permit this development, for which there is no real need – this is dangerous territory for Committee. Members are well aware of the real need for housing and the lack of a five-year land supply. The question of whether this is the right site for housing is what we are discussing today. There is clearly a housing need, and it is the responsibility of the planning authority to ensure that land is used effectively and efficiently. This was the officer position in considering this proposal;
- to SW, regarding wheel washing and construction vehicles, restriction of the use of Horsefair Street is not achievable – it is a public highway, and it is not possible to stop people from parking there, as demonstrated at Cirencester Road. Unless they are causing a public nuisance, the local authority cannot deal with it or be that prescriptive in a planning condition. It would be a struggle to monitor such a condition, and would not suggest changing it to refer to Horsefair Street;
- to AM's suggestion of deferral, it could be helpful for extra clarity if Members could specify what additional information they want officers to produce – just access, or other points as well?
- to PB and KS, regarding the cottage age and status, this is well-addressed in the report, which recognises that the building has been dramatically altered. It is in a conservation area, but important to note that it isn't listed, locally indexed, or recognised as a positive building. Therefore it is difficult to say it has any distinct value in the conservation area;
- the NPPF talks about supporting applications with appropriate documentation, but officers' view is that an Historic Assessment this would be overly onerous in this case and unnecessary;
- to MS's move to to refuse, all the suggested policies are legitimate, but would use the NPPF with caution – the planning minister is saying planning authorities need to be more explicit about how they use the NPPF, so officers would need more to go on here. Considers the suggested Local Plan policies will be enough to tailor a defensible case for refusal;
- to AC and HM re access and safety, this is difficult to argue as advice from County Council is that access is safe. It is the Members' decision whether they want to refuse the application against the backing of the Council's professional adviser;
- regarding the wisteria, will ask the Trees Officer to comment.

CC, in response:

- wisteria is a woody plant; trees are woody, but not all woody plants are trees. Can be a grey area, but ultimately, wisteria is a climber, not a tree, and cannot be protected via a TPO;
- however, the applicant would need the owner's permission to cut it down.

MS: regarding the cottages to be demolished, these aren't protected or considered of any value in the Local Plan, but if they go, it will make a significant difference to the street scene. Can this be fitted in with the refusal reasons in any way? The site may be appropriate for development, but three houses is too many.

GB: also has a concern that this application would be over-development of the site.

CH: was trying not to speak, but one of MJC's comments has caused him concern. He implied that because the cottage has been 'messed around with', it is now of no value? In the 1970s, there was a fad for Cotswold stone cladding on the outside of terraced houses. Cladding can be removed, and the old cottage underneath restored. Is concerned if the opposite view is being taken – if it is, we could have lost some nice streets, in Tivoli in particular where five or six houses were stone-clad. If these had been demolished, the town would have lost some valuable properties. Would like to hear the officer's comment on that point.

HM: regarding the door on the remaining part of the property, there is no Highways comment about that door either. The front door should be on the front elevation, not the side. Would like to see a revised plan if the proposal is deferred.

BF: if Members vote on MS's move to refuse, paragraph 56 of the NPPF would be appropriate here: *Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

KS: wonders how officers reach their recommendations, which are sometimes 'on balance', and how they really feel about this particular proposal. The property is old and officers are saying its value has gone because people have made it ugly, but surely its value is what it looked like originally or could look like with sympathetic alterations. The Municipal Offices is a listed building which has been botched inside, but still has great potential. We should be thinking about the potential of the cottage and how it can be refurbished – it is important to sort this out when looking at planning applications. Officers say this was an on-balance recommendation, but it would be helpful if officers gave more specific reasons as to why and how they reached their recommendation. Takes the point of all they have said, but Members are clearly not happy with their recommendation. Has been on Planning Committee a long time but needs help from officers to produce watertight reasons for refusal.

MJC, in response:

- to MS, the core principles of the NPPF can be added to the refusal reasons to strengthen the case, if necessary;
- to KS and GB, regarding the issue of overdevelopment of the site, MS's move to refusal is based on in-principle objections, stemming from access to the site, harm to the street scene, and unjustified demolition. The inherent value of the site as an undeveloped space has to be considered. There has been a lot of debate, and officers would therefore be inclined to write draft refusal reasons, then ensure that GB and MS are happy it hits the right note;
- regarding the on-balance recommendation, officers always have to consider the NPPF's presumption in favour of development, although MS, KS and BF have come up with enough reasons to craft a strong case for refusal.

GB: does AM want to pursue his move to defer?

AM: yes, pending further information about access, the wisteria, and ownership of the wall, because if the proposal is refused tonight, it will go to appeal based on false facts. We need to have those facts clarified. If they are in question, the appeal could be lost.

CN: would like to add to AM's reasons for deferral: the site is in the conservation area and it would be helpful to have more information about the property, its age etc. Also, the badgers appear to have been discovered by chance, so it would be worthwhile exploring other environmental issues at the site.

MJC, in response:

- if the decision is deferred tonight, not much additional information will be forthcoming from the applicant – it took six months to get the information on the badgers – so it certainly won't be next month or any time soon;
- if officers didn't feel there was enough information to make a decision, the application wouldn't be before Members tonight.

MS: the suggested refusal reasons aren't affected by any of these issues.

AM: happy to add as CN suggests as to the deferral.

GB: will proceed to vote on AM's move for deferral, with CN's additions.

Vote on AM's move to defer, pending further information

4 in support
11 in objection

MOTION NOT CARRIED

Vote on officer recommendation to permit

0 in support
13 in objection
2 abstentions

RECOMMENDATION NOT APPROVED

MS: confirms his move to refuse should include reference to paragraph 56 of the NPPF with the exact refusal wording to be decided in consultation with Councillor Stennett and the Chair.

Vote on MS's move to refuse on CP7, BE1, NPPF Para 56

13 in support
0 in objection
2 abstentions

MOTION CARRIED – APPLICATION REFUSED

Application Number:	15/01048/OUT
Location:	Land to rear of Nuffield Hospital, Hatherley Lane
Proposal:	Residential development of up to 27 dwellings
View:	Yes
Officer Recommendation:	Permit subject to S106 agreement
Committee Decision:	Refuse
Letters of Rep:	6
Update Report:	Officer comments; conditions

MJC introduced the application as above, for outline permission to cover lay-out, access and scale, with appearance and landscaping subject to a reserved matters application. A fundamental

consideration for this scheme is Policy EM2, due to the potential loss of employment land, and the applicant has been required to demonstrate that there is no demand for the site for new-build offices. Officers have worked closely with the applicant, and scrutinised the proposal. As the site appears unlikely to be used for B1 development, the on-balance recommendation is that the scheme be supported, with authority delegated back to officers to resolve an outstanding highways matter – the County want road changed shared surface. The update on pink paper summarises the marketing campaign, much of which is included in the report.

Public Speaking:

Mr David Keyte, agent, in support

Outlined the recent planning history and marketing of the site, which originally formed part of a larger 5ha site occupied by Woodward Diesel Systems and Lucan Bryce providing contaminated Class B2 floor space. In 2010 permission was granted for employment generating floorspace for Asda and 7608 square metres of B1 use. Pure Offices occupy 2259 sq m, with consent for a further 3384 for Kier, so the larger site is on course to deliver 74% of the consented B1 and employment floorspace across 90% of the former industrial site. The application site has been available for sale or to let since 2003; following decontamination, a marketing campaign was started in 2009, which brought Asda to Cheltenham. Robert Hitchins has continued to market to site, via a webpage, brochure, boards and hoardings, plus more recently targeted websites and local commercial agents. It has been offered at realistic rates and has attracted some interest which has been actively pursued, but interest has continually waned due to rental levels, market conditions, the out-of-centre location, lead-in times, or the interested firms not being committed to a move. The site has been available for 12 years and actively marketed for the last seven years, with no firm interest.

Member debate:

LS: the on-going issue here is one which Members have considered before – the shortage of both employment and residential land in Cheltenham won't go away, and the planning authority has to consider the potential of this site for both uses. Members have visited the site twice on Planning View; it is sandwiched between Asda and the Nuffield, close to the A40, so not the most pleasant area for residential development but a fantastic, prime location for employment, with excellent links and long-term prospects. The speaker said there is no likelihood of the land being used for employment in the foreseeable future, but that depends on how far forward we can see. We need jobs for young people, maybe a technical hub for GCHQ – this land should be kept for long-term employment use.

BF: has visited the site a few times, and after the first time, spent just 20 minutes on the internet, during which time found 30k sq metres of employment space available in Cheltenham now, not included Grovefield Way. There is clearly no interest in this land, not even from GCHQ; the pink papers show a massive move would be needed to make it viable in this town. The Pure building still has a lot of floorspace left to rent, as at Windsor Street – though realises this may be a crude measure. We know the town is short of its five-year housing land supply, but no-one has said there is a shortage of employment land – there are brownfield and greenfield sites, such as Alstone Lane and Bonella Switches, which have been available for a long time but no-one wants them. There are other sites, some of a few hundred square metres, some new, some not so new., carrying in rent and price. Members should look at policy EM2, and have a serious debate. The JCS talks about some housing land becoming available through windfall sites such as this, and the Phoenix Works on Leckhampton Road. Employers are working in smaller, tighter spaces nowadays. Has concerns, if a short internet search with just one agent showed 30k square metres. Can see nothing wrong with this proposal.

CH: disagrees with BF. We need to promote employment land in the borough. This land has been actively marketed since 2009, but the country has been in recession; things are happening now with

government funding and local enterprise partnerships. This is the wrong time to be losing employment sites such as this. We have no control over the loss of some office blocks, but where we do have control, we should make sure employment land such as this is retained. It would be wrong to start eroding employment land at this time, and give the wrong message about Cheltenham as a place for business relocation.

KS : is curious about what the speaker said about this land not being marketable due to it not being in the town centre, when it seems that every time an employment site becomes available in town – such as Pate Court or the Kraft building – it is turned into residential accommodation for old people. There will soon be no employment space in the town centre. Is concerned about the loss of the employment land, and that the site is being dismissed as not suitable for offices. Can't it be used for something other than offices? Could this site not be used for light industrial units, similar to Mead Road? Can see why, in principle, a developer would want this site for residential, but we have to have somewhere for people to work.

SW: is torn between BF's and CH's viewpoints. Would not want to live on this site, between an office block and a supermarket, but has sympathy with the argument that there are many square metres of employment land available at the moment, making it very understandable that the applicant wants to put houses on this site. However, would make a plea that, if Members vote to permit the scheme, we should remember that this is only a red line proposal, not a full planning application – and we must insist on at least 40% affordable housing when the reserved matters application comes in. Will be extremely disappointed if this is not the case.

PB: this is the most important application being considered tonight, and the outcome will have a significant impact on the town. Will move to refuse. Not long ago, CBC commissioned the Athey Report, and a number of its observations give credibility to this move, including the net loss of the town's employment land from 1991, the lack of B-class and office space, the fact that 80% of existing stock is less than 500 sq metres, and the lack of quality sites. BF has names some potential sites, but the quality and nature of the sites is critical. There is in particular a sustained demand for premises in excess of 1000 sq metres across the borough. Has spoken with business people and knows there is a crisis in this area. The town has already lost many companies – Chelsea Building Society, Kraft, Spirax, Pate Court, Eagle Star – all good quality and well-located sites – and more could leave the area if no suitable alternative sites are available. There is no better site for employment than the site being considered tonight – close to the M5, GCHQ, car parking, access to supermarket. This site should not be used for residential development. The issue here is not the lack of demand, but money – rates are increasing in Cheltenham, with £20 per sq foot needed for new build, and the Market improving means rents will also increase. We have to be consistent here; the proposals at Tim Fry Land Rovers and Alma Road Garage were refused. The applicant at Alma Road said it was unviable to develop the site for employment, and tonight's applicant is saying the same. This isn't CBC's problem - they knew what the rents would be – and it gives the wrong message to the business community. The applicant has made it clear that there will be no affordable housing on this site. We should take the applicant's comments about actively marketing the site with a pinch of salt - a one-page brochure, board outside and inclusion on a website. It is not about lack of demand; it is about price. This site will go; it is a quality site and we should stick by our Local Plan. On the subject of business rates, is there anything more the borough can do to relax the rates to encourage users? The NPPF may advise against the long-term protection of sites with no prospects, but this site has every prospect of being used; it is crazy to believe it won't ever be developed as a business site. To permit tonight's application would show a lack of consistency, and increase vulnerability to refusing other similar applications.

MJC, in response:

- agrees with PB that this is an important application and confirms that it is the most balanced recommendation officers have made for a long time;
- a lot of PB's comments are very credible, but officers have had to consider the NPPF, which recommends approval of planning permissions wherever possible, and avoidance of long-term protection of sites;
- in view of the length of time this site has been on the market, and the housing supply situation, officers have made what they consider the right recommendation, but could also make this a reason to refuse;
- Member debate tonight has been balanced but if Committee wants to defend Policy EM2 at an appeal, this will be a legitimate decision;
- the applications at Tim Fry Land Rovers and Alma Road Garage were not supported by any degree of marketing; the sites were occupied and the leases artificially terminated. These are different sites with different issues, and cannot be compared;
- officers could have come down on either side with this scheme, and will be guided by Members.

AL: fully concurs with PB, and applauds his passionate argument. This is a prime employment site, and has been the subject of only nervous marketing. We are awaiting forward guidance from the JCS and Cheltenham Plan, and must hold our nerve until then. There is no question that this application should be refused.

MS: equally supports PB, and CH regarding employment sites in the area. This is a prime employment site. Will support the move to refuse.

CN: supports the councillors who have spoken tonight about the importance of this employment site, but a number of issues still need to be considered. BF talked about the need for employment land demonstrated by the Athey Report, and the JCS evidence also shows a shortage of employment land. The Inspector is not producing an interim statement, so now is the time to hold our nerve. There is a lot of policy about to be decided and confirmed. It's true that the town has no five-year land supply and needs houses, but it also needs jobs, to keep the balance. This application is the most important of the night, and appreciates MJC's honesty regarding how officers reached their recommendation. Is underwhelmed by the three-page summary of marketing; if suspicious, might think it a little odd that the marketing campaign started in February and the application was submitted in June. Could question how much the developers actually pushed for this land to be taken up for employment; with the current financial situation and cost of new build and rents, they may well feel residential is the only way to go. Has the B2/B8 issue been explored fully – using the site for industrial/distribution storage?? - the location is perfect for the M5. One final point on the business rates issue raised by PB: the maths don't add up to encourage the developer to go down the employment site route. We need to engage with developers, make business rates more attractive for them to develop land for business and employment. If this application is refused, further work should be done, not just fighting an appeal but also looking at the business rate situation to see how things can be altered to help us achieve what we want.

LS: to BF, not all employment land is equal. He has talked about the glut of employment land available, but the specific merits of the land need to be considered. This country has a fast-growing economy and we need to participate fully and not be left behind. We have to make decisions which will have no adverse effect on future generations, in this case choosing between high-quality employment land and low-quality housing land.

PT: agrees with PB and other speakers, but does not consider SW's plea for 40% affordable housing a very good idea. To have this amount of affordable housing in one location could be detrimental to the area.

BF: no-one has explained why Grovefield Way remained empty for 20 years, before the recession – a greenfield site, with the same sort of accommodation as tonight's site, now being developed as a BMW showroom. If we hold our nerve for ever, there's a chance these sites will stay empty for ever. If Grovefield Way had been developed for houses, they would all be lived in now. GCHQ has no interest in this site, and the JCS has allocated employment land in different locations. It has safeguarded land at Hayden Lane, but the Inspector is asking if it can be brought forward early; if it is, it will cast a shadow on other employment sites; the need for employment land is not unlimited. History shows that there is no demand for this employment land – not one brick has been laid at Honeybourne Place, and an application has now been submitted to turn the top of the Eagle Star building into two luxury apartments. The demand as detailed in the Athey Report is wrong - there are many available areas which will never be used. The early applications on JCS allocations were for housing, not employment. We are kidding ourselves if we think we can buck the market. The reason why businesses aren't moving to Cheltenham or moving away is because the price is wrong. We decided as CBC not to move to new-build premises as we can buy cheaper.

AM: there are two strands to the argument here, specific and strategic. Regarding loss of this employment land, it's true that Planning Committee has approved housing on employment land before, but generally speaking these have been old-fashioned sites, not fit for purpose as employment land. This isn't the case here – this is an ideal business site, close to the motorway, and not particularly suitable as residential land due to its proximity to other uses. The wider issue is that the JCS identifies the need for housing and also for employment land. This site is part of the calculation, and now is not the right time to be changing its use from employment to residential. The Government proposes changes to NPPF and may change the rules, taking matters out of our control in the future – but tonight's proposal has to be considered on its own merits, and it isn't wise to pre-empt by changing the use of this site. In addition, the marketing strategy set out by the applicant is not the best. In conclusion, this application is premature, and there are very good reasons to retain the site as employment land.

AC: agrees with PB. If the application is permitted, there will be 27 families living on an island, nowhere near facilities – schools, medical centres – with nowhere for children to play. And this could be just the beginning; if Kier backs out, we could end up with housing all over the site. Cannot support this proposal in any way.

CN: SW and PT have referred to 40% affordable housing, but we should remember that this is only an aspiration in the JCS; the latest figure of 25-30% is more justifiable. BF has talked about Eagle Star being converted from employment to residential use because of no demand for the office space, but understands that the building currently enjoys 90% occupancy; the owners want to convert to residential use because there is more money in it. Agrees with earlier comments about business rates; if this could only be sorted out, it could incentivise owners to provide employment and residential use.

CH: to BF, what is driving this is not the need to house people but the need to build houses. We need work places and employment land in order to grow; we don't need another housing bubble. Is not sure that the houses proposed for this site are what are needed at the moment. We need need affordable housing, which this won't provide. It will fuel the bubble.

MJC, in response:

- if Members move to refuse, they should add a separate refusal reason relating to the lack of an S106 agreement for affordable housing and education. There is no proof that 40% of the housing is achievable, and we would lose the opportunity to fight this at appeal;
- we have to be mindful of what the NPPF says – to be positive and not hold on to sites which the market suggests there is no need for;

- there have been various comments about 'holding our nerve' but the Government says we should listen to the market, and if there is no demand for the land for employment, that should determine what is built here;
- it's true that this may change in two or three years, but we need to assess the evidence in light of the NPPF at this time. This would be a credible argument to defend at appeal if Members want to go down that route.

KS: there is demand for employment land in Cheltenham – B1, B8 - Mead Road units are never empty. Is not satisfied that consideration of other uses for this land has been looked at enough. If there is no market for office use, the developers should look at other types of employment land.

Vote on officer recommendation to permit, subject to S106 agreement

1 in support
14 in objection

RECOMMENDATION NOT APPROVED

Vote on PB's move to refuse, on EM2, and lack of S106 agreement

14 in support
1 in objection

CARRIED – REFUSE

Application Number:	15/01503/FUL
Location:	59 Painswick Road, Cheltenham
Proposal:	Single-storey and two-storey rear extension
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	4
Update Report:	None

MJC introduced the application as above, which has been amended during consideration, making it more conventional in appearance. It is at Committee as Councillor Harman's request, in view of the objection of the residents' association.

Public Speaking:

Mr Farmer, neighbour, in objection

Lives at No. 61 next door the the application site. The local residents' association considers the plan out of proportion with other three in block, giving elevated views over the gardens of Nos. 61 and 57. Two adjacent houses have single-storey extensions not shown on block plan. Planning officers have supported this scheme, although they did not approve the previous application, although the design and bulk are very similar, though less garden is used. This proposal is taller, obscuring more light light at 61 and 57, and overshadowing their patio and garden. On the site visit, Members have seen the effect of the proposal on the garden room window 61, reducing daylight and sky. If approved, they will look out on a towering blank wall, with no sky. This is a greedy, selfish application, which was submitted without any discussion with neighbours, who didn't know about it until after the plans were submitted. The proposal will detract from original building, and Nos. 61 and 57 will lose daylight - this is unacceptable – and neither will the improve or enhance character of area. Retired to this house in Painswick Road with his wife, and has not made any changes to his home. This proposal will seriously and adversely impact on their lives.

Mr Keatinge, applicant, in support

Is the owner of No. 59, and has made every reasonable effort to balance planning requirements, personal preference, and third party considerations. The original submission has been amended and now approved by officers, with wall facings, first floor scaled back, dormer removed for greater overall balance. Is willing to replace the large tree, which could have impact on No 57, subject to requirement of Committee. MJC has considered all objections to the scheme, as detailed in the report, and still reached his recommendation to permit, with no grey areas or caveats, regarding loss of daylight or privacy. The proposal is also approved by various consultees. At para 6.2.4 of the report, the officer states his view that this is a text-book extension, not dominant, compliant with CP7, not harmful, and well thought through. The intent is to respect and enhance the central conservation area, where he has lived for many years, making a home for his family, and considers he has been more than reasonable in his effort to achieve this.

Councillor Harman, in objection

This is the second time in three-and-a-half years an application at this property has been at Committee, and would like to draw Members' attention to a number of points. They have heard from Mr Farmer at No. 61, but this proposal will impact on No. 57 equally. Members will have visited these properties on Planning View; was himself stunned when he looked from the window of No. 61 and imagined what the impact of the proposal will be. The phrase, 'There is the real world and then there is Planning' hits a note here. Objections have not only been received from neighbours but also from St Philip's and St James's Residents Association (SPJARA) and its chairman Adrian Philips, who raise a number of relevant points. The feeling of residents is that there is insufficient difference between the original and the new application to justify the recommendation to permit. SPJARA's closing paragraph, stating that it does not routinely support objections from neighbours, but considers this proposal to be so out of scale as to raise wider issues about good neighbourliness, and also to set a bad precedent, sums up the main issues here. Hopes the Committee will seriously consider the validity of SPJARA's comments and refuse the application.

Member debate:

PT: did the extension pass the light test? How tall is the single-storey extension, and how much will it appear above the fence? It looks as if only the single-storey extension is adjacent to No. 61; the two-storey extension is against the driveway.

PB: these sorts of applications are often the most difficult to consider as they are massive for the people concerned on both sides. Finds himself in an invidious position, but following the site visit, feels he will support this application for what is a decent-looking application to create a nice family home. There are no good planning grounds to refuse it.

MJC, in response:

- to PT, yes, the proposal passes the light test on both sides;
- the height of the extension is 2.8m on the boundary; permitted development allows 3m.

SW: can see no reason why the neighbours would object to the single-storey extension. The first floor appears intrusive, but as officers say it passes the light test, it would be difficult to defend at appeal. Sympathises with the neighbour, and if there was any good reason to refuse, would go along with it – but there is not.

Vote on officer recommendation to permit

10 in support
1 in objection
4 abstentions

PERMIT

Application Number:	15/01641/LBC		
Location:	Cheltenham Town Hall, Imperial Square, Cheltenham		
Proposal:	Alterations to rear flat roof to include removal of chippings, installation of new waterproof membrane, re-bed of coping stones, removal of redundant plant and renew 2.no skylights.		
View:	Yes		
Officer Recommendation:	Grant, subject to ratification by the National Casework Unit		
Committee Decision:	Grant, subject to ratification by the National Casework Unit		
Letters of Rep:	0	Update Report:	None

MJC introduced the application for minor alterations to the Town Hall. As CBC is the applicant and cannot grant consent to itself, the recommendation is that Members resolve to grant LBC subject to ratification by the National Casework Unit.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to grant LBC subject to ratification by the National Casework Unit

14 in support
0 in objection
1 abstention

GRANT subject to ratification by the National Casework Unit

Application Number:	15/01676/FUL		
Location:	Land at Ham Close, Charlton Kings		
Proposal:	Erection of stable and barn building together with the retention of access drive		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	7	Update Report:	None

MJC introduced the application as above, which has been revised during determination as the original submission was felt to be over-elaborate. The siting of the proposal has also shifted further east within the site. It is at Committee at the request of Councillor Savage, due to the level of objection from neighbours and the Parish Council.

Public Speaking:

Mr Humphris, neighbour, in objection

Residents in the area of Ham Square are deeply concerned that this peaceful sloping field, used by deer, foxes and badgers, could soon have a large stable block at the end, resulting in traffic passing their gardens at all hours. There are two major problems: the size of the stables, and the track. The

stables are massive – 28 x 9.4m, and 4.4m high to the ridge – the size of a large bungalow. Understands that this application will not go away, so suggests as a compromise that the stable recently built in Mill Lane be used as a model, only 2.9m high to the ridge and blending nicely with the surrounding area. The proposal has a roof of dark slate, which would be obvious to walkers on the nearby footpath. A lower roof would also forestall any future attempt to convert the stables into living accommodation. Regarding the track, it is very close to the houses, and would be better moved away to approach to left side of the stables rather than the right, which will be tight for larger vehicles. Ancillary problems include the bright security lights which will light half the field, which is in the AONB, replacing them with intense bulkhead lights, and the stable dung and straw which would have to be removed and not burned on site. The present application allows for the track and stable to be changed, but not for the horses to be allowed anywhere as a separate permission would be needed to change the use from agricultural grazing to equine use. Has known the field for 65 years and only ever seen cattle using it; recreational equine use would be too intrusive on nearby residents.

Mr Oliver Rider, agent, in support

The application highlights all the facts, and addresses residents' and Parish Council comments. The site is in the AONB but policy doesn't restrict all developments within it. Agricultural development is OK, supported in policy as being in keeping, as recognised in the officer report. To say permitting this scheme will set a precedent is unfounded – it is a stable block in the countryside, and has been altered from its original form as a compromise to officers' concerns. It will be constructed of timber, as is typical for stable blocks, and dark brown in colour, consistent with the AONB and sympathetic with the rural surrounding. Local people are resistant to change but the Government recommendation is that planning permission should be granted where there is no reason not to. The proposal is for a simple stable block, for the use of the applicant's four horses –nothing else. There is no intention to use it for housing, and conditions can be included to control this. Space has been included for hay storage and tack room, in keeping with the primary use and not causing extra traffic. Under the NPPF and Local Plan, this proposal is acceptable, and the applicants cannot compromise any further. The stable needs to be big enough to accommodate four horses for the private use of the applicant.

Member debate:

MS: agrees that this does seem overly large for the AONB, and is not convinced that four horses need that sort of space. The Parish Council is right to object to the scheme; will not vote for it. Does not consider it compliant with the NPPF, which places great weight on protecting against changes in the AONB. This proposal is too big for the purpose for which it is intended.

LS: admittedly the revised plans are better than the original plans, but this area is not *technically* AONB, it really *is* AONB, and there is no compelling reason to grant this permission. The borough has a housing crisis for people, not for horses. The primary concern is about access, as with four horses in the stable, there will be a lot of movement of horse boxes up and down what is effectively a track, making it more of a road similar to the one accessing Ham Square. It will have a negative impact on the view, and is inappropriate in the area.

PT: would suggest that there won't be horse boxes up and down the track daily or even weekly. Can officers explain whether or not the use of the field needs to be defined as equine or agricultural? There is no change of use in the application, yet it will be changed from cattle grazing to horse grazing.

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SW: can officers respond to concern about living accommodation being added to the stable block, and confirm that the burning of straw wouldn't be allowed? Also, notes there is no comment from the Cotswold Conservation Board – why not? If they have responded, what did they say?

BF: the size of the boxes complies with the minimum standards for horses, and the tack room and store are in keeping with the proposed use. Has owned horses in the past, and there is nothing proposed here that would not be found in an average stable block. The red line area just includes the track and the stable block; the rest of the site is agricultural. There is new planning guidance about the conversion of agricultural buildings to accommodation, but the stable is not an agricultural building. The field itself is agricultural land, enough to support grazing for four horses. Could equally have cattle or pigs there – it is on the edge of farm land, and a location where we would expect to see horses. Can see nothing wrong with this proposal – a decent wooden stable, store, tack room, and somewhere to make a cup of tea.

DS: the stable block as envisaged would put the tatty buildings in the shade, but has a problem with the access road. If this is half-prepared already, and synthetic grass can be used to bolster it up, this would be acceptable; tarmac, however, would not be suitable here. Is concerned about the impact this will have on the houses and the main buildings, and cannot support the proposal for that reason.

MJC, in response:

- the Cotswold Conservation Board was consulted but did not respond, despite having had time to do so;
- regarding the use of the land, officers have been careful to limit the red line site; a stable block comes under equestrian use, grazing land under agricultural use, and the constrained red line indicates only equestrian use for that part of the site;
- to DS, Members have to make a judgement as to whether what is being proposed is acceptable or not.

PT: if the land is used for grazing horses it may count as an agricultural use, but what if the owner puts up fences to exercise the horses etc? Will this be breaking the rules?

CN: was startled by MJC's comment that the Cotswold Conservation Board did not respond to consultation request. We must have a response from statutory consultees – can they be chased up by phone if they do not respond to paper/electronic copies of plans?

MJC, in response:

- the Cotswold Conservation Board is not a statutory consultee, but its input is significant in this area and the system is set up for it to comment on applications of this nature. Unfortunately, there is no resource to chase up if no response is received. Maybe councillors could pursue this with CCB themselves?
- has limited knowledge of rural planning, but believes that 28 days of equestrian activity on agricultural land in one year would be classed as permitted development; if straying beyond this, a change of use planning application would be needed;

SW: as the borough-appointed member of the Cotswold Conservation Board, will chase up this matter to see why it is not responding the consultee requests.

BF: it didn't respond regarding Harp Hill at the top of the GCHQ site either, implying that it has no objection. With reference to DS's comment, green plastic grass is used at the racecourse and holds the root system together.

AC: has nothing against this proposal in principle; it just seems remarkably big for four horses. There is a similar development nearby, not as big or as high. Did officers raise this with the applicant?

AL: agrees that this seems a very large development for personal use, particularly as there are already two stables at the applicant's house. A lot of preparation work has already been done, and given the scale, this does not seem like a simple private building. Facilities such as these do not have to be adjacent to the applicant's home, and there seems no compelling reason to affect the AONB simply for the applicant's enjoyment.

MJC, in response:

- to AC, officers did negotiate with the applicant re size and style. The original submission was rather elaborate, and was toned down along the way, although the footprint remained the same – the applicant was not willing to change that;
- regarding the impact on the AONB, a stable block is typical of the type of building we would expect to see in the countryside;
- it is a question of judgement – what is the impact of this building on the AONB; what is the level of harm? Most people would not bat an eyelid if they saw it in situ;
- officers consider the impact on the AONB is very limited, making it difficult to come up with a refusal reason which could be sustained at appeal.

PB: no Member has come up with a reason to refuse yet.

Vote on officer recommendation to permit

7 in support

5 in objection

3 abstentions

PERMIT

Application Number:	15/01859/FUL
Location:	Cheltenham Cemetery and Crematorium, Bouncers Lane, Cheltenham
Proposal:	Proposed change of use of an area of land to the east of the cemetery for burial and cremation purposes and the erection of fencing
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	None

MJC introduced the proposal as above, telling Members that the site is actually outside the jurisdiction of Cheltenham Borough Council, being in Tewkesbury's boundary, but the access is via the existing cemetery in Cheltenham. It is a cross-boundary application, also being considered by TBC. CBC is only being asked to consider access to the site, which is not changing. It is a small parcel of land, and the intensity of use will remain the same. The application is at Committee as CBC is the applicant and the land owner.

Public Speaking:

None.

Member debate:

CH: commented that the Cemetery and Crematorium are in desperate need of updating; this application unlocks it. Is fully supportive of the proposal.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

Application Number:	15/01860/FUL
Location:	Pittville Park, Evesham Road, Cheltenham
Proposal:	Replacement of children's play park and erection of refreshment kiosk
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	6
Update Report:	None

MJC introduced the application as above, at Committee as CBC is the landowner and applicant. Members can see a fly-through of the scheme on screen, but this is not the actual version – it has been slightly refined since, but this is helpful to get a flavour of what is proposed and what the finished project will look like. The recommendation is to approve.

Public Speaking:

Councillor Coleman, in support

About a year ago, had a discussion with Adam Reynolds and Malcolm Wall about an overhaul of the play area in Pittville Park, including budget consultation and what CBC would like to see at the site. It was clear from the start of the process that the play area – the town's central play area – needed a significant amount of updating. Useful views about what could be done with the park led to a project brief, and with expert assistance, useful views of successful developments on similar sensitive sites at Evesham Broadway, Slimbridge, Pontypridd, Worcester, and the Lido at Fort Royal. Most Cheltenham people have happy memories of Pittville Park as the place to go - there is evidence that some of the play equipment is 100 years old – and will recall the huge slide and iron roundabout. These are part of the history of Pittville Park, and although it is still a well-used and much-loved area, it is time to update the play area. In considering this, several factors have been taken into consideration: the significant age range of children using the park – 0-14 years at least – needing a safe environment to play; the increased capacity required; the attraction of visitors to the park, as a destination; and very importantly, the need to make the play area fully accessible. On the plans, Members can see a wheelchair roundabout, double-width slide, trampolines in the ground, musical play area, an aviary, and 14 different types of swing, all with the full support of Betteridge School, and also fully integrated in the plans so as not to be noticed. The birds and bunnies area will also be rejuvenated, as will the refreshments kiosk. Thanks to the professional team and the Friends of Pittville, whose help and approval is reassuring. These plans are significant, ambitious and exciting, and will bring great fun and joy to the children of Cheltenham and further afield for many years to come. If permission is granted, work can start in January, and the new play area be ready for summer.

Member debate:

PT: has looked at all the illustrations and the video for the park, but wonders if any thought has been given to putting the play area on the other side of Evesham Road where there is more space? It seems to be a little bit cramped and crowded at present. Also, a lot of parks now include equipment

for older people these days – has any thought been given to something of that sort here? Children have such a lot, and older people need exercise just as much.

KS: this is very exciting and long overdue – some of the equipment has been there for years. Has read the objections and suggestions that it should be positioned on the other side of the road, but considers this the right place – it is more ‘touristy’ and will be huge attraction for the town. Considers the inclusive equipment for all abilities quite brilliant – would like to see this included in all parks. Is only alarmed that it hasn’t been done before, but can foresee lots of fun for generations of people – well done, CBC!

HM: shares KS’s excitement, but has one small problem: the proposed refreshment kiosk seems a bit bland and boring next to everything else. This is an iconic park and deserves better. It could be more fun than a simple wooden hut, and integrate better with the playground. To PT, there will soon be play equipment for older people in Charlton Kings.

BF: this is great, and thanks to SFPlanning for work done on this. The play equipment is good; the kiosk is OK. Modern children have little freedom, so having a safe play area – no big slides or witch’s hat roundabouts – will be so much better.

MS: fully supports this scheme. Regarding the musical element mentioned by Councillor Coleman – will this be mechanical? How will it be generated and at what volume? Also, the refurbished aviaries – will noise from here be detrimental to nearby houses?

CH: is very supportive of this – it will be an excellent play area for children. Only looking at the drawings now, the thought occurs that in a lot school playgrounds, attention is given these days to areas of shade, and although we haven’t experienced a hot summer for a while, this could be quite an issue. There are trees in the park and more trees being planted but these are only small. This is an important issue these days.

CN: fully supports the scheme. Do we have enough parking for parents in the area, to ensure that it will be successful?

MJC, in response:

- to PT, re the siting of the play area: this is its natural home, a well-established area in Pittville Park for play equipment, well linked to the Pump Room and the Lake. An alternative was not considered. Members need to consider what is before them and consider whether it is suitable. Officers think it is;
- to HM, re the kiosk: this is a valid point, but most of the budget has been spent elsewhere. The kiosk will sit quietly behind the play equipment;
- to MS, re the musical equipment: the birds and bunnies are used to it, and it will be no louder than a screaming toddler!
- to CH, re shade: this has not been a planning consideration. There are trees all around offering dappled shade. Officers feel enough shade will be provided.

PT: on Planning View, MJC made the point that the proposed play area is near a listed building and may detract from it. Some of the equipment is 2m high and will impact on the views of the Pump Room behind. This is why moving it to the other side of the road seems a good idea.

LS: is fully supportive of the scheme. Is concerned only about the aviary, which seems rather outdated. Pittville Park is home to many birds, but keeping them in cages doesn’t seem appropriate. Assumes this is not a planning consideration.

MJC, in response:

- to CN, re parking: this is a valid point, and was raised when the application was first submitted, but there is a lot of unrestricted parking in the area, it is close to the town centre and on bus routes. This is not therefore considered a suitable ground on which to withhold permission;
- on Planning View, suggested to Members that one thing to consider was how the proposal would impact on the Pump Room. Looking at it from Evesham Road, it will still be visible, albeit with the play area in the foreground. Officers don't feel the proposal will unduly upset the setting of the listed building.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

Application Number:	15/01628/FUL
Location:	Garage Site 03, Marsland Road
Proposal:	Installation of height restriction barrier to former garage site entrance, access gates to car park adjoining flats, solar powered street lighting at access points
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	Officer comments; conditions

MJC introduced the application as above, at Committee because CBC is the applicant, and with a recommendation to permit

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

Application Number:	15/01692/FUL
Location:	20 Lynworth Exchange, Mendip Road, Cheltenham
Proposal:	Installation of replacement extraction ducting
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

MJC introduced the application as above, at Committee because CBC is the applicant, and with a recommendation to permit

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

15 in support – unanimous

PERMIT

Application Number:	15/01796/FUL
Location:	1 Dorington Walk, Cheltenham
Proposal:	Demolition of brick sheds and replace with prefabricated sheds (Flats 1-25)
View:	
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

MJC introduced the application as above, at Committee because CBC is the applicant, and with a recommendation to permit

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

14 in support

0 in objection

1 abstention

PERMIT

Application Number:	15/01238/FUL
Location:	Forden House, Timbercombe Lane, Charlton Kings
Proposal:	Confirmation of TPO No. 737 – Forden House, Timbercombe Lane
View:	Yes
Officer Recommendation:	Order is confirmed
Committee Decision:	Order is confirmed
Letters of Rep:	1
Update Report:	None

CC introduced the proposal to confer a TPO of a birch tree at the above address, which the owner would need to remove in order to build a dwelling to the side of his property. The owner objects to the proposal to confirm the TPO, and Members are being given the opportunity to decide whether or not they consider it reasonable.

Member debate:

HM: is glad that the pictures on display show the tree in full leaf. Without leaves, as it is now, it is hard to pictures its positive contribution to the street scene.

SW: this is a beautiful tree. Cannot see that it should be removed.

Vote on officer recommendation to confirm order
14 in support – unanimous
ORDER IS CONFIRMED

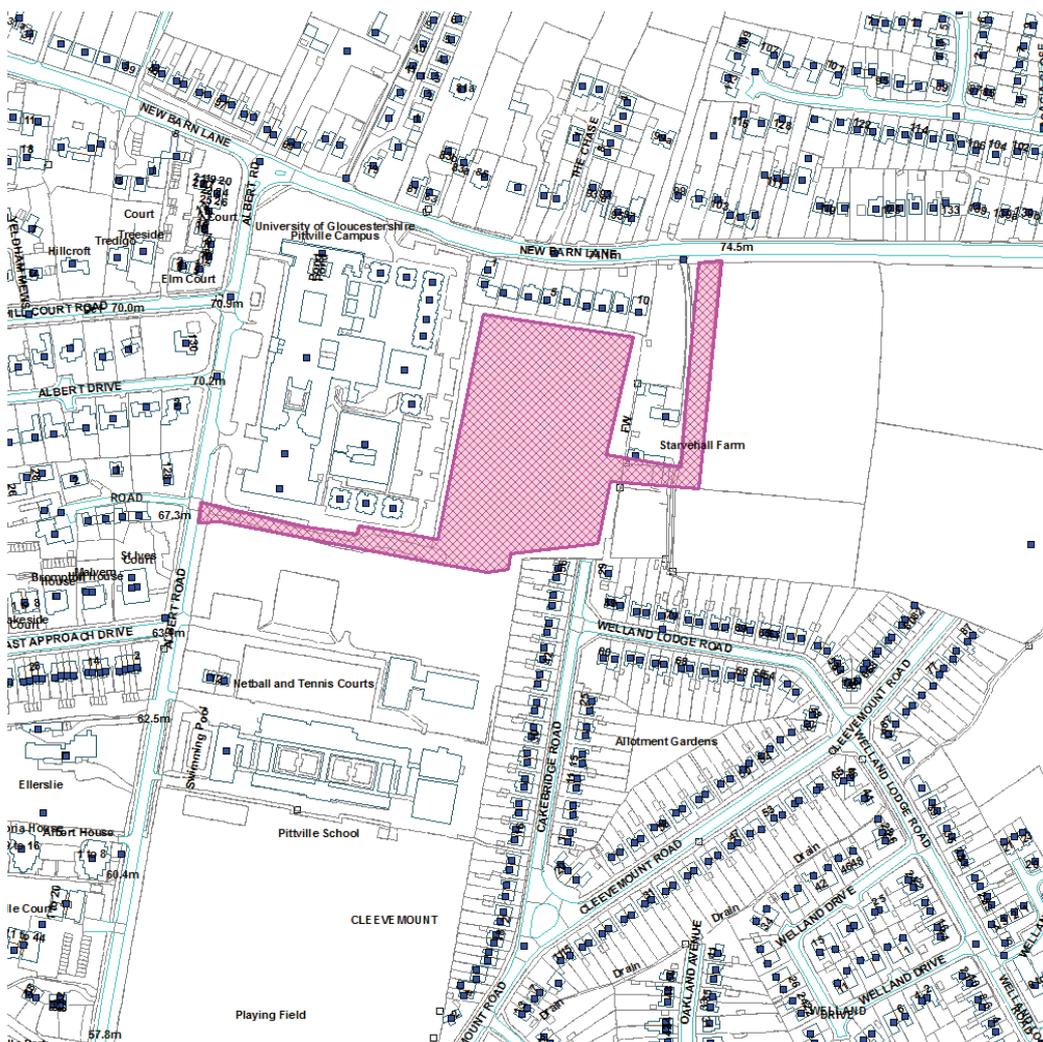
The meeting ended at 9.30pm

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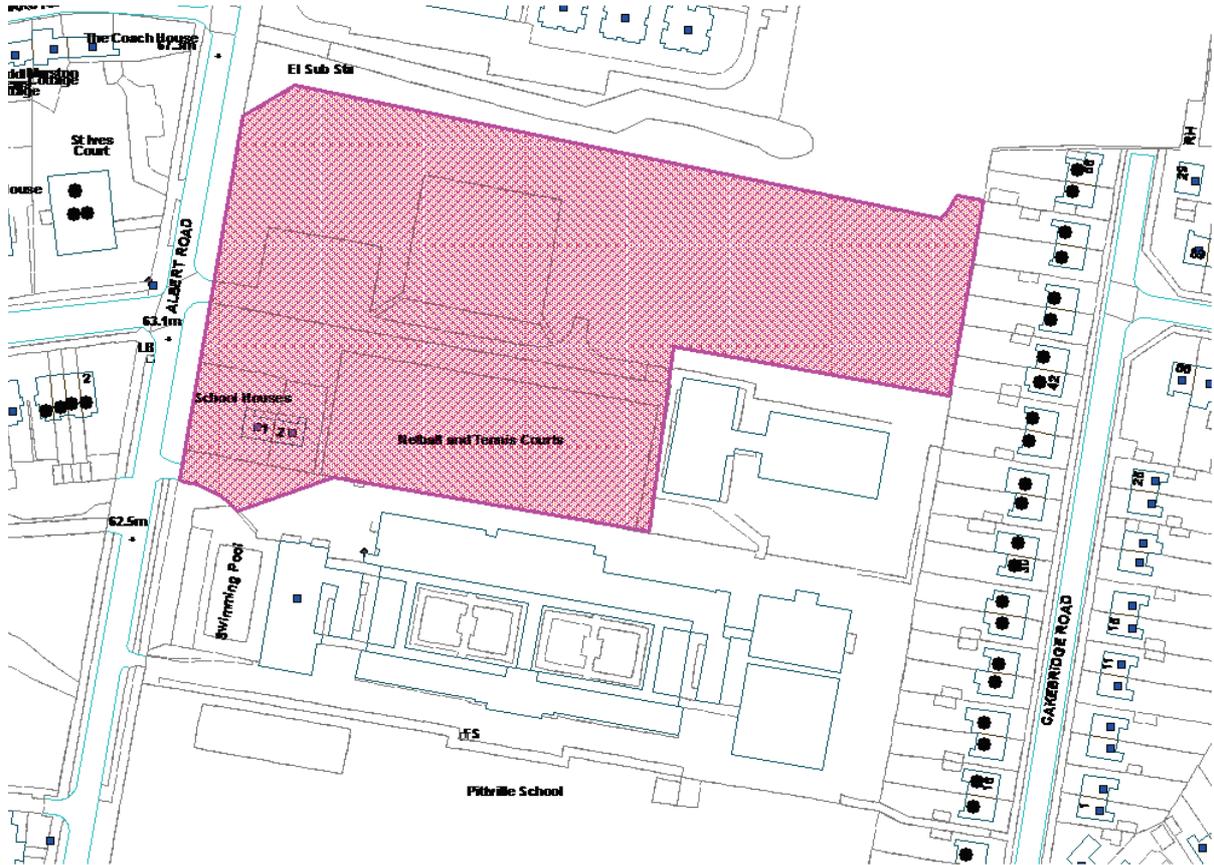
APPLICATION NO: 15/01162/FUL & 15/01163/OUT	OFFICER: Mrs Lucy White
DATE REGISTERED: 21st July 2015	DATE OF EXPIRY: 20th October 2015
WARD: Pittville	PARISH:
APPLICANT:	Pittville School
AGENT:	Foxley Tagg Planning Ltd
LOCATION:	Pittville School Albert Road Cheltenham
PROPOSAL:	Erection of indoor sports centre, artificial turf pitch, tennis courts, floodlighting, associated parking and landscaping and including demolition of two dwellings (15/01162/FUL). AND Outline application for the erection of up to 58 dwellings (approval sought for means of access with other matters reserved) (15/01163/OUT)

RECOMMENDATION: To follow as an update or at Committee

15/01163/OUT



15/01162/FUL



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This report relates to two planning applications for proposed development at Pittville School. The applications have been submitted in parallel and are to be considered together. In summary, the applicant seeks full planning permission for the erection of an indoor sports centre, artificial turf pitch, tennis courts, floodlighting, associated parking and landscaping and including demolition of two dwellings (15/01662/FUL). The second application seeks outline planning permission for the erection of up to 58 dwellings with approval sought for means of access with all other matters reserved (15/01163/OUT). Both applications relate to land within the ownership of Pittville School and within the existing boundary of the school campus.
- 1.2 Councillor Lillywhite has requested that the outline planning application be determined by the Planning Committee; the reason for referral being the concern of local residents on New Barn Lane. Since the above applications are linked, they should both be determined by the Planning Committee.
- 1.3 The two applications are accompanied by a comprehensive set of technical reports relating to design and access, relevant planning policy, transport, flooding and drainage, existing sports provision and loss of playing fields, trees and ecology, utilities and a draft community use agreement for the sports centre. Some of these documents have been revised during the course of negotiations and following submission of an amended scheme.
- 1.4 **Sports Centre and Outdoor Facilities – 15/01162/FUL**
- 1.5 The application site for the proposed sports facilities (15/01162/FUL) comprises 1.62 ha of predominantly hard surface playing courts, a multi-use games area, areas of grassland used for amenity and recreation by school pupils, an access road and vehicular entrance from Albert Road and two (caretakers') dwellings. The site is located wholly within the Central Conservation Area (Pittville Character Appraisal Area) and the adjoining main school building is included in the Index of Buildings of Local Interest.
- 1.6 The site faces Albert Road to the west, the gardens of residential properties in Cakebridge to the east, the University of Gloucestershire Pittville Campus to the north with the main school buildings immediately to the south. The surrounding area is generally residential in character, with buildings of varying height, architectural style and age. The notable exceptions are the Grade 1 listed Pittville Pump Rooms and the University Campus to the north; with planning permission recently granted for the redevelopment of this site to provide a student village.
- 1.7 The applicant proposes the erection of a new sports centre comprising an indoor sports hall, wet and dry changing rooms, a gym, teaching rooms, small café with associated parking facilities to the front of the building. The application also includes the provision of an artificial hockey pitch with floodlighting and replacement tennis courts (3no.) The existing access arrangements from Albert Road would be retained for the sports centre which would enable this facility to be used and remain separate from the school during out of school hours and at weekends.
- 1.8 The new sports facilities would primarily serve the school and are intended to replace the existing, aged and inadequate indoor physical education facilities currently offered to pupils. As such, a supporting statement has been provided by the head teacher of the school outlining the school's current position. Whilst able to offer a PE curriculum, including more recently GCSE PE, the school is hampered by poor changing facilities and a significant lack of indoor facilities; which include an outdated gym which is not full size or height and therefore restricts certain activities.

The school is also oversubscribed, and is forced to double up spaces particularly during external exam periods.

- 1.9** It is also proposed that the new sports centre would be available for public/community use outside school hours and during school holidays. A Statement of Community Use (and Business Management Plan) forms part of the submission package.

1.10 Residential Scheme – 15/01163/OUT

- 1.11** The application site for the residential proposal covers 2.13 ha of land and comprises an existing school playing field, a strip of land following the boundary with the University of Gloucestershire and land associated with the adjoining Starvehall Farm development which will provide the vehicular access into the site from New Barn Lane.

- 1.12** The gardens of properties in Greenfields/New Barn Lane form the northern boundary of the site, the University Pittville Campus (new student village) the west boundary and the remaining school grounds (and proposed new sports facilities) the southern boundary of the site. All boundaries to the site contain trees/shrubs and mature hedging albeit the rear gardens of properties in Greenfields which back onto the site are fairly open with some dwellings having limited vegetation along boundary fences. The land is relatively flat and is currently landlocked with no public access. The school states that the playing field has not been used for sporting activities since 2009.

- 1.13** As an outline planning application the applicant is requesting consideration of the principle of residential development along with access routes into and out of the site. All other matters (hereinafter referred to as reserved matters) regarding design, scale and appearance, layout and landscaping would be determined through a subsequent reserved matters application.

- 1.14** As stated above, this application is inextricably linked to the full application for the new sports centre and ancillary facilities; the proposed housing development funding the new sports facilities for the school with no cost to the Local Education Authority.

- 1.15** The scheme as first submitted included an indicative layout of 58 dwellings, estate roads landscaped open areas, a balancing pond and footpath/cycle links to Albert Road and Cakebridge Road. A revised site location drawing was received on 8th December; the red line amended to align correctly with the proposed vehicular access route through the Starvehall Farm development. However, the applicant has chosen not to show an indicative layout of housing or landscaping/SuDS details within the amended application site.

- 1.16** Members should note however that, despite the lack of an indicative layout, the application is still valid. The benefit of the superseded drawing is that it demonstrates that up to 58 dwellings could be accommodated on this site. The revised access point would likely necessitate a slight reconfiguration of estate roads and corresponding reposition of houses. The balancing pond and landscaped areas could also still be provided. Again, it is important for Members to note that layout is not for consideration as part of this outline planning application.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area

Relevant Planning History:

14/00804/PREAPP 23rd July 2015 CLO

Residential development on school playing field (to facilitate a new sports centre for the school)

95/00443/PF 24th August 1995 PER

Construction Of New Pool Enclosure And Changing Accommodation To Former Outdoor Pool (Amended Scheme)

95/00606/PF 21st September 1995 PER

Enlargement Of Existing Tennis Court Fenced Enclosure And Resurfacing Plus Tarmac Hardplay/Overflow Car Park Provision

95/00607/PF 21st September 1995 PER

Floodlighting Of Resurfaced Tennis Courts For Community Use

95/00661/PF 21st September 1995 REF

Construction Of New Six Classroom Teaching Block and 500 Sq.m. Hard play Area

95/00839/PF 16th November 1995 PER

Construction Of New Six Classroom Teaching Block (Revised Scheme)

97/00390/PF 26th June 1997 PER

Provision Of Extended Outdoor Physical Education Hardplay Space, With Basketball Goals

97/00629/PF 18th September 1997 PER

Provision Of New Hard-Surfaced Play Area (Alternative To Approved Scheme Cb11022/12) (Retrospective)

98/01108/PF 10th December 1998 PER

Formation Of Glazed Enclosures To Existing Covered Ways To Provide Access To Toilets.

04/00749/FUL 24th June 2004 PER

New library and classroom block and extension to existing classroom block, including siting of temporary teaching units during construction period

05/00470/FUL 17th June 2005 PER

New 2.1m high boundary fencing to Albert Road frontage

05/01070/FUL 20th September 2005 PER

Replacement of existing windows to front elevation of main building.

05/01845/FUL 24th January 2006 PER

Minor works to existing library block to create new 1st floor teaching space including a main stair extension and fire escape stairs.

06/00525/FUL 26th May 2006 PER

Minor works to existing library block to create new first floor teaching space including two external stairs and two new dormers

06/01065/FUL 25th August 2006 PER

Works to increase width of existing vehicular access to north of school from Albert Road

15/01163/OUT PCO

Outline application for the erection of up to 58 dwellings (approval sought for means of access with other matters reserved)

3. POLICIES AND GUIDANCE

3.1 The following policies and documents are relevant to the consideration both applications.

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 7 Design
CP 8 Provision of necessary infrastructure and facilities
BE 1 Open space in conservation areas
BE 2 Residential character in conservation areas
BE 3 Demolition in conservation areas
BE 4 Timing of demolition in conservation areas
BE 5 Boundary enclosures in conservation areas
GE 2 Private green space
NE 3 Biodiversity and geodiversity of local importance
HS 1 Housing development
HS 4 Affordable Housing
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Affordable housing (2004)
Amenity space (2003)
Flooding and sustainable drainage systems (2003)
Landscaping in new development (2004)
Planning obligations (2003)
Play space in residential development (2003)
Security and crime prevention (2003)
Sustainable buildings (2003)
Sustainable developments (2003)
Central conservation area: Pittville Character Area and Management Plan (July 2008)
Index of buildings of Local Interest SPD (2007)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

SPORTS FACILITIES – 15/01162/FUL

Environmental Health

14th August 2015

I am happy with the submission of the lighting survey.

However I have some concerns about the elevated levels of noise (in particular the noise of the hockey balls hitting the boards around the perimeter fence, and the noise from shouting whilst football is being played/practiced) from the all-weather pitch affecting dwellings in Albert Road.

Consideration should be given to the fitment of buffers to the fence surrounding the hockey pitch, and perhaps an acoustic screen to assist in blocking noise from the pitch affecting nearby noise sensitive dwellings?

Further, some consideration should be given to fitting a clear glazed acoustic screen to the flat roof "breakout area".

All the above should be submitted as a report. You may wish to consider the following condition: -

'No development shall be carried out until a full Noise Assessment is completed and such details have been submitted to and approved by the Local Planning Authority. The details submitted shall include measures to control noise affecting nearest habitable dwellings. All necessary measures highlighted in the report shall be completed to the satisfaction of the Local Planning Authority prior to first use of the proposal'.

9th November 2015

With regard to the most recent submission on 3rd September 2015 relating to the "Revised artificial turf pitch ATP proposed plan", superseding those previously, there appears to be a change in the plans but less information than that submitted on 2nd September 2015.

For that reason I would suggest the following condition be attached any subsequent consent: -

FLOODLIGHTING SCHEME

Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that:-

- Light into neighbouring residential windows generated from the floodlights shall not exceed 5 Ev (lux) (vertical illuminance in lux).
- Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
- The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5 %.

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. Upon completion of the development, and prior to first use, an independent post-completion light survey shall be carried out to ensure actual readings reflect mapped values, and in particular comply with the above values. Thereafter the approved scheme shall be implemented prior to beneficial use and be permanently maintained.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

NOISE

Noise from the use of the ATP has not been addressed in sufficient detail. There is no indication of the proposed means of reducing noise of hockey balls hitting the fences surrounding the pitch (padding). Further, there does not appear to be a detailed plan of any acoustic barriers between the development and properties in Albert Road.

For that reason I would suggest the following condition be applied:-

No development shall be carried out until a full Noise Assessment is completed and such details have been submitted to and approved by the Local Planning Authority. The details submitted shall include measures to control noise affecting nearest habitable dwellings. All necessary measures highlighted in the report shall be completed to the satisfaction of the Local Planning Authority prior to first use of the proposal.

13th January 2016

Noise

- I have assessed the recent submissions with regard to this application, in particular those relating to the “sound-deadening fencing”. This is in the nature of product information provided by Zaun Limited, the manufacturer of the proposed fencing material. Whilst this literature alleges sound-reducing performance, this has not been related to the situation on the ground, particularly with regard to expected noise from the facility, and its effect on the nearest noise-sensitive dwellings (noise attenuation due to distance, etc.).

Therefore the condition I suggested in my previous consultation response of 17th August 2015 still stands: -

“No development shall be carried out until a full Noise Assessment is completed and such details have been submitted to and approved by the Local Planning Authority. The details submitted shall include measures to control noise affecting nearest habitable dwellings. Predictions of noise levels should include noise from different sports activities, and expected levels of noise at nearby noise-sensitive dwellings. All necessary measures highlighted in the report shall be completed to the satisfaction of the Local Planning Authority prior to first use of the proposal’.

- I consider that the opening times of the facility, in particular the extended opening until 2200 hrs may also give rise to noise complaints. I would consider that a more appropriate closing time of the facility would be 2100 hrs.

Lighting

- Isolux (illuminance) maps indicate that lighting levels at nearby dwellings when the floodlighting is in use will be within acceptable levels, in the region of <2 lux. However these are predicted levels.

I would like you to consider attaching the following condition, to ensure actual lighting levels post completion are in line with predicted levels, thus:

Light into neighbouring residential windows generated from the floodlights shall not exceed 5 Ev (lux) (vertical illuminance in lux). Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5 %.

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Upon completion of the development, and prior to first use, an independent post-completion light survey shall be carried out to ensure actual readings reflect mapped values, and in particular comply with the above values.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

I believe that the above conditions are able to be subsequently discharged.

Parish Council

11th August 2015

Objection on the grounds of the proposal being in a conservation area, there are also concerns with flood lights and noise from the sports facilities during the evenings. The Prestbury Parish Council would like this matter to be determined by full planning committee.

Heritage and Conservation

1st October 2015

Further to: pre-application site visit and application information

Analysis of Site:

Prominent site at the north end of the conservation area, with the site rising from the south to the north. There are important views across the site to the Cotswold Hills to the east and the north boundary of the site contains an important group of trees.

Historic character of the site: The historic character of this area is one of quality and it was originally conceived by Joseph Pitt as a "spacious Regency new town" with the Pump Rooms at its centre. Although much of Pitt's dream was never materialised due to a financial crisis in the 1820s, the quality character of the area has still been retained today. Indeed many of the historic buildings in the immediate vicinity of the site are built in ashlar limestone and some of the new buildings are built in stucco. There are no brick buildings in the area and brick in Cheltenham tends to be used for boundary walls or ancillary buildings.

Comments:

GENERAL COMMENTS -

1. There are long distance views across the site both from the Albert Road and from East Approach Drive, and from the eastern colonnade of the Pump Rooms to the east and to the Cotswold escarpment in the distance. Certainly the green space of this site as existing adds to the rural, green and spacious quality of this part of the conservation area, adds to the far reaching setting of the Pump Rooms, adds the setting of the Pittville School which is a locally indexed building and adds quality to the spacious character and setting of the town.
2. The wider landscaping setting of the area has been clearly defined in section 2.15 (page 8) of the Pittville Character Area Appraisal and Management Plan.
3. The character of this part of the town and this part of the conservation area is educational and so the proposed use as a sporting facility attached to the school is acceptable in terms of the established character of the conservation area.
4. It is understood that the proposed sports hall will be used as a community facility and not just for the school use. This increased use and activity on the site will certainly change the character of the area from a largely residential suburb to a

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busier and noisier area with the potential of sporting and possibly social events taking place out of school hours and school holidays.

5. The principle of developing this site is of concern in relation to the proposed development and the harmful impact on the long distance views, and the harmful impact on the character of the conservation area.
6. However whilst it may not be possible to completely eliminate this harmful impact, it may be possible to reduce this impact and every opportunity to reduce the harm must be taken.

DETAILED COMMENTS

Notwithstanding the above concerns about the harm of the principle of the proposed development, the following detailed comments focus on how this harm can be reduced and thereby lessen its impact on the conservation area and setting of the Pump Rooms -

1. The site layout is a sensible approach to the location of the proposed new sports building, the multi-sport pitch, tennis courts and the car parking.
2. Again the proposal to change the existing ground levels across the site, so that the north part of the sports hall (ie emergency exit corridor) is semi-buried is sensible.
3. The size and location of the car parking also appears to be sensible, and its impact could and should be mitigated by landscaping.
4. The colour of the surface of the multi sports pitch should be green to look like grass. However the proposed floodlighting and the fencing around the multi-sports pitch will be very visually harmful and this impact needs further consideration.
5. The proposed boundary fencing being a wire fencing is not acceptable for a boundary in the conservation area and I suggest a brick wall is not suitable.
6. SPORTS HALL
 - a. The form, mass and layout of the sports hall has been designed to achieve the required facilities and again notwithstanding the above concerns about the principle of the proposals, the form, mass and height are all acceptable with the exception of the external area at first floor level to the east of the sports hall building (ie external terrace area located above the plant, equipment store, and outdoor changing areas) which is unacceptable.
 - b. However I have concerns with the detailed design which are as follows –
 - i. The extensive area of glazing on the south elevation will cause significant heat gain and potentially heat loss. No information has been provided on the proposed method of ventilation, but the approach appears to be mechanical ventilation (ie air conditioning) and this seems a foolish approach when combined with a potential heat gain situation. I strongly urge that building control comments are obtained at this stage. Indeed mechanical ventilation is not a sustainable approach and is questionable.
 - ii. However even if air conditioning is acceptable no information has been provided on plant boiler flues or where air condensers will be fitted. Such information should be provided now as these elements could have a major impact on the design and look of the building.
 - iii. The extensive area of glazing on the south elevation will also result in significant light pollution when the building is being used at night. This light

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pollution will have a fundamental impact on the appearance of the area when considered individually and in combination with the proposed floor lighting.

- iv. The external area at first floor level to the east of the sports hall building which is unacceptable (ie external terrace area located above the plant, equipment store, and outdoor changing areas), will have a limited visual harmful impact on the conservation area when viewed from the Albert Road; however it will certainly have a harmful impact on the setting of the conservation area when viewed from the proposed pedestrian route to immediately to the north of the site.
- v. In addition the proposed use of this large external area has not been confirmed as a sport associated use (although it has been suggested it could be a viewing area for the multi-sport pitch). Such a suggestion that such a large area would contain spectators is of concern. Obviously suggesting a large number of spectators with possible noise issues and therefore it could also have a negative impact on the character of the area.
- vi. In addition I also have major concerns about the proposed materials of the sports hall. As analysed above this area of the town contains quality buildings of natural stone or stucco render. There are no existing brick buildings in the immediate vicinity. The proposed grey/blue engineering brickwork will in my opinion not be appropriate for the character of this suburb area adjacent to and affecting the setting of the Locally Indexed Pittville school.
- vii. In addition the suggested cement fibre cladding would also not be of a sufficiently high quality finish and material for this very sensitive site.
- viii. In the recent email dated today, the agent has suggested that only the cheaper cement fibre cladding is financially an option. If this is the case then the strategy for raising funds and making grant applications should be reviewed and architectural redesigns be submitted to address the concerns over lack of quality materials.

CONSERVATION AND HERITAGE SUMMARY:

I object to the proposals because of the fundamental harmful impact on the conservation area, the harmful impact on the setting of the Pittville Pump Rooms (grade I listed building) and the harmful impact on the Locally Indexed Pittville School.

However notwithstanding these fundamental concerns, the detailed design of the proposed development especially the proposed materials of the sports hall, the extent of glazing to the south elevation of the sports hall, the lack of information on the boiler flue and air conditioning/mechanical ventilation extracts, the floodlighting to the multi-sport pitch and the fencing/height of the fencing to the multi-sport pitch and all of significant concern.

SUGGESTED REFUSAL REASONS RELATING TO CONSERVATION AND HERITAGE MATTERS:

Refusal reason: The proposed development by virtue of the detailed design of the sports hall, and materials of the sports hall, and floodlighting and fencing to the multi-sports pitch would harm the character and appearance of the conservation area and also harm the setting of the grade I listed building (Pittville Pump Rooms) and the setting of the Locally Indexed building (Pittville school). Accordingly, the proposals are contrary to sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and Historic Environment Good Practice Advice In Planning and policies CP7, BE1, BE5, BE11, and GE2 of the Adopted Cheltenham Borough Local plan.

Crime Prevention Design Advisor

27th July 2015

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to comment on the material considerations of the planning application specifically relating to designing out crime.

I would like to draw your attention to the PDF document attached to the carrying e-mail which provides detail to the following comments.

1. The level of lighting within the car park must comply with BS 5489-1:2003 or equivalent; care should be taken to prevent light pollution into the environment.
2. Care should be taken to ensure landscaping does not hinder surveillance of car park. Hedges and bushes should not be allowed to grow in excess of 1.0 metres and trees, etc should be pruned of any branches below 2.5 metres. Where new planting is undertaken care should be taken to select shrubs, etc that have low natural growth characteristics, i.e. 1.0 metre maximum.
3. Reception needs to be clearly sign posted. The draft lobby should provide a secure 'air-lock' for the Hall.
4. Access to the roof should be controlled.
5. Access Control measures will help prevent unauthorised visitors from accessing internal parts of the Hall.
6. Access into the car park should be controlled; management practices should ensure the complex is secure at all times.
7. Signage should be utilised across the site to provide information, show directions for visitors and to restrict unauthorised access into the complex.

(See annex A as below, referring to your Planning Authority's planning policy.)

It is recommended that the development is built to meet Secured by Design standards. Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment, where communities can thrive.

Research conducted by Secured by Design has proven that SBD developments are half as likely to be burgled, have two times less vehicle crime and show a reduction of 25% in criminal damage, thereby increasing the sustainability of a development.

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact me should you have any queries or wish to discuss these issues further.

Annex A - Planning Policy

Cheltenham Borough Council's Local Plan which contains Policy CP 4:

Development will be permitted only where it would:

(c) make adequate provision for security and the prevention of crime and disorder; and
(b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety.

Accompanying plan - see separate plan

GCC Local Flood Authority (LLFA)

12th August 2015

I refer to the above planning application received by the Lead Local Flood Authority (LLFA) on the 22nd July 2015 to provide comment on the surface water flood risk. It is confirmed that the site is situated within the SFRA Flood Risk Zone 1. Furthermore, the Environment Agency's (EA's) uFMfSW shows a low risk from surface water to the site.

Reviewing the applicant's Flood Risk Assessment (FRA) and accompanying documents, it was determined that the applicant has not met local and national requirements due to a lack of information. Therefore, Gloucestershire County Council (GCC) as the LLFA objects to the proposal in its current form. The following points provide further detail of this decision.

The FRA has stated that "a shallow open drainage ditch is noted as running along Albert Road... eventually discharge to the Hyde Brook.....In any event, its limited depth means that it is unlikely to be suitable to receive a restricted discharge from an attenuation based surface runoff system"

- No evidence has been provided to support that the above open ditch is not capable of supporting the attenuated discharge from the site. Thus, the current application does not adhere to the SuDS discharge hierarchy.
- Furthermore, the ditch may have the capacity if modified to accept the site's runoff, this has not been explored.
- The letter dated 16th December 2013 from Severn Trent Water (STW) agrees in principle the discharge of surface water to the combined sewer at a limited rate of 5 l/s for 70 dwellings within a prescribed boundary. The prescribed boundary includes the extents of two applications (15/01162/FUL and 15/01163/OUT); STW's letter does not acknowledge two applications.
- Both planning applications state a discharge of 5l/s to the combined sewer system will be implemented. However, it appears STW has not given agreement to two 5l/s discharges from each application. (i.e. no agreement has been given for the applications 15/01162/FUL and 15/01163/OUT to connect to the combined sewer separately, with a total discharge of 10 l/s).
- The applicant has not provided a sufficient level of detail of the current (i.e. the existing) runoff rate. Therefore, it has not been possible to determine if the level of betterment for the site is in line with Gloucestershire County Council policy for a site that has been previously developed on.
- The applicant has failed to supply the location and extent of the SuDS installation features and conventional drainage system.
- The applicant has failed to demonstrate that the attenuation storage is sufficiently sized to accommodate the attenuated flows from the site.

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Therefore, the LLFA require further information including the below to determine if the sports centre development at Pittville School, Albert Road is technically feasible in terms of surface water drainage, and does not increase flood risk to the site or elsewhere.

- 1) The existing runoff rate for the site during a Q100, Q30 and QBar return periods (i.e the greenfield runoff rates). This will need to include the calculations and parameters used to delineate the results. The runoff rates for hydrological purposes should take in to account the full boundary of the site and include the runoff from all permeable and impermeable surfaces.
- 2) The proposed site's total runoff rate and attenuation volume for the Q100, Q30 and QBar return periods. This will need to include the calculations and parameters used to delineate the results. The runoff rates and volumes for hydrological purposes should take in to account the full boundary of the site and include the runoff from all permeable and impermeable surfaces.
- 3) A demonstration that the peak runoff rate of the whole site during all events up to and including the 1 in 100 year event plus climate change will not exceed that of the existing runoff rate. For hydrological purposes the demonstration should include the runoff from all permeable and impermeable surfaces that are within the site boundary.
- 4) A detailed assessment with accompanying evidence that the existing open drainage ditch can or cannot be utilised for the discharge of the development's surface water.
- 5) Clarity on the agreed discharge with Severn Trent to the combined sewer system. This should include but not limited to, the agreed number of discharge points within the prescribed boundary and if Severn Trent are accepting 5 l/s discharge of surface water to the combined system from each planning application with the boundary (i.e. 15/01162/FUL and 15/01163/OUT)
- 6) Provide detail on the location and extent of all Sustainable Drainage features and conventional drainage system that will service the surface water runoff.

Future management and maintenance of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not therefore been considered by the Lead Local Flood Authority.

Please note, any revised documentation will only be considered when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

5th October 2015 - From: Sally Tagg

Sent: 16 September 2015 13:22

To: Lucy White

Subject: FW: 822 - Pittville School - Local Flood Authority Responses - 15/01162/FUL & 15/01163/OUT

Dear Lucy,

I write in relation to both Pittville School applications and consultation responses from Gloucestershire County Council as the Lead Flood Authority and dated 11/08/15 and 12/08/15.

Our Flood Consultant has reviewed the responses and his comments on each application are as follows.

15/01162/FUL - Sports Centre

1. *An assessment of the existing site contributing impermeable area has been made within the FRA, together with the associated 1yr surface water run-off rate. With a max. restricted positive discharge rate of 5 l/s shown to be offering significant betterment in this 'regular' event, it is clear that this betterment will only increase further for the more extreme, and rarer, 30yr and 100yr events.*
 - *The FRA suggests the runoff value supplied for the 1yr event is for the positively drained area only. The FRA drainage calculations/values do not consider the existing runoff from the permeable areas which will be developed on, and thus altered. The LLFA expects existing runoff calculations to be conducted on the entire site up to the site boundary. This is to ensure all areas that are developed on or altered will be considered in the drainage calculations.*
 - *However, upon further interrogation of the FRA and the above point it has been seen that the level of betterment provided by discharging the 0.612ha of impermeable area at 5 l/s will provide a significant betterment from the current situation.*
 - *The discharge rate of 5l/s from the positively drained area is now considered acceptable for the sport hall site's drainage strategy.*

2. *The size of attenuation structure required has been calculated within the FRA, based on the worse case 100yr climate change event. Furthermore, the FRA also states the location of the proposed structure. Graphical confirmation can, however, be provided if the text is not sufficiently clear.*
 - *The LLFA expects for full planning applications the inclusion of a graphical demonstration(s) to show all proposed drainage features (e.g. storage or swale) are technically feasible.*

3. *The depth of the adjoining highway ditch is approximately 0.5m. The depth of the proposed attenuation structure is 2m. Regardless of the capacity of the ditch, it is evident that a gravity discharge will not be viable. It is our recommendation that a pumped surface water discharge is avoided wherever possible.*
 - *Agreed, a pumped surface water discharge should be avoided. However,*
 - *LiDAR suggests the field to the south of the site has enough slope to permit gravity discharge to Wyman's Brook directly. Using a swale or similar structure to convey the water directly to the Brook would provide substantial water quality benefits. The feature could include a storage element, eliminating the requirement for tanked storage. The LLFA requires this concept to be fully considered for the application to comply with the SuDS discharge hierarchy.*

4. *A 5 l/s discharge is widely accepted, including by STW and the EA, as being the lowest practical discharge rate, regardless of prevailing Greenfield or existing positive discharge rates. For a site with a gross area of 1.62 ha, this would, however, represent a QBAR Greenfield equivalent rate of around 3 l/s/ha which is considered perfectly acceptable.*
 - *The FRA suggests a restriction of 5l/s is applied to the 0.612ha area of impermeable area (~8.2 l/s/ha), thus does not represent the site's gross runoff rate of 3 l/s/ha.*

- *The LLFA requires the runoff from permeable area to be considered in the runoff calculations, and therefore contribute to the calculations of the restricted flow from the drained hard-standing areas.*
 - *However, upon further examination of the FRA, the above response, a 5l/s restriction on the impermeable area only will meet the sufficient level of betterment required on the whole site. Therefore,*
 - *The discharge rate of 5l/s from the positively drained area is now considered acceptable for the sport hall site's drainage strategy.*
5. *STW was originally approached when this site and the adjoining residential site were a single entity. They have not been re-approached by virtue of the proposed restricted discharge from the Sports Centre site offering significant betterment in the post development scenario. Indeed, we understand that STW have now responded under formal consultation with no objection.*
- *Evidence of STW "no objection" to the application has been made available on Cheltenham Borough Council's Planning Portal. This is longer a concern for the LLFA for the Sports hall site.*

In summary, the LLFA accept the proposed formal discharge rate of 5 l/s for sports hall site. However the LLFA retains the original decision to object to planning application, and request for additional information and considerations to be made, including in no particular order:

- 1) *Graphical confirmation that the underground storage is technically feasible on the site.*
- 2) *Full consideration of utilising the existing drainage ditch and/or Wyman's brook to discharge the surface water.*

15/01163/OUT - Residential

1. *The site is Greenfield with a gross area of 2.13ha. The proposed restricted discharge rate of 5 l/s therefore equates to a Greenfield equivalent of 2.3 l/s/ha which is considered to be a perfectly reasonable QBAR allowance. Furthermore, as per the comments in respect of the Sports Centre site, a 5 l/s restricted discharge rate is considered the lowest practical rate. With the proposed discharge rate not exceeding 2.3 l/s/ha and given the extent of on site attenuation being proposed, accommodating up to the 100yr climate change event, it is clear that there will be no increase in flood risk in any event up to the 100yr climate change and a reduction in more extreme events. The worse case 100yr climate change event has been used to size the balancing pond. The discharge rate will clearly reduce as the head reduces in the less severe events.*
 - *The FRA states the contributing area of the 5 l/s runoff rate is approx. 0.55ha (~9 l/s/ha for 0.55ha) - This is a significant increase in runoff for the impermeable area if the greenfield runoff rate is 2.3l/s/ha at QBAR. A 0.55ha area at 2.3l/s/ha = 1.27 l/s at QBAR, approximately 4.18l/s for the 1% event.*
 - *5 l/s has been set as a maximum by STW and does not mean it needs to be adhered to as the site's maximum. Discharge values below 5 l/s can be achieved with good design.*

- *With the proposed discharge rate the development will not comply with S2 and S4 of the non-statutory technical standards for sustainable drainage.*
2. *Again referring back to the comments made above, STW was originally approached on the basis of these sites being a single entity. With the Sports Centre discharge being significantly offset by the betterment being provided by the proposed on site attenuation on that site, the proposed 5 l/s associated with the residential development is expected to remain acceptable. I would suggest awaiting STW's formal response on this application before actioning further.*
- *Evidence of STW "no objection" to the application has been made available on Cheltenham Borough Council's Planning Portal. The connection to STW's sewer is longer a concern for the LLFA for the residential development. However,*
 - *irrespective of STW agreement for a 5l/s connection, the LLFA requires the runoff to be discharged at the greenfield runoff rate for the site to comply with the non-statutory technical standards for sustainable drainage.*

In summary, the LLFA accept STW's "no objection", however the LLFA does not accept the proposed runoff rate as the FRA does not sufficiently demonstrate that this rate matches the current greenfield runoff rate.

Because the application is an outline submission, and STW has given "no objection" to the development (i.e no objection to connect to the sewer subject to conditions) the LLFA would be satisfied with rescinding the original objection on the basis the proposed runoff rates are investigated/accommodated in the detail design. This can be addressed in the following condition:

Condition:

Development shall not take place until a detail drainage scheme for surface water has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall adhere to the requirements for greenfield developments set out in the non-statutory technical standards for sustainable drainage. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure satisfactory drainage of the site and avoid 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 in the locality.

22nd October 2015

Addendum to Consultee response.

PROPOSED: Erection of indoor sports centre, artificial turf pitch, tennis courts, floodlighting, associated parking and landscaping and including demolition of two dwellings.

Discussions with the developer's engineer, Richard Fillingham have been made regarding the above planning application. Subsequently, Richard on behalf of the developer submitted further detail on the drainage scheme (see attached: Pittville School Hall - SW attenuation) and has demonstrated the most recent proposal is technically feasible.

In spite of this, the development in its current form does not adhere to the Building Regulation H's discharge hierarchy, and therefore does not meet the LLFA's requirement. To address this, an investigation has been agreed to be undertaken by the engineer to

determine the feasibility of utilising Wyman's Brook as the final discharge point. This will ensure the application complies with the discharge hierarchy.

On the basis that the current drainage proposal has been demonstrated to be technically feasible and adheres to the next hierarchy after discharging to a water body, it was agreed with the LLFA that the investigation could be addressed through a condition. It is essential the discharge hierarchy is addressed prior to the submission of a detail drainage scheme as it may have implications to the general strategy and current drainage layout.

Therefore, based on the recent submitted detail and agreement for an investigation, the LLFA would like to rescind the original objection to the planning application 15/01162/FUL, subject to the following conditions.

- 1) Condition: No development approved by the permission shall be commenced until an appropriate investigation in to the feasibility of using Wyman's Brook as the discharge point for the development has been submitted to and agreed by the Local Planning Authority
Reason: To ensure the development complies with Building Regulation H discharge hierarchy, and therefore not increase flood risk outside of the site.
- 2) Condition: No development approved by the permission shall be commenced until a detailed drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy must be designed to manage all flows and volumes up to and including the 1 in 100 year event plus climate change as required by the National Planning Policy Framework. The strategy must reflect the findings of Condition 1.

Please see Attenuation Tank plan in documents tab.

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 in the locality

Future management and maintenance of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not therefore been considered by the Lead Local Flood Authority.

12th January 2016

I refer to the revision notice received by the Lead Local Flood Authority (LLFA) on 11th December 2015 for the above planning application for comment on the surface water flood risk and surface water management. Reviewing the revisions, the drawing "Revised proposed site layout – Residential development" (i.e. Dwg: (SK)06 Rev: E) in particular affects the LLFA decision on the planning application.

On the basis the latest revision voids drawing no. (SK)06 Rev:D and the information it provided, the LLFA OBJECTS to the proposal in its current form. This is due to:

- The revision omits the original submission detailing the site layout which contained aspects of the drainage strategy. Without the layout it is not possible for the LLFA to determine if the site's proposal is technically feasible with respects to surface water management, and will not increase flood risk elsewhere. National best practice states a "drainage strategy/statement & sketch layout plan" shall be submitted with an outline application (LASOO, 2015). The "location and extent of the SuDS installation features and drainage system provided" is also a requirement within Gloucestershire County Council's SuDS Design and Maintenance Guide (2015) for outline submissions.

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- Furthermore, the development site is currently greenfield and therefore any development has the potential to adversely impact the risk of flooding if the surface water is not dealt with appropriately. Therefore, evidence is required to ensure an appropriate drainage system matching the development's strategy can be deployed at the site.
- Cheltenham, and in particular Pittville Ward has experienced severe flooding, notably to the south of the development along Wyman's Brook. The development falls within the brook's hydrological catchment. It is therefore paramount the application demonstrates the development it will have no adverse impacts in terms of flood risk to the site or elsewhere. Providing an indicative layout of the SuDS system etc. provides a proof of concept.

Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the Lead Local Flood Authority.

Severn Trent Water Ltd

13th August 2015

With reference to the above planning application, the company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Limited has NO OBJECTION to the proposal subject to the inclusion of the following condition.

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

GCC Highways Planning Liaison Officer

4th December 2015

This response is based on the following amended information:
Second Technical Note Highways Nov 15

Existing School Parking Numbers Plan

The proposed development will be available for use primarily by Pittville School, however it will also be available for use by the local community and local sports and athletics teams. It has therefore been necessary to ensure that there is adequate parking for the peak use of the site, which is likely to be in the evenings and weekends. The site is located in a sustainable location, where walking, cycling, and the use of public transport are realistic alternative to the use of the private car.

The information submitted by the applicant has made it difficult to determine if the 59 parking spaces is suitable for the proposed use, as the parking accumulation undertaken has not been done using a similar donor site. However, GCC is satisfied that the 59 parking spaces together with the agreed overflow parking of 65 spaces will be suitable to accommodate the peak demand of the site. No details of cycle parking have been included,

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therefore a planning condition will be recommended. The impact of the development in the traditional peak hours will be minimal. The impact in the evenings and weekends will be greater, however base traffic flows are much lower in the evenings and weekends, therefore there is ample spare capacity on the network to accommodate the additional traffic likely to be generated by the development.

I recommend that no highway objection be raised to this application subject to the following conditions being attached to any permission granted:

Condition 1

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework. .

Condition 2

The development hereby permitted shall not be occupied until secure and covered cycle storage facilities have been made available in accordance with details to be submitted to and approved in writing by the LPA and similarly maintained thereafter.

Reason: - To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Condition 3

Prior to beneficial occupation, the vehicular parking facilities shall be provided in accordance with the submitted plan and those facilities shall be maintained available for those purposes thereafter.

Reason: - To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Condition 4

No works shall commence on site until details of the Car Park Management Plan (CPMP) have been submitted to and approved in writing by the Local Planning Authority, the approved CPMP shall be implemented prior to beneficial occupation of the proposed development and shall be retained for the duration of development thereafter.

Reason: - To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

Condition 5

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 10m 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.

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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 conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

Condition 6

The vehicular access hereby permitted 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 54m distant in both directions (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 reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Informative

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Work Agreement (including an appropriate bond) with the County Council before commencing those works.

Tree Officer

14th August 2015

The Tree Section has no objections with this application. The Tree Section has noted that the Tree Protection Plan is labelled as a draft. It is presumed this is an admin error as the Arboricultural report and plans are adequate with regards to tree protection.

Should this application be granted, please use the following condition and informative:

Tree Protection (vertical and horizontal protection)

Tree protection (fencing and no-dig construction) shall be installed in accordance with the specifications set out within the Arboricultural Report reference Sports Application, Pittville School and the Tree Protection Plan Drawing Number GL523JD/FOX/TPP(draft) dated April 2015. The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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.

INFTR - is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc.

Landscape Architect

24th August 2015

Further to:

Site visit 13/08/2015

General Comments

Whilst appreciating Pittville School's desire to improve its sports facilities, it is nevertheless regrettable that this should require the disposal of a playing field and the erosion of urban green space that this implies.

The proposed development of the Starvehall Farm land to the east of the application site will increase the urbanisation of this part of Cheltenham. Under these circumstances the contribution that the school playing fields make to the spacious character of the town becomes even more important and should be taken into account in accordance with Local Plan Policy GE 2 Private Green Space.

Ref: 15/01163/OUT Pittville School

i. Pedestrian path from proposal site to Albert Road

The proposed pedestrian path linking the application site to Albert Road is a matter of concern because it is difficult to see how this route can be made safe, especially at night. Pedestrian paths should always have good informal surveillance to help reduce crime and the fear of crime. In this case the path is not overlooked at all (nearby university residences are screened by large trees).

In addition, during discussions with representatives of Pittville School at a recent site visit, the installation of security fencing along the school boundary was mentioned. The school is considering this in order to protect its land and property. There is already security fencing along the university's boundary. If there were to be fencing along the school boundary as well, the resulting enclosure of the path could make it appear intimidating, especially after dark.

The Design & Access Statement says that this path will provide a link to bus services on Albert Road. While in principle this might be useful to local residents, the wisdom of providing a path which has inherent safety issues is questionable.

Lighting the path would not provide a remedy - it is the potential enclosure and lack of informal surveillance that is the problem.

This access path should either be removed from the scheme or redesigned to avoid creating opportunities for crime and the consequent increase in the fear of crime.

Reason: In the interests of local security, in accordance with Local Plan Policy CP4 (Safe and Sustainable Living).

ii. Site layout

• Views

Extensive views of the Cotswold escarpment are obtained from the site. The site layout should be arranged to take advantage of this.

- Plots 37-47 have back gardens abutting a public path. This is not acceptable as it makes rear gardens vulnerable to anti-social behaviour. The site layout should be re-worked to avoid this arrangement. (Note: The housing layout shown in Appendix 2 of the Design & Access Statement avoids this problem.)

• Courtyard Parking

It is not clear from the drawing if the courtyard parking for the apartments is enclosed by a boundary. Please could this be clarified.

Ref: 15/01162/FUL Pittville School

The principal concern with this application is the effect on the pedestrian pathway along the northern edge of the site, as described above.

Further Information Required (both applications)

Should planning permission be granted, prior to commencement of development, the following information should be submitted in writing for the approval of the Local Planning Authority:

- Detailed schemes for hard and soft landscaping
- Timing of landscaping works
- A maintenance plan for first 5 years following planting, including SuDS
- Long-term maintenance arrangements and plans for the landscaped areas, including SuDS.

It would be preferable if this information could be submitted at Reserved Matters application stage rather than through Planning Conditions.

26th August 2015

Further to:

Site visit 13/08/2015

Drawing (SK)06 Proposed Site Layout - Residential Development

Drawing (SK)05 Proposed Site Layout - Sports Centre

General Comments

Whilst appreciating Pittville School's desire to improve its sports facilities, it is nevertheless regrettable that this should require the disposal of a playing field and the erosion of urban green space that this implies.

The proposed development of the Starvehall Farm land to the east of the application site will increase the urbanisation of this part of Cheltenham. Under these circumstances the contribution that the school playing fields make to the spacious character of the town becomes even more important and should be taken into account in accordance with Local Plan Policy GE 2 Private Green Space.

Sport England

17th August 2015

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

Sport England is therefore a statutory consultee and has assessed the application in the context of its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England', which is in line with paragraph 74 of the National Planning Policy Framework (NPPF).

Essentially, Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or part of a playing field, unless one of five exceptions applies.

A copy of 'A Sporting Future for the Playing Fields of England', which includes the five exceptions, can be found at: <http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/>.

The application seeks full planning permission for the erection of a sports centre (containing a four court sports hall, changing rooms, gym, fitness studio and classroom), an artificial grass pitch with fencing and floodlights, four tennis courts, access and car parking facilities. The application also seeks consent for the demolition of two dwellings in a conservation area.

The application site is located to the north of the existing school buildings and the land currently accommodates tennis courts, a separate hard surfaced play area, a pair of semi-detached houses and a grass play area.

Sport England has examined the plans, drawings and documents accompanying the application and comments as follows:

1. In the Design and Access Statement, it is stated that "All sports facilities have been designed to Sport England guidelines and recommendations... ". However, the 'Proposed Floor Layouts' (drawing numbered (SK) 10 Rev. D) shows an equipment store which is less than the recommended minimum size of 12.5% of the area of the sports hall (see Sport England's Design Guidance Note Sports Halls Design and Layouts, 2012, p.22) <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/sports-halls/>.
2. The strategic need for an artificial grass pitch, which is suitable for hockey, has not been demonstrated through a robust and up-to-date assessment of needs carried out in accordance with paragraph 73 of the NPPF. In its comments on the parallel application for outline planning permission (15/01163/OUT) Sport England explained why the Playing Pitch Assessment Report accompanying that application was not considered to be a robust and objective assessment of needs. The study area was too small and the pitch sport National Governing Bodies (NGBs) had not been actively involved in the assessment process.

It should be noted that Sport England's Facilities Planning (<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/facilities-planning-model/>) uses travel times to define facility catchments in terms of driving and walking. The model includes a distance decay function, where the further a user is from a facility, the less likely they will travel. The majority of visits made to swimming pools, sports halls and artificial grass pitches (AGPs) are made by car, with a significant minority of visits to pools and sports halls being made on foot. Survey data shows that almost 90% of all visits, car borne or walking, are made within 20 minutes. Hence, 20 minutes is often used as a rule of thumb for catchments for sports halls and swimming pools. For AGPs, there is a similar pattern to halls and pools, with hockey users observed as travelling slightly further (89% travel up to 30 minutes). With the majority of visits made by car and hockey users being prepared to travel up to 30 minutes, it is clear that a 2 mile radius from the school is not a suitable catchment when undertaking an assessment of needs for this type of facility.

While it is noted from the 'Sports Statement' accompanying the application that there is interest in the proposed pitch from Cheltenham Hockey Club (paragraph 4.22), this does not amount to evidence of a strategic need for the facility. The views of the pitch sport NGBs, on the proposals the subject of this

application, are currently being sought and will be forwarded to the local planning authority shortly.

3. The 'ATP Proposed Plan' (drawing numbered 01 Rev. 03) is annotated with a "3G Artificial Playing Area". In contrast, the 'ATP Technical Information to Assist Planning' document states that, "The project aspirations include the construction of a new artificial hockey pitch to deliver quality performance for competitive hockey, training and youth development and other associated PE curriculum activities" (p.7). It adds that the playing surface will be "partially filled with silica sand (sand dressed)" (p.9). The document then contradicts itself by saying "The proposed playing surface (synthetic carpet of tufted construction) should replicate the qualities of a good natural grass football pitch" (p.13). If hockey is the principal sport to be accommodated on the proposed pitch, a sand dressed surface should be chosen. This is the preferred type of playing surface for competitive hockey and will also be suitable for football training. A 3G (rubber crumb type) playing surface will be of limited or no use at all for hockey depending on the depth of pile. Please see Sport England's Design Guidance Note, Artificial Surfaces for Outdoor Sport 2013 (Table 3, p.24) <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/>. The drawing should be amended to remove reference to a 3G Artificial Playing Area and the reference to football pitch removed from page 13 of the document. Otherwise, further explanation is needed regarding the principal sport to be played on the proposed pitch and the choice of playing surface.
4. The 'ATP Proposed Plan' (drawing numbered 01 Rev. 03) is further annotated with "full sized football markings". A full sized football pitch measuring 100m x 64m (106m x 70m including runoff) cannot be accommodated within a fenced enclosure measuring 101.4m x 63m. A full sized hockey pitch measuring 91.4m x 55m (with 5m runoff at each end and 4m runoff each side) and a Youth U15/U16 11v11 football pitch measuring 91m x 55m (97m x 61m including runoff) can be accommodated. The drawing requires amendment to confirm the correct size of football pitch.
5. The 'Proposed Site Layout – Sports Centre' (drawing numbered (SK) 05 Rev. D) appears to show the position of the lighting columns inside the fencing for the artificial grass pitch. The 'ATP Proposed Plan' (drawing numbered 01 Rev. 03) indicates them positioned outside the fencing. The columns will need to be sited outside of the fence to be clear of the pitch safety margins (i.e. runoff).
6. The application appears to contain no information regarding the surface of the proposed tennis courts and the fencing that will surround them.
7. The 'Planning Statement' indicates that a Draft Community Use Agreement has been prepared and submitted with the application. However, this is not available to view among the list of documents on the Council's website. This is an important document and needs to be made available for consideration.
8. The 'Planning Statement' also refers to a Draft Business Plan which, for reasons of commercial confidentiality, has not been made public. Consequently, the Council will need to satisfy itself that the Plan makes adequate provision for the management and maintenance of the sports facilities, including measures to ensure replacement of the playing surface of the artificial grass pitch at the end of its useful lifespan (usually a period of 10-15 years).

The application has not fully demonstrated that the proposed sports facilities will be fit for purpose and sustainable in the longer term. Therefore, it is not yet possible to conclude that

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the proposed development fulfils the circumstances described in exception E5 of Sport England's Planning Policy Statement or the third bullet point in paragraph 74 of the NPPF.

21st September 2015

I refer to Sport England's letter dated 14 August 2015 and to the Council's letter dated 2 September 2015. In the former, Sport England set out its comments on the proposed development and stated that the views of the pitch sport National Governing Bodies (NGBs) were being sought and would subsequently be forwarded to the Council. In the latter, Sport England was informed about the submission of revised plans and/or additional information as part of the application.

The views of The Football Association, Rugby Football Union, England Hockey and Lawn Tennis Association are set out below.

The Football Association (The FA)

1. From the ATP Technical Information document, it is clear that the proposed facility is a sand dressed ATP to meet the performance specification for hockey. This could provide a training facility for football but would not permit match play as the facility would not be a 3G FTP [Football Turf Pitch]. There is a high number of sand dressed/sand based pitches in the Cheltenham area and EH [England Hockey] will need to determine the strategic need in the absence of a current Playing Pitch Strategy.
2. The FA would encourage footballers to use a 3G FTP where available, for both training and match play, which could affect any business case that has been made.
3. The FA would question the need for an additional sand based ATP in the absence of a Playing Pitch Strategy to provide direction.
4. For football, there is currently one full size 3G pitch in the Cheltenham area. Additional 3G pitches are planned to be constructed in the northern part of Gloucester City and there are a number of potential similar projects in the Cheltenham area.
5. To meet with The FA's approval and be placed on The FA register for 3G Football Turf Pitches: <http://3g.thefa.me.uk/> any 3G pitch would need to meet the design specifications contained on Page 29 of The FA Guide to 3G Football Turf Pitch Design Principles and Layouts (<http://www.replaymaintenance.co.uk/downloads/ftp-tech-guide.pdf>) and the performance standard should meet FIFA 1*.
6. Discussion with England Hockey would be needed to establish the required surface and whether this would be sustainable. A recognised playing pitch strategy is needed and consideration of a suitable business plan to avoid displacement from other local facilities.

Rugby Football Union (RFU)

The RFU has advised that the application does not affect the current or future provision of Rugby Union and it does not wish to comment on this proposal.

England Hockey (EH)

England Hockey has advised that there are currently a good number of Hockey compliant AGPs [Artificial Grass Pitches] in Cheltenham. The majority are at private school sites and can be difficult for community clubs to access. A new pitch with a community use agreement could be beneficial. EH would need to work with The FA to discuss the 3G/Sand pitch balance within the Cheltenham area. It adds that the plans make reference to 3G and sand, so are a little confusing. Some clarity would be useful.

Lawn Tennis Association (LTA)

1. The LTA would not consider the existing tennis courts to be in poor condition and would suggest that average would be a more appropriate classification of the condition.
2. The current usage of the courts is mainly through school use with some limited tennis in the summer. For schools only usage the LTA would consider four replacement courts to be a suitable compromise. However, if additional community access is intended then six floodlit courts would be better and would allow greater participation in tennis.
3. The new courts should be constructed in accordance with the SAPCA Guide for the Construction of Tennis Facilities. From the information provided, the LTA cannot comment on the suitability of the technical design as there is no detail given, ranging from the overall size of the facility to the type of surface or the specification for floodlighting. Additional information is required before the LTA could make a formal judgement on the project.

The Revised Plans

The revised information, submitted as part of the application, is understood to comprise:

- ATP Proposed Plan (drawing numbered 01 Rev 5)
- Proposed Site Layout v Sports Centre (drawing numbered (SK)05 Rev E)
- Proposed Floor Layouts (drawing numbered (SK)10 Rev E)
- Proposed Site Section (drawing numbered (SK)15 Rev D)
- ATP Technical Information to Assist Planning Revision 4 dated 26 08 2015.

Sport England notes:

1. The sports hall equipment store has been increased in size to accord with Sport England's design guidance.
2. The ATP Proposed Plan has been amended by the removal of reference to a 3G Artificial Turf Playing Area (simply stating Artificial Turf Playing Area instead) and the reference to football pitch has been removed from page 13 of the ATP Technical Information to Assist Planning document.
3. The ATP Proposed Plan has been further amended to confirm the correct size of football pitch.
4. The Proposed Site Layout and Proposed Site Section have been amended to show the lighting columns sited outside of the fence, clear of the pitch safety margins.

The revised information is helpful in clarifying the principal sport to be played on the proposed artificial grass pitch and the choice of playing surface. It also brings the design of the proposed facilities into line with published guidance. However, the strategic need for an artificial grass pitch for hockey in this location has still not been demonstrated, there is no further information regarding the design of the proposed tennis courts and the draft Community Use Agreement remains unavailable.

Therefore, it is still not possible to conclude that the proposed development fulfils the circumstances described in exception E5 of Sport England's Planning Policy Statement or the third bullet point in paragraph 74 of the NPPF.

In light of the above, Sport England maintains its objection to the proposal the subject of this application.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the National Planning Policy Guidance the application should be referred to the National Planning Casework Unit.

Strategic Land Use Team

21st October

The relevant policy document for consideration in regard to this application is the adopted Cheltenham Borough Local Plan Second Review 2006 (the local plan); Material Considerations include National Planning Policy Framework (NPPF), national Planning Practice Guidance (PPG) and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Document (November 2014).

The NPPF seeks to achieve sustainable development, deliver a wide choice of high quality homes (chapter 6), support access to high quality open spaces (para 73) and protect existing open space (para 74). The presumption in favour of sustainable development places the development plan as the starting point for decision making (paragraph 12). The PPG provides further supporting guidance on open spaces online .

The local plan constitutes the 'Development Plan' for the purpose of these applications and should be read as a whole according to the degree of consistency of its policies with the NPPF and PPG.

For clarity these comments refer to two applications, the first (15/01163/OUT) seeks outline planning permission for residential development (up to 58 dwellings) and the second (15/01162/FUL) the erection of indoor sports centre, artificial turf pitch, tennis courts, floodlighting, associated parking and landscaping and including demolition of two dwellings.

Housing Land Supply

The NPPF states applications should continue to be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to date if the local authority cannot demonstrate a five-year supply of deliverable housing sites.

At the 1st April 2015 and using the JCS housing requirement for Cheltenham, the Council cannot demonstrate a five year supply of housing as prescribed by paragraph 47 of the NPPF.

The presumption in favour of sustainable development is a 'golden thread' running through both plan-making and decision-taking. For decision taking this means that (unless material considerations indicate otherwise) development proposals that accord with the development plan should be approved without delay.

Where the development plan is absent, silent or relevant policies are out of date then the presumption in favour of sustainable development means that (unless material considerations indicate otherwise) permission should be granted unless; any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole or specific NPPF policies indicate development should be restricted.

Having regard to Cheltenham's housing supply and the principles established in paragraph 49 of the NPPF, relevant local plan policies for the supply of housing should be considered

out of date. Although, paragraph 14 makes it clear that (unless material considerations indicate otherwise) where specific policies, including heritage assets, indicate that development should be restricted then the presumption in favour of granting permission does not apply.

It should be noted that policies which seek to protect open spaces and heritage assets are not considered to be relevant local plan policies for the supply of housing and therefore remain relevant, however the supply of housing as part of the application is a material consideration which would help to meet need.

Open Spaces

The site identified in application 15/01162/FUL is a school playing field in the northern part of Pittville School campus. Immediately to the south of the site (but north of Pittville School building) is where the proposed sports facilities are to be built (application 15/01163/OUT). This currently has a mixture of hard asphalt courts (playground, tennis and basketball/netball courts) and an informal grassed open space.

The proposed site for residential development, a school playing field, is privately owned by the school and according to evidence submitted by the applicant has not been used for several years; although the field is well maintained for aesthetic reasons. There is no evidence to suggest the site is available for community use. Neither site is identified as public open space in the local plan.

The local plan (policy GE2: private green space) finds that some of the most extensive and important private green areas are school grounds and especially those located in the central conservation area. The local plan recognises the need for schools to improve their facilities to flourish in a competitive market and it also recognises the importance of their contribution to the prosperity and image of Cheltenham. For these reason the local plan states the Council will work with schools to find suitable locations within or near their holdings, which would not harm areas of significant townscape and environmental value.

The local plan includes a policy on outdoor playing facilities in educational use (policy RC3), it states development of playing fields and other outdoor playing facilities in education use will not be permitted. The applicant will need to demonstrate the loss of a school playing field is not likely to result in a future shortage of land for educational recreation or other operational requirements; or the proposal is non-operational, and the land could make a valuable contribution to meeting an identifiable community need for outdoor play facilities.

The NPPF is clear that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless it can be demonstrated otherwise. It provides three exceptions and the burden of proof lies with the applicant to demonstrate one of the three bullet points.

The applicant must:

1. undertake an assessment which has clearly shown the open space, buildings or land to be surplus to requirements; or
2. demonstrate the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
3. demonstrate the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The PPG guides authorities and applicants to refer to Sport England's guidance on how to assess the need for sports and recreational facilities . Sport England has objected to the application.

NPPF Paragraph 73 is set in the context of 'planning policies', where it provides local planning authorities with guidance on how to base their planning policies and local plans on up-to-date and robust evidence.

In the absence of up-to-date evidence the applicant has undertaken a playing pitch assessment based on Sport England's guidance . The Council has yet to undertake a full review of all green spaces and playing pitches in Cheltenham to support the emerging Cheltenham Plan. This review is scheduled to start in late 2015 and is due to be published in Spring 2016.

Sport England does not consider the evidence to be robust and or an objective assessment of needs. It believes the study area is inappropriate to assess the needs and should be undertaken across the whole local authority area and possibly wider where there are cross boundary issues. Furthermore Sport England does not agree with the study area, contrary to the applicant's assertions in paragraph 4.10 of the submitted playing pitch strategy.

It is acknowledged the applicant has not undertaken a full playing pitch strategy, although their assessment does follow the same methodology as prescribed by Sport England guidance. The playing pitch assessment uses a two mile radius from the playing field, which equates to an area of 12.6 square miles; covering much the northern, eastern and southern urban areas of the town and southern parts of Bishop's Cleeve. To provide some perspective the Borough area is approximately 18 square miles.

The NPPF advocates proportionality when collecting evidence. In the absence of an up-to-date local authority playing pitch strategy the applicant's assessment should be seen as nothing less than a proportionate response to collecting evidence.

Sport England find that bullet points two and three (of NPPF paragraph 74) do not apply as the proposed development does not feature a replacement playing field and the proposed development is not for an indoor or outdoor facility, respectively. As a result Sport England finds the applicant has not provided a robust assessment of needs and therefore objects to the proposal.

The application is more nuanced than Sport England's position which appears to assess the existing playing pitch on its own merits and does not account for application 15/01162/FUL. It would be wrong to consider the two sites separately especially considering proposals on the southern site seek to offer an improved sport provision. The two applications are intrinsically linked.

We should seek guarantees on when the new sports facilities will be provided. It would be advantageous to include S106 conditions requiring the applicant to deliver the sport facilities alongside the residential development. Conditions should also support community access to these facilities.

It is clear the applicant is seeking to improve the sports facility offer in the local area however it means losing a significant area of existing playing pitch. Paragraph 74, bullet point two requires the applicant to demonstrate any displaced provision is provided in a suitable location that is equivalent or better provision in terms of quantity and quality.

With respect to these applications, it is clear that the new provision is in a suitable location and would be of a better quality however, it's somewhat more difficult to establish if it achieves at least equivalent quantity. 'Quantity' is discussed in relation to 'provision', so the consideration of quantity has to be more subtle than simply calculating the net loss or gain of playing pitches. One should consider the increase in the amount of sporting activities that can occur at the school as a result of the new provision. The proposals offer the ability to play more types of sport and in all weather conditions. For this reason and on

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the balance of land lost vs opportunities to increase sporting activities, the application must be considered to be compliant with bullet point two.

Focusing on bullet point three, proposals do offer an alternative sports and recreational provision across the two sites. The loss of a grass playing pitch is offset by the provision of a new indoor sports hall, a multi-purpose artificial pitch and new tennis courts (albeit this represents a net loss of two courts). The playing pitch assessment shows the loss of an unused playing pitch, would not result in the shortage of educational sporting or recreational provision and it would not impact upon other operational requirements of the school.

Conclusion

The council cannot demonstrate a five year housing land supply and in terms of the NPPF means relevant policies for the supply of housing should not be considered up-to date.

The proposals adhere to local plan policy RC3 and NPPF paragraph 74. The new facilities are suitably located and offer at least equivalent provision in terms of quantity and quality. Residential development is unlikely to result in the shortage of educational sporting or recreational space and therefore is unlikely to impact the operational requirements of the school as the playing pitch has been unused for a number of years. Residential development would fund an improved offer of sporting activities on the school campus as it would help fund a new artificial turf pitch and an indoor sports centre.

The application involves the loss of an unused playing field, however on planning balance the delivery on new homes and improved sporting facilities in a suitable location weighs heavily in support of these applications (15/01162/FUL and 15/01163/OUT).

Architects Panel

17th November 2015

The panel had seen two previous schemes for this building and generally speaking the proposals are an improvement; however, the panel still had some concerns. The large areas of timber cladding seem to need more articulation, perhaps in the form of vertical joints, and we are still concerned with how it will weather. We were also not convinced that the stone cladding system would create the right effect and wondered if this would be better off rendered instead. Elevationally, we felt that the south-east elevation may require more solid wall, perhaps behind the servery; and we did not feel that the corner over the entrance had been fully resolved e.g. the thickness of the corner post seemed to vary between elevation and plan. Overall, we felt that the proposal still required some refinement.

Cheltenham Civic Society

14th August 2015

We welcome the good and unashamedly modern design of the sports centre, with no attempt to mimic the existing school buildings.

Tree Officer

10th December 2015

The Tree Section has no objections to the revised plan to remove T31 Horse Chestnut and T32 Sycamore according to the Tree Protection Plan (Draft) revision A.

Should this application be granted please use the following condition and informative:

Tree Protection

Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference Sports Application, Pittville School and the Tree Protection Plan Drawing Number GL523JD/FOX/TPP(draft) Revision A dated April 2015. The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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.

INFTR - It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc.

Landscape Architect

16th December 2015

15/01162/FUL Pittville School

- The Revised Proposed Landscaping Plan does not show a landscape layout but a cross-section drawing. The Revised Proposed Floor Layouts shows the original proposed landscaping plan. Please could it be clarified if a new landscape plan was intended to be submitted.

15/01163/OUT Pittville School

- The section detail of the proposed footpath/cycle way does not show boundary fencing and landscaping. Please could these details be provided in order to better illustrate the enclosure of the path along its boundaries.
- The drawings showing proposed lighting along the footpath are helpful though concerns remain about the safety of this footpath at night. However, it is appreciated that during the day the path would be useful link between the proposed residential development and Pittville Park and the town. A design solution which provided greater informal surveillance for the path, both day and night, would be very welcome.

General Comments

15/01162/FUL Pittville School & 15/01163/OUT Pittville School

- In terms of green infrastructure the two application sites should be considered as a whole in order to provide the greatest benefit to the locality, both in terms of aesthetics and creating habitats for urban biodiversity.

Please could a revised landscape layout plan include the following:

- The relationship between the proposed landscaping on both sites. This should take the form of a landscape structure plan.
- A boundaries plan, showing position, extent and height of proposed boundary fencing.

In addition to the above, should planning permission be granted, prior to commencement of development, the following information should be submitted in writing for the approval of the Local Planning Authority:

- Detailed schemes for hard and soft landscaping
 - Timing of landscaping works
 - A maintenance plan for first 5 years following planting, including SuDS
 - Long-term maintenance arrangements and plans for the landscaped areas, including SuDS.
-

RESIDENTIAL SCHEME - 15/01163/OUT

Tree Officer

14th August 2015

The Tree Section has no objections to the revised plan to remove T31 Horse Chestnut and T32 Sycamore according to the Tree Protection Plan (Draft) Revision A. It must be noted that the Tree Protection Plan is still labelled as a draft and the Tree Removal Plan has labelled the trees incorrectly. The Tree Removal Plan must be updated or removed to ensure there is no confusion to which trees are to be removed.

Should the application be granted please use the same conditions stated in the Tree Sections comments dated 14/08/2015.

Strategic Land Use Team

21st October 2015

See consultee comments for 15/01162/FUL

GCC Local Flood Authority (LLFA)

12th August 2015

I refer to the above planning application received by the Lead Local Flood Authority on the 22nd July 2015 to provide comment on the surface water flood risk. It is confirmed that the site is situated within the SFRA Flood Risk Zone 1. Furthermore, the Environment Agency's uFMfSW shows a low risk from surface water to the site.

Reviewing the applicant's Flood Risk Assessment and accompanying documents, it was determined that the applicant has not fully complied with the non-statutory technical guidance. Therefore, Gloucestershire County Council objects to the proposal in its current form. The following points provide further detail of this decision.

The applicant has taken reasonable steps to determine the discharge strategy, and infiltration tests have been recommended at a later stage to determine if infiltrating SuDS are possible on the site. This is acceptable. Severn Trent has agreed, upon the receipt of evidence that infiltration is not feasible on site, that a connection for the surface water drainage to the combined sewer is permissible. A discharge limit of 5 l/s will be applied. However, the letter dated 16th December 2013 from Severn Trent Water (STW) agrees in principle the discharge of surface water to the combined sewer at a limited rate of 5 l/s for 70 dwellings within a prescribed boundary. The prescribed boundary includes the extents of two applications (15/01162/FUL and 15/01163/OUT); STW's letter does not acknowledge two applications.

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Both planning applications state a discharge of 5l/s to the combined sewer system will be implemented. However, it appears STW has not given agreement to two 5l/s discharges from each application. (i.e. no agreement has been given for the applications 15/01162/FUL and 15/01163/OUT to connect to the combined sewer separately, with a total discharge of 10 l/s).

From the FRA it is understood the connection to the combined sewer will service the positively drained areas of the site (i.e. the impermeable surfaces), totalling an area of discharge to the combined sewer.

No indication has been given of the existing runoff rates of the site, and in particular for the areas that will become hard standing. Thus, it has not been possible to determine if 5l/s for the 0.55ha reflects the current greenfield runoff rate. Therefore it is not possible to determine if the proposed drainage infrastructure would be capable of discharge at the greenfield runoff rate, and if the required attenuation and runoff rates are achievable at this site.

Hence, to determine if this development is technically viable Gloucestershire County Council as the LLFA require further information, and should include:

- 1) The existing runoff rate for the site during a Q100, Q30 and QBar return periods (i.e the greenfield runoff rates), this will need to include the calculations and parameters used to delineate the results. The runoff rates for hydrological purposes should take in to account the full boundary of the site and include the runoff from all permeable and impermeable surfaces.
- 2) The proposed site's total runoff rate and attenuation volume for the Q100, Q30 and QBar return periods, this will need to include the calculations and parameters used to delineate the results. The runoff rates and volumes for hydrological purposes should take in to account the full boundary of the site and include the runoff from all permeable and impermeable surfaces.
- 3) A demonstration that the peak runoff rate of the whole site during all events up to and including the 1 in 100 year event plus climate change will not exceed that of the existing runoff rate. For hydrological purposes the demonstration should include the runoff from all permeable and impermeable surfaces that are within the site boundary.
- 4) Clarity on the agreed discharge with Severn Trent to the combined sewer system. This should include but not limited to, the agreed number of discharge points within the prescribed boundary and if Severn Trent are accepting 5 l/s discharge of surface water to the combined system from each planning application with the boundary (i.e.15/01162/FUL and 15/01163/OUT)

Please note, future management and maintenance of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not therefore been considered by the Lead Local Flood Authority.

Any revised documentation will only be considered when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

5th October 2015 - From: Sally Tagg [mailto:]

Sent: 16 September 2015 13:22

To: Lucy White

Subject: FW: 822 - Pittville School - Local Flood Authority Responses - 15/01162/FUL & 15/01163/OUT

Dear Lucy,

I write in relation to both Pittville School applications and consultation responses from Gloucestershire County Council as the Lead Flood Authority and dated 11/08/15 and 12/08/15.

Our Flood Consultant has reviewed the responses and his comments on each application are as follows.

15/01162/FUL – see comments in previous section

15/01163/OUT - Residential

1. The site is Greenfield with a gross area of 2.13ha. The proposed restricted discharge rate of 5 l/s therefore equates to a Greenfield equivalent of 2.3 l/s/ha which is considered to be a perfectly reasonable QBAR allowance. Furthermore, as per the comments in respect of the Sports Centre site, a 5 l/s restricted discharge rate is considered the lowest practical rate. With the proposed discharge rate not exceeding 2.3 l/s/ha and given the extent of on-site attenuation being proposed, accommodating up to the 100yr climate change event, it is clear that there will be no increase in flood risk in any event up to the 100yr climate change and a reduction in more extreme events. The worst case 100yr climate change event has been used to size the balancing pond. The discharge rate will clearly reduce as the head reduces in the less severe events.
 - The FRA states the contributing area of the 5 l/s runoff rate is approx. 0.55ha (~9 l/s/ha for 0.55ha) - This is a significant increase in runoff for the impermeable area if the greenfield runoff rate is 2.3l/s/ha at QBAR. A 0.55ha area at 2.3l/s/ha = 1.27 l/s at QBAR, approximately 4.18l/s for the 1% event.
 - 5 l/s has been set as a maximum by STW and does not mean it needs to be adhered to as the site's maximum. Discharge values below 5 l/s can be achieved with good design.
 - With the proposed discharge rate the development will not comply with S2 and S4 of the non-statutory technical standards for sustainable drainage.

2. Again referring back to the comments made above, STW was originally approached on the basis of these sites being a single entity. With the Sports Centre discharge being significantly offset by the betterment being provided by the proposed on site attenuation on that site, the proposed 5 l/s associated with the residential development is expected to remain acceptable. I would suggest awaiting STW's formal response on this application before actioning further.
 - Evidence of STW "no objection" to the application has been made available on Cheltenham Borough Council's Planning Portal. The connection to STW's sewer is longer a concern for the LLFA for the residential development. However,
 - irrespective of STW agreement for a 5l/s connection, the LLFA requires the runoff to be discharged at the greenfield runoff rate for the site to comply with the non-statutory technical standards for sustainable drainage.

In summary, the LLFA accept STW's "no objection", however the LLFA does not accept the proposed runoff rate as the FRA does not sufficiently demonstrate that this rate matches the current greenfield runoff rate.

Because the application is an outline submission, and STW has given "no objection" to the development (i.e no objection to connect to the sewer subject to conditions) the LLFA would be satisfied with rescinding the original objection on the basis the proposed runoff rates are investigated/accommodated in the detail design. This can be addressed in the following condition:

Condition:

Development shall not take place until a detail drainage scheme for surface water has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall adhere to the requirements for greenfield developments set out in the non-statutory technical standards for sustainable drainage. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure satisfactory drainage of the site and avoid 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 in the locality.

19th November 2015

From correspondence with Sally Tagg of Foxley Tagg Planning Ltd and Richard Fillingham of R J Fillingham Associates, information has been provided that has addressed LLFA concerns. Specifically, through providing an agreement in principle by Severn Trent Water (subject to condition) for the site to connect to their network to discharge surface water.

Moreover, taking in to consideration the application is an outline, it thus far has been demonstrated the site is feasible in terms of surface water flood risk and management; however the proposed discharge rate does not meet the national requirements (i.e. does not match the existing greenfield runoff rate). This has been discussed with Richard Fillingham, and an agreement has been met. Therefore, the LLFA would like to rescind the original objection subject to the following condition:

Condition: Development shall not take place until a detail drainage scheme for surface water has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall adhere to the requirements for greenfield developments set out in the non-statutory technical standards for sustainable drainage. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure satisfactory drainage of the site and avoid 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 in the locality.

Future management and maintenance of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not therefore been considered by the Lead Local Flood Authority.

Urban Design

12th October 2015

Conclusion:

There is no objection in principle to the proposal.

The highway access needs to be better related to the approved design code for Starvehall Farm. A number of issues need to be considered in terms of future reserved matters submissions, particularly impact on neighbouring amenity, framing of views of the scarp

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and consistency with the design requirements of the Starvehall Farm application on neighbouring land.

The footpath/cycle link to Albert Road is very important in order to deliver a major improvement to local sustainable travel choice and will have benefits well beyond the development site to the Prestbury Road area. It should be designed to maximise overlooking and security.

Context

The site sits at the top of a ridge; land to the south falls toward Cheltenham town centre and to the east to Prestbury. There are extensive views across the site to the Cotswold scarp as it sweeps around the south and east of the town. The site is bounded:

- to the north by detached suburban housing with comparatively short rear gardens beyond a mix of domestic fence and hedge boundaries which allow easy views between the gardens and the site.
- to the west by UoG Pittville Campus - a predominantly residential campus where redundant buildings are currently undergoing redevelopment to provide additional accommodation and some administrative space. There is a dense hedge boundary.
- to the south by Pittville School. There is currently an application to redevelop its existing sports facilities at the point adjoining this site. The boundary is open but marked by avenue tree planting. A footpath/cycle link is identified running to Albert Road along this "avenue".
- To the south east by Cakebridge Road - a residential cul-de-sac of semi-detached housing. The boundary is a 2m high wall.
- To the east by open fields which are the subject of an outline planning consent for housing at Starvehall Farm. The consent is controlled by a detailed design code.

Issues

The main urban design issues are:

1. Relationship to context
2. Maximising opportunities for permeability

Analysis

The proposal is in outline with all matters except access reserved. There is an indicative layout.

1. Context.

There is limited ability to assess the contextual compatibility of an outline scheme with all but access reserved. Nevertheless there are a number of issues which can be considered now that might establish how any reserved matters can be considered, in particular- views, neighbouring residential amenity, consistency of approach with the Starvehall Farm design code and layout.

Views: The development of the site will remove the expansive views of the scarp currently available from most parts of the site and from housing to the north. This is an inevitable consequence of the development. If the principle of development is accepted, then a reserved matters submission needs to allow for the framing of selected views to the scarp through the site and from any significant spaces or nodes within it. This will require

consideration of the impact of layout and building height on views to the east and south. In this respect the submitted indicative layout is not successful.

Neighbours: The relationship between layout on the application site and the neighbouring housing to the north is a critical amenity issue. The short back gardens to the north require future layout proposals to stand off this boundary to a greater degree than might normally be expected. A "back-garden to back-garden" arrangement is important here in terms of security and privacy; open space on the northern boundary would seriously compromise this. However, it would be a courtesy to existing occupiers to consider how the layout can frame views south to the scarp. The submitted indicative layout does not demonstrate that these issues have been fully considered.

To the south east there is a need to consider the impact of reserved matters on the rear gardens of homes in Cakebridge Road. The views and more exposed boundary treatment evident in the north are not as evident here, but there will be issues of security which require consideration.

The boundary to the west is not sensitive in the same way, but the layout here needs to consider the effect of the student accommodation (both proposed and existing) on the new development.

Starvehall Farm: The Starvehall Farm design code establishes both fixed criteria and desirable criteria for the development of the adjoining site. It takes a considered approach to street layout, building design, landscape and other matters.

The proposed layout needs to relate well to the code. The submitted indicative layout shows no evidence that it has done so. Furthermore, the vehicular access needs to work well with the Starvehall code. The position proposed for the highway access does not appear to consider the optimum location in terms of the Starvehall code's layout and there needs to be a better tie in between it and the code. The Starvehall code does allow for pedestrian access adjoining the south east corner of the application site, but there is no joining link shown on the submitted scheme.

2. Permeability

In considering the Starvehall scheme, the need to establish a basis for a route through to Albert Road was considered in the footpath access discussed above. This was considered important because it offered the potential for more convenient links than currently available from estates on the Prestbury Road, to Pittville Park and School and cycle routes through the park to the Honeybourne Line. These estates currently have a series of culs-de-sac to the north and west making routes to the school and park via Prestbury Road or New Barn Lane lengthy and a significant deterrent to sustainable transport choices.

For this reason links to Starvehall or Cakebridge Road and through the site to Albert Road are very important and will have a significant impact on local sustainable travel choice - especially walking and cycling. Security of the route, particularly in day time, can be established by achieving a housing layout which maximises overlooking and surveillance of the route. The submitted indicative layout does not achieve this and reserved matters need to give serious consideration to layout in this area. Additionally negotiations are on-going regarding the related application for sports facilities at the school to maximise overlooking. As the police comments point out lighting and planting needs to be carefully considered along this Albert Road link in order to maximise security after dark - the inclusion of an artist on the design team could deliver an innovative lighting scheme with the potential to significantly enhance the route.

Nevertheless the main use will be during daylight hours and the provision of the route should be a prerequisite to ensure that sustainable travel choice via walking and cycling, for the journey to work and school, but also for leisure, is maximised.

GCC Highways Planning Liaison Officer

7th December 2015

This response is made on the basis of the amended information received

- Revised TA
- Second Technical Note Highways Nov 15
- Revised Site Layout SK06 E
- Alternative Site Layout SK28

The recommendation of the Highway Authority to Cheltenham Borough Council for the proposed development of up to 58 dwellings is based on the National Planning Policy Framework, the saved policies within the Cheltenham Borough Local Plan and any other material planning considerations.

Access Points

Vehicle access to the site will be via the Starvehall Farm development. It is considered that this estate road is suitable to accommodate the traffic from 58 dwellings. A planning condition will be recommended to ensure that this is the only point of access for vehicles and construction traffic. A condition will also be recommended for the provision of the estate road from New Barn Lane to be constructed to a suitable standard prior to any occupations taking place. Two pedestrian/cycle links are proposed, one to Cakebridge Road and one to Albert Road. These links are considered important to provide convenient pedestrian access to facilities and to comply with the policies contained within section 4 of the NPPF. Some detail has been submitted regarding these links, however further plans showing widths, design speeds, agreed lighting spec etc are required.

Assessment of Public Transport, Walking and Cycling Infrastructure and Highway Network Capacity

A non-motorised user context report has not been submitted, therefore it has not been possible to determine the objectives for non motorised users. An NMU context report will be required at the reserved matters stage. As no NMU audit has been submitted, I have considered the pedestrian and cycle links, as well as the links to public transport infrastructure. The existing links are considered suitable to provide safe and suitable access along the likely desire lines. In order to take up the opportunities for sustainable transport modes, a planning condition will be recommended to enhance the existing Albert Road public transport infrastructure to provide real time passenger information displays.

Development Impact

The cumulative impact of the development with the permitted Starvehall Farm has been considered, together with the stand alone impact of the development. The trip rates for the proposed development have been based on the agreed trip rates for Starvehall Farm, a sensitivity test has also been undertaken by assessing Overbrook Drive and applying these trip rates to 58 dwellings. Using the Starvehall trip rates, it is estimated that the development will generate 33 two way trips in the AM peak and 35 in the PM peak. The Overbrook Drive trip rates estimate 27 trips in the AM peak and 23 in the PM peak. It is not considered that these additional trips will have a severe or significant impact on the local highway network.

A cumulative assessment of the impact of 58 dwellings together with 300 dwellings at Starvehall has been undertaken. The proposed 58 dwelling residential development will gain access to the wider highway network via a connection to the Starvehall Farm development to the east. From this point all development traffic will then route to the north and join New Barn Lane. The 58 dwellings proposed will generate a limited level of traffic over the local highway network, amounting to a maximum of 33 trips in the AM peak and 35

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vehicle movements during the weekday PM peak hour. The Starvehall Farm TA at Table 7.1.1 illustrates predicted link traffic flows for New Barn Lane amounting to 1035 in the 2021 AM peak and 898 vehicle movements during the PM peak in the 2021 assessment year. The addition in this location of 33 AM movements and 35 PM movements from the Pittville school residential proposals will result in an increase of 3.1% in the AM and 3.8 % in the PM in link traffic flows. This is negligible and not sufficient to affect the operation of New Barn Lane.

In relation to the New Barn Lane access the capacity assessment results presented within the Starvehall Farm TA at Table 7.2.2 illustrate that during 2021 maximum RFC values of only 0.15 are predicted during the AM peak and only 0.10 during the PM peak. This demonstrates that the junction will be operating far below its maximum capacity which is an RFC value of 0.85. The Starvehall Farm access to new Barn Lane should therefore have more than sufficient capacity to accommodate the modest level of traffic generated by an additional 58 dwellings.

Layout

The layout of the development as shown on the masterplan is not considered acceptable to achieve a design speed of 20mph, therefore for the purposes of this application and because layout is a reserved matter, only the points of access to the development have been considered when providing a recommendation.

Construction Traffic

Concerns have been raised regarding the construction phase of the development, should planning permission be granted, construction traffic and the impacts of this are an inevitable consequence of engineering works and cannot be avoided, however the submission of a construction method statement, together with any potential planning conditions which the LPA may deem necessary in terms of works restrictions will mitigate the impact. Largely the planning system does not consider the impact of the construction phase of a development, except for to ensure that authorities look to mitigate the impact as far as possible. A planning condition will be recommended to ensure that construction traffic is only routed through the Starvehall development.

Conclusion

The National Planning Policy Framework states at paragraph 32 that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. The Highway Authority considers that this development will not have a severe impact on the local highway network. The NPPF states that 'safe and suitable access to the site can be achieved for all people', and that 'opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure.' It is considered that the development proposals will meet these criteria. It is recommended that no highway objection be raised to this application, subject to the following conditions being attached to any permission granted.

Conditions

1. No dwelling shall be occupied until the western Starvehall Farm estate road has been constructed to binder course level and the footways completed 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 conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of the NPPF.
2. There shall be no vehicular access for development traffic or construction traffic to the site other than via New Barn Lane.
Reason- To reduce potential highway impact, in accordance with paragraph 32 of the NPPF.

3. No works shall commence on site until details of real time passenger information enhancements at the Albert Road bus stops have been submitted to and agreed in writing by the local planning authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
Reason- To take up the opportunities for sustainable transport modes in accordance with paragraph 32 of the NPPF.
4. No works shall commence on site until details of the pedestrian/cycle link to Albert Road and Cakebridge Road together with a road safety audit has been submitted to and agreed in writing by the local planning authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
Reason- To reduce potential highway impact, in accordance with paragraph 32 of the NPPF.
5. No works shall commence on site until the first 20m of the proposed access road which provide access to the site from the Starvehall Farm estate road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
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 conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.
6. No development 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 to the satisfaction of the Council.
Reason - To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been 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 conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of The 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 58 of the NPPF.
8. Details of the layout and internal access roads within the site together with a road safety audit and non-motorised users audit, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority, so as to achieve a 20mph design speed, before any development begins and the development shall be carried out in accordance with the approved plans. 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.

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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 conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of the NPPF.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason - To reduce the potential impact on the public highway.

10. The car parking, vehicular loading and turning, and cycle parking arrangements agreed as part of the Reserved Matters application shall be provided prior to occupation of the dwelling to which they relate and shall be maintained thereafter.

Reason - To reduce potential highway impact, in accordance with paragraph 32 and 35 of the NPPF.

Informatives

The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, which includes both the Highways Agency and Gloucestershire County Council, before commencing works on the development.

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

The applicant is advised that to discharge condition X that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

For avoidance of doubt the submitted layout plan has been treated as being for illustrative purposes only.

Parish Council

11th August 2015

OBJECTION to erection of 58 dwellings, on the grounds of the proposal being in a conservation area and the loss of Green Space. This development together with Starvehall

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Farm proposal will become a larger development in the area, therefore the Prestbury Parish Council would like this matter to be determined by full planning committee.

Sport England

17th August 2015

Letter available to view on line.

21st September 2015

I refer to the letter dated 12 August 2015, setting out Sport England's comments on the above proposal, in which it was stated that the views of the pitch sport National Governing Bodies (NGBs) were being sought and would subsequently be forwarded to the Council. The views of The Football Association, England and Wales Cricket Board, England Hockey and Lawn Tennis Association are set out below.

The Football Association (FA)

1. No contact was made from the applicant's agent in the preparation of the Playing Pitch Assessment report, so it is not supported by The FA.
2. The FA has found no record of any use of the site by community groups during the past few seasons.
3. Without an adopted Playing Pitch Strategy, to demonstrate that the playing field is not required, The FA would object to the loss of any playing field area that could be formally used for football. Through speaking to representatives of local leagues, the opportunity to have had access to this site would have been welcomed. With an increase in housing, it is felt that there is a need to retain this site as a playing field with a suitable Community Use Agreement in place.

England and Wales Cricket Board (ECB)

1. No contact was made with the ECB in the development of the Playing Pitch Assessment Report or the planning application.
2. Cricket is not possible on the site due to its limited size.
3. As the site is not suitable for cricket, the proposal would have no impact on the delivery of cricket in the local area.

England Hockey (EH)

England Hockey simply confirmed that it had not been contacted regarding the preparation of the Playing Pitch Assessment.

Lawn Tennis Association (LTA)

1. The LTA also confirmed that it had not been contacted in relation to the Playing Pitch Assessment.
2. As there is currently tennis court provision elsewhere on the site, this part of the playing field would not contribute to meeting the existing or future needs of tennis if it was made available for use.

In light of the above, Sport England maintains its objection to the proposal the subject of this application, because it is not considered to accord with any of the exceptions in Sport England's playing fields policy or with paragraph 74 of the NPPF.

Should your Council be minded to grant planning permission for the development then, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009

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and the National Planning Policy Guidance, the application should be referred to the National Planning Casework Unit.

Joint Waste Team

24th July 2015

I don't know whether or not the planned development on Pittville Campus is going to be private and run by the school in which case it would fall to the campus to provide the waste collection services etc.

To air on the side of caution, presuming these properties will fall to CBC to provide a waste collection service, I would like to highlight the following;

I've copied Tammy in as this looks to be similar to some of the GCHQ type layouts in Benhall and I know that the operations team have had quite a few issues in gaining access there.

Tammy please could you provide a breakdown of the types of issue you regularly experience and which would be likely in this planned development?

From my perspective the road surfaces within the development need to be adequate to accommodate a 26 tonne refuse vehicle which usually precludes block paving.

In addition, pavements have to be wide enough to accommodate the waste and recycling receptacles when presented on collection day and not pose any obstructions to pedestrians. Plus it should be recognised that with that many properties there is likely to be a great deal of roadside parking and so the roads themselves have to be wide enough to allow waste and recycling collection vehicles to gain access past parked cars and heads of cul-de-sacks should be designed in such a way so that they can be used even when cars are in situ. Special attention should be paid to the 90 degree turns which are on site as if they are too narrow and a car is parked in the wrong place on collection day, it's likely that the majority of the development won't receive a waste/recycling collection.

Social Housing

12th August 2015

Level of Affordable Housing Provision.

This application proposes a total of 58 residential units. In order to be policy compliant, a minimum of 40% of total dwellings must be affordable dwellings on this site. The latest SHMA that has been commissioned also requires a mix of 75:25 rented to intermediate housing. This equates to 23 affordable housing units with 17 rented and 6 intermediate.

Dwelling Mix

Having regard to local needs, we would seek the following mix of affordable dwellings on a policy compliant site:

58 dwellings at 40%	Size m2	Built in Storage M2	Affordable rented	Shared Ownership	Total
1 Bed Flat (2 person)	1 storey 50	1.5	4	0	4
2 Bed Houses (4 person)	2 storey 79	2.0	5	3	8
3 Bed Houses (5 person)	2 storey: 93	2.5	4	3	7
3 Bed Houses (6 person)	2 storey: 102	2.5	2	0	2
4 Bed Houses (7 person)	2 storey 115	3.0	2	0	2
Total			17	6	23

The developer has submitted a viability assessment to demonstrate that the scheme would be viable with a lower provision of affordable housing. This would equate to 21% and 12 dwellings with an indicative affordable housing mix as follows:

12 dwellings at 21%	Size m2	Affordable rented	Shared Ownership	Total
1 bed flat	45.0	3		3
2 bed house	70.0	2	2	4
3 bed house	84.0	1	1	2
3 bed house	98.0	2		2
4 bed house	112.0	1		1
Total		9	3	12

Viability

If it is independently verified that it is not viable to deliver affordable housing to a level that is policy compliant, then there are a number of options the council will consider. These are as follows:

- Altering the unit mix or tenure split to facilitate a more viable scheme, while still addressing the housing needs of the Borough.
- Supporting the injection of public subsidy to achieve the full affordable housing requirement. This could enable the overall scheme to become viable via, for instance, a bid to the Homes & Communities Agency. Any s.106 agreement would therefore need to include a provision to facilitate this.
- Altering the % affordable housing sought on the site to reflect the viable position.

In these cases an overage clause would be included within the s.106 agreement to capture any market improvement value between the time of the viability validation and before completion of the site. The overage clause will seek to secure payments which would provide the equivalent on site affordable housing value via a commuted sum provision, should market conditions improve and the viability of the scheme allow such payment. Any payment would be subject to the ceiling of the equivalent cost to the developer of providing a policy compliant affordable housing contribution.

The s.106 agreement will also include triggers for repeat viability appraisals, if the development hasn't started and completed with reasonable timeframes from when planning permission was given.

We would also expect the value of the affordable housing (as assessed within any viability appraisal) to be detailed within an s.106 agreement and used as the basis for determining what would be a reasonable offer from a Registered Provider.

If it is independently verified that it is only viable to deliver affordable housing at 21% then we would seek the following mix of affordable dwellings:

58 dwellings at 21%	Size m2	Built in Storage M2	Affordable rented	Shared Ownership	Total
1 Bed Flat (2 person)	1 storey 50	1.5	2		2
2 Bed Houses (4 person)	2 storey 79	2.0	2	2	4
3 Bed Houses (5 person)	2 storey: 93	2.5	2	1	3
3 Bed Houses (6 person)	2 storey: 102	2.5	2		2
4 Bed Houses (7 person)	2 storey 115	3.5	1		1
Total			9	3	12

Dwelling Mix/Tenure

There is a demand for one bedroom dwellings for persons seeking to downsize due to the under occupation charge that has been imposed from April 2013. In view of this we have included 1 bed flats in our proposed mix.

The majority of affordable homes provided in Cheltenham Town Centre in recent years comprise of smaller 1 and 2 bedroom flats. With regard to site specific recommendations the development of this site located outside the main town centre area is an opportunity for the delivery of a greater proportion of larger family sized accommodation whilst including a broad mix of property types and sizes on site. In view of this 4 bedroom houses have also been included in the mix.

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The 75:25 split between affordable rent and intermediate rent is required on this site for the affordable housing provision. The intermediate Housing should be shared ownership and we have proposed a fairly even split between 2 and 3 bed houses to reflect the needs of a broader range of family sizes and would help create a more balanced community.

We would expect the affordable housing to be "pepper-potted" in small clusters throughout the development and indistinguishable from other market dwellings.

Rents

With regard to the 4 bed houses, we would require the rent to be charged at a rent equivalent to a 3 bed affordable rent plus 5%, and in any event, no more than the local housing allowance (LHA) or equivalent for a 3 bed.

Car Parking

Parking provision for affordable homes will be expected to be made on the same basis as that provided for market dwellings.

Service Charges

Any service charges on the affordable dwellings should be eligible for Housing Benefit.

Shared Ownership

We would expect that the shared ownership units will be let at a level that is affordable in accordance with the Council's SPG and having regard to local incomes and house prices.

Full Planning Application

On submission of a full planning/revised application we would require an Affordable Housing Plan as part of the application, detailing the location of both the market and affordable homes in terms of their type and size as well as highlighting parking spaces and the dwellings they serve.

Affordable Housing Standards

With the emerging requirements in the Housing Standards Review, produced by the DCLG, we would expect all the affordable housing to meet minimum gross internal floor area size measurements, space, design and quality standards as described by the Homes and Communities Agency.

Amendments to M4(1), M4(2) and M4(3) of Schedule 1 to the Building Regulations 2010 take effect on 1st October 2015 therefore we would seek the following:

All general needs accommodation should be designed to meet the 2015 amendments of M4 (1) Building Regulations 2010.

All ground-floor flats or a proportion of dwellings (to be agreed) should be designed to meet the 2015 amendments of M4 (2) Building Regulations 2010.

Any wheelchair user dwellings would be required to be designed to meet the 2015 amendments of M4 (3) Building Regulations. As the gross internal areas in this standard will not be adequate for wheelchair housing, additional internal area would be required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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There is no longer a requirement for a specific level of Code for Sustainable Homes Standard to be achieved to meet HCA standards for new affordable homes. This is therefore to be negotiated with the developer.

Lifetime Homes

We note from the Planning Statement that all dwellings will be Lifetime Homes.

Full Planning Application

On submission of a full planning/revised application we would require an Affordable Housing Plan as part of the application, detailing the location of both the market and affordable homes in terms of their type and size as well as highlighting parking spaces and the dwellings they serve.

Registered Providers

All affordable housing should be provided by a Registered Provider who will be expected to enter into a nominations agreement with the Local Authority, providing 100% nominations on first letting/sale and 75% of all subsequent lettings thereafter. This will assist the Local Authority in meeting its statutory housing duties under the Housing and Homelessness legislation.

A list of Register Providers managing accommodation in Cheltenham can be made available if needed.

GCC Community Infrastructure Team

16th October 2015

The development will generate 14.5 primary aged children and 8.7 secondary aged children (see below).

App Ref 15/01163/OUT Annex 1: Community Infrastructure

Analysis

No. Dwellings	58	
No. Qualifying dwellings	58	
Pupil Yields	Based on GCC research	£ Costs per pupil*
Pre-school	4.06	12359
Primary	14.5	12359
Secondary	8.7	18848
Total	27.26	

*DfE pupil capital cost multipliers are used.
These provide a fair and reasonable estimate
of the current cost of providing pupil places

The nearest Primary School is Dunalley Primary. This is forecast to be close to capacity in 2018/19: the building capacity is 420. The proposal will therefore need to contribute to the shortfall in primary places: a total of 9.5 places (14.5 generated by the scheme, but with a credit of 5 surplus places).

The full secondary contribution is required for Pittville School (8.7 places)

A library contribution is also required.

Summary

<u>Infrastructure</u>	<u>Required Y/N</u>	<u>£</u>
Pre-school	N	0
Primary	Y	117410
Secondary	Y	163978
Libraries	Y	11368

Crime Prevention Design Advisor

13th August 2015

I would like to draw your attention to the PDF document attached to the carrying email which provides detail to the following comments.

1. Road edging should include off-road mitigation to prevent inappropriate access and parking. Vehicle mitigation should be designed into the entrances of any footpath exceeding 1.5m wide.
2. Re-enforce the private nature of the site with features such as rumble strips, change of road surface (by colour or texture).
3. Apartments should have security provision for communal living with consideration given to access control, postal security and utility meters. Parking should be access controlled and security considered.
4. The boundaries abutting a POS should be reinforced with a line of defensive planting to restrict garden thefts and burglary.
5. Planting should not restrict surveillance opportunities, assist in climbing or create hiding places. Planting along footpaths needs to be carefully considered to ensure it will not grow over the path, restricting the width, creating narrower and less inviting areas.
6. Plot 1 should have its boundary strengthened with defensive planting.
7. The lighting plan should be designed to encompass the development and allow for seasonal variations within the planting scheme; thereby removing areas of deep shadow to reduce the fear of crime, along with opportunities of crime and Anti-Social Behaviour.
8. Public open spaces and play areas should be managed and maintained for prolonged community involvement; also ensuring the extended life of the drainage system.
9. The area next to Plot 21 should be secured from intruders, to avoid anonymity along the boundary line.
10. For all plots, windows and doors to BS PAS 24: 2012

(See annex A as below, referring to your Planning Authority's planning policy.)

It is recommended that the development is built to meet Secured by Design standards. Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment, where communities can thrive.

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Research conducted by Secured by Design has proven that SBD developments are half as likely to be burgled, have two times less vehicle crime and show a reduction of 25% in criminal damage, thereby increasing the sustainability of a development.

Severn Trent Water Ltd

29th July 2015

With reference to the above planning application the company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Limited has NO OBJECTION to the proposal subject to the inclusion of the following condition.

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Landscape Architect

24th August 2015

Please see comments in relation to 15/01162/FUL

16th December 2015

15/01162/FUL Pittville School

- The Revised Proposed Landscaping Plan does not show a landscape layout but a cross-section drawing. The Revised Proposed Floor Layouts shows the original proposed landscaping plan. Please could it be clarified if a new landscape plan was intended to be submitted.

15/01163/OUT Pittville School

- The section detail of the proposed footpath/cycle way does not show boundary fencing and landscaping. Please could these details be provided in order to better illustrate the enclosure of the path along its boundaries.
- The drawings showing proposed lighting along the footpath are helpful though concerns remain about the safety of this footpath at night. However, it is appreciated that during the day the path would be useful link between the proposed residential development and Pittville Park and the town. A design solution which provided greater informal surveillance for the path, both day and night, would be very welcome.

General Comments - 15/01162/FUL Pittville School & 15/01163/OUT Pittville School

- In terms of green infrastructure the two application sites should be considered as a whole in order to provide the greatest benefit to the locality, both in terms of aesthetics and creating habitats for urban biodiversity.

Please could a revised landscape layout plan include the following:

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- The relationship between the proposed landscaping on both sites. This should take the form of a landscape structure plan.
- A boundaries plan, showing position, extent and height of proposed boundary fencing.

In addition to the above, should planning permission be granted, prior to commencement of development, the following information should be submitted in writing for the approval of the Local Planning Authority:

- Detailed schemes for hard and soft landscaping
- Timing of landscaping works
- A maintenance plan for first 5 years following planting, including SuDS
- Long-term maintenance arrangements and plans for the landscaped areas, including SuDS.

Cheltenham Civic Society

14th August 2015

We accept the principle of the development of this site for housing. We hope that at the next stage there will be an imaginative layout, taking advantage of the potential of the site and the quality of the design in the adjacent University Village. Squares and crescents would be a welcome format, reflecting Cheltenham's heritage.

Parish Council

22nd December 2015

Prestbury Parish Council object to this application for the following reasons:- It is difficult to understand the impact traffic will have on the community. It is being compared with traffic output from Starvehall Farm in 2021, why is this. Parking details are not shown.

The Prestbury Parish Council also object as this is excessive development in the area, there is already Starvehall Farm, the University development and this is a loss of Green Space and playing fields area within the conservation area.

This application does not comply with the following planning policies:-

- GE2 Private Green Spaces
- BE1 Open space in conservation area
- CP3 Sustainable Environment

Joint Waste Team

21st December 2015

To air on the side of caution, presuming these properties will fall to CBC to provide a waste collection service, I would like to highlight the following as per my response on 24th July 2015;

I've copied Tammy in as this looks to be similar to some of the GCHQ type layouts in Benhall and I know that the operations team have had quite a few issues in gaining access there.

Tammy if not having already done so when we received the original planning information, please could you provide a breakdown of the types of issue you regularly experience and which would be likely in this planned development?

From my perspective the road surfaces within the development need to be adequate to accommodate a 26 tonne refuse vehicle which usually precludes block paving.

In addition, pavements have to be wide enough to accommodate the waste and recycling receptacles when presented on collection day and not pose any obstructions to pedestrians. Plus it should be recognised that with that many properties there is likely to be a great deal of roadside parking and so the roads themselves have to be wide enough to allow waste and recycling collection vehicles to gain access past parked cars and heads of cul-de-sacks should be designed in such a way so that they can be used even when cars are in situ. Special attention should be paid to the 90 degree turns which are on site as if they are too narrow and a car is parked in the wrong place on collection day, it's likely that the majority of the development won't receive a waste/recycling collection.

5. PUBLICITY AND REPRESENTATIONS

	15/01162/FUL	15/01163/OUT
Number of letters sent	125	176
Total comments received	14	24
Number of objections	6	23
Number of supporting	8	0
General comment	0	1

- 5.1** For both applications a total of 125/176 local residents in neighbouring streets have been notified of the proposals, including the revised details received in December 2015. A number of site notices have also been displayed within the vicinity of both sites, on Albert Road, New Barn Lane and Cakebridge Road.
- 5.2** As a result of the public notification exercises and at the time of writing, a total of 14 comments have been received in respect of the sports centre application (15/01162/FUL); 6 objecting and 8 in support of the proposals. A total of 24 comments have received in respect of the residential scheme (15/01163/OUT); 23 objecting and 1 general comment.
- 5.3** Prestbury Parish Council has also objected to both applications.
- 5.4** The concerns and other matters raised by local residents are very similar and in many instances overlap between the two applications. The comments received for each application are summarised as follows:-

Sports Facilities – 15/01162/FUL

- Potential for increase in traffic and parking congestion in neighbouring streets and the cumulative effects of Starvehall Farm and Pittville Campus developments
- No evidence of need for new school sports facilities which, in terms of size and quality, are considered to be in excess of school requirements. Existing school sports facilities should be refurbished instead.

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- School in desperate need of proposed new facilities given poor quality and lack of current provision, particularly indoor sports facilities.
- Lack of indoors sports facilities and venues in Cheltenham for hire and therefore proposed development will improve provision and choice for local children. Local community should be supporting improvements to local schools.
- No evidence that alternative funding of proposed sports facilities has been fully investigated by the school
- Likely increase in noise and disturbance to local residents caused by proposed floodlighting, use of artificial hockey pitch and 'break out' area of sports centre and proximity of proposed tennis courts to properties in Cakebridge Road. Potential for increased noise at weekends.
- The proposed community use is not sufficient justification for loss of playing field and new sports facilities. Other community sports facilities located nearby, including those recently approved at Pittville Campus, which will be in direct competition.
- Long-term funding of the management of out of hours use of sports centre has not been fully explored. If this commercial enterprise proves to be not financially viable who is responsible for recovering the costs.
- Proposed development has not been approved by Sport England
- Design of proposed sports centre out of character with Regency architecture and locality in general

Residential Scheme 15/01163/OUT

- Funding for proposed new sports facilities is insufficient justification for loss of school playing field.
- Insufficient evidence provided by applicant in regard to the playing field being surplus to school requirements.
- Increase in traffic on access roads through Starvehall Farm and on local road network and at junctions with New Barn Lane. Potential for noise and disturbance to local residents in addition to highway safety issues.
- Cumulative effects of traffic increase and noise pollution as a result of Starvehall Farm, Pittville Campus and Pittville school developments.
- Proposed residential scheme is an extension of the Starvehall Farm development
- Proposed access route was not shown on the approved Starvehall Farm development and therefore the application should be refused. A revised traffic assessment for Starvehall Farm and impact upon New Barn Lane should be carried out.
- The Starvehall Farm development did not allow for the traffic generated by an additional 58 dwellings and Condition 5 of the approved Starvehall Farm scheme limits the number of dwellings to 300 due to highway safety concerns.
- Increase use of Cakebridge Road as an access route for pedestrians/cyclists will result in loss of privacy for residents. Other existing routes into town, the proposed footpath linking the site with Albert Road and pedestrian routes proposed within Starvehall Farm are more suitable.

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- Loss of views, outlook, light, privacy and amenity of residents in Greenfields. Proximity of proposed dwellings to the rear of these properties.
- Northern playing field is more suitable for playing sports than the proposed retained southern field.
- Loss of open green space and habitat for local wildlife.
- Sport England has raised objection to the loss of the playing field and therefore the proposed development should be refused.
- Proposed three storey building accommodating flats is unacceptable in this location
- Insufficient parking facilities provided for future residents
- Number of houses proposed is excessive and likely to be low cost housing which could result in drop in property values locally
- Effect of all three developments (Pittville School, Pittville Campus and Starvehall Farm) on surface water drainage, sewerage and potential for flooding.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues for consideration, relating to both applications are as follows:

- The principle of the loss of the school playing field (and the need to consider both applications together)
- The principle of the proposed redevelopment of the land for residential purposes and the acceptability of the numbers of dwellings proposed.
- Affordable housing and viability issues
- Access arrangements, traffic, parking and highway safety issues (including the cumulative impacts associated with Starvehall Farm)
- Potential impact upon the amenities of local residents (noise, disturbance, light pollution, overlooking and loss of privacy)
- Design, scale and layout of proposed development and their impact upon the character and appearance of the locality, the setting of nearby listed and locally indexed buildings and the wider conservation area.
- Landscaping, drainage and flooding issues

6.3 Key Policy Considerations and Principle of Loss of Playing Field

6.4 The relevant policy documents for consideration are the Cheltenham Borough Local Plan (adopted 2006), the NPPF and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS).

- 6.5** At paragraph 14 of the NPPF states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...” Further, when determining applications for housing, paragraph 49 of the NPPF similarly advises that they should be considered in the context of a presumption in favour of sustainable development.
- 6.6** The application sites are located within the Principal Urban Area of the Local Plan and benefit from ease of access (by foot, cycle and public transport) to all amenities and services provided in Cheltenham town centre. Both application sites must therefore be considered as sustainable locations for new residential development.
- 6.7** The NPPF requires local planning authorities to demonstrate a five year supply of housing; as at 1st April 2015 and using the JCS housing requirement for Cheltenham, the Council is currently unable to demonstrate such a requirement. The NPPF advises that relevant local plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.8** Where policies are not considered to be up-to-date, the NPPF advises that, with the presumption in favour of sustainable development (unless material consideration indicate otherwise) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework. It should be noted that paragraph 14 also makes it clear that where specific policies, for example heritage assets, indicate that development should be restricted then the presumption in favour of development does not apply. It should also be noted that the policies which seek to protect open spaces and heritage assets are not considered to be relevant local plan policies for the supply of housing and therefore are relevant to the considerations.
- 6.9** At paragraph 73 the NPPF seeks to support access to high quality open spaces and opportunities for sport and recreation which can make an important contribution to the health and well-being of communities.
- 6.10** In relation to the loss of playing fields, the NPPF at paragraph 74 states that “existing open space, sports and recreational buildings and land, including playing pitches, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements”. As such, the applicant has submitted a Playing Pitch Assessment which considers both the existing supply and demand of local playing pitches within the locality as well as their quality.
- 6.11** Paragraph 74 also stipulates that pitches should not be built on unless “the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.” In this regard the proposed residential scheme would facilitate the development of a new sports centre and artificial playing pitch (ATP) for the school on adjoining land within the ownership of the school; the applicant arguing that this provision and wider range of sporting uses and increased availability (to the wider community) would clearly outweigh the loss of the playing field.
- 6.12** In essence, the residential development would be an enabling project; the capital receipt (less s106 financial contributions, affordable housing etc.) funding entirely the provision of a much needed new sports facility with no surplus profit awarded to the school.

- 6.13** The evidence submitted by the school indicates that the playing field has not been used for several years (since 2009) and is therefore surplus to the school's requirements in terms of its educational sports provision/curriculum. There is also no evidence to suggest that the playing field is currently available for community use; although it is understood that some of the other school sports facilities are made available for use by local primary schools. Importantly, neither site is identified as public open space in the Local Plan nor is there general public access into the school grounds at any time of the day.
- 6.14** Policy GE2 (private green spaces) identifies that some of the most extensive and important private green spaces are those within school grounds. With this in mind, officers do not dispute the fact that the current playing field contributes to the quality of the local environment. However, the Local Plan equally recognises the need for schools to improve their facilities and compete within an increasing competitive market; the Council will work with schools to find suitable locations within or near their holdings which would not harm areas of significant townscape and environmental value (paragraph 6.24).
- 6.15** Importantly, the Local Plan does make the distinction between the recreational value of open space and its environmental value in term of decision making. In this respect, Policy RC3 states that development of playing fields and other outdoor playing facilities in education use will not be permitted unless the loss will not result in a future shortage of land for educational recreation or the proposal is non-operational and the land could make a valuable contribution to meeting an identifiable community need for outdoor play facilities.
- 6.16** In light of the above, the Local Plan policies relating to loss of outdoor educational sports facilities are in general conformity with NPPF guidance; that existing playing fields should not be built upon unless it can be demonstrated otherwise. In summary the applicant must demonstrate that:-
- a. The land is surplus to requirements
 - b. The loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
 - c. The development is for alternative sports and recreational provision, the need for which clearly outweighs the loss
- 6.17** The following paragraphs discuss the extent to which the proposals and supporting information demonstrate the above.
- 6.18** The Council does not have an up-to-date and robust green spaces and playing pitch assessment for Cheltenham, as advised at paragraph 73 of the NPPF. A full review will be undertaken in support of the emerging Cheltenham Plan.
- 6.19** In the absence of such an assessment the applicant has undertaken a detailed playing pitch assessment based on Sport England's Guidance (as advised in NPPG). This assessment concludes that the playing field is surplus to the school's requirements, it is not used by the community and has not been in use for over 5 years. The school states that it has sufficient provision elsewhere to meet DfE guidelines, taking into account anticipated future growth in pupil numbers. Further, in terms of adult/community use there is unlikely to be an increase in demand for grass pitches; league match play showing a preference towards artificial flood lit pitches used throughout the week.
- 6.20** The assessment also concludes that there is sufficient provision of playing pitches within the local area; albeit there are only 2 hockey pitches in the study area and

these are not available to the public. The applicant also argues the proposed facilities will provide an increase in the range of sports and teaching facilities provided by the school in addition to improving the quality of existing provision (an outdated gym of limited size and height, poor changing facilities). The statement provided by the head teacher of Pittville School outlines in further detail the existing situation with regards facilities and the difficulties the school currently experiences during exam periods, for example.

- 6.21** Officers acknowledge the difficulties faced by the school and have inspected the school's current facilities. The clear advantages to the school in having a modern, purpose built sports centre and ATP which are able to accommodate a range of sporting activities for both the school (and community) is not in dispute. As such, officers are fully supportive of the proposed sports facilities, in principle. However, this must of course be balanced against consideration of the loss of the school playing field to fund the new sports facilities.
- 6.22** Sport England is a statutory consultee for both applications; providing appropriate guidance on the design and layout of new sporting facilities and development and reuse of existing playing fields, whether for sporting/recreational activities or alternative uses.
- 6.23** In this instance Sport England has raised objection to both applications. In terms of the evidence submitted by the applicant, it considers the applicant has failed to undertake a robust or objective assessment of needs. In particular, the study area for the Playing Pitch Assessment was not considered to be wide enough and should have been undertaken across the whole authority area and wider where there are cross boundary issues; the application site being relatively close to Bishops Cleeve and Tewkesbury's Borough Council's administrative area.
- 6.24** The Council's Strategic Policy Officer (SPO) acknowledges that the applicant has not undertaken a full playing pitch strategy although their assessment does follow the same methodology as prescribed by Sport England guidance. The applicant's study area covers a 2 mile radius which equates to 12.6 miles and covering much of the northern, eastern and southern urban areas of the town and including southern parts of Bishops Cleeve. To provide some perspective the SPO points out that the Borough area is approximately 18 miles.
- 6.25** At paragraph 193 the NPPF advises that proportionality should be exercised when collecting evidence and in the absence of an up-to-date local authority playing pitch strategy, the SPO concludes that the applicant's assessment should be seen as a proportionate response, bearing in mind also that the proposed sports facilities are intended primarily for use by a school and not the wider community.
- 6.26** Sport England also considers that bullet points two and three of NPPF paragraph 74 do not apply since the proposed development (residential scheme) does not provide for a replacement playing field or indoor or outdoor sporting facilities. Their response in relation to the proposed residential scheme clearly does not take account of the accompanying application for the new sports centre and ATP.
- 6.27** Officers consider unequivocally, that the two applications should be considered together. The two red line sites are within the same ownership and the residential scheme would fund the new sports facilities thereby 'replacing' the loss of the playing field. Given the case put forward by the applicant and the circumstances of these two applications it would be imprudent to take an alternative approach and consider each application solely on its individual merits.
- 6.28** Officers consider that the applicant has demonstrated that the loss of the playing field would be replaced by an alternative sporting facility which one might argue is a

better provision in terms of the range and quality of activities offered and in a suitable location on an adjoining parcel of land within the school grounds. In terms of quantity and range, the new facilities would enable school pupils to engage in more types of sport and in all weather conditions and times of the year. The applicant's playing pitch assessment has demonstrated that the loss of the playing field would not result in the shortage of educational sport provision at this school or within the wider catchment area; there would in fact be an improvement in provision.

6.29 Summary

6.30 The new sports facilities are located in a suitable location, would provide at least an equivalent if not better provision in terms of quality and quantity of facilities without impacting on the operational requirements of the school. The playing field has been unused for more than 5 years and there are other adequate playing fields owned and managed by the school which would meet DfE curriculum requirements. The delivery of new homes, contributing to the 5 year supply of housing land, must also weigh heavily in the planning balance alongside the much need improved sporting facilities for Pittville school.

6.31 In light of the above, Officers conclude that the proposed developments, which include the loss of an existing school playing field, adhere to the objectives of Policy RC3 of the Local Plan and NPPF guidance set out at paragraphs 49 and 74.

6.32 Design and layout

6.33 Residential Scheme (15/01163/OUT)

6.34 This is an outline application for up to 58 dwellings with access being the only matter to be agreed. Matters of appearance, landscaping, layout and scale are reserved for future consideration. As such the information submitted with the application relating to other matters is purely indicative and would not form part of any approval at outline stage. Nonetheless, it is important that there is sufficient information submitted with this application to satisfy the Local Planning Authority that the site can be developed for the purpose identified; in other words the principle of development must be deemed acceptable.

6.35 The scheme as first submitted included an indicative layout of 58 dwellings, including a main vehicular access road from New Barn Lane through the neighbouring Starvehall Farm development, estate roads, footpath and cycle links to Albert Road and Cakebridge Road and a balancing pond.

6.36 Subsequent to the submission of a reserved matters application for the Starvehall Farm development in November (re 15/01794/REM), the proposed access road into the site has had to be amended slightly (approximately 10m metres further north) to align with the link/estate roads of Starvehall Farm. Note that, there was a spur shown in this location on the approved indicative layout drawing for Starvehall Farm. Consequently the proposed layout for Starvehall Farm has not altered significantly since outline stage or as consequence of the Pittville School applications.

6.37 However, the revised submission does not include an indicative layout. Although Officers would have preferred the applicant to have amended the indicative layout accordingly, since this would assist in their overall consideration of the proposed development, the submitted documents do constitute a valid planning application. The previous layout does demonstrate that up to 58 dwellings could be accommodated on this site and any revised layout would likely have necessitated relatively minor tweaks to groups and alignment of houses and estate roads.

- 6.38** In light of the above, Officers are unable to comment any further on matters of indicative layout/design. Footpath links and vehicular access issues are discussed in more detail in section 8 of the report.
- 6.39** Sports Centre and Artificial Playing Pitch/Tennis Courts – 15/01162/FUL
- 6.40** The proposed development (as revised) is considered acceptable in principle subject to approval of the detail of its design.
- 6.41** The layout of the proposed new sports facilities has, to some extent, been constrained by site topography and the Design and Access Statement sets out the evolution of the design and layout of buildings and hockey pitch. The proposed layout has, where possible, responded to existing level surfaces and tried to preserve the openness of the site by locating the sports centre building centrally within the site and setback from the northern boundary with Pittville Campus. Pedestrian routes through the site and those from the car park have been carefully considered with safe routes for school pupils accessing the new sports centre and ATP from the main school buildings.
- 6.42** The design and appearance of the new sports centre was discussed during the pre-application process and has been substantially modified as a result. The pre-application proposals demonstrated a lack of analysis as to show how the proposed building responded to its context and this was reflected in the design. There was a distinct lack of cohesion to the design and a poor relationship between certain elements.
- 6.43** The scheme as first submitted was considered acceptable in form, scale, layout and general appearance but officers had concerns in relation to the proposed materials.
- 6.44** The proposed building was contemporary in style, rectangular in form, relatively compact and linear on the site to ensure maximum use of the remaining external space within the school grounds. The building was divided horizontally into two parts; a timber clad first floor with horizontal louvered sections over fenestration and a ground floor buff brick plinth with minimal openings responding to its internal function and layout of changing rooms and ancillary facilities. A recessed, glazed entrance and reception area provided a distinctive feature and focus to the front and side elevations breaking up the mass and bulk of the building. The first floor over-sailed the recessed entrance with a detailed timber clad/louvered façade above.
- 6.45** The principle concerns in relation to materials were the extent of timber cladding at first floor which wrapped around the entire building, broken only by timber louvered sections over recessed glazed openings. This sat above the buff brick plinth with little contrast in colour and as such there were concerns about the overall effect of colour palette on the appearance and bulk of the building. A more robust ground floor material/colour was considered more appropriate which, in appearance, would provide a more supporting structure.
- 6.46** There were also concerns about the quality, longevity and weathering capabilities of timber cladding particularly given the extent of cladding proposed and the fact that the success or failure of the design and appearance of the resultant building would rest upon the execution and quality of the cladding material. There was also doubt as to whether cladding, on the scale proposed, was a suitable approach in this location and how it might affect the setting of the nearby Grade 1 Pittville Pump Rooms and the character and appearance of the wider conservation area.
- 6.47** More detail was also requested in relation to the louvered sections and how they would function and relate to the recessed glazing behind; the submission of a vertical section drawing through this element was advised.

- 6.48** In response, the applicant provided further detail and a sample of the proposed timber cladding and its weathering properties (NORclad Scandinavian Redwood). Various rainscreen cladding alternatives to the timber cladding were also suggested. The applicant also proposed a natural stone clad plinth solution replacing the brick plinth.
- 6.49** After much deliberation, the applicant presented revised proposals showing a white synthetic rendered first floor (with horizontal aerofoil timber louvered sections over recessed fenestration) over a stone clad plinth. The first floor white rendered box element is simple, crisp and lighter in form and appearance and would provide a more suitable contrast to the darker and contrasting material of the stone plinth below. The louvered half sections would allow an acceptable degree of transparency with views into the building. Similarly, the proposed composite screens and dark grey aluminium window surrounds add interest and contrast to the long elevations. As requested by officers, an elevation study of the louvered sections has also been submitted which gives a clearer indication of the recessed element, shading effects and proportions of these important sections of elevation.
- 6.50** The stone plinth would be constructed of panels of natural stone cladding attached to the outside wall and would have the appearance of a dry stone wall. The plinth would also sit within the slope of the site; some excavation, site levelling and retaining walls would be required. Section drawings accompany the application and these detail the amount of cut and fill and retaining structures required. In summary, the break out area and retained grassed area at the rear of the sports centre meets existing ground levels at the rear/east boundary with Cakebridge Road.
- 6.51** There are also minor changes to the internal layout and allocation of space in response to comments received from Sport England and a free standing extract and plant structure is now proposed within the break out area.
- 6.52** The sports centre comprises 2,400 sq. m of internal floor space and provides a 4 court sports hall, studio and gym facilities, viewing gallery, teaching facilities, wet/dry or home/away changing facilities, a small café, storage facilities and a breakout area to the rear. The size and scale of the building and internal layout have largely been dictated by Sport England Guidance, site constraints and the school's budget. The proposed break out area would be used as an informal viewing area and for outside seating for students. Ball games and formal use of this space is not intended.
- 6.53** The revised choice of external materials should now provide a low maintenance building with a lighter but contrasting aesthetic appearance. Render and stone are characteristic features within the locality and the building should fit well within its surroundings and preserve the character and appearance of the conservation area and setting of nearby listed buildings.
- 6.54** In all other respects, the recessed entrance, footprint, form and general appearance of the building remains unaltered with the exception of a slight overhang of the first floor on the side (south) elevation
- 6.55** In light of the comments made above, the proposed development adheres to the objectives of Policy CP7 of the Local Plan which seeks to ensure that development proposals achieve a high standard of architectural design and complement and respect neighbouring development and the character of the locality.
- 6.56** Artificial Hockey Pitch (ATP) and Tennis Courts
- 6.57** The siting of the hockey pitch was, for the applicant, a major constraint to the layout of the proposed development and, to avoid large areas of cut and fill, its location has had to be restricted to the most level part of the site (where the existing tennis

courts are located) running vertically alongside the main school building. The school currently has no hockey pitch facilities and therefore the proposed ATP is much needed.

- 6.58** The proposed ATP is competition size and would be used predominately for hockey but is able to accommodate 5 a side football and other training activities. However, given the surface type it would not be suitable for competitive football. It would be flood lit via lighting columns located around the pitch (details of which have been submitted) and enclosed via 3 metre high fencing. In response to the concerns of the Environmental Health team, additional acoustic mitigation measures have been incorporated at the highest impact points of the pitch at the goal ends; Zaun Hockey 400 Super Rebound acoustic fencing with 400 Rebound acoustic fencing elsewhere. Notwithstanding the submitted details, a condition has been added requiring full details of all fencing and acoustic measures to be submitted and approved at the detailed design stage.
- 6.59** The number of replacement tennis courts has been reduced from four to three due to the proximity of the rear gardens of properties in Cakebridge Road which back onto the site along the east boundary. In addition, an additional acoustic fence is provided between the tennis court fencing and the rear boundaries of the nearest Cakebridge Road properties. Three metre high fencing encloses the tennis courts which are not proposed to be flood lit.
- 6.60** Architects Panel
- 6.61** The Architects Panel has reviewed the proposed development on three occasions (once during pre-application discussions). Each time they considered the proposals had improved but they have been consistent in their concerns about the large areas of vertical cladding, which they felt need more articulation, and the weathering of the timber. The Panel also had reservations about the effect of the revised stone cladding and suggested a rendered finish instead (albeit the drawings were seen in draft only).
- 6.62** Due to time constraints, the Panel has not been able to comment on the revised scheme with the rendered top section. However, the revised scheme has been prepared in response to the Panel's views and officers consider the sports centre building much improved in its design and overall appearance and presence within the street scene.
- 6.63** Conservation and Heritage Comments
- 6.64** The Conservation Officer's comments are reproduced in full in section 5 above and have been made in response to the scheme as first submitted with reference to some of the alternative materials suggested by the applicant.
- 6.65** The Conservation Officer mentions the long distance views across the site from Albert Road and East Approach Drive and considers that the green and spacious qualities of the site add to the qualities of this part of the Conservation Area and setting of the Pump Rooms and Pittville School main building. Whilst she considers the form, mass, layout and principle of a new sporting facility acceptable in terms of the established (educational) character of this part of the Conservation Area, she has concerns about the proposed increase in use and activity on the site which could potentially alter the character of the area.
- 6.66** In addition to these general comments, the Conservation Officer has commented on the extensive area of glazing on the south elevation (in relation to heat gain and loss, light pollution and ventilation) and lack of information submitted in respect of air conditioning and position of flues. There are also concerns about the height of

fencing and floodlighting of the hockey pitch which could impact on the character and appearance of the Conservation Area. Similarly, she considers that the proposed external area at first floor level to the east of the sports centre (breakout area) could impact on the setting of the Conservation Area when viewed from the proposed pedestrian route north of the site.

- 6.67** Other concerns relate to the proposed materials for the sports centre, notably the use of brick work which is not a material typically found in this area of the town.
- 6.68** Again, the scheme has been revised in response of the Conservation Officer's initial comments. The materials have been substantially revised and additional information has been submitted in respect of air conditioning and means of ventilation. The proposed hockey pitch is set back from the road some 25 metres and although a proportion of the fence would be seen above the existing 2 metre hedge which lines the west boundary of the site, Planning Officers do not consider that there would be significant harm to the overall character and appearance of the Conservation Area. When approaching the site from the north, views of the hockey pitch and fencing would be partly obscured by the Media Centre of the Pittville Campus and also by the proposed new sport centre building. Similarly, when approaching from the south the main school building would offer some screening. This is a school site with a number of existing hard surfaced playing surfaces and tennis court enclosures to the north of the main school building and as such one would expect to see outbuildings and fenced sports facilities within the school grounds.
- 6.69** Similarly, Planning Officers consider the proposed external breakout area acceptable. It would be located at existing land levels and is intended to be used informally by school pupils for either recreational purposes or when viewing matches. This area of the site is currently used informally by pupils and therefore any noise or visual impact associated with the proposed development should not be dissimilar to the current scenario. The Environmental Health team has no objection, in principle, to the use of this area.
- 6.70** Trees, Landscaping and Boundary Treatment
- 6.71** All trees within the application sites would be retained with the exception of two which are located between the red line sites. These trees would need to be removed to accommodate the footpath link from the residential site to Albert Road. All other perimeter landscaping and hedging would also be retained and proposed new hard landscaping across the site would be broken up with grassed areas and soft landscaping where practicable.
- 6.72** The Trees section has no objection to the proposed removal of a Horse Chestnut and Sycamore tree or to any other tree related matter, subject to adequate tree protection measures being in place during construction of the footpath link to Albert Road and in accordance with the submitted Arboricultural Report. The feasibility study for the footpath construction identifies that the footpath would partially impinge on the root protection zones of three existing trees. Since the new path would be higher than the existing bund, which itself would have been constructed above the tree roots, it is unlikely that future earthworks would impact on existing trees which line the proposed footpath.
- 6.73** Perimeter green balustrade fencing is proposed along the north and west boundaries with Albert Road and Pittville Campus. To afford greater security for the school and new sports facilities this would sit behind the existing hedgerow along Albert Road and between the side elevation of the sports centre and footpath link to Albert Road.

- 6.74** Notwithstanding the submitted details, full consideration of any new landscaping proposals and boundary treatment for either application would be carried out via the discharge of conditions/reserved matters. In particular, careful attention would be paid to boundary treatment affecting Albert Road, properties in Greenfields and the character and appearance of the wider conservation area.
- 6.75** Although landscaping is not a matter to be considered at this outline stage, the Council's Landscape Architect does comment that the two applications should be considered as a whole in terms of green infrastructure proposals along with consideration a full landscaping master plan and accompanying maintenance strategy.
- 6.76 Impact on neighbouring property**
- 6.77** A number of local residents (mostly those living in Cakebridge Road and Greenfields) have raised concerns about noise and disturbance associated with the hockey pitch and tennis courts, light spill from the proposed floodlighting, loss of views, light and outlook from the rear of their properties.
- 6.78** The proposed (revised) acoustic mitigation measures are outlined in paragraphs 6.50-51. The Environmental Health Officer (EHO) considers the proposals and level of protection generally acceptable from an amenity perspective subject to conditions relating to the detail of floodlighting, fencing and restrictions to the hours of use of the outdoor sports facilities. A Noise Assessment Report for all proposed sports activities on this site would also be required.
- 6.79** The EHO considers the number, height and position of floodlight columns in relation to neighbouring properties acceptable. Given the distances, the properties in Cakebridge Road would be unaffected in terms of light spill and although there would be low level light spill into Albert Road (as indicated on the submitted lux diagram), this should not extend to properties on the west side of the road. There should, therefore be no harm to the amenities of neighbouring properties in terms of light pollution. However, the applicant would still need to submit further technical detail with regard to light levels entering the windows of neighbouring properties, the alignment of light beams and measures to prevent light spill. An updated isolux diagram showing predicted illuminance at critical locations on the boundary of the site and at adjacent properties would also be required along with post-completion light surveys. The EHO considers that this level of detail could be adequately dealt with via the discharge of conditions.
- 6.80** Notwithstanding the submission of revised acoustic fencing for the hockey pitch, the EHO requires, in addition, the installation of sound-deadening padding or an alternative at the high impact points of the pitch. The concerns here relate specifically to hockey balls which would affect the nearest residential properties in Albert Road and, to a lesser extent, properties in Cakebridge Road. Whilst the submitted specification details include references to sound-reducing performance, this has not been tested in relation to the situation on the ground and its effect on the nearest noise sensitive properties. The detail of all fencing and associated acoustic measures (including the submission of a full Noise Assessment report of all proposed sports related activities) can be dealt with via planning conditions.
- 6.81** Similarly, the proposed location and number of tennis courts is now considered acceptable and the distance from the rear boundaries of properties in Cakebridge Road (approx.19.5 metres) should minimise noise and disturbance and not cause significant harm to amenity. An additional 2 metre high acoustic fence is also to be

located between the proposed tennis courts and rear boundaries of Cakebridge Road properties.

- 6.82** The (superseded) indicative layout of housing for the residential scheme shows proposed dwellings some 10-10.5 metres from the rear gardens of properties in Greenfields. A number of these properties have relatively short rear gardens (6.5-12 metres) and with open aspects to the school playing fields and light boundary treatment. Subsequently, the applicant has been made aware of the Council's concerns regarding the proximity of proposed dwellings to properties in Greenfields. Any detailed layout would have to demonstrate a minimum distance of 11metres to the boundary and more in instances where existing rear gardens of Greenfields extend short of 11metres.
- 6.83** Matters relating to noise and disturbance generated by a potential increase in traffic are discussed in the following section.

6.84 Access and highway issues

- 6.85** Local Plan policy TP1 seeks to avoid endangering highway safety, directly or indirectly, through the creation of a new access, altering an existing access, or increasing the use of an existing access on to the main highway network. Development should also not be permitted where it would generate a high turnover of on-street parking.
- 6.86** Both applications are accompanied by a Transport Assessment which assesses the amount of traffic generated by the proposed residential development, the suitability and traffic and highway safety implications associated with the proposed new access through Starvehall Farm, the use of the existing school vehicular access from Albert Road to serve the new sports centre and ATP, on-site parking provision and footpath and cycle links proposed through to Albert Road and Cakebridge Road.
- 6.87** Both Transport Assessments have been supplemented by Technical Notes submitted by the applicant which address the issues raised by the Highways Officer in respect of overspill parking and capacity of the highways infrastructure for Starvehall Farm and New Barn Lane to accommodate additional traffic.

6.88 Sports Centre – 15/01162/FUL

- 6.89** Given that the sports centre and ATP would also be available for use by the local community, GCC Highways has had to ensure that there is adequate parking for the peak use of the site (likely to be evenings and weekends). A total of 59 spaces are proposed for the new sports facilities but the supporting information submitted by the applicant made it difficult for the Highways Officer to determine whether this number is acceptable because the parking accumulation study has not been carried out using a donor site. That said, GCC is now satisfied that the 59 spaces plus an agreed overflow parking provision of 65 spaces (using existing school parking bays on adjoining land) would be suitable to accommodate the peak demand for the proposed development.
- 6.90** GCC also conclude that the impact of the development at traditional peak hours (am and pm) would be minimal but impact in the evenings would be greater with the anticipated out of school hours activities and events. However, base traffic flows are

much lower in the evenings and weekends, therefore there should be ample spare capacity on the network to accommodate any additional traffic.

- 6.91** No details of cycle parking have been submitted and therefore a condition has been added to ensure adequate provision. Conditions relating to Construction Methodology (parking, deliveries and storage of materials etc.), a Car Park Management Plan (including appropriate management and procedures for overspill parking), visibility splays and surface treatment have also been added.
- 6.92** Residential Scheme – 15/01163/OUT
- 6.93** GCC consider that the proposed vehicular access to the site using the estate road/s via Starvehall Farm is suitable to accommodate the traffic generated by up to 58 dwellings. GCC also recommend that planning conditions are added to ensure that this is the only point of access for vehicles and all construction traffic and that the access road is constructed to a suitable standard prior to occupation of any of the proposed dwellings.
- 6.94** GCC is supportive of the two pedestrian/cycle links which they consider important to improve sustainability, permeability and pedestrian access to facilities. The proposed footpath link from the residential site to Albert Road would be constructed on top of and following the line of an existing bund (flood defence) which runs the length of the northern boundary with Pittville Campus. This was constructed by the school following the floods of 2007. Given the lack of detail first submitted, the applicant has subsequently submitted a construction feasibility section drawing of the footpath. Whilst helpful, full details of construction methodology, impact on tree roots, width, gradient, speeds, agreed lighting and boundary treatment would need to be considered at reserved matters stage.
- 6.95** Both GCC and CBC officers have considered carefully the cumulative impact of the proposed development with Starvehall Farm (and Student Village at Pittville Campus) in addition to the impact of the proposed developments in isolation. Officers are also aware of Condition 5 of the outline planning consent for Starvehall Farm which restricts development to 300 dwellings within its application site, for highways safety reasons. As part of this process, the applicant was asked to carry out and submit further analysis/traffic modelling of anticipated traffic flows through Starvehall Farm.
- 6.96** In summary, the trip rates for the proposed development have been based on agreed trip rates for Starvehall Farm. The additional trips generated (33 two way am peak and 35 pm peak) should not have a severe or significant impact on the local highway network. With reference to the Starvehall Farm Transport Assessment (SFTA), the cumulative assessment of 58 dwellings plus 300 at Starvehall Farm concludes that the proposed development would result in an increase in traffic flows of 3.1% in the AM peak and 3.8% in the PM peak. GCC consider this to be negligible and not sufficient to affect the operation of New Barn Lane.
- 6.97** Again, with reference to the SFTA, the capacity assessment of the New Barn Lane access point demonstrates that the junction would be operating far below its maximum capacity and should therefore have sufficient capacity to accommodate the modest level of traffic generated by an additional 58 dwellings.
- 6.98** GCC also comments on the estate road layout shown on the indicative layout drawing first submitted. Although this drawing is superseded and no indicative

layout is now shown, their concerns in relation to design speed can be more easily addressed at reserved matters stage.

- 6.99** To limit noise and disturbance from construction traffic affecting local residents and the local road network during the construction phase, GCC recommend the submission of a Construction Method Statement to help mitigate any adverse effects. A condition has been attached accordingly along with conditions relating to completion of the Starvehall Farm prior to occupation, passenger information enhancements along Albert Road, visibility splays, management and maintenance of streets, design and layout of estate roads and footpath link with road safety audit.
- 6.100** In conclusion and with regard to the cumulative impacts of the development, the Highway Authority considers that this development would not have a severe impact on the local highway network and a safe and suitable access to the site can be achieved. No highway objection is therefore raised.

6.101 Other considerations

6.102 Viability Issues and Affordable Housing

- 6.103** The residential proposal is for up to 58 dwellings and therefore triggers the requirement for affordable housing, in accordance with paragraphs 47 and 50 of the NPPF and Policy HS4 of the Local Plan, which states: *“In residential developments of 15 or more dwellings or residential sites of 0.5 hectares or greater, a minimum of 40% of the total dwellings proposed will be sought for the provision of affordable housing.”* Note 1 attached to this policy also states that *“this proportion may vary to take account of the exceptional circumstances relating to a site.”*
- 6.104** The information submitted with the application suggests that it would not be viable for the scheme to provide 40% affordable housing and that 20% would be a realistic level of affordable housing. Importantly, the applicant has taken account of the construction costs for the sports centre and ATP/tennis courts in its assessment of viability.
- 6.105** The applicant’s Viability Assessment has been independently assessed by the District Valuation Service (DVS) which has compared the market value of the site with the residual value of the site should the 40% affordable housing be provided. In contrast with the applicant’s viability assessment, the DVS was instructed to not take account of the construction costs of the proposed sports facilities (application 15/01162/FUL) in their assessment of viability. However, they were asked to comment on the accuracy of the figures and construction cost estimates for the sports centre provided by the applicant. Given that the justification for the sale and loss of the playing field is the provision of alternative and improved indoor sports facilities for the school, officers would then take account of the construction costs for the sports facilities in the Council’s overall assessment of viability and acceptable level of affordable housing.
- 6.106** Given the circumstances of the linked applications, the issue of viability is more complex. Although it might seem reasonable and simpler to take account of the construction costs for the sports centre in an initial viability appraisal, officers felt the correct procedure, in the first instance, was to assess the viability of the residential scheme as a stand-alone proposal and since both applications have been submitted separately. Once a viable scheme and percentage of affordable housing has been agreed for the 58 dwellings, the intention would then be for the DVS to undertake further sensitivity testing, working backwards from 40% affordable housing, if necessary, to reach a residual land value commensurate with the estimated

construction costs of the sports centre and ATP. The 'exceptional circumstances' clause of Policy HS4 therefore applies.

6.107 Fundamentally, the residential scheme has been assessed on the basis that it is an enabling project intended to fund the school's new sports facilities and justify the loss of the playing field. The Council would otherwise be unable to support the loss of the playing field. As such, there should be no residual capital receipt for the school upon completion of the sports facilities. Any surplus would be expected to result in an increase in the percentage of affordable housing provision within the proposed residential scheme.

6.108 A draft report from the DVS (received on 8th December 2015) concludes that the proposed development of 58 dwellings is viable with a 40% affordable housing provision (having also taken account of other s106 contributions). Sensitivity testing in relation to 20% affordable housing (as submitted by the applicant) also concludes that the scheme is viable. Note that, both assessments of residual land value exclude the sports hall and ATP construction costs.

6.109 At the time of writing negotiations and discussions between the DVS, applicant and officers are on-going; clarification being sought in relation to valuation figures and the construction costs/tendering for the sports facilities. The DVS has not therefore been able to complete the further sensitivity testing to reach a RLV commensurate with construction costs of the sports facilities and hence reach an agreed level of affordable housing. Nonetheless, based on the assessments carried out to date, officers envisage that this figure should be between 30-40%. Members will be updated prior to Committee should agreement be reached between all parties.

6.110 S106 Agreement and Heads of Terms

6.111 In addition to the affordable housing element, play space, education (primary and secondary provision) and library s106 contributions are required for the residential scheme and would be included in the heads of terms. Given the complexities of viability in this instance, contributions towards public art will not be pursued.

6.112 Drafting of the s106 will also need to give careful consideration to the triggers for the release and construction of the residential scheme alongside implementation of the sports facilities. In essence, the scenario the Council would need to avoid is a completed and occupied residential scheme without completion or even commencement of the new sports centre. Officers are currently discussing the various options in this regard which are likely to conclude that a developer lead and funded sports facility is the most suitable mechanism. For example, the developer of the residential scheme would appoint a contractor, develop the centre and provide funds to the school so that development can come forward subject to clauses. These might include a restricted number of dwellings being occupied until completion of development of the sports centre and none being occupied until commencement.

6.113 Members will be updated should agreement be reached on this matter prior to Committee.

6.114 Funding

6.115A number of local residents have questioned whether the school has investigated thoroughly alternative means of funding the new sports centre and ATP; this would then avoid the loss of the playing field.

6.116Pittville School is a state-funded, foundation school which, in monetary terms, is funded by the Government via the local education authority. As such, the school is provided with an annual lump sum which it must budget to prevent an overspend; the school has no other spare capital other than their assets of land and buildings. There are other sources of funding for sports centres, for example from the Lottery and Sport England, however, the school would not qualify for such funds and nor would any funds cover the full costs.

6.117It is understood that lottery funding is restricted to community and voluntary groups and charities. Sport England have a Strategic Facilities fund but again the proposed development would not fall within the eligibility criteria being over the maximum funding amount (£2 million). There is also no supporting commitment from GCC/CBC and the project has not been identified as a priority within a local authority strategic needs assessment for sports and leisure provision. A loan is also not possible due to servicing the debt and interest payments.

6.118Community Use Agreement for Sporting Facilities

6.119Pittville School intends to maintain and improve the accessibility of its sporting facilities to the wider community and as such a Community Use Agreement (and Business Plan) has been submitted in support of their application. This policy document outlines the school's aims to work in partnership with national, regional and local governing bodies, clubs, local authority councils and the local community to provide sport and recreational facilities outside of school hours, during school holidays and at weekends. The facilities available would also extend to beyond the new facilities proposed as part of this application and could include existing playing pitches for football, rugby and cricket. This arrangement is not dissimilar to that currently offered at Cleeve School in Bishops Cleeve for example.

6.120The Community Use Agreement sets out the broad principles of how the site would be managed and includes provision to evaluate and monitor the community use of facilities. It also proposes the establishment of a Stakeholder Group consisting of representatives from user groups, local residents, parents and sports governing bodies, as deemed appropriate, to advise on the programme of activities offered. Fundamentally, the cost of the community use would be covered by the income generated by out of hours use.

6.121Whilst officers are of the view that, without a proposed community use of the facilities this application should not be refused, the community use element would undoubtedly be of benefit and should be fully supported. To protect the amenities of occupiers of neighbouring properties, matters relating to extended hours of use, lighting and car park management are covered by relevant suggested conditions.

6.122Utilities

6.123A utilities report has been submitted with the application which concludes that there is water, electricity, gas and foul sewerage within or immediately adjacent to the site which means that connections should be possible without major infrastructure works.

6.124 Drainage and Flooding

6.125 Both sites are located within Flood Risk Zone 1 (low risk) and the applications are thus accompanied by a Flood Risk Assessment with accompanying documents.

6.126 GCC as Local Lead Flood Authority (LLFA) initially objected to both applications. In relation to the residential scheme there were concerns about combined discharge rates for the two application sites, lack of clarity on and agreed discharge with Severn Trent Water to the combined sewer system. Clarification was also required in relation to existing run off rates and whether the proposed drainage infrastructure would be able to discharge at the greenfield runoff rate.

6.127 Following discussions between the LLFA and the applicant's drainage consultant, information was submitted which addressed the previous concerns. Whilst the proposed discharge rates do not meet national requirements (i.e. do not match existing greenfield runoff rates) an agreement was reached between the applicant and LLFA and a condition would be attached requiring submission of a detailed drainage scheme for surface water.

6.128 In relation to the sports centre application there was a lack of evidence provided to support the view that the open ditch running alongside Albert Road was not capable of supporting the attenuated discharge from the site. Therefore, on this basis, the proposed development does not adhere to the SuDS discharge hierarchy. There were also concerns in relation to the size of attenuation storage and similar issues in relation to existing discharge rates and whether there would be betterment for the site in line with GCC policy for previously developed land.

6.129 Following discussions with the applicant, the LLFA subsequently agreed that an investigation into the feasibility of using the next hierarchy after discharging to a water body (in this case Wyman's Brook) would be sought via planning condition. On this basis no objection is raised by the LLFA.

6.130 However, the comments made above in respect of the residential scheme (15/01163/OUT) were based on the supporting information as originally submitted i.e. with an indicative layout. The LLFA is now objecting to the revised scheme based on lack of information; without a layout it is not possible to determine if the proposal is technically feasible in relation to surface water management and will not increase flood potential elsewhere.

6.131 Notwithstanding the LLFA objection, officers consider the previous layout drawing and all documents submitted in relation to flood risk and drainage still relevant. As previously mentioned, the application is valid without a layout drawing and the earlier submission reasonably demonstrates that up to 58 dwellings could be accommodated on this site with sustainable drainage options. Officers are therefore taking a pragmatic approach and intend to add the conditions previously suggested by the LLFA; the detail of all drainage matters being considered at reserved matters stage.

7. CONCLUSION AND RECOMMENDATION

7.1 Paragraph 14 of the NPPF requires that "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking....For decision-taking this means approving development proposals that accord with the development plan without delay Where the development plan is absent or silent or relevant policies are out of date, granting planning permission

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.”

- 7.2** With the above in mind, officers consider that when assessed against the provisions of the NPPF and Local Plan Policy, the proposals, considered together, are acceptable. Further, in terms of achieving sustainable development, there are clearly the social and economic benefits to the school and wider community and the environmental impacts of the proposed developments are, on balance, considered acceptable.
- 7.3** In relation to the sports facilities (15/01162/FUL) the proposed layout, scale, design and revised choice of external materials should now provide a low maintenance building with a lighter but contrasting aesthetic appearance. As such the building should fit well within its surroundings and preserve the character and appearance of the conservation area and setting of nearby listed buildings. Amenity issues in relation to noise and disturbance and light pollution are covered by a number of suggested conditions restricting hours of use of the proposed facilities and seeking approval of the detail of the design and height of acoustic fencing.
- 7.4** It must be remembered that the residential application (15/01163/OUT) is in outline with only access to be agreed at this stage. The remainder of the information submitted with the application is necessary only to demonstrate that it is technically feasible to accommodate the amount of development proposed in an acceptable manner.
- 7.5** Gloucestershire County Council Highways consider the proposed vehicular and pedestrian access to the site acceptable in principle (subject to conditions) and has considered carefully the potential increase in traffic using New Barn Lane and the cumulative impact of the proposed development with Starvehall Farm.
- 7.6** It is acknowledged that the revised submission, with amended access road, does not include an indicative layout of housing. However, the scheme as first submitted included a layout which does demonstrate that up to 58 dwellings could be accommodated on this site. Any revised layout would likely have necessitated relatively minor tweaks to groups and alignment of houses and estate roads. The detail of numbers, layout, scale and design and all amenity issues associated with the proximity of proposed dwellings to existing properties in Greenfields would be considered at reserved matters stage.
- 7.7** The loss of the existing playing field is regrettable and officers are aware of the objection received from Sport England and the many comments received from local residents in this regard. However, the applicant’s justification for the loss and redevelopment of the playing field for residential purposes is the proposal for new and much needed sporting facilities for Pittville School.
- 7.8** The proposed residential scheme would fund and facilitate the development of the new sports centre and ATP on adjoining land within the ownership of the school; the applicant arguing that this provision and wider range of sporting uses and increased availability (to the wider community) would outweigh the loss of the playing field. Officers share this view and firmly consider that the proposed sports facilities as a ‘replacement’ and justification for the loss of the playing field is a material consideration for both applications and which should weigh heavily in the planning balance in support of the proposals. The delivery of new homes, contributing to the 5 year supply of housing land is also a material consideration. As such, these two applications should be considered together and not solely on their individual merits.

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- 7.9** In light of the above, Officers conclude that the proposed developments, which despite the loss of an existing school playing field, adhere to the objectives of Policy RC3 of the Local Plan and NPPF guidance set out at paragraphs 49 and 74.
- 7.10** However, agreement has not yet been reached with the applicant in respect of an appropriate level of affordable housing provision and heads of terms generally. As such a recommendation will be provided as an update before or at Committee, dependant on the outcome of current negotiations with the applicant and final report of the DVS. A full set of conditions, if relevant, will also be provided as an update prior to Committee.

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APPLICATION NO: 15/01162/FUL		OFFICER: Mrs Lucy White	
DATE REGISTERED: 21st July 2015		DATE OF EXPIRY : 20th October 2015	
WARD: Pittville		PARISH:	
APPLICANT:	Pittville School		
LOCATION:	Pittville School, Albert Road, Cheltenham		
PROPOSAL:	Erection of indoor sports centre, artificial turf pitch, tennis courts, floodlighting, associated parking and landscaping and including demolition of two dwellings.		

REPRESENTATIONS

Number of contributors	14
Number of objections	6
Number of representations	0
Number of supporting	8

128 Albert Road
Cheltenham
Gloucestershire
GL52 3JF

Comments: 6th August 2015
Letter attached.

48 Linden Avenue
Prestbury
Cheltenham
Gloucestershire
GL52 3DP

Comments: 9th October 2015
There are masses of benefits to this proposal and no major drawbacks as far as I can see.

Pittville School lacks decent sports provision which is a contributing factor to its lack of local support. Its reputation is improving and this year more applicants than in a long time put it as first choice and are now attending from the local area. Our local secondary should have full support from the local population as we have the power to enable it to become a really popular school choice for local children.

Local sports teams need more indoor provision to see them safely through the winter months.

Pittville looks to increase income which will directly benefit our local children.

Obesity is an increasing issue nationally as well as closer to home, by providing more sport and fitness opportunity we at least make headway into combating this major lifestyle issue.

Noise pollution isn't even valid as a point in my eyes for this proposal - I can't see excessive noise being an issue for this type of facility. The noise is equal to increased children playing outdoors - something else we ought to all be encouraging.

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Traffic may increase in and out of the school site but the new homes being built nearby will have a much larger impact on local traffic, noise, light pollution and additional pressure on our local amenities. This school is and will be growing over the next few years as its popularity increases and local population booms - the additional traffic from this facility will be negligible.

We as a local community ought to be supporting our local school in trying to make improvements with which to benefit our local children. Unfortunately villages have to grow but we ought to remember that it's the people within the village that have the power to ensure it maintains its friendly village feel and opposing opportunities for our new generation and making them go further afield for such provision in education and leisure is simply not helpful.

Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 14th September 2015

We wish to object to the Pittville sports development for the following reasons

- 1: This is a commercial enterprise set in the middle of an established residential district.
- 2: Opening hours 8am to 10pm-7days a week. Neighbours will lose enjoyment of their homes-to which they are entitled. Totally. The constant noise from 4 tennis courts and hockey pitch in close proximity to gardens is mental torture.
- 3: The Foxley Tagg report was issued before approval was granted for the students accommodation, therefore the accumulative effect on the surrounding area has not been factored in .
- 4: We are not aware of any survey having been carried out locally to quantify the demand from the community for this facilities
- 5: The proposed use of the complex by the community is to justify the sale of the playing field.
- 6: We believe that Cheltenham is well served with leisure facilities.
- 7: This is a state funded school of C550 pupils and its priority should be to spend less and improve the existing facilities for its pupils only.
- 8: The development does not meet with the approval of Sport England.
- 9:The provision of the sport complex does not meet the conditions laid down to justify the disposal of a playing field.
- 10: The Landscape Architect report does not favour the loss of the playing field needed to fund this.
- 11: The sale of the playing field which will fund this project has to be approved by the Dept. for Education.
- 12: As PE was the one thing in this school that Ofsted rated as good, we do not understand why the headmaster feels his pupils deserve such exquisite sports facilities.
- 13: The use of the field which is being forfeited to pay for this venture was deliberately stopped and it would appear, from the photos and the pleading of Foxley Tagg about the poor facilities,

that no regular maintenance has been carried out- in order to show things in the worst possible light.

14: We agree with the landscape architect report that while we understand the need to update the school sports facilities it is regrettable that this should require the disposal of a playing field and the erosion of urban green space.

15: This is a commercial enterprise associated with the school. If it is not financially successful who will pick up the tab ?

16: The character of Regency Pittville has already been eroded by characterless buildings. This one is no different. Beauty lies in the eye of the beholder.

17: Fitness First are opening in the new Brewery development.

Comments: 4th November 2015

There has been a remarkable lack of support for a new sports complex funded by the loss of a school playing field, until now. We therefore suspect that a concerted campaign has been put into action , so that in two days we have 5 comments in support . Are they all from parents ?

While it is recognised that the PE facilities at the school may need improving, selling off your best playing field is not the best way to do it. Does anyone really believe that spending £3,000,000 on a sports hall will improve their children's chance in life ? Get real.

To anyone who thinks Pittville is an excellent senior school I would say, read the Ofsted reports. This school has been in need of improvement for years and has to be supported by Balcarras School.

Parents who wish to do the best for their children do not choose a school because it has a good sports hall. If they have the choice they will send their children to a school with good academic results. I have never in my life ever encountered anyone who chose to send their children to a school with low academic standards and good sporting facilities.

I can assure you that the playing field in question is level , is in good condition, and WAS USED regularly for all kinds of sporting activity until the headmaster suddenly put a stop to it all. We know why.

Pittville School is 80 years old . It is a small school of about 550 pupils. In 2008 it was being considered for a major refurbishment or rebuilding. With this in mind, I must ask, just 7 years later, is spending £3,000,000 on a new sports centre attached to an 80 year old school ,locally listed, in a conservation area, a good idea ?

Other schools with good sporting facilities are usually more modern build and larger schools. Perhaps in the not too distant future Pittville will need a more modern school. In that case, will this become a sports hall with an old school attached. ?

Sport England is a body set up to encourage sport . They want to protect our playing fields. Have they or any other source (of which there is a long list) been approached by the school for funding to bring the school's facilities up to an acceptable standard? We have no evidence of this having been done. Is this not the first thing the school should do or is it hell-bent on this grandiose scheme. Is this a school with a mission ?

We note that everyone who supports the provision of the sports complex does not live adjacent to Pittville School and will not be affected by the loss of the playing field.

The residents of Albert Road and New Barn Lane will have 800/1000 new students thrust upon them in the near future plus another 300 houses in Starvehall Farm. The noise , pollution and

traffic generated by these developments can only have an adverse affect on the well- being of everyone in this area. Perhaps those who support these applications are not aware of this. Two major developments (the student accommodation and Starvehall Farm) followed by the two school projects (the sports complex and housebuilding) would turn the whole area into a massive building site for many years, as well as causing disruption to commuters.

That is over development and is not acceptable.

We need and value the green space that the school playing field provides between the two new developments.

Pittville School does NOT need to provide an unnecessary leisure centre for the community at the cost of £3,000,000 and this application should not be approved.

5 Holmer Crescent
Up Hatherley
Cheltenham
Gloucestershire
GL51 3LR

Comments: 1st November 2015

The school is expanding to meet demand and while it has a beautifully maintained small sport hall it is wholly insufficient to meet the needs of the school population. The site chosen is well placed with good access from Albert Road and not overly close to residential housing. The school has larger playing fields at the front of the grounds that will continue to be used for outdoor sports so outlining an innovative use of the smaller space for indoor sports hall and the other facilities makes sense. I wholly support the provision of those facilities for the school.

51 Pilley Crescent
Cheltenham
Gloucestershire
GL53 9ES

Comments: 1st November 2015

Much needed sports facilities for the school to sustain development at the school as a whole.

9 Tamar Road
Cheltenham
Gloucestershire
GL52 5QB

Comments: 1st November 2015

I wholeheartedly support the development of these facilities.

Cleeve has an outstanding school complete with excellent sports facilities, Charlton Kings and Hesters Way also. North east Cheltenham deserves a school with facilities, and therefore a following, that rivals all the other areas and their respective schools. Local people should not have to contemplate bussing children across or out of the town to access a school with good PE facilities. Nor should we be motivated to leave this otherwise fabulous area for the want of a more favourable catchment area. We want, need and support the continued development of Pittville school in its onward journey towards excellence.

I recently celebrated my 40th birthday. I am proud to say that I went to school at Pittville in the first year the former girls grammar school converted to a co-ed comprehensive. As we walked in

the door, the scaffolding was being taken down around the new boys PE changing room. That was the end of developments in the PE department, which has seen the school lag behind most in the area in this respect and contributed to its inability to attract pupils.

The upper, former allotment playing field beyond the tree-line has NEVER been utilised by the school as it has a massive field to the front elevation of the school which can meet its needs. The area now proposed for disposal in order to fund enhanced sports facilities is so remote to the school itself its neither use or ornament. I totally disagree with Sports England as the loss of this area will not negatively impact on the school in any way.

Maybe there is some horse trading to be done over exact locations, heights of fencing, soundproofing etc. to make this more palatable to local residents, that's understandable. However, I would respectfully suggest to those objectors in the immediate area to the entire scheme that they are shooting themselves in the foot. Compare and contrast the value of your homes compared with similar in Charlton Kings within the catchment of well-equipped and regarded schools; it is in your interest to support this development and the school in the broader sense.

There are no good Gym / sports facilities on this side of town within easy walking or running distance. If the facilities are accessible outside of school hours it will be a massive benefit to local residents and no doubt the students set to be housed on the adjacent site. In a list of appropriate facilities for the university students to utilise in their spare time I am sure this would be higher than any involving access to alcohol in town or Prestbury down the road.

The rear field on which this development is proposed has a steep incline on it which makes it of no use for pitch based sports. It is only any use for running round and fair-weather break times. This is another point missed by Sports England; there is no real loss of usable field, only the gain of a much needed sports facility.

With my eldest daughter now in year 7 at this school and 2 siblings to follow I sincerely hope a way can be found to provide this vital development; the first significant enhancement to the PE facilities in decades.

34 Cakebridge Road
Cheltenham
Gloucestershire
GL52 3HJ

Comments: 5th August 2015

As a resident directly affected by this proposal I would like to make the following comments:

1. The school is not 'replacing the 3 x existing tennis courts' it is actually adding an additional court. It is requesting 4 x tennis courts.
2. The proximity of the courts - right up against our back garden walls - is not acceptable. I have information about other such courts in Cheltenham and Gloucester and non of them are right up against residential properties. I have been informed that at least one application for such a development was refused - precisely because it would have located the courts too close to residential properties.
3. These courts are intended to be available for use every single day of the year, including bank holidays and all Sundays. Therefore, the potential noise pollution for those residents such as myself whose properties back onto the school is immense, and, in my opinion, not acceptable. Especially given the potential in summer for these courts to be operating from 08:00 to 22:00.

4. If the additional court (which should be clearly stated as such in the application) were not included in the application the courts would at least be one court's width further away from residents' back gardens and the noise pollution would therefore be slightly reduced.
5. What specialist sound reduction measures, apart from a few trees, are being proposed to try and mitigate the noise pollution?

Comments: 1st November 2015

Proposed sports centre and tennis courts:

As has been pointed out by others, Sport England does not support this proposal. I will quote only the summary report from Sport England, which is a statutory consultee. However the detail of the report rejects the proposals for a whole variety of reasons, including lack of proven need and viability:

'The application has not fully demonstrated that the proposed sports facilities will be fit for purpose and sustainable in the longer term. Therefore, it is not yet possible to conclude that the proposed development fulfils the circumstances described in exception E5 of Sport England's Planning Policy Statement or the third bullet point in paragraph 74 of the NPPF. In light of the above, Sport England objects to the proposal the subject of this application.'

My own comments:

The height of the (belatedly) proposed protective mesh netting around the courts is totally insufficient - c 2 metres only. The recommended height for tennis courts is 3-4 metres (ie 12 feet), and that's even where the siting of the courts is well away from any residential housing. Most men these days are c 2 m tall so the netting would only reach head height! There would be tennis balls constantly flying over the top of the wire mesh into residents' gardens, endangering not only their plants, sheds, their children's' outdoor play areas, but also others sitting out/working in their gardens trying to enjoy their legitimate right to peace and quiet and fresh air.

Even if these tennis courts were in any way appropriate, which they are not because they are so close to residential properties, it would require effective acoustic screening on all sides to a height sufficient to have any hope of significantly reducing noise spill. Proposing (again belatedly) acoustic screening on one side only is totally inadequate, the sound will simply spill out on the other three sides, especially on the downhill side, into the back gardens of the residents on Cakebridge Road. The proposed height of the screening is only c 2m. To have any chance of being in any way effective the height would have to be greatly increased. However, we, the residents, would then be faced with an enormous solid wooden 'box' blocking out the views/light from our back gardens - an enormous blot on the landscape.

The positioning of the courts right up against the school means also that the courts are actually closer to the back gardens of Cakebridge Road residents than they need to be. The planners have not even thought to propose that the courts be located right at the top of the school's land where the berm is. That would have at least slightly increased the distance to the nearest back gardens.

There is no reference to any lighting (floodlighting or otherwise) for these courts which must mean that there is no intention to construct any lighting. However, the intended presence or not of lighting needs to be clearly stated, as lighting would be yet another totally intolerable imposition on neighbouring houses. It would be completely unacceptable.

The new diagram of the courts now shows 3 courts rather than the original 4, but the corresponding other plans/diagrams still show the initial number of courts, ie 4.

Comments: 18th December 2015

In their excellent comments of 2 Dec and 4 Nov my neighbour at No 56 Cakebridge Road and the person living on New Barn Lane have meticulously listed the whole raft of reasons why this latest version of the proposed development is unacceptable. Pittville School does not need to provide an unnecessary, and we believe, actually financially unviable leisure centre for the whole community. We are just round the corner from Cheltenham Leisure. I am not going to repeat all the comments they/I have already made, they speak for themselves and for all the residents of Cakebridge Road whose quality of life (noise/light pollution) will be greatly and unacceptably degraded if this proposal goes ahead.

As the neighbour at No 44 Cakebridge Rd points out, the number of tennis courts has suddenly changed back again from 3 to 4 - why? The only reason I can think of is the developers trying yet again, with each review of the plans, to hope that no-one will manage to plough through all the hundreds of documents and notice all the details of what they are proposing, and that they are actually going back on previous changes made after initial, valid complaints. But, in addition, the proposal is now favouring an option where the sports complex itself (the sports building) will dominate the skyline looking up from Cakebridge Road toward the new GlosCat campus. Not only that, the residents of the middle to top of Cakebridge Road, myself included, will now not only have the excessive and unacceptable level of noise caused by the proposed tennis courts (now 4 not 3), we will also have all the noise plus the light pollution of the proposed large all-weather pitch. This is totally unacceptable.

And yes, it is strange to suddenly see a few comments in support of the proposal. Most of them from people living nowhere near the School: - Pillee, Up Hatherley and Paddocks Lane. Paddocks Lane is actually located right next to the very nice, very large green expanse of Pittville Park open area/golf course - and literally just above all the sports facilities available at the main Cheltenham Sport Centre. I wonder what they would feel about the same proposals right up behind their own back garden boundary.

44 Cakebridge Road
Cheltenham
Gloucestershire
GL52 3HJ

Comments: 11th December 2015

Our garden backs onto the playing field. The plans show the new tennis courts backing onto our garden wall. The previous set of plans had shown a reduction to three courts with a gap between our garden and the first court. Why have four courts be reinstated? How far behind the wall will they come? Why do we now have to look at unsightly chain fencing?

56 Cakebridge Road
Cheltenham
Gloucestershire
GL52 3HJ

Comments: 10th September 2015

I wish to object to the Planning Application for the following reasons:

1. The significant amount of noise pollution which will be created by the tennis courts adjacent to the dwellings on Cakebridge Road. The School proposes to open these courts 'out of school hours' to the public therefore this noise will be present up to 2200hrs
2. The significant light pollution which will be caused by the floodlights used on these tennis courts, this will obviously be especially evident in the winter.

3. The School is using the 'open to the community' statement as a sop to justify the creation of a very expensive Sports Complex which is far in excess of what the School requires. Cheltenham does not need another Sports Complex, especially as this one will be in direct competition with the Cheltenham Leisure Centre.

3. The proposed University Campus will include its own gym therefore there will be very little membership of the Complex coming from the students

4. The School infrastructure in general require significant refurbishment, at some point in the future will a decision have to be made with regard the future of the School and in this event is there a likelihood we will have a very expensive Sports Complex with no School to use it.

5. The long term manning/management of any 'out of hours' usage will be very expensive and it is debatable if this commitment can be sustained

6. The School does not require a very expensive Sports Complex, its existing sports infrastructure should be refurbished with any additional buildings identified considered in the light of the School requirement, not governed by the amount of money it may have available from selling a Playing Field

Comments: 2nd December 2015

As identified in our initial response to this proposal I would like to reiterate our objection to this planning application. The salient points of our objection are still:

Noise pollution, when the school is using the existing playing fields the noise from the participants and spectators can be heard quite clearly on Cakebridge Road. Multiply this by the envisaged use of the external all weather till 2200hrs facilities then this will become 'significant'.

Light pollution, this speaks for itself given the all weather all hours proposed usage.

Sport England objects to this proposal. A quote from their response is given: 'The application has not fully demonstrated that the proposed sports facilities will be fit for purpose and sustainable in the longer term. Therefore, it is not yet possible to conclude that the proposed development fulfils the circumstances described in exception E5 of Sport England's Planning Policy Statement or the third bullet point in paragraph 74 of the NPPF. In light of the above, Sport England objects to the proposal the subject of this application.'

Although it is outside the remit of the Planning Office evaluation process I would like to take the opportunity presented by this comment platform to voice some potential concerns on the proposed Complex financial position. Due to the quasi school/commercial aspect of the proposed Complex it would seem necessary, and common sense, to base some of the decision making on a Business Plan, and Foxley Tagg have confirmed such a Plan exists (although not open to us, the council tax payers). I raise the following points for consideration:

The Plan states (confirmed in Foxley Tagg submitted comment) that at some time in the future it is envisaged a 'small profit' being returned to the School, this by default identifies some sort of break even or deficit existence for some years to come (the Community User Agreement states the Complex must be available to the Community for ten years from the date of signing). Gloucestershire County Council have stated in an FOI request that they require no sight of the Business Plan, evaluation of it will be carried out by the Pittville School Governors and ongoing budgetary responsibility will be the School's, this raises the following questions:

Is there any external oversight of the Plan, independent from the School Governors.

Has the Plan been prepared by a party with a vested interest ? Hypothetically if a planning company were employed on a ' no win no fee' basis then a Business Plan written by them, for their customers eyes only, might lean towards identifying a favourable position, in much the same

way other documents written by them to obtain planning permission might seem to have been prepared.

A component of the Plan must obviously comprise some form of market research, and as the local community (among others) is being expected to make use of the Complex you would assume some form of research, i.e. ask us, would have been carried out. We live in the local community and nobody has asked us. As a slight aside the University Campus will comprise its own gymnasium, thereby potentially removing a significant number of potential members

Following on from the above and having read the Community Use Agreement it is evident that the School is proposing a full blown sports centre fully open to the public (when not in use by the School) between 0800hrs and 2200hrs daily. Inherent in this is that the School will be totally responsible for all staffing costs, public liability, health and safety etc, plus accelerated wear and tear costs increased by external usage, all met to a significant degree by external membership fees, and failing this by a School budget which has not been increased to cater for this potential liability. Given that Cheltenham does not need another sports facility, especially one which will be in direct competition with Cheltenham Leisure less than a mile away, is there a fallback position in the event membership falls below a required level and the Complex becomes a significant drain on a finite School budget?

7 York Row
Prestbury
Cheltenham
Gloucestershire
GL52 3EW

Comments: 11th August 2015

I am concerned that the proposal coupled with work already planned in to develop Starvehall Farm/New Barn fields will lead to traffic problems on all roads between Prestbury and Cheltenham town, having a negative effect on residents in the area. I am also concerned with lack of information on local facilities such as schools and doctors, and waste management. I would like a further study to be done to investigate these issues and consult local residents.

29 Linden Avenue
Prestbury
Cheltenham
Gloucestershire
GL52 3DW

Comments: 8th October 2015

We would like to Support the proposal for the following reasons:

1. There is a lack of indoor sports facilities in Cheltenham that are available to hire for local netball clubs, and social netball.

- a recently created junior netball club in Prestbury is playing outside on a Saturday because of this! Weather constraints will undoubtedly mean that sessions will be cancelled especially in the winter months.

- Netball Fun League, who run social netball leagues in and around Gloucestershire, are really struggling to find new indoor venues for their leagues. Participation is growing month on month, as we strive to grow participation.

- Gloucestershire Netball have many clubs in the Cheltenham area that are crying out for indoor sports facilities to hold their training - for both Junior & Senior teams. Without these new facilities,

netball participation is likely to fall. With the imminent closure of Bentham Country Club, there will be even more pressure on the current facilities.

- The netball development programme, which is the grass roots of netball in this county, also struggle to find appropriate venues.

This is only one sport, and just from a netball perspective, there is undoubtedly a "need" for more facilities in Cheltenham.

Participation in sport is one of the legacies of the 2012 Olympics, and is essential for the development and well being of everyone. The more facilities there are, then better that has to be for the community.

1 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HY

Comments: 2nd November 2015

Great addition to the school and local community.

6 Paddocks Lane
Cheltenham
Gloucestershire
GL50 4NT

Comments: 6th November 2015

I can only see that this sports centre will be a excellent and positive contribution to the school, the pupils, local area and community. Pittville school has 'very' much improved over the last few years all thanks to the hard work from the head and teachers. Now it NEEDS the practical improvements. There is a lovely large sports field in front of the school for other activities.

6 Brymore Close
Prestbury
Cheltenham
Gloucestershire
GL52 3DY

Comments: 2nd November 2015

Pittville is an excellent senior school and is becoming a very popular choice when choosing a senior school. What however it hugely lacks is up to date sports facilities.

This is given as the main reason as to why many families living near the school don't opt to send their children there, instead choosing a school that requires driving their child every day, thus adding to the local traffic. With better sports facilities more children would walk to their local school and actually reduce the traffic.

All of the other major local senior schools (e.g. Balcarras, Bournside, Cleeve, All Saints Academy) have excellent up to date sports facilities and it only seems fair to allow pupils at Pittville to be able to enjoy up to date facilities as well.

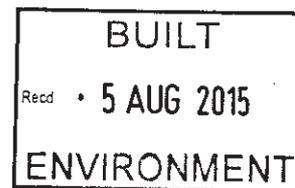
If the school was able to hire out the new facilities this would generate a much needed income that could be spent for the benefit of pupils. With the current crisis of obesity, particularly amongst

Page 113

young people a local up to date sports complex would benefit both pupils and the local community, hopefully instilling a healthier lifestyle.

Local residents cite concerns re adding to local traffic. Directly opposite the school is the most used park in Cheltenham, frequently hosting events that draw in huge crowds (charity fetes, park runs etc). This doesn't have much of an impact on the local traffic so I can't imagine a few cars attending e.g. a tennis match is of any significance. Certainly nothing comparable to Cheltenham racecourse just up the road !!

*The Whistlers
128 Albert Road
CHELTENHAM
Gloucestershire
GL52 3JF*



Mrs L White
Planning Officer
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

27th July 2015

Dear Madam

Re: **Proposal: Erection of indoor sports centre, artificial turf pitch, tennis courts floodlighting, associated parking and landscaping and including demolition of two dwellings at Pittville School, Albert Road, Cheltenham.**

Thank you for your letter 22nd July 2015 in respect of the planning application 15/01162/FUL.

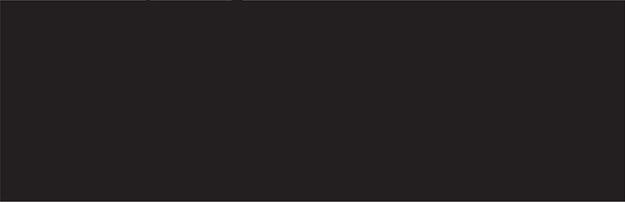
Both I and my wife consider the external elevations of the proposed new build Sports Centre are ugly and out of keeping with the majority of buildings forming Pittville School and out of keeping within a predominantly residential area. We are also concerned about the lack of on site parking provided within the school grounds accessed off Albert Road.

Albert Road is often policed by the school to avoid errant on road parking but we are concerned that there is insufficient on site parking within the school grounds to cater for the intensification of use provided for within this application. Are you confident the proposed parking will accommodate for example interschool tournaments when not only visiting competitors but also friends and family will visit the school?

I would be grateful if you would kindly address these matters, if you have not already done so.

Thank you in anticipation.

Yours faithfully



APPLICATION NO: 15/01662/FUL & 15/01163/OUT		OFFICER: Mrs Lucy White
DATE REGISTERED: 21st July 2015		DATE OF EXPIRY: 20th October 2015
WARD: Pittville		PARISH: Prestbury
APPLICANT:	Pittville School Mr S Lintern-Mole	
AGENT:	Mrs Sally Tagg	
LOCATION:	Pittville School Albert Road, Cheltenham	
PROPOSAL:	Erection of indoor sports centre, artificial turf pitch, tennis courts, floodlighting, associated parking and landscaping and including demolition of two dwellings (15/01162/FUL). AND Outline application for the erection of up to 58 dwellings (approval sought for means of access with other matters reserved) (15/01163/OUT)	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. As indicated in the Officer report, it was hoped that Members would be updated with a recommendation for both of the above applications prior to the Committee meeting. Unfortunately, due to on-going discussions between the applicant and District Valuer (DVS) and delays in the receipt of information from the applicant, the further sensitivity testing being carried out by the District Valuer (DVS) is not complete. Therefore agreement has yet to be reached with the applicant in respect of an appropriate level of affordable housing provision.
- 1.2. Given the importance of securing a policy compliant residential scheme in terms of affordable housing, coupled with full and proper justification for the loss of the playing field, Officers have taken the decision to defer both applications until February Committee. This should allow sufficient time for the DVS to submit their final report and for Officers to complete negotiations and reach agreement with the applicant on an appropriate level of affordable housing.
- 1.3. Whilst a positive recommendation could be given for the sports centre application (15/01162/FUL), this being acceptable as a stand-alone proposal, Members are reminded that these two applications are linked and should be considered together; the new sports centre and hockey pitch providing justification for the loss of the playing field and a s106 agreement relating to both sites. It is therefore felt appropriate to defer both applications.

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APPLICATION NO: 15/01163/OUT	OFFICER: Mrs Lucy White
DATE REGISTERED: 21st July 2015	DATE OF EXPIRY : 20th October 2015
WARD: Pittville	PARISH: PREST
APPLICANT:	Mr S Lintern-Mole
LOCATION:	Pittville School, Albert Road, Cheltenham
PROPOSAL:	Outline application for the erection of up to 58 dwellings (approval sought for means of access with other matters reserved)

REPRESENTATIONS

Number of contributors	24
Number of objections	23
Number of representations	0
Number of supporting	0

27 Pittville Lawn
Cheltenham
Gloucestershire
GL52 2BH

Comments: 4th August 2015

I wish to object to this proposal in the strongest possible terms.

Firstly, this area is already densely populated and overdeveloped. The proposed housing estate will serve to make matters worse, while the new road would lead to more traffic, more noise, more pollution and more accidents. Green spaces are in increasing short supply. Are we to build on every conceivable bit of land in Cheltenham in the name of profit?

What is more, in an area with a wealth of fine buildings, if the new plans are anything to go by, the houses will be the usual charmless identikit affairs which one sees spring up all over Cheltenham and elsewhere: homogenous Lego boxes devoid of ornament and character. One cannot help but feel that the proposed development will be woefully out of keeping both with nearby houses it also sorts and indeed with Pittville School itself.

Building this estate would inevitably ruin the open aspect as the playing field and so obscure the views of Leckhampton Hill. The presence of 58 houses would change the feel of the neighbourhood, and not for the better. It would undoubtedly make it feel smaller, not to say claustrophobic, much as a low ceiling makes a room feel oppressive.

Should the road be built, it is highly likely it would lead to a marked increase in traffic and therefore an increase in noise and possible accidents.

44 Cleevemount Road
Cheltenham
Gloucestershire
GL52 3HG

Comments: 12th November 2015

Letter attached.

44 Cleevemount Road
Cheltenham
Gloucestershire
GL52 3HG

Comments: 12th November 2015
Letter attached.

7 Linden Close
Prestbury
Cheltenham
Gloucestershire
GL52 3DX

Comments: 23rd September 2015

As a resident of Prestbury I am extremely concerned by the prospect of this development adding to the already excessive urbanisation of what is currently quite a pleasant and green part of Cheltenham.

This development, combined with the Starvehall Farm housing estate and New Barn Lane student village, is going to result in a lot of excess traffic in the Albert Road/New Barn Lane and Prestbury Road area. Moreover, the character of this beautiful part of Cheltenham will be compromised by a further collection of generic modern housing, none of which will add to either the Regency splendour of Pittville or the twentieth century houses of New Barn Lane and Prestbury Road.

The development at Pittville School will also affect the community's sports facilities which, despite not being regularly used at present, have a lot of potential for community use if the school would allow/promote this.

85 Welland Lodge Road
Cheltenham
Gloucestershire
GL52 2HH

Comments: 14th August 2015

As has happened with previous applications for the Prestbury/Pittville areas since 2010, this application has been lodged and distributed at the beginning of the school summer holidays which gives a lot of local residents less time to seriously consider and comment on the application. My apologies for my brief and late response.

The proposal seems to have been done without consideration for the existing (outline approval only) plan to develop Starvehall Farm. Particularly, the proposed new junction with New Barn Lane (NBL) which will now be too close to the new junction that will be created by building a road between New Barn Lane and Prestbury Road. As a result, New Barn Lane residents near these junctions will find it difficult to enter/leave their properties. Previous (smaller) applications for new junctions onto NBL have been turned down as being 'too dangerous', however no traffic planning has been arranged for this considerable proposed increase in road usage.

The outline planning permission for the Starvehall Farm development described the exit onto NBL as an 'existing right of way' (ie pedestrian) and NOT as a junction for approx 100 cars from this proposed development to the rear of Pittville School. I would contest that the outline plans for Starvehall Farm should be reviewed as no mention of vehicular access for this development has appeared on ANY of the previous plans for Starvehall Farm. Indeed, without the unfortunate fire

at the farmhouse in November last, then this proposed road would have been impossible as the outline application was agreed with some use to be made of the existing farm buildings.

Local residents are well aware that the back school playing field was used regularly by the school until 4 or 5 years ago with football and 'cross country' running in particular. With the expansion of the University Campus, Starvehall Farm and the Pittville School planning applications, more open green space would be required rather than losing a school field and a local recreation field (Prestbury Road Playing Field, not the Parish field).

I would ask that the Planning Committee seriously re-consider this access route, the density of the houses adjoining existing properties and the loss of yet another green space in Prestbury/Pittville Ward.

Comments: 17th November 2015

Please will some common sense prevail and this application be reviewed IN CONJUNCTION WITH 15/01794/REM Starvehall Farm? Existing properties adjoining both of these local developments will be greatly impacted by noise, traffic, visual impact, ecology and privacy.

This Outline Application seeks approval for the "means of access with other matters reserved", however, we would also comment that the number of plots has increased from 53 to 58. This is not advisable, especially with the additional plots having been added to the proposed North Western part of the Starvehall Farm development. Existing properties in New Barn Lane, Cakebridge Road and Welland Lodge Road will all be adversely impacted by any increase in the number of plots.

Looking at the "Site Plan, Alternative Layout", this appears to show the proposed houses to be very densely packed and insufficient parking for residences and visitors. The proposed access road will cut right across the 'wildlife corridor' on the West side of the Starvehall Farm development which was a 'locked in' matter when outline planning permission was granted.

Additional consideration should be given to the local wildlife, its habitat and foraging areas. A vast area of green fields (playing field, farmland and recreation area) is being lost to this Northern part of Cheltenham and the very least that could be done is to try to minimise the impact of these developments on the local residents and the local wildlife.

It appears that outdated traffic modelling data has been used to support this application. If the Planning Authority allows the developers of Starvehall Farm to permit access/egress from this new Pittville School playing field site of 58 proposed new homes, then the traffic modelling used in the Starvehall application is inaccurate and fatally flawed in terms of volumes.

The traffic generated by both sites would come from 358 families and not the "up to 300" submitted under the Starvehall 2012 revised Nash Partnership proposals. Allowing traffic from the proposed Pittville School site to leave/enter via Starvehall Farm will result in two busy north exiting roads (the "Spine Road" and the north west site exit road). These two roads will link onto New Barn Lane within 100 meters of each other, and, more importantly, the northwest site exit road will join New Barn Lane near the brow of the hill.

34 Cakebridge Road
Cheltenham
Gloucestershire
GL52 3HJ

Comments: 4th August 2015

As a resident directly affected by this proposal I would like to make the following comments:

1. The school is not 'replacing the 3 x existing tennis courts' it is actually adding an additional court. It is requesting 4 x tennis courts.
2. I feel that the proximity of the courts - right up against our back garden walls - is unacceptable. I have information about other such courts in Cheltenham and Gloucester and non of them are right up against residential properties. I have been informed that at least one application for such a development was refused - precisely because it would have located the courts too close to residential properties.
3. As these courts are intended to be available for use every single day of the year, including bank holidays and all Sundays, the potential noise pollution for those residents such as myself whose properties back onto the school is immense, and, in my opinion, unacceptable. Especially given the potential in summer for these courts to be operating from 08:00 to 22:00.
4. If the additional court (which should be clearly stated as such in the application) were not included in the application the courts would at least be one court's width further away from residents' back gardens and the noise pollution would therefore be slightly reduced.
5. What sound reduction measures, apart from a few trees, are being proposed to try and mitigate the noise pollution?

56 Cakebridge Road
Cheltenham
Gloucestershire
GL52 3HJ

Comments: 11th August 2015

I wish to Object to this Planning Application for the following reasons:

The proposed development is sandwiched between the Starvehall Farm development (Planning permission granted 350 plus houses etc) and University Campus (Planning permission granted 750 plus beds), it is slightly larger than a football field, which is what the Pittville School used it for, and will be overlooked by a number of the accommodation blocks in the proposed Campus. There will be a very significant privacy issue in the large number of houses closest to the Campus perimeter and therefore the type and cost of these houses will reflect both the lack of privacy and the significant noise pollution emanating from the accommodation blocks (particularly in summer).

It is highly likely that due to the size of the site and the limitation on housing type imposed by the proximity to the Campus, the majority of housing in this development will be low cost; low cost housing deteriorates quickly as can be seen in comparable developments across Cheltenham over the last ten years. The inevitable involvement of the rental market and the inherent transitory nature of its occupants will accelerate this process.

The privacy of the houses on New Barn Lane (2 to 10 Greenfields) will be significantly affected by the proximity of the proposed housing development. Loss of privacy is not the only issue, there would be a severe financial loss caused by the drop in value of these houses resulting from this proposed development. The value of these houses and their saleability has already been drastically affected by the planning permission given to the University Campus and Starvehall Farm.

Due to the size of the proposed University Campus the Sports Field provides the necessary segregation between the accommodation provided for the large number of (probably first year) University students and the Starvehall Farm development. When a very limited number of students were in residence prior to the current demolition work loud music could be easily heard on Cakebridge Road. Whatever type of house is built on this site and whether it is rented or

owned one question is significant, who would want to live in a housing development that is within 200 meters of accommodation for up to 800 students

The School claims the football field has not been used since 2009 (Foxley Tagg Planning Statement). This is not true, we have lived here for five years and remember it being used on at least weekdays when we first moved in. These suddenly stopped. I'm sure our recollection will be corroborated by other residents in this area. There would appear to be a significant degree of constructive non use by the School in order for this development to be proposed.

It is noted that in the Planning Statement that Sport England needed to be convinced that this sports field is surplus to requirement and this is a pivotal point in the Outline Planning application bid. As I have stated above, it is obvious that the non use of this field has been engineered by the School and their statement that it has not been used since 2009 is not true. If statements are made by the proposing authorities it would be appreciated by the local community that they are accurate and not slanted towards gaining approval.

I would also contest the Foxley Tagg Planning statement that Cakebridge Road houses do not significantly overlook the proposed development, we have a bedroom window which looks directly out onto the proposed development

The Outline application proposes a pedestrian/cyclist access to Cakebridge Road. Cakebridge Road is not very wide along its entire length with cars finding it very difficult to pass parked vehicles, and access for any emergency services is virtually impossible at times (a factor of concern to current residents). This has been accepted I think by the proposers and the proposed access has been limited to pedestrians/cyclists, however the cul de sac end of Cakebridge Road opposite the proposed development was designed as a cul de sac, the fronts of these houses are very close to the footpath (some 3 meters approximately) and an increase in the pedestrian/cyclist traffic would cause a significant invasion of privacy. A footpath running between house numbers 77 and 79 on Welland Lodge Road linking with the Starvehall Farm development is already in place and is only some one hundred meters from the proposed Cakebridge Road access. The houses on Welland Lodge Road (which will be subjected to this traffic) benefit from either being higher or much lower in elevation than the footpath and are therefore afforded significantly more privacy than Cakebridge Road. The adjoining Cleevemount Road which leads down towards the town centre is also much wider than Cakebridge Road with the houses set farther back. Given that in addition to this access, access is also proposed from the development to Albert Road giving a direct route into the town centre it is difficult to see why any access to Cakebridge Road from the proposed development is required at all.

With regard the limited comment posted from the Cakebridge Road occupants this is indicative of the significant number of rented properties rather than any apathy. It is also worth noting that the request for comments falls in prime holiday season when many in the neighbourhood are away.

The application for this housing development and an application for a Pittville School Sports complex are linked in that the Playing Field sell off would not be allowed to proceed without the development of the proposed Sports Complex. I understand that should Outline Planning be granted for the Sports Complex first then this could affect the consideration given to the Playing Field sale, in essence it would add weight to granting permission for the sale. This is wrong, getting Outline planning permission for the Sports Complex should not add any bias toward granting the proposal to sell off the School Playing field.

The Foxley Tagg Planning Statement contains the following paragraph 4.7 which I have copied in full, I find this rather disquieting.

It should be noted that overall the Council considered that, "in principle, the redevelopment of this 'greenfield' site for residential use is considered acceptable subject to a resolution of the loss of a playing field with reference to the relevant parts of Section 8 of the NPPF (promoting healthy communities").

Given that the driver behind the proposed sale of the playing field is the School's requirement to refurbish and extend their Physical Education infrastructure, I think the following points are worth posting:

In the period 2008 to 2012 Pittville School was one of the Secondary Schools Ofsted visited to compile information for its report entitled 'Beyond 2012 Outstanding Physical Education For All' 120367 published in February 2013. Inspectors visited the School over two days and on 21st March 2011 a letter was sent to the Headmaster Mr Gilpin by Ofsted thanking him for his co-operation, and stating that the inspectors found the school to be:

- Satisfactory at 'Achievement in PE'
- Good overall in 'Quality of teaching in PE'
- Satisfactory in the 'Quality of the curriculum in PE'

In this letter there was no mention of the state of the facilities the school now identifies, and even if the survey did not have the remit to look at the PE infrastructure (which is highly unlikely) it is hard to understand how the school did well in the survey if the facilities are as poor as is claimed. Even though this inspection was carried out in 2011 I think the lack of facilities would still have been 'sub-standard or zero indoor sports facility', as claimed in the Foxley Tagg Planning Statement.

In 2012/13 the School applied to the County Council for funding to 'convert the Quadrangle into a multipurpose teaching and learning space. This area would also be used for indoor sporting activities' at an estimated cost of some £500000. In the following County Council evaluation process the School bid failed to realise sufficient points and was turned down.

While it is expected that the School sporting facilities require significant refurbishing (at an early presentation by the School we were told that female students had no showering facility however Gloucester County Council has no record of any funding requests to either provide or repair a female showering facility), it is hard to understand how the County Council could have turned down a funding request, or not allowed it to be amended, if the conditions are as dire as we are told. Perhaps a funding bid more in line with the requirement would have a greater chance of success.

In conclusion I have extracted the following statement from the Foxley Tagg website:

"Our dedicated team have significant experience in the public sector, having worked for local authorities at county, district and unitary levels. This has given Foxley Tagg a unique insight into key governmental processes, procedures and protocols enabling us to use our excellent planning policy understanding to negotiate successful planning applications securing planning permission for our varied client base."

I have tried to read through the wealth of documentation Foxley Tagg have prepared and it is, as one would expect, written with the aim of gaining planning permission and is therefore patently reluctant to identify any problems with regard this application.

My final comment is that reading the Planning Statement submitted by Foxley Tagg is one of the most depressing things I have ever had to do. For reasons all too obvious it makes you want to live in another country which is a very sad thing to realise.

Comments: 2nd December 2015

The Planning Office guidance on comment content states that only comments relating to Noise, Traffic, Visual Impact, Privacy and Amenity will be considered. The fact that a proposal is contrary to common sense and the fact that something is just wrong carries no weight according to the guidelines the Planning Office must work from. Given the proposed developments on Starvehall Farm and the University Campus the logical requirement would be to leave this small

playing field as it is, providing a green buffer between the 800 bed University Campus (and its inevitable inherent antisocial attributes) and the residential housing on New Barn Lane, the top of Cakebridge Road and Starvehall Farm.

The proposed development on the School Playing field is driven by the School requiring a state of the art Sports Complex. A large sum of money is required to fund this project and therefore the design, layout and number of houses has been dictated by the sum that is required. When a development of this size is proposed I believe Government requires a certain percentage of the build be Affordable Housing, once again because the School requires a significant sum of money a Viability Assessment has been submitted in order to get this requirement waived. I would suggest that these factors do not subscribe to a balanced and well thought out development, the immediate proximity to an 800 bed University Campus merely demonstrates this.

If the School toned down its requirement then I'm sure funding could be found from other sources, especially if the School is in the dire need the Headmaster identifies in his Supporting Note.

As has been stated in other comments to this application, at this time little consideration seems to have been given on the impact of the proposed construction on Starvehall Farm or the University Campus. Surely it would be prudent, given the relatively short timeframe that these applications are being considered across, and their colocation, to evaluate these applications collectively.

An example of this is the proposal for a pedestrian/bicycle footpath from the proposed development on the playing field down Cakebridge Road. The Starvehall Farm development already includes an existing public right of way running between 77 and 79 Welland Lodge Road, literally less than a hundred meters from the proposed Cakebridge Road pedestrian/bicycle access. As it is proposed that the two developments will be linked by an internal road, and the proposed access on Albert Road, a third pedestrian/bicycle access on Cakebridge Road would be superfluous.

With respect to the Cakebridge Road access I would like to raise the following points:

It is very narrow down its entire length and adjacent parking in the evenings and early mornings make it barely passable for other traffic (certainly not emergency vehicles), indeed I have just paid a neighbour for damage done while trying to squeeze between two parked cars.

From the point where it adjoins the playing field it runs steeply downhill in a straight line for over 400 meters, and in the summer evenings young children frequently play in the road along its length.

Given the above points allowing bicycle access from the proposed development down Cakebridge Road is creating the potential for serious accidents. Some young people, and some adults, like to ride bicycles quickly, especially downhill, and will have to weave between obstacles, (we have all seen this even in town and on our roads). Give them access to the top of a steep hill, down a long straight narrow road, with cars parked adjacently on both sides and the potential for young children playing in the road, then the outcome of an accident can be very serious. As a person used to walking next to cycle paths when going to work I can also testify that you don't hear bicycles coming behind you, they run on rubber tyres.

The Starvehall Farm public footpath access onto Welland Lodge Road does not have this problem due to the layout of the roads and access to Albert Road for pedestrians and bicycles is already in this playing field proposal.

10 Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 10th August 2015
Letter attached.

Comments: 12th November 2015
Letter attached.

9 Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 12th August 2015
Letter attached.

7 Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 29th July 2015
Letter attached.

6 Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 14th August 2015
I refer to your letter of 22 July 2015 and have the following comments.

1. The proposed development comes at the same time as 2 other developments in the area : The extension of the University premises in Pittville with an increase in student numbers and the Starvehall Farm development. The combination of these 2 developments will have a dramatic effect on local amenities, sewerage, roads, traffic and adding another development will only add to these concerns. The University development is already causing disruption by noise and great vibration to our houses.
2. One specific aspect of the development that makes no practical sense is allowing traffic access onto New Barn Lane when that access will already be over-utilised with traffic from the Starvehall Development. That development did have detailed analysis of traffic flows and pollution effect that are lacking in this proposal. This question of access needs to be re-visited with appropriate consideration to the numbers involved in traffic flow,

3. The question of access for traffic would have been better addressed by developing the lower end of the Pittville Schools fields that does have access to Albert Rd. Was this not considered?
4. The current plan shows houses directly behind our houses in Greenfields with insufficient space between them and us. In addition the plan does not address how we will maintain access to the back fences/hedges of the Greenfields houses. Also if the houses in the proposed development are built directly in line with the existing Greenfield houses that will create a wind tunnel effect which will cause damage. These points need to be addressed.
5. It is also a concern that given the government's objective to encourage participation in sport, and the part that sport plays in health, that an area that is ideal for sport should be turned over to developers. There are many ways that this space can be used to develop sport and the school provided with the gym it requires.

We believe that this proposal for development has been put forward with the notion of jumping on the bandwagon of other developments and has not been thought out properly to answer all our concerns regarding noise, pollution and traffic.

Comments: 16th November 2015

We have the following comments.

1. Our area of Pittville has been the subject of 3 applications or housing developments in less than 18 months causing unnecessary concern and worry to the residents. We already have a proposed increase of 600 students with the University development and the Starvehall Farm development with residents from over 300 houses. This current application for up to 58 dwellings will make matters worse. The amenities and facilities cannot cope with such an increase in numbers. We also take exception to the fact that this has been referred to as a small development compared to the other two and will not make much difference to amenities, roads and facilities. That is not a valid argument.

2. Traffic Access - This application should be considered in conjunction with the Starvehall Development. The new road access onto New Barn Lane B4075 from the Starvehall development will bring a huge increase in traffic. That will be made worse if there is a development on the Pittville playing field. We recommend that a new traffic study be commissioned to replace the outdated 2012 one to assess volume of traffic on New Barn Lane at peak times.

3. Noise and Disturbance - From the plan it appears that there will be houses with north facing gardens leading inevitably to noise and disturbance. There will also be boundaries that border on each other raising issues about access to boundary fences.

4. We understand that this proposed application is to fund the construction of a 3 million pounds sports and leisure centre for Pittville School. We object as a basic principle to school playing fields that could be used by not only the school but also by the community. Assets such as this once disposed of cannot be reclaimed.

5. Pittville Sports centre - We do not object to the school improving its sports facilities but first of all the plans seem in excess of what the school actually needs and also there are many other ways of funding a sports centre improvement project. Sport England, the Football Association, Private concerns and many others are always interested in developing sports at school, community and grass roots level. They would potentially be interested in not only a sports centre but using the playing field with artificial turf pitches. We note that the proposed leisure centre would be available to the public but there are already sufficient sports centres within easy access and our fear is that this would end up becoming a "white elephant" costing money.

Thank you for taking the above points into consideration and we trust the planning committee will recognise that the views of existing residents are highly important in assessing the future of Pittville/Prestbury as an attractive place to live.

5 Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 4th August 2015

I STRONGLY OBJECT to the proposed planning application to build up to 58 residential dwellings on the Pittville School North playing field for the reasons detailed below :-

I have lived at 5 Greenfields, New Barn Lane, Cheltenham for over 15 years and up until recently (last few years), the school playing field was used daily by the students of Pittville School to play football, other sports and for general exercise etc during lunchtimes. Furthermore the playing field was also used in the evenings by youngsters to play football and was used most weekends by local football teams competing in leagues and tournaments. It seems a bit of a coincidence that all these activities suddenly stopped, Pittville School now claim that the playing field is no longer used, is surplus to requirements and hence why they wish to sell it off to be built on?

The whole idea of a school playing field is for students to be able to carry out sporting activities in the fresh air to help them improve their overall fitness and health. With growing concerns about child obesity, diabetes etc it is unbelievable that Pittville School is looking to sell off the school playing field. Information from Public Health England (PHE) already shows that the percentage of children in Gloucestershire classed as obese or overweight is above the national average.

Richard Gilpin (Headteacher of Pittville School) stated in the Gloucestershire Echo on 30th September 2014 that the school has a thriving PE Department and youngsters play county football amongst other sports. Surely a school with such a thriving PE Department should be making use of such a fantastic playing field for football, hockey, rugby, cricket, running and other field sports rather than selling it off to build houses on? Instead the school is looking to build an artificial turf pitch that won't be full size and is designed for 5 aside football and hockey? The plans state that Pittville School will retain the South field (which is on a slope), for sports, but surely it makes sense to retain and play such sports on the North field which is flat?

It is also somewhat ironic that the school is proposing to sell off an existing sports facility that is excellent for outdoor sports in order to fund the redevelopment of other sporting facilities ie new sports hall/gym. I would ask the question why the playing field isn't currently used and why it can't be enjoyed as it once was? Also, why can't the new sports hall be funded by the National Lottery as surely this is exactly the sort of project that the lottery was set up for?

As a sweetener, the proposals state that the new sporting facilities can be used by the local community, however with Leisure at Cheltenham (with it's comprehensive leisure facilities including swimming pool) being in such close proximity, there is not a need for more sports facilities of this kind.

From a residents point of view, I am extremely concerned about the increased traffic, congestion, noise and pollution that the proposed new development would bring what with 300 new houses been given the go ahead on Starvehall Farm and the proposed student accommodation for the University of Gloucestershire. The increase in traffic from this development will undoubtedly adversely affect highway safety and the convenience of road users of New Barn Lane.

The residents of 2 to 10 Greenfields in particular, enjoy a great deal of privacy, light and open views across the playing field to Leckhampton Hill. Plots 21 to 28 in the proposed plans directly

overlook numbers 2 to 10 Greenfields and would completely eradicate the privacy, views and light that are currently enjoyed by the residents of these houses and the proposed buildings would also create overshadowing in view of their close proximity. I am also concerned about the noise and disturbance that will be created by having people living directly at the end of our gardens.

Many of the residents also have trees, shrubs and other greenery backing on to the playing field and these are maintained in part, by accessing the school playing field. How will we be able to maintain these if the land becomes somebody else's back garden?

Whilst I fully appreciate that the school needs to improve its sports facilities, the funding for this should be through other means and not by selling off such a valuable asset as the North playing field.

I strongly object to the proposal and would respectfully ask that the application be declined.

Comments: 28th December 2015

The proposed access route through Starvehall Farm was not on the original planning application and should therefore be rejected. The original plan did not allow for the extra traffic so no impact study has been performed on the traffic flow in New Barn Lane. The traffic along New Barn Lane is already very heavy and this will be made worse with the additional traffic from Starvehall farm. With the proposed addition of 58 houses and circa 100 - 200 cars this will make the road even more dangerous and congested, especially where the proposed exit is situated. To allow such a proposal will be putting lives at risk as the traffic will already be far too heavy with the Starvehall development. It should be remembered that it is a 'Lane' (a narrow road/passageway in between houses, hedges, walls and fences) that all this additional traffic will be accessing and it wasn't designed for this level of traffic. I strongly object to the proposal and would respectfully ask that the application be declined.

Comment submitted date: Tue 04 Aug 2015

I STRONGLY OBJECT to the proposed planning application to build up to 58 residential dwellings on the Pittville School North playing field for the reasons detailed below :-

I have lived at 5 Greenfields, New Barn Lane, Cheltenham for over 15 years and up until recently (last few years), the school playing field was used daily by the students of Pittville School to play football, other sports and for general exercise etc during lunchtimes. Furthermore the playing field was also used in the evenings by youngsters to play football and was used most weekends by local football teams competing in leagues and tournaments. It seems a bit of a coincidence that all these activities suddenly stopped, Pittville School now claim that the playing field is no longer used, is surplus to requirements and hence why they wish to sell it off to be built on?

The whole idea of a school playing field is for students to be able to carry out sporting activities in the fresh air to help them improve their overall fitness and health. With growing concerns about child obesity, diabetes etc it is unbelievable that Pittville School is looking to sell off the school playing field. Information from Public Health England (PHE) already shows that the percentage of children in Gloucestershire classed as obese or overweight is above the national average.

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As a sweetener, the proposals state that the new sporting facilities can be used by the local community, however with Leisure at Cheltenham (with it's comprehensive leisure facilities including swimming pool) being in such close proximity, there is not a need for more sports facilities of this kind.

From a residents point of view, I am extremely concerned about the increased traffic, congestion, noise and pollution that the proposed new development would bring what with 300 new houses been given the go ahead on Starvehall Farm and the proposed student accommodation for the University of Gloucestershire. The increase in traffic from this development will undoubtedly adversely affect highway safety and the convenience of road users of New Barn Lane.

The residents of 2 to 10 Greenfields in particular, enjoy a great deal of privacy, light and open views across the playing field to Leckhampton Hill. Plots 21 to 28 in the proposed plans directly overlook numbers 2 to 10 Greenfields and would completely eradicate the privacy, views and light that are currently enjoyed by the residents of these houses and the proposed buildings would also create overshadowing in view of their close proximity. I am also concerned about the noise and disturbance that will be created by having people living directly at the end of our gardens.

Many of the residents also have trees, shrubs and other greenery backing on to the playing field and these are maintained in part, by accessing the school playing field. How will we be able to maintain these if the land becomes somebody else's back garden?

Whilst I fully appreciate that the school needs to improve its sports facilities, the funding for this should be through other means and not by selling off such a valuable asset as the North playing field.

I strongly object to the proposal and would respectfully ask that the application be declined.

4 Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 12th August 2015

We wish to object to the application by Pittville School to sell off their north playing field for the building of 58 houses.

It is ironical that the notice of this application arrived with us on the same day as GB was celebrating, with Games in London, on the anniversary of the 2012 UK Olympic Games.

As you are no doubt aware the sale of school playing fields is a highly contentious issue. Michael Gove the former Education Minister was pilloried by the national press regarding this matter.

The playing field which Pittville School wishes to dispose of was in use until quite recently (2009 we are told). Football was played regularly by various teams while pupils used it for archery, golf lessons etc. PE involved the pupils running round the perimeter. All good healthy sporting activities.

This was all stopped we believe as a deliberate policy in order that the school could claim that the field was unused and surplus to requirements thus fulfilling one of the conditions necessary for disposal. There are now children at this school who have never been allowed to set foot on this field during their whole school career.

This is no ordinary field. It is flat, well maintained and in the opinion of many it is the sports field with greatest potential in this area. With the greater emphasis now on outdoor sport to combat obesity and diabetes and the increase in women's football and cricket it is regrettable that Pittville school should consider it appropriate to concrete over a perfectly good sports field. Anyone with a soul would not look at the field and say "What a great field to build houses on".

We must also address the matter of sustainability of this proposed housing development. The House of Commons Communities and Local Government Committee have made comments on the NPPF Fourth Report of Session 2014 - 2015

Here are some which may be relevant to this planning application:

It is important that the definition of sustainable development in the NPPF is applied equitably and consistently, and approval is given only to development that meets this definition. While the NPPF makes clear that economic, environmental and social dimensions of sustainable development should be given equal weight, we were concerned to hear so many people tell us that this was not happening in practice.

Planning inspectors and local authorities must account for decisions they make and must be able to explain how all three dimensions of sustainable development have been given equal consideration.

A recurring concern in our evidence was that greater emphasis was being given to the economic dimension of sustainable development than to the environmental and social ones.

A particular concern about unsustainable development was that planning permission was being given to substantial housing development on the edge of towns and villages.

In view of the fact that the purpose of the Planning application by Pittville school was to raise £3,000,000 to fund a sports hall this application could be regarded as fulfilling the economic dimension. Ostensibly this sports hall could be used by the local community. However Cheltenham is well served with leisure facilities and we can see no need for this. Would it not be more prudent if Pittville school adopted a more modest plan.

We would all like a Rolls Royce and a Villa in the French Riviera, the only problem is we can't afford it. Therefore we have to do without. It is called in modern parlance austerity or in other words living within your means.

There are a number of other issues to be resolved and we will comment on those at a later date when more information becomes available.

Comments: 25th July 2015

Notification of this planning application was received on 24/07/2015. That gives any interested party 19 days to comment before 12/08/2015.

As this weekend is the start of the great British getaway, one can assume that many people from this area, who may wish to comment, will be on holiday.

In the interest of fairness to all and to avoid any suggestion of opportunism the period for comment should be extended until the end of the school holidays, at least.

Comments: 9th November 2015

I am in receipt of your letter of 26th October 2015 inviting me to submit any comments on the alternative indicative layout of the above planning application. Before doing so I would be grateful if you would indicate the changes on which you wish me to comment.

Comments: 1st January 2016

The devastation caused by the present flooding in the UK must surely concentrate the minds of planners on the folly of allowing housebuilding on floodplains.

I therefore wish to voice my concern about the proposed building of houses on Pittville School playing field, and how the loss of a field, which up until now has absorbed heavy rainfall, will affect the surrounding houses.

In 2007, when the Jet Stream parked over this area, I watched the water rise on the north west periphery of the playing field and encroach on our rear gardens, while at the same time having to collect water from a bowser on New Barn Lane.

The new University development and the Starvehall Farm development will add massive hard surface on two sides of the playing field causing increased run off.

Is it not foolhardy to consider adding more impervious surface and more run off ?

Should permission be granted to build houses on the school playing field, can we have an assurance that, when the Jet Stream next parks itself over Cheltenham, as no doubt it will, the houses in Greenfields and anything below the level of Pittville school playing field will not flood.

The cost of rectifying potential damage could well exceed the £3million the school want to fund a non-essential sports complex.

I also wish to add my support to the residents of New Barn Lane who have drawn attention to the danger of the increase in traffic and having two accesses on to New Barn Lane within such close proximity.

Outline planning permission for Starvehall Farm was restricted to 300 houses - reason: 'In the interests of highway' safety.

This being the case, how does the Highways Authority justify the following conclusions from their report of 5th December 2015 regarding traffic from Pittville School proposed development.

*It is not considered that these additional trips will have a severe or significant impact on the local highway network.

*This is negligible and not sufficient to affect the operation of New Barn Lane.

*The Starvehall Farm access to new Barn Lane should therefore have more than sufficient capacity to accommodate the modest level of traffic generated by an additional 58 dwellings.

In an era of two car families, on line shopping and more places of employment away from town centres the statistics for traffic which has been produced, seems unrealistic.

May I wish the planners and planning committee a very happy new year and hope that good sense will prevail in 2016.

2 Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 11th August 2015

I wish to object on two grounds: moral and planning.

Firstly the government, councils, schools bemoan children obesity. What is the answer apparently at Pittville close down a school playing field. Due to this sport field being in the grounds it is one of the very few sports fields in the town dog mess free. Sports groups would love to use this but for the last 4 years the school has not allowed anyone to use this facility. Shame on you.

Secondly the proposed access route goes through Starvehall Farm, this was not on the planning application made at the time and therefore the outline planning is invalid. The Farm project should now be made to reapply.

Furthermore no public consultation has taken place over this access onto New Barn Lane . The local residents will have great difficulty getting in/out of their property and will make New Barn Lane very dangerous

Furthermore I cannot see a shade study and my garden will suffer from the houses at the North boundary, these houses will also cause a loss of privacy as they will look into my dining area and lounge. The houses on the West boundary will suffer from the student noise between 2am/4am and may well reduce value are we sure this project is viable

Comments: 17th December 2015

Tracey Crouch Parliamentary Under Secretary of State for Sport has just announced today a new government strategy for involving young people to be more involved in sport.

To approve the closure of this excellent sports field for housing development goes against this strategy

117 New Barn Lane
Cheltenham
Gloucestershire
GL52 3LQ

Comments: 25th July 2015

The proposal seems to have been done without consideration for the existing (approved) plan to develop Starvehall Farm. Particularly, the proposed junction with new New Barn Lane will be too close to the new junction that will be created by building a road between New Barn Lane and Prestbury Road by the Starvehall Farm development. As a result, New Barn Lane residents near these junctions will find it difficult to enter/leave their properties.

103 New Barn Lane
Cheltenham
Gloucestershire
GL52 3LQ

Comments: 7th August 2015

About six years ago, The Highway Dept refused to allow an exit onto New Barn Lane for a new build house that had been put in front of the Planning Committee, this was subsequently overturned because an exit had been allowed at the time further along the road.

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Since then, we have added onto the busy road, the Chase area, all extra. Now traffic from Starvehall Farm via the Link road will make entering/exiting homes on NBL even more dangerous.

To inform us that we have to put up with another entrance, quite close to The Link road for the Pittville School houses, is just too much and very selfish of the planners if this is allowed.

No one has mentioned the 16 days of Cheltenham Horseracing when cars are bumper to bumper way back along the road. they do not all go via Southam. This will cause a backlog with cars unable to enter their property.

My suggestion would be, a lot less homes, if any built on Pittville and the entrance/exit onto the quieter Albert Road or Cakebridge.

Planners, where are all these people going to work? Where are the children going to go to school? Doctors, where are they?

99 New Barn Lane
Cheltenham
Gloucestershire
GL52 3LQ

Comments: 17th December 2015
Letter attached.

7 Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 1st November 2015
Re this development. I am totally against it.

These houses are not needed and the land is only being sold to fund a sports hall. We have a good Leisure Centre ten minutes away which local schools use.

The school should be keeping the field for outdoor sport for future generations and raising money for the the sports hall through Sport England, National Lottery and Children in Need to name but three.

Having said that, if I have to comment on the proposal of these houses on the field, please note that I do not want to lose privacy.

Also there is a stupid idea for traffic from these houses to exit in New Barn Lane.

This road is congested as it is already and the development at Starvehall Farm is also going to exit on New Barn Lane.

Albert Road is the most obvious exit as this is only busy school term time for short periods and gets the traffic into town quickly and does not congest the roundabout at junction of New Barn Lane and Albert Road which is always busy.

4 Chase View
Cheltenham
Gloucestershire
GL52 3AL

Comments:
NONE GIVEN

73 New Barn Lane
Cheltenham
Gloucestershire
GL52 3LB

Comments: 12th December 2015

Adding the traffic generated from this proposal to the traffic already envisaged for the smaller secondary exit on to New Barn Lane from the North West corner of the Starvehall Farm development seems ill conceived. It will at least double the output on to a busy main road at an awkward point for sighting by traffic coming in either direction along New Barn Lane. This is already almost a blind spot, being just over the brow of a hill from the East, and just past a lay-by and place where cars stop for the nearby shop and pedestrians cross the road from the university to reach it, to the West. This is a poor solution to a problem which needn't exist in the first place. It heightens the risk of a serious accident on New Barn Lane. Don't do this.

I get the impression, once again, that councillors are being asked to vote on a business plan, this time for a school pretending to be a business. All this to ensure that we lose more green fields and sports pitches. This is not a common sense solution for Pittville or Cheltenham as a whole.

I object to this proposal in its current form.

Orchid House
101A New Barn Lane
Cheltenham
Gloucestershire
GL52 3LQ

Comments: 18th December 2015

The proposed access route through Starvehall Farm was not on the original planning application. It should be rejected rather than let developers continue to add extra items & therefore sneak things in after the original application was approved.

The original plan did not allow for the extra traffic so no impact study has been performed on the traffic flow in New Barn Lane. Currently the traffic is heavy, with Starvehall farm traffic it will become very heavy, an extra 58 houses with 100 to 200 cars will make the road very dangerous & very congested.

A change of this magnitude should require both the Starvehall Farm & Pittville School plans to be rejected and restarted from the beginning.

2 Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 15th December 2015

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I wish to OBJECT to this application. Something has gone badly wrong in the planning process. The Starvehall Farm application was submitted without this access road. Therefore those developers have to resubmit with the access road shown Also 58 houses adds some 20% additional traffic coming onto New Barn Lane I submit to you that a new traffic assessment has to be carried out. With the 800 students 300 new houses the amenities this area will be overwhelmed

Additional my property the kitchen and dining area sit forward much more then the other houses in Greenfields The proposed sir drawing does not take this into effect and we will suffer complete loss of Privacy I cannot see any mention of boundary fences on the North end of the proposals. Do the developers propose to share my boundary fence? If so, I do not give permission

9 Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 21st December 2015

Relating to planning application ref 15/01163/OUT .This plan relies on a change to planning already passed for new estates on the Starvehall Farm development .Their planning approval did not allow for a road with direct access to New Barn Lane other than the approved one through the centre of that estate. When the application was approved it did not take into consideration an extra 58 buildings needing to access New Barn Lane.

Ordinary residents are not allowed to change plans passed by your department to suit themselves and so by extension neither should a substantial change of plans passed originally for Starvehall be allowed to be changed on a whim

27 New Barn Close
Cheltenham
Gloucestershire
GL52 3LP

Comments: 22nd December 2015

Prestbury Parish Council object to this application for the following reasons:- It is difficult to understand the impact traffic will have on the community. It is being compared with traffic output from Starvehall Farm in 2021, why is this.

Parking details are not shown.

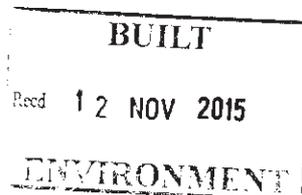
The Prestbury Parish Council also object as this is excessive development in the area, there is already Starvehall Farm, the University development and this is a loss of Green Space and playing fields area within the conservation area.

This application does not comply with the following planning policies:-

- GE2 Private Green Spaces.
- BE1 Open space in conservation area
- CP3 Sustainable Environment

44 Cleevemount Road
Cheltenham
Glos
GL52 3HG
11 November 2015

Mrs Lucy White
Planning Department
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP



Dear Mrs White

**Reference 15/01163/OUT Pittville School Albert Road Housing Development
23 October 2015**

I wish to object to this development in its proposed form for the following reasons.

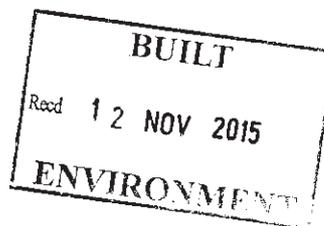
1. The three storey building 56-58 of flats is totally unacceptable in its location and there are too many three storey buildings on this site.
2. There are insufficient parking facilities available
3. The original screening between the existing housing bordering New Barn Lane and this development **must** be retained. These residents deserve some privacy.
4. The number of houses proposed for this location is excessive and should be reduced.

I feel that not enough consideration has been given to existing residents in the design of this site and request that it is refused.

Yours sincerely

44 Cleevemount Road
Cheltenham
Glos
GL52 3HG
11 November 2015

Mrs Lucy White
Planning Department
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP



Dear Mrs White

**Reference 15/01163/OUT Pittville School Albert Road Housing Development
23 October 2015**

I wish to object to this development in its proposed form for the following reasons.

1. There are too many three storey buildings and the block of flats number 56-58 is sited very close to the boundary of the Starvehall development, which has three houses with small gardens adjacent. This building will dwarf this housing and is totally unacceptable.
2. The trees and screening between the housing on New Barn Lane **must be maintained**. These residents will have housing with not very long gardens very close to them and need screening to reduce noise and to not be overlooked.
3. There is not sufficient parking for the residents and when visitors arrive it will cause problems.
4. The number of houses on this site should be reduced with all the other developments in the area, Starvehall Farm and the University this number is far too high. It will cause serious stress on the surrounding area especially New Barn Lane.

I request that the above application is refused.

Yours sincerely



10 Greenfields
New Barn Lane
CHELTENHAM
Glos
GL52 3LG

Your Ref: Outline Planning Application 15/01163/OUT

6 August 2015

Ms T Crews
Head of Planning
Environmental & Regulatory Services
Cheltenham Borough Council
PO Box 12, Municipal Offices
Promenade
Cheltenham GL50 1PP

Dear Ms Crews,

OBJECTION TO OUTLINE PLANNING PROPOSAL 15/01163/OUT – THE ERECTION OF 58 DWELLINGS AT PITTVILLE SCHOOL ALBERT ROAD CHELTENHAM.

Reference: Your 15/01163/OUT dated 22 July 2015

1. I have reviewed the contents of this application as displayed on the Council's web site and wish to **OBJECT** to the application on the grounds of noise from the development, increased traffic on New Barn Lane, the visual impact of the development, the loss of privacy and the loss of amenity to the locality.

2. Considerations:

a. **NOISE:** Whilst this objection refers specifically to the proposed Pittville School playing field development my comments must also be viewed holistically in the context that you have given outline planning permission also for up to 300 houses to be built on Starvehall Farm under planning application 10/01243/OUT. These two applications will permit 4 dwellings to be built in very close proximity to our garden given the planned small size of the gardens of these new dwellings. (This assessment is based on planning documents submitted by GSS Architecture and Nash Partnership)

b. **TRAFFIC:** This application notes it is now proposed NOT to implement the access arrangements briefed at the consultation meetings, instead traffic will exit through the new Starvehall Farm exit road shown on document 8070(L)006 dated 23/07/10 as "existing public right of way". The change of plan from Albert Road effectively incorporates the traffic issues of this development into the Starvehall Farm development and will result in a

new stream of traffic emerging onto New Barn Lane within a very short distance of the Link Road exit. Since it seems likely that the Starvehall Farm Link Road will be opened at an early date to through traffic, the combined effect of traffic exiting from the Pittville School development onto an already busy New Barn Lane (now swelled with new Starvehall Farm resident traffic and the Link Road) will make it difficult and dangerous for New Barn Lane residents to exit from their properties. There is no evidence of new traffic modelling data to ensure this risk is not triggered. The Pittville Development traffic using the public right of way for access and egress will also pose a risk to pedestrian users of the right of way.

c. VISUAL IMPACT: Our south facing aspect will now be obstructed by 2 storey houses from the Pittville School development and our east aspect by 2 storey houses from the Starvehall Farm development. Our previously uncluttered access to sunlight will now be obstructed during those parts of the year when the sun is low in the sky and we will be looking into the back rooms and gardens of up to 6 houses in the two developments.

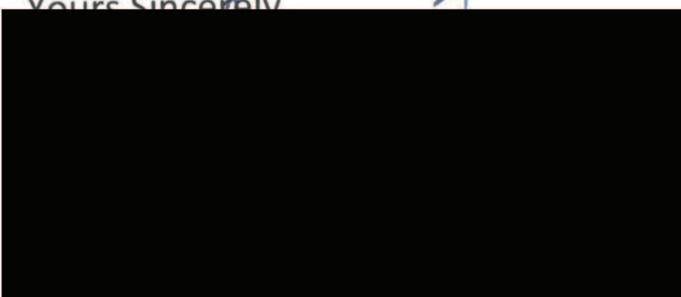
d. PRIVACY: Plots 27 and 28 (ReferenceSCH265 dated 06/03/15) remove the last vestiges of privacy anywhere in our garden, our conservatory on the rear of the house and our south facing bedrooms and lounge. This reference shows trees which do not exist, but which in any event would exacerbate the obstruction of sunlight into our property noted at my Para 2c above.

e. AMENITY: While the proposal states that the playing field has not been used for years, this has been a deliberate policy of the school for administrative reasons and its use by outside clubs has not been permitted. This could be an excellent sports facility for use by others and given the influx of new residents from the three developments: Pittville School (say 200), Pittville campus enlargement (800 plus visitors) and Starvehall Farm (say 1000) there should be commensurate increase in accessible local sports grounds. These three developments could be bringing 2000 new residents into a very small area of Cheltenham who will require recreational facilities beyond that offered by Pittville Park and the Prestbury Parish Playing fields. A further amenity issue is the loss of habitat for wildlife. The existing dividing hedgerow whilst overgrown provides habitat for wildlife and with Starvehall Farm forms a green corridor between the Jockey Club property to the north of New Barn Lane and Pittville park via the Pittville School land. The hedgerow also provides cover and breeding space for many bird species, provides a sight line for bats and cover for a family of foxes. It should be protected.

3. Interdependence:

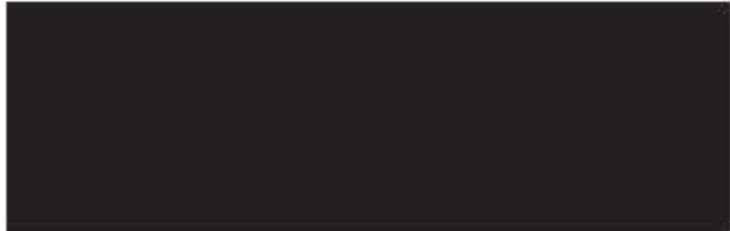
Given the apparent inability of the proposed development of the Pittville School playing fields to stand alone (as it requires access from another development (Starvehall Farm) which has not yet been granted full planning approval and such access was not included in the outline planning application (10/01243/OUT)) I request that this application should not proceed until the significant changes it requires to the Starvehall Farm application have been considered by the CBC Planning Committee and the changed traffic patterns have been effectively modelled.

Yours Sincerely





10 Greenfields
New Barn Lane
Cheltenham
Glos
GL52 3LG



12 November 2015

Mrs Lucy White
Planning Department (Environmental & Regulatory Services)
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham GL50 1PP

Dear Mrs White,

REFERENCE 15/01163/OUT OUTLINE APPLICATION FOR THE ERECTION OF UP TO 58 DWELLINGS AT PITTVILLE SCHOOL ALBERT ROAD CHELTENHAM

References A. Your 15/01163/OUT dated 26 October 2015
B. Your 15/017994/REM dated 23 October 2015

1. We wish to register our comments on, and objections to, the following aspects of the application, Reference A, submitted to Cheltenham Borough Council
 - Layout of the buildings
 - Highway issues
 - Boundary treatment
2. Given that our property site is adjacent to 2 proposed developments, the Pittville School playing fields and the Starvehall Farm development contained in Reference B, our comments – and the Planning Committees consideration of them - must take account of the adverse impacts of both developments on neighbouring properties **and on each other**. Given that it is now proposed that traffic from the Pittville School development will rely solely on access and egress through Starvehall Farm it is indefensible to consider one without considering the mutual impact on the other. This particularly applies to issues of traffic within and without the sites and the mutual disturbance to ecological and boundary features.

3. To place these matters in context we show below at Figure 1 a combined extract from the site plans given in References A and B in relation to our property, 10 Greenfields, New Barn Lane.



Figure 1

4. In accordance with your guidance on matters that should be included in comments on proposals, we offer for consideration below our concerns and requests for change with aspects of the proposals contained in Reference A. We refer also, where appropriate, to potential additional, neglected, or unwelcome impacts arising from the proposed connectivity of the Pittville School proposed development with that of the Starvehall Farm development contained in the documentation relating to Reference B. Our comments and requests concern:

- Noise and disturbance from the completed development
- Traffic
- Privacy
- Amenity
- Ecology

5. Noise and disturbance from use:

The housing layout submitted with Application 15/01163/OUT (extract at Figure 2) for 58 new homes on the Pittville School playing field behind our house shows a new home, Plot 28, with rear garden and boundary abutting our rear garden. Indeed all the new properties adjacent to the 10 Greenfields' homes will have the gardens of the 8 new properties in the north section of the proposed Pittville School development in close proximity to their boundaries.



Figure 2
Pittville School Development Layout

In the case of our property, No 10 Greenfields, we also have to endure the back garden noise and disturbance from up to 5 adjacent back gardens abutting our eastern boundary on the new Starvehall Farm Development – Plot 28 makes a total of 6 new sources of noise and disturbance within feet of our living space.

To reduce this nuisance we request that consideration be given to re-siting the access road for the 8 new properties that are adjacent to the existing Greenfields properties (along with a verge to act as a green corridor for wildlife), adjacent to the Greenfields estate rear boundary fence. This would require that the 8 new houses be re-orientated by 180degrees such that their front doors face our property and the rear of the properties face south. Such a re-orientation could do much to reduce mutual noise from abutting rear gardens as well as enhancing rear garden privacy (see Para 7 below) for Greenfields residents. A bonus for the residents of this row of houses would be that their gardens would now have a south facing aspect, rather than facing north as at present, thus giving them access to sunshine throughout the year that they will not have under the current plans.

6. Traffic. We object to the use of seemingly irrelevant traffic modelling data supporting this application. With the apparent agreement of the Starvehall Farm Developers to permit access/egress from the Pittville School playing field site of 58 proposed new homes, the presented modelling of traffic from the now **combined** exit roads onto New Barn Lane is inaccurate and fatally flawed in terms of volumes. The traffic loading generated by the site onto New Barn Lane now becomes that accruing from up to 358 families, not the up to 300 submitted under 2012 revised Nash Partnership proposals for Starvehall Farm. Allowing

traffic from the proposed Pittville School site to leave/enter via Starvehall Farm will result in two busy north exiting roads (the new "Link or Spine Road", plus the new north west Starvehall Farm site exit road used by this development) onto New Barn Lane within 100ms of each other and less than 100ms from our house exit. We understand that Gloucestershire County Council placed a limit of a maximum of 300 dwellings on the Starvehall Farm site in view of the traffic loading increase, but the new proposed exit strategy from the Pittville School site now breaches this limit. It is already challenging for us to exit onto New Barn Lane at peak traffic periods. These two new streams of traffic in such close proximity to the entrance of Nos 9 and 10 Greenfields will present a considerable risk to our safe passage at busy times. Traffic exiting the proposed Pittville School site will also cut across the proposed wildlife green corridor from New Barn Lane down the Pittville School/Starvehall Farm site boundary and places wildlife such as badgers that use this route at risk of harm.

7. Privacy. As noted in Paragraph 5 above the introduction of the new dwellings with north facing gardens adjacent to the rear gardens of the Greenfields properties will result in significant "overlooking" of our gardens. When taken together with the proposed new houses in the north-west corner of the Starvehall Farm development we will have no privacy anywhere within our front and rear gardens. We can find no details of the proposed boundary fencing for the northern boundary of the Pittville School development, only a reference at Para 4.29 of Reference A's Design and Access Statement where it is stated that "*Properties to the north include a garden buffer of 10m to the boundary so as to reduce potential impacts on adjacent properties*". The precise meaning of this statement is unclear since the 10m buffer is undefined. Without adequate (say 8ft) new tall fencing/hedging the proposed new Pittville School development houses will leave us with no privacy in our garden area where we will not be overlooked by at least 4 homes situated in the 2 new developments.

As we noted above at Paragraph 5 we also request that Officers and the Planning Committee seek commitment from the Developers to reassess the layout of the proposed properties to provide better garden separation and the provision of a small green wildlife corridor. Such a separation would enhance privacy and enable us to maintain our south boundary fences.

8. Amenity: This new development inevitably reduces the amenity (definition: pleasantness, agreeable surroundings) of our property and that of Greenfields neighbours by introducing many new buildings in very close proximity to our homes and private recreation space. As with the Starvehall Farm proposals there is little benefit accruing to the existing community from this development through the provision of new or improved local infrastructure or facilities. It is another quality of life reducing predatory development in our locality, which will place much additional strain on our already depleted local infrastructure, services and roads.

9. Ecology and Wildlife: In respect of treatment of wildlife and protection of their environment, the proposed development as outlined in Reference A, provides adequate provision of new habitat to mitigate the loss of existing cover and feeding space. As residents overlooking the proposed development site we know that the submitted ecological survey is less than complete in its consideration of the loss of wildlife habitat. Until recently the hedgerows have provided an abundance of cover and food for many species of birds, foxes, squirrels and badgers. This habitat has already been severely depleted by the Starvehall Farm developers (see Figures 3 and 4 below) and we have significant concerns that further boundary clearance of the eastern sports field boundary will complete the wholesale destruction of established trees and hedgerows along this boundary of the site. The result has already been devastating for our garden birds where numbers feeding every day at our feeding station have dropped from hundreds of various species to only an occasional sparrow or robin visitor. Wildlife too needs "houses" and the impact of the loss of this habitat cover has been immediate.



**Figure 3: North east boundary fence
Green Corridor habitat before destruction
at end October 2015**

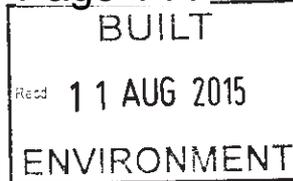


**Figure 4: North east boundary fence
showing complete loss of wild life habitat
in early November 2015**

We further request that the north-east boundary fence "green corridor" be enhanced on the Pittville School development side of the boundary fence with a border of wild flowers and long grasses to provide new habitat and food for insects, bird life and small mammals.

We seek assurance that officers/Councillors take note that the planned entry/egress from the Pittville School site into the Starvehall Farm Development presents a new threat to wildlife. It will place a road across the path of the planned badger "green corridor", on the Starvehall Farm site, thus putting them at risk of harm from this new traffic. We would expect this risk to be resolved by the Developers for safe mitigation during consideration of Reference A by the Planning Committee.





Ms T Crews
 Head of Planning
 Cheltenham Borough Council
 PO Box 12, Municipal Offices
 Promenade
 Cheltenham GL50 1PP

9, Greenfields
 New Barn Lane
 Cheltenham
 LG52 3GL

Your Ref:15/01163/OUT

12 August, 2015

Dear Ms Crews,

Proposal: Outline application for the erection of up to 58 dwellings at Pittville School Albert Road Cheltenham; your letter dated 22 July 2015.

I have the following comments on the above application.

1. The application is, in effect, a proposal to extend the Starvehall Farm development, the subject of a full and lengthy consultation leading to outline planning permission (your 10/01243/OUT). For whatever reason, Pittville School chose not to engage with the planning procedure for Starvehall Farm but is now keen to jump on the Starvehall Farm bandwagon. Moreover, as the Starvehall Farm development will soon get under way, Pittville School presumably supposes that, to avoid any delay, its application will be approved by extension of the Starvehall Farm permission, without any difficulty. I deplore this attempt to subvert the due process of planning, and to sidestep accountability and transparency.

Residents are often dismayed by the outcome of a planning proposal, but they are reconciled to the fact that it has received proper consideration. Issues concerning good faith and trust arise if a plan that has been approved is subject to subsequent variations that change it in a significant way, as is the case here.

2. Although the proposal is to merge a development on Pittville School land with the approved Starvehall Farm development, it actually conflicts with the Starvehall Farm plan and nothing has been done to reconcile the two. It might be supposed that a late attempt to join forces with an approved application would be undertaken with some care but that is not the case. Most significantly, the Pittville School proposal includes a new outlet road onto New Barn Lane, which demonstrates a failure by those who prepared the School's proposal to engage with Starvehall Farm plan. In the Starvehall Farm development, just one single road (the 'Link Road') communicates with New Barn Lane, for the rather obvious reasons of (i) optimising the traffic flow on New Barn Lane and (ii) eliminating 'rat runs' through the new development, which compromise road safety and increase air and noise pollution for residents. I do not believe that variation of the previously approved road scheme that is proposed in the Pittville School application can be approved without revisiting the reasons that led to the original plan. More generally, the wider effects of the increase of 20% in the number

of dwellings in the proposed extension of the development and the consequent increase in traffic flow in the neighbourhood surely need proper consideration.

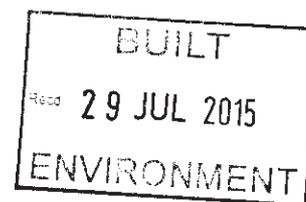
3. I have been mystified since I became aware of Pittville School's intentions that a large, horizontal playing field having no direct road contact with the outside world should be the subject of this proposal, rather than the sloping lower playing field of Pittville School, which has the advantage of being adjacent to Albert Road. It is a bizarre idea and the sole cause of the School's present confrontation with its neighbours and the wider community.

In summary, I object to the surreptitious way in which Pittville School has attempted to use the planning process, and to the failure of its proposal to engage with the elementary notions of traffic flow, road safety and pollution limitation that have been built in to the approved Starvehall Farm development. The residents of Prestbury affected by this new proposal are entitled to better treatment than having a major variation on an agreed plan inflicted on them at the eleventh hour.

Yours sincerely,



7 GREENFIELDS
NEW BARN LANE
PRESTBURY
CHELTENHAM
GLOUCS GL52 3 LG



28th July 2015

Tracey Crews
Head of Planning
Cheltenham Borough Council
P O Box 12
Municipal Offices
Promenade
Cheltenham
Gloucs GL50 1PP

Your Ref 15/01163/OUT

Dear Ms Crews
You ask for my comments regarding the above.

First of all, we are very surprised that it is being allowed for a sports field to be built on. Pittville School has engineered the none use of this field. Previously the field was used by the school and at weekends and by the local community. Of the two fields this is far the better one for sport as flat and no slope.

The school should keep the field and get funding for a sports hall for the school as this is what this is all about. The school should be approaching The National Lottery and Children in Need for funding as both sitting on millions of pounds. The Sports Hall will just be for the school as the local community will not be interested in using it, as we have a full functional Leisure Centre just round the corner.

As Regards any building on the field, we am totally against it. I and my neighbours loose **PRIVACY** which is not acceptable. We are going to have to put up with all the extra traffic coming out onto New Barn Lane, some of which will be going down Albert Road which is saturated with traffic. The visual impact will have a bearing ,with the imminent building at Starvell Farm and the student accommodation in Albert Road .

Prestbury is having problems with the Doctor , moving to Bishops Cleeve. This development will add to the problem.

Yours sincerely



BUILT	Page 147 N BARN LANE
Recd 17 DEC 2015	PRESTBURY
ENVIRONMENT	GL52 3LF

Dear Sirs of Madam

I am writing to you strongly objecting to ~~you~~ the application of allowing the 58 dwelling at Pittville School access onto Stavehall Farm Development. I too approve the propose entrance onto NEW BARN LANE which in its self will be dangerous enough. You see coming out of my driveway as cars coming from my right hand side are reaching speed of between 40 MPH to 55 MPH and as the is bend in the road 100- to 150 yards away it doesn't give you much chance of crossing over. There fine extra traffic on my left hand side it is going to make it 10 times worse for us residents. So I would like you to consider our

~~at~~ objection Page 148 and another
50 to 80 cars from that entrance



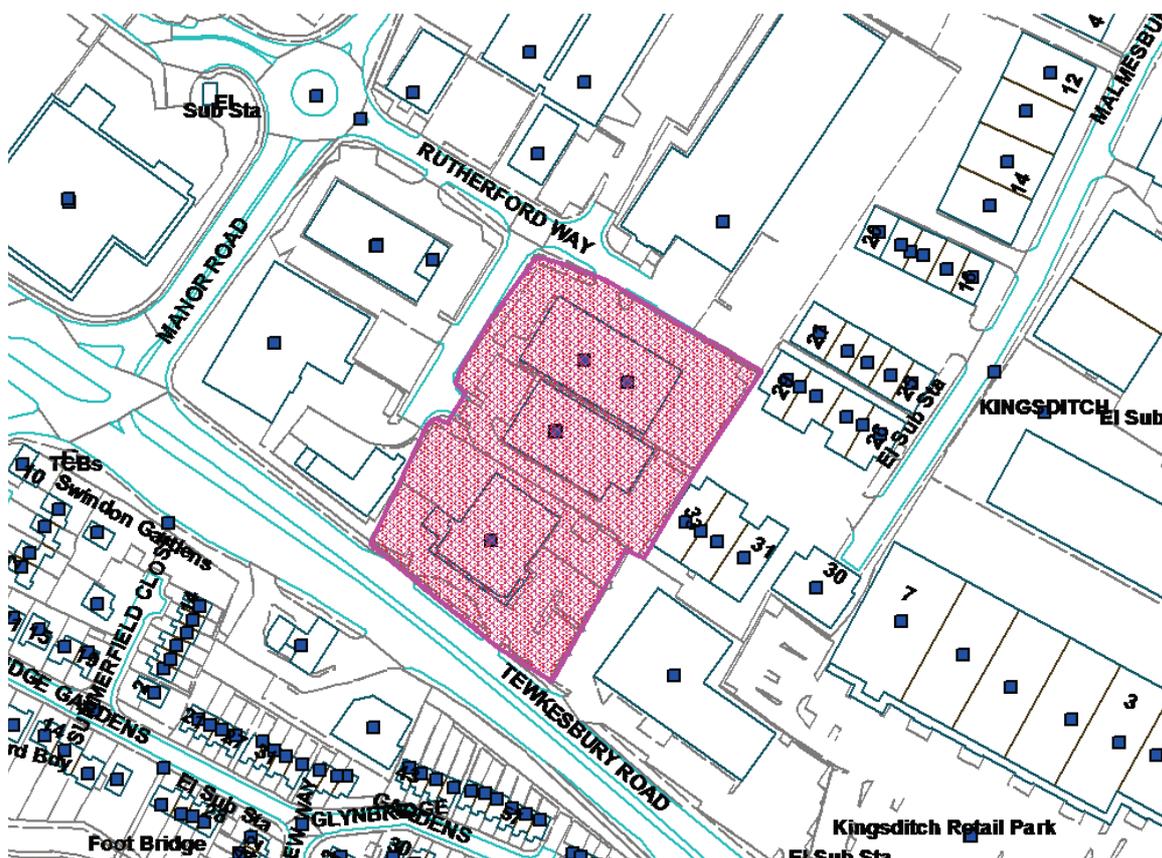
105
103
101
99

NEW
BARN
LANE

STARBUCKS
DEVELOP

APPLICATION NO: 15/00321/OUT	OFFICER: Mr Martin Chandler
DATE REGISTERED: 12th March 2015	DATE OF EXPIRY: 11th June 2015
WARD: Swindon Village	PARISH: Swindon
APPLICANT:	Hinton Properties (Cheltenham) Ltd
AGENT:	Hunter Page Planning
LOCATION:	Cotswold BMW, Tewkesbury Road, Cheltenham
PROPOSAL:	Outline Planning Application for up to 3, 892 sq.m of Class A1 (shops) floorspace, up to 603 sq.m of A4 (drinking establishment) floorspace and up to 1, 395 sq.m of D2 (gym) floorspace with associated parking.

RECOMMENDATION: Permit subject to S106



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application seeks outline planning permission for the creation of up to 3,892 sq.m of class A1 (shops) floorspace, up to 603 sq.m of A4 (drinking establishment) floorspace and up to 1,395 sq.m of D2 (gym) floorspace. The proposal also provides for necessary car parking.
- 1.2 The application site is currently in use as a car showroom (sui generis) and is occupied by Cotswold BMW. The occupant will soon relocate to the BMW dealership currently under construction adjacent to the A40 leaving the application site vacant. The site bounds the Kingsditch Retail Park to the south east, and to the north west of the site is the Gallagher Retail Park. Access to the site is provided from both Tewkesbury Road and Rutherford Way to the rear. The site area is 1.05ha.
- 1.3 The application seeks to have the principle of development determined at this stage, and also access to the site. Reserved for future consideration are appearance, landscaping, layout, and scale although the proposal is supported with an indicative site layout, site sections and street scenes. The indicative site layout shows a large two storey building presented at the rear of the site (indicatively subdivided into three retail units and the public house and gym) with car parking to the front.
- 1.4 The application is also supported by the following documents:
- Planning supporting statement
 - Retail and planning statement
 - Design and Access statement
 - Transport statement
 - Flood risk assessment
 - Ecological appraisal
 - Desk study land contamination report
- 1.5 The application is presented to the planning committee to enable a full discussion on the retail analysis that has accompanied the application, particularly with regard to the sequential test. This matter will be expanded upon below.
- 1.6 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Relevant Planning History:

00/01040/FUL 12th September 2000 PER

Extensions to existing car showrooms and link canopy and extension to existing parts department/ancillary accommodation

96/00008/PF 22nd February 1996 PER

Extension to Existing Garage To Form New Carwash Area

96/00679/PC 17th October 1996 PER

Provision of New Vehicle Storage Area, Staff/Customer Parking and Display Area Following Demolition of Dwelling Adjacent To Existing Garage Site (In Accordance With Revised Plans Received 11

10/01252/ADV 23rd September 2010 GRANT

Freestanding fascia type internally illuminated signs

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 2 Sequential approach to location of development
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 7 Design
CP 8 Provision of necessary infrastructure and facilities
NE 4 Contaminated land
RT 1 Location of retail development
RT 7 Retail development in out of centre locations
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 2 Highway Standards
TP 3 Servicing of shopping facilities
TP 6 Parking provision in development

National Guidance

National Planning Policy Framework
National Planning Policy Guidance

4. CONSULTATIONS

Environment Agency

13th March 2015

Thank you for referring the above numbered application, however the proposals do not feature in our checklist for consultation purposes.

The site is shown to be located in Flood Zone 1 with no other constraints. As such I would refer you to the attached FRA Guidance Note and Surface Water Advise Note.

GCC Local Flood Authority (LLFA)

31st March 2015

The Lead Local Flood Authority will not be commenting on planning applications that have been received by the LPA prior to the 6th of April.

Environmental Health

31st March 2015

With regard to this outline application I have no objection in principle to the proposal. However the applicant's attention should be brought to the following: -

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1. In conjunction with a full planning application the applicant will need to provide a construction environmental management plan (CEMP) that details how the following will be controlled in order to reduce nuisance to neighbours:
 - Demolition and construction noise and vibration including plant noise, use of generators and deliveries to site.
 - Details of any piling proposed
 - Dust from construction activities and vehicle movements (the applicant should have regard to BRE guide 'Control of Dust from Construction and Demolition Activities') Floodlighting and lighting on site

2. It is likely that we would ask for a condition requiring that construction works on the development will not take place other than during the following times:
 - Monday to Friday 0730 to 1800 hours
 - Saturday 0800 to 1300 hours

Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

3. Due to the close proximity of residential dwellings to the south of the application it is likely that we will ask for a condition that any windows serving the proposed gym are unopenable to the front or side elevations.

With regard to the proposed public house we are also likely to ask for the same restrictions. Further, should the proposed public house intend to serve hot food then details of the extraction system will also be required.

Cheltenham Civic Society

13th April 2015

We think it important that the buildings should be at the front, lining the road, with the car parking behind, less visible from the main road. This avoids having a mass of cars as the main view on an important gateway into Cheltenham. But, if this is done it would be important to have a much higher quality of building than what is proposed. They could usefully aspire to emulate the award-winning car salesroom next door to the site. High quality architecture is important on gateway sites.

Parish Council

2nd April 2015

I confirm on behalf of Swindon Parish Council that we have reviewed the above application and wish the following concerns to be taken into consideration:

We recognise that this is an Outline Application but have noted that it is highly detailed and contains references to the proposal having already been through an extensive consultation process with the planning office and also note the inclusion of details such as the information on traffic and parking, and that it identifies in name the proposed occupiers for the units together with supporting letters from the intended occupants. We are disappointed that the applicant has not contacted the Parish Council to discuss the proposal in order that we could discuss our concerns directly with them.

We understand that this is a change of use that will create stronger links with the retail parks.

Our concerns regarding this proposal are :

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1. Securing the site to prevent unauthorised use including use by boy raisers.
2. Through Route between Tewkesbury Road and Rutherford Way.
3. Traffic Statement and Traffic Management
4. Long Term Traffic Management
5. The introduction of the Green King family pub and restaurant
6. Materials, opening hours, lighting and signage
7. Pressure on Princess Elizabeth Way

1. Securing the Site

We are concerned that access is to be provided from both the Tewkesbury Road and from Rutherford Way without any means proposed for preventing this becoming a through route. This creates two distinct problems. This outlines our first concern.

The attraction of the forecourts in this area of Cheltenham for the boy racer nuisance is well known and has attracted an undesirable noisy and dangerous presence to local residents and to road users. Access to the parking courts of the retail parks to the South East and the North West sides of this site has been restricted by the use of gates that are closed when trading ceases.

The proposed through route could not only make this an ideal base for their activities but the presence of the public house is likely to provide an added bonus.

We recognize that both the gym and the pub and restaurant will wish to operate extended hours. However we believe that measures should be incorporated into this proposal that will discourage the use of this site by the boy racers or for any other undesirable uses.

We believe that customer access to parking for the gym and the pub outside normal retail hours should be from Rutherford Way only which would enable the Tewkesbury Road access points to be secured with hinged barriers/gates.

We acknowledge that there are a number of options that could be considered which could include controlling egress from the parking area back into Rutherford Way via a controlled barrier system.

The use of rising bollards which were installed in the Homebase site are not a success and therefore hinged barriers appear to provide a more visual and secure option.

2. Through Route

As previously stated we are concerned that access is to be provided from both the Tewkesbury Road and from Rutherford Way without any means proposed for preventing this becoming a through route which may become known as a means of avoiding the traffic lights at the junction of Manor Road and Tewkesbury Road.

3. Traffic Statement and Traffic Management

There appear to be errors in the Transport Statement. As an example on page 17 table 7.7 for PM PEAK it is noted that there will be 109 vehicles arriving but only 77 leaving and in SAT PEAK it shows 183 arriving but only 156 leaving. This would require the provision of more parking spaces than are indicated.

The site is located within an area of the trade park that has been developed for the car sales showrooms that currently exist and as such the integration of the car showroom sites with the retail parks to either side of them has not needed to be a consideration. The traffic flow to and from these sites is fairly manufacturer specific and as such the flow of vehicles in and out of the forecourts is considerably more limited than the flow of vehicles in and out of the retail parks.

The Cotswold BMW site is the only car showroom that has direct access to the Tewkesbury Road. This does not appear to create problems with the merging of traffic from the existing BMW showroom with the traffic in the Tewkesbury Road because the numbers of vehicles is controlled by the nature of the site.

The units of the proposed scheme will create an increase in the existing traffic volume which, due to the proximity of the Tewkesbury Road entry to and exit from the application site being so close to the entrance of the M& S store and to the entry and exit of the Kingsditch Retail Park may create an unwelcome series of interruptions in the traffic flow on the Tewkesbury Road.

4. Long Term Traffic Management

We believe that developing the application site would provide an opportunity to create a vehicular link between this site and the Kingsditch Retail Park which runs parallel to the Tewkesbury Road and limits the number of vehicular access and egress points. This will increase safety and could prevent a reduction in the flow of traffic on the Tewkesbury Road.

5. The introduction of the Green King family pub and restaurant

We understand from the description provided that this is to be a family pub and restaurant but note that there is no intention to include any external garden area which is unusual for this type of establishment and note that there is no means by which this could be achieved at a later date without isolating an area of the service yard at the rear of the building which would not be acceptable.

We do not agree that the indicative elevations of the proposed structure in particular the North West side elevation do provide an appealing appearance for such a venue and look forward to seeing something much more appropriate in the full submission.

6. Plans, Appearance, Landscaping, Materials, Opening Hours, Lighting and Signage

We note that despite the amount of detail provided with this application that the drawn information is labelled 'indicative' and should the application be consented then detailed applications will be submitted to obtain approval for all of the above.

7. Pressure on Princess Elizabeth Way

This proposal introduces new establishments that are likely to connect to the M5 to journey to and from the south for deliveries and for customers. The delivery vehicles are going to be additional to those that serve the retail and trade parks in the Tewkesbury Road and Kingsditch area. As a result this will increase the number of vehicles travelling on the route between junction 11 on the M5 and the application site.

GCC Highways Planning Liaison Officer

13th August 2015

The planning application is for the redevelopment of land formerly used as a car showroom with a Gross Floor Area (GFA) of 4,133sqm. The redevelopment proposals comprise 3,892 sqm GFA A1 non-food retail, a 603sqm GFA A4 pub/restaurant and a 1,395 sqm D2 gym. This site is located in North West Cheltenham, immediately north of the A4019 Tewkesbury Road.

This Highways Response has been updated following the submission of the Transport Statement Addendum which was produced to address comments in the initial Highways Response.

Existing access

The site is currently accessed via a left-in, left-out access and egress arrangement onto Tewkesbury Road and two priority junctions with Rutherford Way. On-street parking is limited in the vicinity of the site although approximately 65m of uncontrolled parking is available on Rutherford Way, on both sides.

Footway is available along both sides of all roads in the vicinity of the site. Signalised crossings are available to the west of the site at the Tewkesbury Road/Manor Road junction, albeit these crossings are relatively convoluted due to the layout of the junction. Toucan crossings are available on all arms of the Kingsditch roundabout to the east. A segregated footway/cycleway is available on the north side of Tewkesbury Road to the east of the site. It is reasonable to conclude that pedestrian/cycle facilities are adequate in the vicinity of the site.

Both westbound and eastbound bus stops on Tewkesbury Road are well within the CIHT recommended maximum distance of 400m from the site. No shelter is provided at the westbound bus stop, and Real Time Passenger Information (RTPI) is not available at either stop. GCC considers that the developer should provide these facilities in order to cost effectively ensure that opportunities for sustainable transport are taken up. Bus routes serving the site operate at a reasonable frequency with a good range of origins and destinations served.

GCC agrees with the conclusion that the development site provides the opportunity for shoppers and employees to travel sustainably to the development site, subject to the provision of improved bus stop facilities.

The accident analysis does not identify any inherent road safety issues which could be exacerbated by the proposed development.

Access proposals

The three existing site access points will be retained, with general vehicular access available via the left-in, left-out junction on Tewkesbury Road, and one of the Rutherford Way accesses. The second Rutherford Way access will be used solely by servicing vehicles.

Swept Path Analysis (SPA) has been presented demonstrating that cars can enter, exit and traverse the parking area safely. The SPA also shows a 16.5m articulated vehicle entering and exiting the service area. SPA also demonstrates that two 16.5m articulated delivery vehicles can enter the site, manoeuvre into a delivery bay, and exit the site, providing confidence that service vehicles would not need to wait on the public highway for others to finish their delivery.

Footway within the site is adequate, as is connection to the surrounding footway network.

Parking

163 parking spaces will be provided for the site, including 12 disabled spaces. The level of disabled parking equates to 7% of total provision and is acceptable.

It has been agreed with GCC that the level of parking should be identified based on operational need. A parking accumulation exercise has been undertaken based on the TRICS assessment used to determine trip generation. The maximum parking accumulation for the site will be 137 spaces on a Saturday based on the TRICS assessment.

CIHT guidelines suggest that car parks should be designed to a practical occupancy of 85% to account for circulation and peaks in demand. Demand for 137 spaces would equate to 84% of the car park capacity of 163 spaces. Therefore the proposed parking level of 163 spaces is acceptable.

Cycle parking should be provided to an acceptable level to accommodate both staff and visitor demand.

An appropriate level of cycle parking should be proposed. Staff parking should be covered and secure and separate to visitor parking. Visitor parking should be secure and situated in prominent locations close to building entrances.

Trip Generation

The Transport Statement (TS) identifies the trip generation which could occur as a result of the site operating as a car showroom and deducts these trips from the trips which would occur as a result of the proposed development. This is acceptable from a planning perspective.

Existing Trip Generation

The existing trip generation was determined by the use of a TRICS assessment. A direct survey of the existing showroom was requested and undertaken in order to provide a more accurate representation of the existing traffic generation of the site. The existing showroom currently generates approximately 35-50 two-way trips in the AM, PM and Saturday peak periods.

Proposed Trip Generation

The proposed trip generation has been determined using the TRICS database. The assessment for the A1 non-food retail land use is accepted. This element of the proposed development will generate relatively few trips in the weekday AM peak. This land use will generate approximately 90 two-way trips in the PM peak, and approximately 270 two-way trips in the Saturday peak period.

The TRICS assessment for the pub/restaurant is accepted. This land use will not generate trips in the weekday AM peak, and will generate approximately 30 two way trips in both the weekday PM and Saturday peak periods.

A weekday TRICS assessment has been undertaken for the gym land use. This assessment is accepted and demonstrates that the gym land use would generate approximately 30 two-way trips in the AM peak, and 65 two-way trips in the PM peak.

It has not been possible to undertake a Saturday TRICS assessment for the gym land use due to a lack of available sites. Therefore the TS utilises the weekday trip rate for the Saturday peak period. This is an acceptable methodology.

Linked trips

The TS applies a 30% reduction for "linked trips". Linked trips occur where people visit multiple destinations on a mixed use development. It is accepted that this can occur, but also that multiple land use developments can create trip generation higher than the sum of their parts due to the "cluster" effect making the development site more attractive.

In considering this assumption in detail GCC has reviewed the findings of the TRICS Research Report 05-1 "Trip attraction rates of developments with multiple retail and leisure uses." The report concludes that **"multi-use sites with 4 or more developments reduce on average the total number of external trips by about 20% through trip linking... however for comparable sites with a generous supply of parking the trip reduction benefits of multi-use development were, on average, lost completely."**

GCC does not consider the parking provision to be overly generous, although it is unlikely to result in trip restraint. As previously stated, the approach to determining parking levels used in the TS is acceptable as it is unlikely to result in an overspill impact on the public highway. The effect of the parking level on trip generation is considered to be neutral.

However, the TS overstates the potential benefit of linked trips as the TRICS report suggests that about 20% could be achievable for multi-use sites with four or more developments. Whilst it is accepted that the more units, the greater the number of linked trips, increasing the linked trips reduction to 30% for five units is not robust. A 20% reduction factor for linked trips has therefore been agreed with the applicant.

Pass-by and Diverted Trips

The TS states that 30% of trips are likely to be pass-by trips, although a reduction of 10% has been applied. This is accepted.

Site Access

The TS discusses the usage of the two site accesses and the proportion of trips which will use each access. GCC considers that it is likely that the usage of each access will depend on the direction of travel and congestion on the local network. Inbound trips from the west are likely to use the Tewkesbury Road access, whilst inbound trips from the east are likely to turn right into Manor Road and use the Rutherford Way access. Outbound trips to the east will use the Tewkesbury Road access, whilst outbound trips to the west will have a choice of using the Tewkesbury Road access and making a U-turn at the Kingsditch Roundabout, or using Rutherford Way.

Notwithstanding this, GCC does not have major concerns about the capacity of the Tewkesbury Road access point as the left-in movement is free-flow and any queue from the left-out will be contained on the site. The total trip generation for the site cannot be reduced to account for multiple access points, although it is recognised that the impact on local junctions may be spread through the potential to use different access routes.

Total Trips

As stated above, all traffic generation assumptions have been agreed with GCC. The proposed development will result in a slight reduction in trips in the weekday AM peak. There will be approximately 50 additional arrivals and 44 additional departures in the weekday PM peak. The highest peak level of traffic generation will be 105 arrivals and 85 departures in the Saturday peak hour.

Traffic Impact

Development traffic has been distributed and assigned to the local road network based on existing traffic turning proportions. This is considered to be the most appropriate and reasonable method as distribution profiles are likely to be similar to traffic already on the network considering the level of existing retail land uses in the area.

A percentage impact assessment of development traffic has shown that the development will have a maximum traffic impact of 2% on any one arm of the Tewkesbury Road/Old Gloucester Road junction.

On this basis it is agreed that detailed capacity analysis is not required.

Traffic capacity assessment has been undertaken at the following locations:

- Tewkesbury Road/Manor Road; and
- Kingsditch Roundabout.

LINSIG v3 has been used to undertake the capacity assessment of each junction. This is the most appropriate traffic modelling programme for these signalised junctions. Baseline models have been created using operational traffic signal data and existing junction geometries. The base models are considered to be sufficiently representative of "typical" traffic conditions for the purpose of considering the impact of the proposed development.

Manor Road/Tewkesbury Road

The capacity analysis shows that the junction will operate with all arms at approximately 90% of capacity in the 2019 Base plus development scenario in the PM peak. This is only a slight increase in congestion over the 2019 Base without development scenario. The level of impact in the Saturday peak is of a similar level, although all degrees of saturation will remain below 90%. Based on the traffic capacity results, it cannot be considered that the proposed development would have a “severe” impact on congestion in this location.

The change in traffic flows resulting from the proposed development has also been considered. In the PM peak, the development will result in a 2.27% increase in traffic across the whole junction. The greatest impact on any one arm will be 4.91% on the Hayden Road arm, although this only equates to 19 vehicles. Similarly in the Saturday peak, there will be a percentage impact of 4.7% across the whole junction. The greatest percentage impact on any one arm will be 8.00% on Hayden Road, equating to 26 vehicles. The greatest actual impact will be 64 vehicles on the Tewkesbury Road (E) arm, which will be a 6.11% increase. This level of traffic increase resulting from the proposed development is not considered to result in a severe impact and therefore no specific mitigation is required in this location.

Kingsditch Roundabout

Similar to the Manor Road/Tewkesbury Road junction, whilst the Kingsditch Roundabout will experience capacity issues in 2019 with the development in place, the level of impact will be relatively low. In the 2019 PM peak, Tewkesbury Road (E) and Princess Elizabeth Way will operate over capacity, and Kingsditch Lane will operate over 90% capacity, both with and without the proposed development. In the 2019 Saturday peak, both Tewkesbury Road arms and Princess Elizabeth Way will operate at approximately 100% capacity both with and without the proposed development. In both PM and Saturday peaks, the impact of the proposed development is relatively low and could not be considered “severe”.

The percentage increase in traffic flows on any one arm of the junction resulting from the proposed development will be less than 5% in both PM and Saturday scenarios, with the total impact on traffic flows on the junction as a whole being less than 3%. This level of traffic increase resulting from the proposed development is not considered to result in a severe impact and therefore no specific mitigation is required in this location.

Conclusion

The impact of the proposed development on the local road network has been assessed in terms of traffic capacity of junctions and percentage changes in traffic flows. Whilst some arms of the Manor Road/Tewkesbury Road and Kingsditch roundabout junctions will operate at capacity in the future year assessment scenario, the development will have a relatively limited impact on congestion in these locations. This is further evidenced by the traffic flow increases resulting from the proposed development being relatively low. It is therefore concluded that the development will not have a severe impact on congestion on the local road network and site-specific mitigation is not required.

Travel Plan

A Travel Plan will be provided, secured by an appropriately worded condition. A monitoring fee of £5,000 will also be secured in order to monitor the travel plan and ensure the provisions contained therein are implemented.

Recommendation

I recommend that no highway objection be raised to this application subject to the following conditions being attached to any permission granted:

Condition 1

No development shall take place, including any works of demolition, until a Construction Method

Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;*
- ii. provide for the parking of vehicles of site operatives and visitors;*
- iii. provide for the loading and unloading of plant and materials;*
- iv. provide for the storage of plant and materials used in constructing the development;*
- v. provide for wheel washing facilities;*
- vi. specify the intended hours of construction operations;*
- vii. measures to control the emission of dust and dirt during construction*

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 32 and 35 of the National Planning Policy Framework.

Reason for Grampian: To ensure there is a safe and suitable access during the construction period, in accordance paragraph 32 and 35 of the National Planning Policy Framework.

Condition 2

Prior to beneficial occupation a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority, setting out:

- i. objectives and targets for promoting sustainable travel,*
- ii. appointment and funding of a travel plan coordinator,*
- iii. details of an annual monitoring and review process,*
- iv. means of funding of the travel plan, and;*
- v. an implementation timetable including the responsible body for each action.*

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Condition 3

Prior to beneficial occupation of the proposed development details of secure and covered cycle storage facilities shall be submitted to and approved in writing by the local planning authority, the approved works shall be completed prior to beneficial occupation and shall be maintained as such thereafter.

Reason:- To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 and 35 of the National Planning Policy Framework.

Condition 4

Prior to beneficial occupation of the proposed development the car parking facilities shall be provided in accordance with the approved plan and shall be maintained available for that purpose thereafter.

Reason: - To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 32 of the National Planning Policy Framework.

Condition 5

Prior to beneficial occupation of the proposed development details of enhanced westbound bus stop facilities including Real Time Passenger Information facilities shall be submitted to

*and agreed in writing by the local planning authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
Reason:- To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.*

Obligations

Planning permission should not be granted until a unilateral undertaking has been completed for a £5,000 travel plan monitoring fee.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	21
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

- 5.1** To publicise the application, letters were sent to 21 neighbouring properties as well as a site notice being placed adjacent to the site and an advertisement within the Gloucestershire Echo. In response to this publication, three letters of representation have been received.
- 5.2** The objections come from consultants acting on behalf of the owners of the Beechwood Shopping Centre, owners of the Brewery and owners of the Regent Arcade as well as from the neighbouring car dealership.
- 5.3** The concerns from the shopping centres relate to the sequential assessment of alternative sites and the impact that the development will have on town centre vitality, viability and planned investment. The neighbouring car dealership raise concerns in relation to highway considerations.
- 5.4** Both of these points are relevant material considerations and will therefore be considered in the following section of this report.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1** The key considerations relating to this application are the principle of retail development on this site, the highway considerations, and the suitability of the indicative layout proposed.

6.2 Environmental Impact Assessment - Screening

- 6.2.1** The application site has a site area of 1.05ha and therefore the development falls within category 10 (Infrastructure projects) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It is therefore necessary that the Local Planning Authority offers a screening opinion in relation to whether or not the development proposed will have significant effects on the environment. This opinion informs whether or not the proposed development requires an Environmental Impact Assessment.

6.2.2 The merits of the development will be discussed in the following section of the report, but, given the nature of the site (already extensively developed and within a heavily developed area of the borough) the LPA is satisfied that whilst the proposal is schedule 2 development, the development is not of such a scale that an EIA is necessary. The application is supported by a number of appraisals and statements and these provide sufficient information for the LPA to make an informed decision.

6.3 Principle of development

6.3.1 When considering applications for town centre development, planning policy provides a well-established means of assessing such proposals. The NPPF, at paragraph 24 states that:

6.3.2 *[Local planning authorities] should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.*

6.3.3 This approach to the consideration of applications is known as the sequential test and is routinely used for developments of this nature. Members are advised that Local Plan policy RT1 (Location of retail development) provides the same advice.

6.3.4 The NPPF goes on to advise that *“When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale.”*

6.3.5 As well as the sequential test, the NPPF, at paragraph 26, goes on to provide the following advice:

6.3.6 *When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, LPAs should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m). This should include assessment of:*

6.3.7 *The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

6.3.8 *The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes, where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

6.3.9 The NPPF then provides this concluding remark at paragraph 27:

6.3.10 *Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.*

6.4 The sequential test

6.4.1 The applicant has conducted a thorough assessment of alternative sites within the borough to justify why they consider the application site to be the most suitable for the development proposed.

6.4.2 Members are advised that the term ‘suitable’ has been found to mean *“suitable for the development proposed by the applicant”* and in relation to availability, members are advised

that this means whether a site is currently available, not one that may become available at some point in the future.

- 6.4.3** For ease of reference, given the importance of the term 'suitable', members are reminded that application proposes the following:
- 6.4.4** *Erection of up to 3,892 sq.m of class A1 (shops) floorspace, up to 603 sq.m of A4 (drinking establishment) floorspace and up to 1,395 sq.m of D2 (gym) floorspace with associated parking.*
- 6.4.5** Furthermore, and important to the consideration of the suitability of alternative sites, the application is accompanied by letters of intent from TK Maxx (clothes and homewear), who seek an out of centre site to complement their existing town centre offer, and also Brantanos (shoe sales). The application therefore has to be assessed on the basis that it is these stores that will 'anchor' the wider development.
- 6.4.6** The applicant has assessed the following sites as part of their sequential test: Vacant units at the Brewery; Brewery Phase II; North Place; Municipal Offices; St. Georges Place/St. James Square; Coronation Square.
- 6.4.7** All of these sites have been dismissed by the applicant as either unsuitable for the development proposed, or in the case of North Place, unavailable (this report will return to this point further on in the analysis).
- 6.4.8** To scrutinise the applicant's retail analysis, the Council have appointed DPDS Consulting to provide specialist and independent advice on the matter. Regarding the sequential assessment, DPDS advise that in practical terms, there are three possible, sequentially preferable alternatives for the development proposed: vacant units at the Brewery, Brewery phase II and North Place. On the face of it, and in line with NPPF advice, planning permission could therefore be refused on this basis. Notwithstanding this position, there are a number of relevant and important decisions and cases that have to hold significant weight in the assessment of this planning application.
- 6.4.9** Both elements of the Brewery are only realistic propositions if the applicant reconsiders the degree of flexibility they are prepared to show. The existing vacant units would require the format of the proposed development to change significantly and it is argued that Phase II is not suitable for those retailers who are seeking dual representation within the town (such as TK Maxx).
- 6.4.10** Regardless of the above, both aspects of the Brewery would require the disaggregation of the proposed development meaning that the applicant would have to divide up the proposed development so that it can occupy alternative sites. Disaggregation is a way in which developers can demonstrate 'flexibility' as required by the NPPF but a decision from Rushden Lakes has determined that it is not required; going back to the point that development proposed is what needs to be determined, not a hypothetical alternative. Notwithstanding this point, the applicant has made it quite clear that TK Maxx will not commit to an additional store so close to its existing store for the fear of 'cannibalising' existing trade and it is essentially for this reason that the applicant dismisses both aspects of the Brewery Centre as being unsuitable for the development proposed.
- 6.4.11** Members will be well aware that the LPA is required to consider the application that is before them and, as advised above, a judgement from Dundee also establishes the fact that the suitability of a site means suitable for the development proposed. On this point, the advice from DPDS is that *"This includes TK Maxx, and indicates that weight should be given to the argument that vacant units in the town centre are not suitable within the Dundee's judgement's terms."*

6.4.12 For the LPA to conclude that either element of the Brewery provides a suitable and sequentially preferable site it would have to dismiss TK Maxx as the intended anchor tenant and require the applicant to demonstrate a disproportionate level of flexibility. The advice from our retail consultant is that such an approach would find little support at appeal; it would represent an overly negative approach to decision-making.

6.4.13 North Place

6.4.14 In their initial submission, the applicant discounted North Place as a suitable site due to its lack of availability; members will be aware that Morrisons will no longer be implementing the consent that the site benefits from and, at the time this application was submitted (March 2015), the contractual dispute between Morrisons and the land owner was some way from being resolved.

6.4.15 During the assessment of this application, the resolution of that dispute has been getting closer with the land owner recently confirming that, in their view, the site was available in sequential terms and is therefore preferable for the proposed development. In light of this, the applicant was asked to conduct some further analysis in relation to the suitability of North Place as a sequentially preferable site.

6.4.16 In response, the applicant has provided a detailed rebuttal as to the suitability of the site and this has again been scrutinised. The submission makes a number of claims that officers cannot agree with; it is suggested that the North Place site is an inappropriate site for a development of this nature given its location within the central conservation area, that it lacks “significant road-side prominence” and is remote from the town centres retail core. This analysis is deemed to be “weak” by the Council’s retail consultant who advises that these claims do not demonstrate that the site is unsuitable.

6.4.17 Notwithstanding the above, the applicant does however also revert back to the argument that TK Maxx as anchor tenant will not occupy a hypothetical unit at North Place due to the impact on its existing store; put simply, the North Place site does not represent a viable business proposition for TK Maxx.

6.4.18 It is this issue therefore, that needs most consideration. As advised by our retail consultant, the application only passes the sequential test if it is accepted that TK Maxx is required as the anchor tenant. On this point, the Council is also advised that there is nothing within the application to establish that the development would only be viable with TK Maxx, and it is relevant that the permission (if granted) would not, as submitted, be restricted to TK Maxx – they are not the applicant.

6.4.19 Essentially, the issue distils down to the flexibility that is being shown by the applicant and DPDS have stated that the Council is entitled to conclude that insufficient flexibility is being shown by the applicant. Notwithstanding this conclusion, the Council is also being advised by our independent consultant that given that retail planning policy is focussed on the short term, and in light of recent appeal decisions and court rulings, it is unlikely that an appeal would be successfully defended.

6.4.20 Summary of sequential test

6.4.21 When assessed simply against the advice set out within the NPPF then planning permission should be refused because there are sequentially preferable sites available for town centre development. Nevertheless, as members are acutely aware, planning decisions are rarely simple and appeal decisions and court rulings will always influence how government advice should be interpreted. The key matters in relation to sequential test are the suitability and availability of alternative sites, and the level of flexibility that is being shown by an applicant (and an LPA).

6.4.22 The Brewery Centre and North Place both offer sequentially preferable locations for hypothetical retail developments but the LPA are not being asked to determine a hypothetical scheme. Instead, the judgement needs to be made on this outline submission with named anchor tenants who have particular requirements, requirements that are not met by the alternative sites. When assessed on these terms, the advice to members is that the application could not be realistically refused on the failure to comply with the requirements of the sequential test because the available sites are not suitable for the development proposed, and it is on this basis that the application has to be determined.

6.5 Impact assessment

6.5.1 As well as the sequential test, a development of this nature also has to be assessed in relation to its likely impact on investment and the vitality and viability of the town centre.

6.5.2 In relation to the impact on vitality and viability of the town centre, it is accepted that Cheltenham Town Centre is generally regarded as a successful and healthy centre. The applicant's retail analysis considers likely trade diversion from the town centre and concludes that, on the basis of the retailers that make up this application, this will not be significant. This conclusion is endorsed by the Council's consultant but with the caveat that, as submitted, there are no restrictions as to who the potential occupants could be. Members are advised that if an open A1 use was granted for this site this would have a greater impact on the town centre in terms of trade draw, but also in terms of how it may affect Cheltenham's existing stock of out of centre retailers and the risk of future applications to relax the planning permissions that these developments benefit from in terms of the range of goods that could be sold.

6.5.3 With this in mind, the Council is advised that if permission is granted, that thought be given to appropriate conditions and potentially a S106 agreement to ensure that the trade draw and impact on the town centre is appropriately mitigated. The applicant is in agreement to this and work is ongoing in that regard. This approach also goes some way to allaying fears that TK Maxx would leave their existing store, a point that the owners of the Regent Arcade are concerned about.

6.5.4 When considering existing, committed and planned investment, again the key areas to assess relate to the Brewery and Regent Arcade. When initially submitted (March 2015), the impact on any potential investment into the Beechwood Arcade was also a material consideration of great weight but members will now be well aware of the John Lewis redevelopment that is now committed; officers are satisfied that the impact on the Beechwood Arcade is no longer a significant consideration.

6.5.5 Regarding the other sites, our retail consultant has offered the following thoughts:

6.5.6 *In relation to the impact on investment, the development of Phase II of the Brewery has started and could not be cancelled at this stage. The position with the North Place site is less clear cut. It is clear that the development will not proceed as planned and started, and its future needs to be addressed in terms of investment.*

6.5.7 Given that the investment at the Brewery is committed, the impact on this centre is more appropriately considered as part of the sequential test and the conclusions in this regard are provided above. The future of North Place remains unclear and no representations have been received by the land owner to advise on what they perceive the potential impact to be. In the absence of such representations, it is very difficult to conclude that the impact will be severe and would warrant withholding consent; the LPA would be speculating.

6.5.8 Finally, whilst consultants acting on behalf of the Regent Arcade suggest that the proposed development will impact on further investment into the arcade, it does not give specific details and without this no weight can be given to this point.

6.6 Conclusion on retail analysis

6.6.1 Retail impact represents a particularly complex material consideration in the assessment of planning applications, particularly when the potential impact is on such important sites for the town. In light of this, the application has been thoroughly scrutinised in the manner expected by the NPPF and the advice to members is that this application should be supported, despite the identified short-comings of the sequential assessment.

6.6.2 Whilst the NPPF makes a clear statement of how applications should be determined if they fail the sequential test, the interpretation of this guidance is critical in the determination of this application, and this should be informed by recent appeal decisions and court rulings. It is for this reason that the Council appointed an independent consultant to assess the retail analysis being submitted by the applicant, and the following concluding remarks should weigh heavily in the determination of this application (members are advised that the full concluding statement from DPDS as attached to this report as an appendix):

6.6.3 *I conclude that the application only passes the sequential test if it is accepted that TK Maxx is required as the anchor tenant. This is a matter of the flexibility shown by the developer and the Council is entitled to conclude that insufficient flexibility has been demonstrated. The Council should show considerable caution in accepting, as a matter of principle, that the requirements of specific, named retailers should attract great weight in the sequential test.*

6.6.4 *However, with retail planning policy focussed on the short term and being implemented as it is, with suitable conditions and the legal agreement now proposed, I consider that the applicant would have a good chance of a successful appeal. The Rushden Lakes decision indicates how the previous Secretary of State was likely to approach the NPPF planning policy, and there is little indication that a different approach would be adopted now. As noted the flexibility expected by the Council is a matter of planning judgement, and at appeal, that judgement would fall to the Inspector. In the context of what would be seen as successful and thriving centre, the limited impact and lack of any clear harm to the centre arising from the proposal itself, (rather than as a precedent) there is, in my view, a significant risk that an appeal would be allowed. That is not to say that a refusal could not be defended on appeal or that the outcome of any appeal would be a forgone conclusion.*

6.6.5 Officers see no compelling reason why TK Maxx should not be accepted as being required as the anchor tenant and through the use of appropriately worded conditions, even if it were not TK Maxx anchoring the scheme, it would be 'TK Maxx-type' unit, thereby limiting the impact on the town centre (i.e it would not be an open A1 use). Furthermore, through a suitably worded legal agreement, the Council is able to ensure dual-presence within the town centre at least in the short to medium term (five years); the suggested legal agreement would require occupants of this development to retain a presence in the town centre for a period of five years if they are already in situ.

6.6.6 In light of the above, officers are satisfied that, on balance, the proposal passes the sequential test; whilst there are sequentially preferable sites available (Brewery and North Place) these sites are not suitable as they cannot deliver the specific development that is being proposed, but only hypothetical retail developments. This, in combination with the limited impact on what is a healthy town centre, leads officers to the conclusion that the development should be supported; in light of the guidance provided in paragraphs 186 and 187 of the NPPF relating to positive decision making, there is an insufficiently strong case to justify a refusal.

6.7 Matters relating to design and layout, and highway considerations, as well as a full suite of recommended conditions will follow as update to this report.

Please Reply to: Swindon
 Our Ref: DAM/C10244
 Your Ref:
 Date: 13th January 2016



Mr Martin Chandler
 Senior Planner
 Environmental & Regulatory Services
 Cheltenham Borough Council
 Municipal Offices
 Promenade
 Cheltenham
 GL50 9SA

Dear Martin

Application No 15/00321/OUT Proposed Retail Warehouse Units, Gym and Public House, former BMW site, Tewkesbury Road, Cheltenham

I refer to DPP's letter of 15th Dec 2015 regarding the availability and suitability of North Place in the sequential test. It might be useful to have a brief resume.

The application as submitted was for an open A1 use together with a pub and gym. The main retail tenants were identified as TK Maxx and Brantano, neither of which could be considered as bulky goods retailers. The application has, rather unusually for such applications, led to objections from the owners of both the main indoor shopping centres in the town centre. The proposal is seen as contrary to the town centre first policy and there is a concern that TK Maxx would move out of the Regent Arcade. In addition, granting planning permission would set a precedent which would make it difficult for the Council to resist other open A1 retail proposals.

We concluded that the proposal would not cause a significant adverse impact on the town centre, but the applicant had failed the sequential test. The trade diversion would be limited and while TK Maxx's longer term intention must be uncertain, if it were to move out of the town centre, there would be a reasonable prospect in Cheltenham of re-letting to a good tenant and a relocation could not be said to undermine the town centre as a whole. With regard to the sequential test, although some sites were ruled out by the applicant as unsuitable for TK Maxx because of the proximity of the alternative sites to the existing store in the Regent Arcade, any planning permission would not be restricted to TK Maxx or any other retailer to which special considerations might be applicable.

The applicant responded with suggestions for conditions and a proposed S106 agreement which would prevent, for a period of five years, the closure of the town centre TK Maxx while the unit in the proposed development remained trading. The conditions would aim to limit the retail activity to bulky goods with specific exceptions to allow TK Maxx and Brantano to trade from units A and C.

The latest letter from DPP sets out what it sees as the main points in recent decisions including the Dundee and Zurich (North Lincolnshire) judgments and the Rushden Lakes decision. Our previous advice has taken

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13th January 2016

Mr Martin Chandler
Cheltenham Borough Council



these into account and it is fair to say that the Dundee judgment in particular defines the way that the Council should implement the sequential test; It needs to ask itself whether alternative sites are suitable for the development proposed, and not whether there are sites which could meet a different, hypothetical development. However, the judgment did not address the specific requirements of named users and did stress the requirement in policy for developers to show flexibility. It was clear that whether the flexibility shown is sufficient is, in the first instance at least, a judgement for the LPA to make. In both cases the challenge came from objectors to the permission and the challenges failed – LPAs are entitled to exercise judgement in assessing developer's flexibility and the Courts will only intervene if they act unreasonably.

The Rushden Lakes decision gives some indication of how national policy is likely to be interpreted if the application were to be determined at appeal. The decision indicates that that the disaggregation of the development is not a requirement and that sites should be available - without any indication of the timescale. The North Lincolnshire Judgment sets out the principles relevant to the proper approach to local and national policy in para 16. This notes that national policy is a material consideration but the weight to be given to material considerations is a matter of planning judgement and that the part played by any particular material consideration is a matter for the planning authority. However, an Inspector or the Secretary of State is likely to give considerable weight to the NPPF, particularly where the local plan is not up-to-date.

In terms of the specific response on North Place, DPP claim that the site is unsuitable because of Local Plan policy which favours residential development, the unsuitability of a retail warehouse-led development in a conservation area; the remoteness of the site from the retail core and the lack of road-side prominence and pass-by trade. In DPP's view the lack of critical retail mass of neighbouring retail uses and major pass-by traffic "*severely constrains the site's relative attractiveness and viability*". Lastly DPP claims that the proximity of the existing TK Maxx store makes it unviable for the proposed development. DPP also claims that the site is under contract and therefore not available.

I shall take each in turn. In relation to the Local Plan the site is allocated for a mixed use development although the text indicates residential development on the site, other uses were also expected and a solely residential development is unlikely to be acceptable, or the site would have been allocated for residential use. Non-residential development could not be considered contrary to the local plan policy for the site. Perhaps most significantly the Local Plan is now rather dated and other considerations are now likely to be more significant. Planning permission has been granted for a mixed residential and retail development. This suggests that the Council's views are open on the use of the site but you will of course have a better idea of what would be acceptable on the site.

In relation to design and appearance, the adjacent land has been developed as a multi-storey car park and the modern Brewery development has gone ahead nearby in the conservation area. Retail warehouses are no longer "tin-sheds" and reasonable design standards could be expected and will be required on any site. You will be more aware of what would be acceptable on the site in design terms.

I do not believe the site is commercially unattractive for retail development. It is very close to the retail core of the town centre and clearly much closer than the application site. While it might not support a shopping mall development, few sites now would. There is no reason why it would not be attractive for the

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development of larger retail units for which there is generally a shortage in town centres. There are examples nearby. I do not accept that the site lacks prominent road frontage or pass-by traffic; Fairview Rd is a continuation of Tewkesbury Rd which carries most of the traffic around the north of the town centre and to the main town centre car parks. There is no noticeable reduction in traffic compared with on the application site and it would need traffic counts to establish a difference. In my view, these objections to the North Place site are weak and its unsuitability has not been established.

In terms of availability, I understand that the Council has been told by the site owner that the dispute between it and Morrisons will be settled shortly and it is open to approaches for retail development. There is nothing to suggest that it is not available.

That leaves the objection based on the proximity of TK Maxx's existing store. DPP points out that in the North Lincolnshire judgment the fact that the Council gave weight to the requirements of a named operator (M&S) and that this was found an acceptable approach in law. However, the nature of the occupier was given weight outside the sequential test. It was common ground that the applicant had not passed the sequential test and the nature of the occupier was considered as another material consideration. The conclusion on the sequential test was, however, based on the failure of the applicant to show sufficient flexibility with regard to disaggregation in the context of the policy at the time (PPS4) and the NPPF does not mention the need to consider disaggregating the uses within a development. The judgment indicates that the Council is entitled to give weight to TK Maxx as an occupier but not that it was obliged to do so.

Returning to the present case, I think it is unlikely that TK Maxx would wish to operate a second store so close to its existing one. It has also been questioned whether it would, in the long term, wish to operate two outlets in Cheltenham, a point I will come back to. It is also likely that the development would need an anchor retailer to make the development viable, or at least that the letting of other units would be much easier with a retailer such as TK Maxx committed to it. However, there has been no evidence presented to establish that the development would be viable only with TK Maxx and the permission would, as submitted, not be restricted to TK Maxx.

To allay the Council's concerns on the latter point, the applicant proposed a S106 agreement and a number of conditions. The latest version of the suggested conditions I have seen is the email from Hunter Page dated 22nd September. I have a number of concerns.

The condition suggested for the TK Maxx unit is based on a condition from Llandudno, but it is clear from the retail planning statement submitted with that application that it amended a condition originally dating from 1991. I question the need to list all the bulky goods that can be sold, and it is so particular that there is risk of a retailer having to amend the condition to sell its normal range of goods or to start selling a new line of goods.

Furthermore it does not ensure that a mix of goods was sold and a high street clothes retailer would be able to trade from the unit selling only fashion clothes. The same would be true for any of the products listed.

I also note that the Brantano unit would be restricted to the sale of shoes and associated goods with no fall-back position.

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I suggest that, if permission is to be granted, it would be better to have a general bulky goods condition, as proposed for Unit B, applied to all three retail units with exceptions to allow a footwear retailer to operate from Unit C, and a TK Maxx type outlet from Unit A. This would provide the developer with a fall-back position without necessarily the need to seek to amend the conditions.

In relation to the TK Maxx unit, I consider that there would be a need to include a provision requiring that no single named category of goods should occupy more than a certain percentage of floorspace. I am not familiar enough with the offer or layout of TK Maxx, to suggest an appropriate figure, and it might be necessary, if for instance, the percentage of floorspace for clothing display was set at one level with no other category comprising more than a much smaller percentage. Only to give an idea of the format of such a condition as an example, it could stipulate that not more than 60% of the floorspace should be used for clothing and footwear sales and not more than 10% for any other permitted category. The actual figures would have to depend on the number of categories listed in the condition and the product mix.

I agree with DPP that a condition preventing the subdivision of units without consent would be necessary to protect the vitality and viability of the town centre.

In relation to the reasons for the condition, I am not sure that the conditions would ensure that the offer was complementary to the town centre, and suggest that the reason would simply be to ensure that the development did not prejudice the town centre's vitality and viability.

I conclude that the conditions proposed by the applicant would not be adequate to limit development to the special circumstances applying in this case. This should limit the weight that should be given by the Council to the proposed occupation by TK Maxx. However, I would not think that it would be impossible to devise suitable conditions.

Subject to legal advice, the S106 agreement would appear to offer some comfort on the impact on existing town centre retailers, but would be restricted to period of five years. As I understand it, this is about the maximum that would be considered reasonable in such an agreement. I am not aware of the remaining length of the lease on the TK Maxx unit in the Regent Arcade and whether this would offer any protection to the owners of the unit.

DPP also suggests that that the North Lincolnshire judgement makes it clear that, if the Council concludes that the sequential test is not passed, it should consider whether any other material considerations should override the conflict with policy. DPP do not set out what these other material considerations might be in its latest letter, but did so in the original assessment. We commented on these in our main report and DPP responded in its letter of 23rd June 2015. It is a matter for the Council what weight it should give to these, but in my view, the benefits in this case are not exceptional and accepting them as sufficient to outweigh the town centre first policies would undermine those policies.

Conclusion

I conclude that the application only passes the sequential test if it is accepted that TK Maxx is required as the anchor tenant. This is a matter of the flexibility shown by the developer and the Council is entitled to conclude that insufficient flexibility has been demonstrated. The Council should show considerable caution in accepting, as a matter of principle, that the requirements of specific, named retailers should attract great weight in the sequential test.

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However, with retail planning policy focussed on the short term and being implemented as it is, with suitable conditions and the legal agreement now proposed, I consider that the applicant would have a good chance of a successful appeal. The Rushden Lakes decision indicates how the previous Secretary of State was likely to approach the NPPF planning policy, and there is little indication that a different approach would be adopted now. As noted the flexibility expected by the Council is a matter of planning judgement, and at appeal, that judgement would fall to the Inspector. In the context of what would be seen as successful and thriving centre, the limited impact and lack of any clear harm to the centre arising from the proposal itself, (rather than as a precedent) there is, in my view, a significant risk that an appeal would be allowed. That is not to say that a refusal could not be defended on appeal or that the outcome of any appeal would be a forgone conclusion.

I trust you find this response helpful, but please get in touch if you would like to discuss the matter further

Yours sincerely,



Duncan McCallum
Consultant
Development Planning & Design Services Ltd

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APPLICATION NO: 15/00321/OUT		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 12th March 2015		DATE OF EXPIRY : 11th June 2015	
WARD: Swindon Village		PARISH: SWIND	
APPLICANT:	Hinton Properties (Cheltenham) Ltd		
LOCATION:	Cotswold BMW, Tewkesbury Road, Cheltenham		
PROPOSAL:	Outline Planning Application for up to 3,892 sq.m of Class A1 (shops) floorspace, up to 603 sq.m of A4 (drinking establishment) floorspace and up to 1, 395 sq.m of D2 (gym) floorspace with associated parking.		

REPRESENTATIONS

Number of contributors	3
Number of objections	3
Number of representations	0
Number of supporting	0

One Chapel Place
London
W1G 0BG

Comments: 2nd April 2015

Further to our conversation earlier this week, I am writing to confirm that in our role as planning consultant acting for NFU Mutual and Canada Life (owners of The Brewery and Regents Arcade) we will be submitting an objection to the recent application for new retail and commercial leisure floorspace on the Cotswold BMW site on Tewkesbury Road, in an out-of-centre location.

As we discussed, we intend to submit our objection letter on behalf of our clients by close of play on 17th April.

I would appreciate it if you could formally confirm that this is acceptable. Could I also please ask you to keep us updated on the likely Planning Committee date and when you intend to prepare your report to Committee?

Comments: 22nd April 2015

Letter attached.

Comments: 23rd July 2015

Letter attached.

Broughtons
Rutherford Way
Cheltenham
Gloucestershire
GL51 9TU

Comments: 2nd April 2015

Rutherford Way is currently a service road to both BMW and HR Owen and generally is used for staff parking by employees of Jaguar, BMW & HR Owen Staff. In addition, there are other small businesses along Rutherford Way including Barclays Bank, QA and Weird Fish. Along with the other named businesses, staff parking along both sides of the road creates single file traffic and

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congestion for anyone trying to enter/exit BMW as well as access our own site. An increase in traffic will only add to what is an already difficult situation and will be cause of further congestion. Traffic coming out of Cheltenham wishing to visit the new development will use the Rutherford Way entrance/exit as there is no direct access from the main Tewkesbury Road. Public access to the proposed site suggests turning around at the mini roundabout outside Jaguar, queuing back up at the lights before turning left on to Tewkesbury Road to use the main entrance. With an enter/exit point on Rutherford Way it will be used to avoid turning around increasing traffic and creating further congestion.

There is also the question of the 160 new employees for the proposed site? Whilst I appreciate they all won't all be working at the same time, with only 160 parking spaces being created, will the new employees be using the newly created car park?

9 Colmore Row
Birmingham
B3 2BJ

Comments: 28th July 2015
Letter attached.

Mr Edward Baker
Planning Department
Cheltenham Borough Council,
Municipal Offices
Promenade
Cheltenham GL50 9SA

One Chapel Place
London
W1G 0BG

T: 020 7518 3200
F: 020 7408 9238

Your ref: 15/00321/OUT/let
Our ref: CBC/CJ/150417

SENT BY EMAIL ONLY

21st April 2015

Dear Mr Baker

**OBJECTION ON BEHALF OF NFU MUTUAL INSURANCE SOCIETY & CANADA LIFE LIMITED
TO PLANNING APPLICATION FOR MIXED USE RETAIL & LEISURE SCHEME AT
COTSWOLD BMW, TEWKESBURY ROAD, CHELTENHAM:
(LOCAL AUTHORITY REFERENCE: 15/00321/OUT)**

We write on behalf of our clients NFU Mutual Insurance Society Limited ('NFUM') - owners of The Brewery retail and leisure scheme in Cheltenham Town Centre - and Canada Life Limited ('CFL') - owners of Regent Arcade - to object to the planning application submitted by Hinton Properties (Cheltenham) Limited ('HPL') in February 2015 (reference: 15/00321/OUT) for a major new mixed use retail and leisure scheme on the BMW Car Dealership site on the northern side of Tewkesbury Road, located some 1.7km from Cheltenham Town Centre.

The application before the Council is seeking permission for a substantial 5,890m² (63,399.5 sq ft) gross of new retail and leisure floorspace in an out-of-centre location, to be served by 163 dedicated parking spaces. The proposed floorspace comprises:

- 3 Class A1 non-food retail units, with a total gross floorspace of 3,892m²;
- A Class A4 (public house/ restaurant) use of 603m² gross;
- A Class D2 (gym) use with a total gross floorspace of 1,395m², located above the public house/restaurant and one of the Class A1 units

We have reviewed the application on behalf of our clients in compliance with Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, which requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

In this case the most up-to-date development plan comprises the Cheltenham Borough Local Plan ('Local Plan'), adopted in December 1997 and revised in June 2006¹. The key material considerations include the *National Planning Policy Framework* (NPPF, March 2012) and *National Planning Practice Guidance* (NPPG, March 2014).

¹ We do not describe the adopted Local Plan policies in any detail in this letter as these are covered elsewhere. However, the main policies relevant to the consideration of the retail and leisure uses proposed for the application site include Policies CP1, RT1 and RT7. The Local Plan will be superseded by the Gloucester/Tewkesbury/Cheltenham Joint Core Strategy (JCS) and the new Cheltenham Plan will sit under the JCS, although it is at the early stages of its preparation.

Both the adopted Local Plan and the NPPF policies promote a **Town Centre First** policy approach to new retail development and investment. The NPPF clearly states that local planning authorities should “*recognise town centres as the heart of their communities and pursue policies to support their viability and vitality...*”, and “*...promote competitive town centres that provide customer choice and a diverse retail offer which reflect the individuality of town centres...*” (paragraph 23). Ensuring the vitality and viability of town centres is therefore a key objective for local planning authorities to help deliver sustainable economic growth and development in accordance with policy. Furthermore, the Government has recently re-emphasised to local authorities the importance of the Town Centre First policy in the January 2015 edition of the *Planning Directorate Newsletter* issued by Steve Quartermain CBE.

When assessing and determining applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan, the Framework requires that LPAs should require applicants to apply the:

- **Sequential test**, which requires applications for main town centre uses to be located in town centres first, then in edge-of-centre locations and only consider out-of-centre locations if suitable sequentially more preferable sites are not available. When considering edge and out of centre proposals, “*...preference should be given to accessible sites that are well connected to the town centre*” (paragraph 24). Applicants and LPAs should demonstrate flexibility on issues such as format and scale.
- **Impact assessment**, which should include assessments of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years the impact should also be assessed up to ten years from the time the application is made.

The NPPF clear states that “**...where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused**” (paragraph 27).

Based on our review and appraisal of the supporting ‘Retail and Planning Statement’ (RPS) prepared on behalf of the applicant by DPP Planning (‘DPP’), we advise the local planning authority that the proposed scheme clearly fails the sequential test. By itself, NFUM’s multi-million pound Phase II extension to The Brewery will provide additional modern units in the heart of the town centre by Winter 2016 that will be capable of accommodating the scale and quality of retail and leisure floorspace proposed for the Tewkesbury Road site in full, assuming some flexibility on issues such as format and scale.

As the major stakeholders in the town centre, our clients also have no doubts that the application proposal will result in a significant adverse impact on investment and business confidence, and on operator demand in Cheltenham Town Centre.

Furthermore, the impact of the application proposal will occur at a critical stage in the redevelopment and revitalisation of the town centre as it slowly recovers from the impact of the recent recession – the longest and deepest recession in living memory – on turnover, rents, vacancy levels, investment and market demand. It is a fact that the town centre is not only competing for new investment and operators with existing and new out-of-centre retail and leisure schemes (both within and outside the local authority area), but also with the dynamic growth in internet/multi-channel shopping, which accounts for an increasing market share of all retail (non-food and food) expenditure. At the same time there has been a significant structural shift in retailers’ business models over the last few years, which has resulted in store closures as operators adapt to the impact of the recession and online shopping. In summary, retailers are generally closing more stores than they are opening; there is limited market demand from operators for new ‘physical’ space in town centres; and retailers are generally seeking to reduce their store portfolios in locations where they have two or more stores. This is the background against which the impact of the application has to be considered.

There can be no doubt therefore that the application is contrary to both local and national planning policy, and that planning permission should be refused on this basis without hesitation or delay.

The remainder of this letter sets out our more detailed planning and commercial justification for the refusal of planning permission on behalf of our clients. Notwithstanding this, we reserve the right to respond to any material issues raised by the applicant and/or the local planning authority in advance of the final determination of the application proposal.

1 IMPACT ON TOWN CENTRE VITALITY, VIABILITY & PLANNED INVESTMENT

Key to the impact 'test' is the consideration of the likely effects of edge and out of centre developments on any existing, committed and planned public/private investment in centres (NPPF, para 26). The NPPG (para 016) provides further clarification on this and states that key considerations include the policy status of the investment (i.e. whether it is outlined in the Development Plan); the progress made towards securing the investment (e.g., if contracts are established); and the extent to which an application is likely to undermine planned developments or investments based on the effects on current/forecast turnovers, operator demand and investor confidence.

In terms of planned investment, the local planning authority has granted planning permission for the NFUM's £30 million pound investment in The Brewery Phase II development in the heart of the town centre. The scheme will provide some 10,219m² (110,000 sq ft) of flexible new retail and leisure floorspace, a 104-bed hotel and 34 town centre apartments. It is scheduled to open in Winter 2016 and will help to strengthen the attraction of the town centre as a whole and specifically Phase I of The Brewery. In policy and commercial terms The Brewery Phase II represents an important commitment to, and investment in the town centre by our client. This new investment is also critical to the revitalisation of the town centre as it recovers from the impact of the economic recession on market demand and investment confidence, and faces up to increased competition from out-of-centre retailing (including the Gallagher and Kingsditch Retail Parks adjacent to the application site) and from online shopping purchases. This was a key consideration for the local planning authority when it granted permission for The Brewery Phase II. Once complete, the Brewery Phases I and II will represent an investment worth in excess of £80 million for NFUM in Cheltenham Town Centre.

At the same time, Canada Life Limited is currently investing millions in the Regent Arcade shopping centre. This includes improvements to the front entrance to the scheme and the construction of a new unit of circa 1,255m² (13,500 sq ft). This follows on from their substantial investment in the comprehensive redevelopment of the main High Street entrance in 2013 and the creation of two large format units of 2,137m² (23,000 sq ft) and 1,208m² (13,000 sq ft) that have been occupied by H&M and River Island respectively. Although we note that that TK Maxx has been identified by the applicant as a potential tenant for the out-of-centre scheme, they are also an important anchor store in the Regent Arcade scheme, attracting customers to the centre and driving footfall, spend and turnover across the shopping centre and town as a whole. The TK Maxx unit has also recently been extended by our client to provide a larger modern format unit of 3,112m² (33,500 sq ft) selling a wide range and variety of goods. Other major anchor stores in Regent Arcade include BHS which trades from a large unit of c.4,924m² (53,000 sq ft); although, as the Council will be aware, Sir Philip Green sold the loss-making 171-store portfolio to Retail Acquisitions Limited in March 2015, and the future for some of its stores is uncertain.

There can be no doubt that the proposed out-of-centre floorspace will compete '*like against like*' with their shopping centre investments and tenants, and with the town centre as a whole. But this competition will not be on a '*level playing field*' in commercial terms, as the out-of-centre scheme will benefit from a number of significant competitive advantages over the new town centre floorspace including, for example, free parking, easy access by car and lower overhead costs for operators. As a result, the likely scenario is that retailers and leisure operators seeking space in Cheltenham will choose to locate in the out-of-centre scheme first, ahead of the new floorspace planned for the town centre. In turn, this will result in a significant adverse impact on operator demand and investment confidence in The Brewery Phase II extension and the town centre as a whole.

The applicant has indicated that they have received 'letters of support' and expressions of interest in their proposal from a number of operators, including TK Maxx, Peacocks, Sofa Works and Brantano. But there are no planning or commercial reasons why these retailers and others could not trade successfully from the town centre. They are, to varying degrees, currently represented in town centres across the UK and they all sell 'non-bulky goods' that are as easily accessed and purchased from towns and shopping centres. As stated previously, TK Maxx also operates from a large modern store in Regent Arcade.

Our clients are clear that the grant of permission for more substantial new retail and leisure floorspace on Tewkesbury Road at this point in time will seriously damage the attraction, marketing and letting of existing vacant and new retail floorspace in their respective shopping centres. DPP state in their RPS that there is significant market demand from retailers and leisure operators to support both existing and new retail floorspace in the town centre and their application proposal. In response, our clients can clearly demonstrate that this is not the case 'on the ground'. For example, a number of units in The Brewery have been vacant for a considerable period of time, despite extensive marketing:

- **Unit 5** – was formerly occupied by Dwell, and has been vacant since June 2013. The unit has a total Gross Internal Area (GIA) of 1,407m² (15,145 sq ft).
- **Unit 6** – was formerly occupied by Habitat, and has been vacant since August 2011. The unit has a total GIA of 2,516.6m² (27,188 sq ft).

Another unit in the scheme (Unit 7) has also been vacant since The Brewery opened in 2006 and has a total GIA of 753m² (8,105 sq ft). This represents over 4,676m² (50,339 sq ft) of long term vacant floorspace that is currently available for occupation, but is proving difficult to let as retailers seek to consolidate and reduce their representation in town centres. Furthermore, vacancy levels across the town centre as a whole, as reported by DPP in their RPS, are above the national average figure.

The completion of the Brewery Phase II extension by Winter 2016 will provide an additional 10,219m² of new retail floorspace, with 7,430m² being available for new occupiers. In total this represents over 12,077m² (130,000 sq ft) of existing and new retail accommodation available in The Brewery in flexible units that can range in size from c.279m² (3,000 sq ft), up to 5,574m² (60,000 sq ft).

Against this background we advise the local planning authority that the scale and type of retail and leisure floorspace proposed by the applicants for the Tewkesbury Road site will significantly strengthen and increase the attraction, turnover, market share and cumulative impact of out-of-centre retailing in this location (including the Gallagher and Kingsditch Retail Parks) relative to the town centre. In turn this will significantly increase the risks associated with our clients' commitment to, and investment in the town centre at a critical stage in the development, marketing and letting of the new planned floorspace.

Although Cheltenham Town Centre appears to be performing well against a number of the key (health check) performance indicators (KPIs), the reality is that it is trying to retain and attract shoppers, expenditure and businesses in the face of increasing competition from existing, new and proposed out-of-centre shopping facilities located both within and outside the local authority area. At the same time Cheltenham, and other town centres in the UK, are facing up to the real threat from internet shopping, which is increasing its market share of retail sales at an exponential rate. For example, recent research by Experian indicates that non-store retailing (including internet shopping) will account for some 21% of comparison goods retail sales by 2020. We believe this market share could be even higher, at 25%-30%, as retailers reduce their physical floorspace in favour of internet sales, and shopping via the internet becomes easier and faster due to better broadband connections, improved technology and better delivery ('to the home') services.

This increased competition from out-of-centre shopping and leisure attractions, and the growth of internet shopping, is occurring at a critical time for the future of Cheltenham Town Centre as it emerges from the impacts of the most severe economic downturn in living memory. As the Council will be aware, many high profile retailers have disappeared from the high streets over recent years. Beginning with the closure of Woolworths in 2009, other 'casualties' in the last five years that have either gone out of business or reduced their representation in centres across the UK including Comet, JJB Sports, Phones 4U, Clinton Cards, Game, Borders, Barratts, HMV, Alexon, T J Hughes, Habitat, Focus DIY, Floors-2-Go,

the Officers Club, Oddbins, Ethel Austin, Faith Shoes, Adams Childrenswear, Stylo, Mosaic, Principles, Sofa Workshop, Allied Carpets, Viyella, Dewhursts, MFI and Zavvi/Virgin Megastore. Research shows that over 300 retail businesses have been affected by the economic downturn, with the loss of some 26,000 stores and some 250,000 jobs across the UK.

Although the number of retail 'fatalities' has slowed during 2015, recent casualties include the closure of 26 Country Casuals stores and 9 Austin Reed stores. Furthermore Bank, which has 84 clothing stores and employs 1,555 staff was put into administration after Christmas; and USC, the young fashion chain originally bought out of administration in 2011 by Sports Direct, also went into administration after Christmas, leaving some 30 stores are under threat of closure with the loss of over 700 jobs. This is in addition to the announcements by Tesco, Sainsbury's and Morrisons that they are to close some of their existing stores, and will not be developing significant larger format stores in the future.

As highlighted earlier, other major retailers are reviewing the business strategies and property portfolios and are closing stores in town centres where they have been trading for many years. For example, Marks & Spencer has recently closed its general merchandise store in Harlow Town Centre after more than 50 years of trading, and it is closing stores in Great Yarmouth, Rugby and other Town Centres to take space in out-of-centre shopping parks. But Marks & Spencer is not the only major high profile retailer that is choosing to open in out-of-centre shopping schemes in preference to town centre locations. For example, Debenhams has recently taken space in out-of-centre shopping parks, including in Leamington and Rugby. In the case of Rugby, high profile retailers including Dorothy Perkins, Wallis, Miss Selfridge and Burton are all leaving the town centre to take space in a planned new out-of-centre shopping park.

It is against this background of falling market demand from retailers for space in town centres, and the clear and present threat from out-of-centre and internet shopping, that the impact of the application proposal needs to be considered by the Council. The scale and quality of the proposed out-of-centre floorspace would irreversibly '*tip the shopping balance*' away from the town centre. It would have the effect of making the other commercial uses in close proximity to the application site more attractive as an alternative shopping destination to the town centre, including Kingsditch and Gallagher Retail Parks, and cumulatively this would further harm the town centre. This would occur at a critical time when the Town Centre is emerging (after some eight years) from the impact of the economic recession. Its retail and town centre economy is fragile, and permission for a major out-of-centre scheme at this stage in its recovery will seriously harm existing and planned investment in Cheltenham Town Centre, including operator demand, and the town's overall vitality and viability.

2 SEQUENTIAL TOWN CENTRE SITES

We have carefully reviewed the sequential approach carried out by DPP, as set out in Section 7 of their Retail & Planning Statement (RPS), in accordance with account national and local plan policy, and other material considerations; principally the NPPF (paragraph 26) and the *National Planning Practice Guidance* (NPPG).

Our review has also taken account of other recent Supreme Court, High Court, appeal and called-in decisions, including the Dundee² and Rushden Lakes³ decisions referred to by DPP in their RPS. These decisions, amongst others, have established that for the sequential test 'suitable' means whether the alternative site is suitable for the proposed development, not whether the proposal could be altered significantly to suit that site; but also that the test should take account of context and 'flexibility' on issues such as format and scale.

As discussed previously, the recent *Planning Update Newsletter* issued by the Department for Communities and Local Government (DCLG, January 2015) reinforced the Government's Town Centre

² Judgement of the Supreme Court in the case of *Tesco Stores Limited (Appellants) v Dundee City Council (Respondents)* (Scotland) 21 March 2012.

³ Secretary of State Decision Reference APP/G2815/V/12/2190175, dated 11 June 2014, Rushden Lakes.

First policy approach and is material to the assessment and determination of the application proposal. Ministers refer to the NPPG (*'Ensuring the Vitality of Town Centres'*) in this direction and how the sequential test should be used in decision-taking (NPPG, para 010); specifically the requirement to assess: *"whether the suitability of more central sites to accommodate the proposal has been considered and the scope for flexibility in the format and or scale of the proposal"*. The NPPG states that it is: *"...not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central **sites** are able to make individually to accommodate the **proposal**"* (para 008, our emphasis in bold)

As stated previously the application is for three units with a gross retail floorspace of 3,892m², a 640m² (gross) Class A4 pub/restaurant and a 1,395m² (gross) Class D2 gym. DPP state in Section 3 of their RPS that, following initial marketing, they have received *"letters of support"* from TK Maxx for the largest unit (Unit A) of 1,860m² gross (equally split between a ground floor and mezzanine level) and from Brantano for Unit C of 640m² gross. However, as DPP accept in their RPS (paragraph 3.19) these are only *"letters of support"* and do not represent contractual commitments to the scheme. They also indicate that the third unit (Unit B) of 1,392m² gross (also equally split between a ground floor and mezzanine level) has attracted interest from Peacocks and Sofa Works. All of these are town centre uses that, as we will demonstrate below, could and should be located in Cheltenham Town Centre first.

In this case we do not consider that the applicant has demonstrated sufficient flexibility in their sequential approach. For example, they have only considered sites/units in the town centre with a total area of 1.02 hectares (2.53 acres), but this does not allow for any flexibility in terms of reducing the significant area of the application site that is set aside for car parking, for example. They have also not demonstrated any flexibility in terms of reducing the scale of the proposed retail floorspace. Furthermore, the scope for flexibility in this case should be greater as no operators have been signed up for the scheme at this stage and there is no apparent reason why the units should be connected. This is confirmed by the Inspector's conclusions with regard to the recent appeal for the extension, subdivision and change of use of a retail warehouse in Leamington Spa in February 2015 (reference: APP/T3725/A/14/2218334).

The Council will be aware that each case should be treated on its own merits. It is therefore vitally important that the local planning authority understands that the Rushden Lakes decision relates to a planning application that is very different in its scale, location and mix of uses to the scheme proposed by the applicant. For clarification purposes the Rushden Lakes application was for a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants, boathouse, hotel, crèche and leisure club all within a lake setting. In this case the Inspector placed significant weight on the fact that the Rushden Lakes proposal would bring very substantial environmental and ecological benefits to the regeneration and reuse of the site, as well as delivering significant employment, tourism and leisure benefits to the local economy and Rushden Town Centre. It also received significant support from the local community and key stakeholders. This is simply not the case with the current application proposal.

It is against this background that we have reviewed the sequential approach carried out by DPP.

In terms of vacant units, our client has confirmed that there is currently over 4,676m² (50,339 sq ft) of vacant floorspace in The Brewery that is immediately available for occupation. This could easily accommodate the 3,925m² gross of Class A1 retail floorspace proposed for the out-of-centre Tewkesbury Road site in three units with a total GIA of 753m² (8,105 sq ft), 1,407m² (15,145 sq ft) and 2,517m² (27,188 sq ft).

Furthermore, The Brewery Phase II development is clearly **available**. It has planning permission and is scheduled to open by Winter 2016. It is also **suitable** for the proposed development, as it will provide 10,219m² (110,000 sq ft) of new retail and leisure floorspace, with the flexibility to suit a variety of retailer requirements, sizes and business models. The units in Phase II will also benefit from a highly prominent retail frontage, a 4.6 metre floor to ceiling height, with the floorspace arranged over ground and first floor level. There can be no doubt therefore that in planning and commercial terms The Brewery

can accommodate the scale, format and type of retail and leisure operators identified for the application proposal.

In summary, we conclude that DPP's sequential approach is fundamentally flawed; in as much as they have not demonstrated sufficient flexibility on issues such as format and scale when considering the potential suitability and viability of alternative sites in and/or on the edge of Cheltenham Town Centre. We consider that The Brewery (Phase I and II) by itself is capable of accommodating the scale and type of floorspace proposed for the application site. The proposed floorspace will also be capable of accommodating the same national multiple retailers that are being targeted for the application proposal.

The application therefore clearly fails to satisfy the sequential test and is contrary to local and national planning policy objectives, and should be refused by the local planning authority on this basis.

3 CONCLUSIONS

As the major stakeholders in Cheltenham Town Centre, both Canada Life Limited and NFUM are committed to ensuring that new investment and development occurs in the right place, at the right time, to help strengthen the town as an attractive, sustainable and commercially viable place to live, work, shop and visit for a range of uses and activities. In this context the multi-million pound investment planned for The Brewery Phase II and Regent Arcade will provide the flexible accommodation required by modern retail and leisure operators in the heart of the town centre. It has been demonstrated that these planned town centre investments will provide the necessary scale, format and type of units identified for the application proposal in a sequentially preferable location.

Furthermore, the application proposal is seeking a substantial quantum of retail floorspace in an out-of-centre location. It is a considerable distance and drive from the Town Centre, and will bring no material benefits to the town's vitality and viability in terms of linked trips, increased footfall and expenditure. It is also apparent that the proposed out-of-centre scheme will not complement the Town Centre as the applicant states, but will compete *'like against like'* for operators, customers and retail expenditure. We have clearly demonstrated that it will result in a significant adverse impact on our clients' planned investment in the town centre, contrary to national and local plan policy objectives.

The application therefore fails to satisfy the sequential test and will result in a *'significant adverse impact'* on the town centre's overall vitality and viability, contrary to the NPPF (paragraph 27) and the Council's local plan policies. It should therefore be refused without hesitation and delay.

I trust that this carefully considered response to the application proposal is helpful to the local planning authority and will be used to inform its decision taking. However, if you do require further clarification please contact me directly. In the meantime, as previously stated, we reserve the right on behalf of our clients to review and respond to the findings of the appraisal currently being carried out by DPPS on the Council's behalf. Further to this, we may also want to respond to any further supplementary evidence prepared by DPP in support of the application, where required.

Yours sincerely



Dr Steven Norris BA MPhil PhD MRTPI

Partner & Head of National Retail and Town Centre Consultancy
For and on behalf of Carter Jonas

Mr Edward Baker
Planning Department
Cheltenham Borough Council,
Municipal Offices
Promenade
Cheltenham GL50 9SA

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London
W1G 0BG

T: 020 7518 3200
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Your ref: 15/00321/OUT/let
Our ref: CBC/CJ/150417

SENT BY EMAIL ONLY

21st July 2015

Dear Mr Baker

FURTHER OBJECTIONS SUBMITTED ON BEHALF OF NFU MUTUAL INSURANCE SOCIETY & CANADA LIFE LIMITED WITH REGARD TO THE PLANNING APPLICATION FOR MIXED USE RETAIL & LEISURE SCHEME AT COTSWOLD BMW, TEWKESBURY ROAD, CHELTENHAM: (LOCAL AUTHORITY REFERENCE: 15/00321/OUT)

Further to our letter to the Council dated 21st April 2015, we are writing again on behalf of our clients NFU Mutual Insurance Society Limited (owners of The Brewery retail and leisure scheme in Cheltenham Town Centre) and Canada Life Limited (owners of Regent Arcade) to register their strong objections to the above planning application for a major new mixed use retail and leisure scheme on the existing BMW Car Dealership site, located some 1.7km from Cheltenham Town Centre.

The application before the Council is seeking permission for a substantial quantum of new retail and leisure floorspace (5,890m² gross) in an out-of-centre location, to be served by 163 dedicated parking spaces. The proposal is for three Class A1 non-food retail units (3,892m² gross), a Class A4 (public house/ restaurant) use of 603m² gross and a Class D2 (gym) use (1,395m² gross).

For the reasons set out in our original April letter both NFU Mutual and Canada Life, as two of the major stakeholders in the town centre, are unequivocal in their view that the application proposal will result in a significant adverse impact on investor/business confidence and market/operator demand in Cheltenham Town Centre and, specifically, on their respective shopping centre assets and investments. We concluded in our April letter on their behalf that the application was clearly contrary to paragraph 27 of the NPPF and local plan policy, and should be refused by Cheltenham Borough Council on this basis.

Our clients' objections to the application proposal were subsequently underlined by the independent retail planning report prepared for Cheltenham Borough Council by DPDS Consulting in May 2015.

We are writing to the Council again following the issue of the rebuttal letter and suggested conditions prepared by DPP Planning on behalf of the applicant (dated 23rd June 2015). Having reviewed this letter in some detail, we can confirm that our clients' remain of the view that the application will have a significant adverse impact on the town centre and specifically their substantial existing and planned investments in the town's two key shopping centres.

By way of summary it is important for Cheltenham Borough Council to understand that there is a greater underlying fragility to rental levels, occupier demand and business confidence in the town centre than identified by the applicants. The town centre's retail property and investment market is vulnerable to impact from the growth in out-of-centre retailing, such as is being proposed by the applicant, and by the rise in internet shopping on food and non-food purchases. This is occurring at a time when our town

centres and high streets, including Cheltenham Town Centre, are trying to recover from the longstanding detrimental effects of the economic recession on consumer, business, occupier and investor confidence. The key issues and challenges facing Cheltenham Town Centre and other town centres across the UK include:

- limited and falling market demand from retailers for representation on the High Street (i.e. the 'pool' of retailers seeking space in town centres is shrinking dramatically);
- the closure and/or relocation of retailers to out of town locations. For example, it was announced within the last month that Marks & Spencer is to close nine stores as part of a drive to optimise space across its estate, including in Wood Green, Stevenage and Hounslow. This follows on from the closure of its full variety stores in Harlow, Great Yarmouth, Rugby and other centres, where in most cases they have been the High Street's main anchor store for over 50 years;
- the rise in vacancies, and the presence of many long term vacant units in centres;
- static and/or falling Zone A rents on prime shopping streets; and
- the '*ticking time bomb*' of leases coming up for renewal in town centres, that will result in more retailers abandoning town centres and high streets.

In the case of Cheltenham, for example, DPP refer in their most recent letter to the fact that prime retail rents have increased to £180 per sqft, from a low of £170 per sqft in 2012. However the Council should be aware that this only provides a partial picture of the town centre's rental performance, as DPP's rental figures are for The Promenade only (i.e. the town's prime shopping pitch). Elsewhere in the town centre our clients' retail agents have confirmed that prime rents have fallen back by more than one-third on the High Street to £150 per sq ft, and are notably below this level on lower High Street and in Regent Arcade. This downward movement in rental levels over recent years also needs to be considered alongside the rise in the number of vacant units across the town centre, including long term vacancies in The Brewery (units 5, 6 and 7), and the fact that many retailers in the town centre benefit from flexible and short term leases which means they can vacate their premises at relatively short notice. This clearly points to the underlying fragility of the town centre's overall retail market.

It is also a matter of fact that the application proposal will significantly strengthen the out-of-centre retail and commercial leisure offer on the busy Tewkesbury Road, and at the same time weaken the town centre's attraction, market share, vitality and viability.

The application site is located in close proximity to the Gallagher and Kingsditch Retail Parks, as well as other major national retail brands such as M&S Home, which is located immediately adjacent to the application site. There can be no doubt that allowing a substantial quantum of new retail and commercial leisure floorspace in this established out-of-centre location will compete directly with the town centre for trade, and for existing and new occupiers. For example, recent lettings at Gallagher Retail Park have included the national retailers Sports Direct (1,858m²) and Outfit, which comprises a wide range of high street brands (including Top Shop, Top Man, Warehouse, Dorothy Perkins, BHS, Evans and Wallis), as well as click-and-collect. The Council should be aware that a number of these retailers and brands had previously been identified as potential occupiers for The Brewery Phase 2 development. Their opening outside the town centre has therefore had a direct impact on our client's letting and marketing strategy for this important and critical new investment in the town centre.

At the same time other national food and beverage operators have recently opened at Gallagher Retail Park; including Costa Coffee, Subway, Greggs and Patisserie Valerie. The wide range and choice of food and non-food retailers along Tewkesbury Road, along with the extensive food and beverage offer, now means that shoppers do not necessarily have to visit the town centre to meet their shopping and leisure needs. The addition of new retail floorspace, a gym and public house/restaurant to the mix of uses in this location will further reduce the need for shoppers to travel to the town centre.

As a result, and for the reasons set out in our April letter to the Council, the application proposal will bring absolutely no benefits to the town centre in terms of linked trips, expenditure and new jobs. Any

benefits that may arise from the proposed retail and commercial leisure floorspace will flow to the existing out-of-centre facilities in close proximity to the application site; further strengthening the attraction of Tewkesbury Road to shoppers and other car-borne visitors, and increasing the cumulative impacts on the town centre. Furthermore, any jobs created by the new application proposal could be easily outweighed by the loss of jobs in the town centre through the downsizing of existing units and/or store closures,

Furthermore, the impact of the application proposal will be acutely felt by the smaller regional and independent businesses trading in the town centre that depend on the footfall and linked trip expenditure generated by the larger shopping centres and national occupiers to help underpin their turnover, profitability and overall viability.

In this context allowing the application proposal will send out entirely the wrong message to existing stakeholders, businesses and retailers in the town centre. As we explained in our April letter to the Council, there can be no doubt that the proposed out-of-centre floorspace will compete *'like against like'* with our clients' shopping centre investments and tenants, and with the town centre as a whole. But this competition will not be on a *'level playing field'* in commercial terms, as the out-of-centre scheme will benefit from a number of significant competitive advantages over the new town centre floorspace including, for example, free parking, easy access by car and lower overhead costs for operators. As a result, the likely scenario is that retailers and leisure operators seeking space in Cheltenham will choose to locate in the out-of-centre scheme first, ahead of the new floorspace planned for the town centre. In turn, this will result in a significant adverse impact on operator demand and investment confidence in The Brewery Phase II extension and the town centre as a whole.

The delivery of the Brewery Phase II extension by Winter 2016 is critically needed to ensure the future attraction and performance of the town centre, and is fully in accordance with the local planning authority's and Government's objectives to promote new development and investment in town centres first. As set out in our April letter to the Council, this extension will provide an additional 10,219m² of new retail floorspace, with 7,430m² being available for new occupiers. In total this represents over 12,077m² (130,000 sq ft) of existing and new retail accommodation in flexible units that can range in size from c.279m² (3,000 sq ft), up to 5,574m² (60,000 sq ft); these units are of a size that could accommodate the proposed retail floorspace on the application site.

Whilst the applicant has drafted conditions as part of their recent correspondence with Cheltenham Borough Council which they state seek to address the significant concerns raised by DPDS, our clients and other key town centre stakeholders with regard to the impact of the application proposal on the town centre, the fact remains that allowing the substantial additional retail and commercial leisure floorspace on Tewkesbury Road will significantly undermine our clients' investment in, and the marketing of their shopping centre assets at this crucial stage in the recovery of the town's retail market.

At the same time, Canada Life Limited is investing millions in the Regent Arcade shopping centre. This includes improvements to the front entrance to the scheme and the construction of a new unit of circa 1,255m² (13,500 sq ft). TK Maxx is also an important anchor store, attracting customers to the centre and driving footfall, spend and turnover across the shopping centre and town as a whole. The unit has recently been extended by our client to provide a larger modern format unit of 3,112m² (33,500 sq ft) selling a wide range and variety of goods. Although we note the planning obligation offered up by the applicant in their recent correspondence with the Council, the local planning authority should be aware that there is absolutely no guarantee in the current uncertain retail market that TK Maxx will maintain their presence in the town centre once the five year time limit expires as proposed by the applicant. Furthermore, evidence from elsewhere suggests that TK Maxx will be unlikely to invest further in their town centre store if they are able to trade from the out-of-centre application site. The Council will also be aware that BHS is another key anchor store in Regent Arcade, occupying a unit of c.4,924m² (53,000 sq ft), but the 171-store portfolio has recently been sold and there is absolutely no guarantee that BHS will maintain their presence in the town centre in the foreseeable future.

In summary we advise the Council that the application proposal will result in a significant adverse impact on the overall vitality and viability of the town centre and the application should therefore be refused in accordance with the NPPF (paragraph 27).

Turning to the applicant's recent comments on the sequential approach in their letter of 23rd June 2015, they have made only a cursory reference to the merits of The Brewery Phase II scheme and other sites in the town centre for new retail and commercial leisure floorspace of a similar format and scale to that proposed for the application site.

We can only repeat the facts presented in our April letter that The Brewery Phase II development is clearly **available** and **suitable** for the proposed development. It will provide 10,219m² (110,000 sq ft) of new retail and leisure floorspace, with the flexibility to suit a variety of retailer requirements, sizes and business models. The units in Phase II will also benefit from a highly prominent retail frontage, a 4.6 metre floor to ceiling height, with the floorspace arranged over ground and first floor level. There can be no doubt therefore that in planning and commercial terms The Brewery can accommodate the scale, format and type of retail and leisure operators identified for the application proposal.

Furthermore, the applicant appears to dismiss the mixed use development opportunity at North Place out of hand, even though it clearly has an extant permission for a large quantum of Class A1 retail floorspace and Morrisons is no longer seeking to deliver a larger superstore on this site. We will leave it to the Council's independent retail planning consultant – DPDS – to review the merits of this town centre site in more detail, but in our view it represents a suitable site that is available to accommodate the application proposal.

We therefore maintain that DPP's sequential approach is fundamentally flawed; in as much as they have not demonstrated sufficient flexibility on issues such as format and scale when considering the potential suitability and viability of alternative sites in and/or on the edge of Cheltenham Town Centre. We consider that The Brewery (Phase I and II) by itself is capable of accommodating the scale and type of floorspace proposed for the application site, as well as other potential town centre development sites. The Brewery and other sites in the town centre will also be capable of accommodating the same national multiple retailers that are being targeted for the application proposal.

The application therefore clearly fails to satisfy the sequential test and is contrary to local and national planning policy objectives, and should be refused by the local planning authority on this basis.

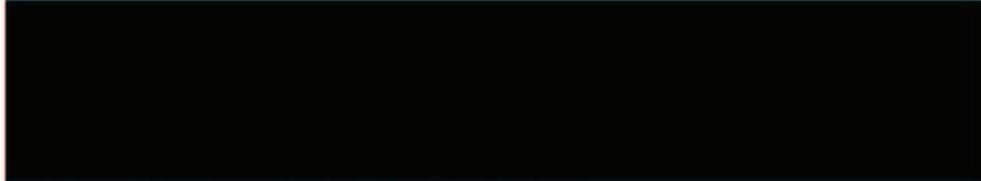
In summary, as two of the major stakeholders in Cheltenham Town Centre, both Canada Life Limited and NFUM are committed to ensuring that new investment and development occurs in the right place, at the right time, to help strengthen the town as an attractive, sustainable and commercially viable place to live, work, shop and visit for a range of uses and activities. In this context the multi-million pound investment planned for The Brewery Phase II and Regent Arcade will provide the flexible accommodation required by modern retail and leisure operators in the heart of the town centre. It has been demonstrated that these planned town centre investments will provide the necessary scale, format and type of units identified for the application proposal in a sequentially preferable location. The application is therefore clearly contrary to the NPPF (paragraph 27) and local plan policy, which seeks to promote new development and investment in town centres first.

Furthermore, the application proposal is seeking a substantial quantum of retail floorspace in an out-of-centre location. It is a considerable distance and drive from the Town Centre, and will bring no material benefits to the town's vitality and viability in terms of linked trips, increased footfall and expenditure. It is also apparent that the proposed out-of-centre scheme will not complement the Town Centre as the applicant states, but will compete *'like against like'* for operators, customers and retail expenditure. We have clearly demonstrated that it will result in a significant adverse impact on our clients' planned investment in the town centre, contrary to national and local plan policy objectives.

The application therefore fails to satisfy the sequential test and will result in a '*significant adverse impact*' on the town centre's overall vitality and viability, contrary to the NPPF (paragraph 27) and the Council's local plan policies. It should therefore be refused without hesitation and delay.

I trust that this supplementary response is helpful to the local planning authority and will be used to inform its decision taking. However, if you do require further clarification please contact me directly.

Yours sincerely



Dr Steven Norris BA MPhil PhD MRTPI

Partner & Head of National Retail and Town Centre Consultancy
for and on behalf of Carter Jonas



28 July 2015

Delivered by email and post

Mr Edward Baker
Planning Department
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Dear Mr Baker

COTSWOLD BMW SITE, TEWKESBURY ROAD – MIXED USE RETAIL AND LEISURE SCHEME

We write on behalf of our Client, Trustees of the BlackRock UK Property Fund (namely BNP Paribas Securities Services Trust Company (Jersey) Ltd and BNP Paribas Securities Services Trust Company Ltd) who own the Beechwood Shopping Centre in Cheltenham Town Centre, to object to planning application 15/00321/OUT for the following development:

“Up to 3,892 sqm of Class A1 (shops) floorspace, up to 603 sqm of A4 (drinking establishment) floorspace and up to 395 sqm of D2 (gym) floorspace with associated parking”.

The application is made in outline and all matters are reserved. A single building made of up five separate units is proposed, comprising three retail units with mezzanine floors, a public house and a gym at first floor level.

We are aware of the representations made by Carter Jonas on behalf of NFU Mutual Insurance Society Limited – the owners of The Brewery retail and leisure scheme; and Canada Life Limited – owners of Regent Arcade, as well as the report prepared by DPDS Consulting on behalf of the Council. We support these objections.

In summary our objection relates to:

- (i) The proposed development's failure of the sequential test
- (ii) The impact of the proposals on Town Centre investment

Planning Policy Context

The National Planning Policy Framework (“NPPF”) adopts a Town Centre first approach to retail, leisure and office uses, which is echoed by the adopted Cheltenham Borough Local Plan Second Review (“LPSR”) (July 2006) and the emerging Joint Core Strategy (“JCS”) prepared by Gloucester City,

9 Colmore Row
Birmingham
B3 2BJ



Cheltenham Borough and Tewkesbury Borough Councils (submitted for Examination in November 2014). Indeed Paragraph 23 of the NPPF states that local planning Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

Policy CP2 (Sequential Approach to the Location of Development) of the LPSR establishes that key town centre uses, such as commercial, entertainment and leisure uses, will only be permitted in out of centre locations if there are no suitable sites or buildings for conversion available, or could be readily made available, in either the Core Commercial Area, or district or neighbourhood centres. Similarly Policy RT1 (Location of Retail Development) states that retail development should only be permitted in out of centre locations if there are no suitable sites or buildings suitable for conversion available in the following locations:

- The Central Shopping Area;
- The Montpellier Shopping Area or the High Street West End Shopping Area;
- Elsewhere within the Core Commercial Area; or
- District or neighbourhood shopping centres.

This approach is reinforced by JCS emerging Policy SD3 which states that the area's centres, made up of the Key Urban Areas (of which Cheltenham is one), Market Towns and Rural Service Centres serving the Rural Hinterland, will be 'supported and strengthened' to ensure that they continue to be the focus of communities.

The site is 1.8km to the north west of the 'Core Commercial Area' and the 'Lower High Street Shopping Area', and 2.1km to the north west of the 'Central Shopping Area', as shown on the LPSR proposals Map. It is not located within or near to a district or neighbourhood shopping centre. On this basis it is clear that the site is located in an out of centre location and is not in accordance with the 'Town Centre first' principle. In this respect Paragraph 24 of the NPPF establishes that:

“Local planning authorities should apply a sequential test to planning applications for main Town Centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main Town Centre uses to be located in Town Centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered” (Underlining our emphasis).

Sequential Test

The Retail and Planning Statement submitted with the application confirms that there are no committed occupiers and therefore the proposals comprise open A1 use, although 'interest' has been expressed by four national retailers, one of whom is already present in Cheltenham Town Centre, culminating in letters of support being submitted in support of the application from two of the 'interested' retailers (namely TK Maxx and Brantano).

We agree with both the Carter Jonas representations and DPDS Consulting report that the sequential test has not adequately considered suitable sites within the Town Centre. We are mindful of the Tesco Stores Ltd v Dundee City Council Supreme Court decision and the Rushden Lakes appeal decision; however the Retail and Planning Statement confirms that there are no occupiers committed to the proposed development. It is therefore clear that the location of the proposed development, and the need for the units to be provided together on a single site, is not driven by a specific operator demand. In this context we are of the view that the applicant's sequential assessment has not demonstrated sufficient flexibility in only considering sites / units in the Town Centre with a total area of 1.02 hectares or greater, rather than smaller sites which could accommodate the uses separately.



Furthermore insufficient evidence is provided as to why the Beechwood Shopping Centre, located in the heart of Cheltenham Town Centre, has not been considered as part of the applicant's sequential assessment. The shopping centre has 38 retail units, mainly in A1 use, of which a substantial proportion is either vacant or let to short term 'pop up' shops.

We are also aware that there is currently over 4,676m² of vacant floorspace at the Brewery Shopping Centre that is available for occupation immediately, as well as the Brewery Phase II development which will deliver a further 10,219m² of new retail and leisure floorspace which will front the Central Shopping Area. It is considered that this is just one location in the Town Centre where there is sufficient existing vacant and new floorspace which could accommodate the proposed development.

The sequential test is also based on a number of assumptions that are not justified by evidence. No evidence is provided to demonstrate why the units assessed in the Town Centre are in an '*unviable*' retail location. This is an assertion rather than an accurate reflection of the market based on evidence.

Accordingly, the sequential is failed and where this is the case, the NPPF dictates that permission should be refused.

Effect on Town Centre Investment

We are concerned that the proposal will adversely affect the ability to attract investment into the Town Centre. In the context of the existing retail provision in the area along Tewkesbury Road (listed below) the proposed development, with its leisure and entertainment provision, could create a new competing retail destination.

- Gallagher Retail Park 100m to the west (including Boots, Hobbycraft, HomeSense, Next and Outfit)
- Kingsditch Retail Park immediately adjacent to the east (including Marks and Spencer, Argos and McDonalds)
- Currys Store immediately opposite
- Homebase and Dunelm Mill stores 200m to the east

It is our view that this combined critical mass of retail development in an out of centre location, including the addition of the proposed development, would create a new retail destination which provides a retail offer of comparison goods that directly competes with the offer of Cheltenham Town Centre. The result of this would be to adversely impact on the attractiveness, marketing and letting of existing vacant and new Town Centre retail floorspace, and ultimately investor confidence, contrary to paragraph 26 of the NPPF and local planning policy.

Whilst it is appreciated that the letter from TJX Europe indicates that there is an identified requirement for a second TK Maxx store in Cheltenham to complement its existing Town Centre store; the application seeks open A1 use which would not be specific to the retailer. No evidence is provided to demonstrate that Cheltenham would be able to sustain two separate TK Maxx stores. Without appropriate safeguards, this could see the closure of the Town Centre store in favour of the unit at the proposed site, undermining the 'Town Centre first' approach of local and national planning policy.

Conclusions

It is our view that the sequential test is failed. Insufficient evidence has been provided to demonstrate that the proposed development could not be accommodated on suitable, available and viable sites within Cheltenham Town Centre in accordance with 'Town Centre first' approach adopted by both local and national planning policy. The applicant's sequential assessment fails to consider the Beechwood



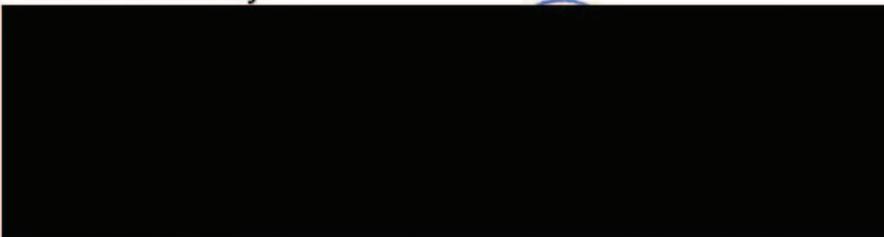
Shopping Centre, located in the heart of the Town Centre, of which a substantial proportion is either vacant or let to short term 'pop up' shops.

There is also concern that the proposed development will enhance the existing out of centre retail offer in the area surrounding Tewkesbury Road, creating a critical mass which will directly compete with Cheltenham Town Centre's retail and leisure offer, adversely impacting on investor confidence in the centre and ultimately undermining the Town Centre's viability and vitality, and its role as the 'heart' of the community, contrary to local and national planning policy.

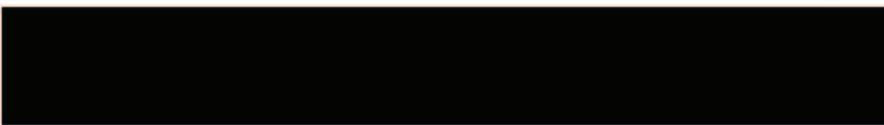
Substantial weight should be afforded to the objections made by investors in Cheltenham Town Centre; these objections make clear their concerns regarding the impact of the proposed development on the viability and vitality of the Town Centre and the harm it could inflict on the overall 'Town Centre first' strategy, and investor confidence.

We trust that our comments will be taken into consideration when determining this planning application. Please do not hesitate to contact me should you have any queries.

Yours sincerely



Senior Planner



APPLICATION NO: 15/00321/OUT	OFFICER: Mr Martin Chandler
DATE REGISTERED: 12th March 2015	DATE OF EXPIRY: 11th June 2015
WARD: Swindon Village	PARISH: Swindon
APPLICANT:	Hinton Properties (Cheltenham) Ltd
AGENT:	Mr James Griffin
LOCATION:	Cotswold BMW, Tewkesbury Road Cheltenham
PROPOSAL:	Outline Planning Application for up to 3, 892 sq.m of Class A1 (shops) floorspace, up to 603 sq.m of A4 (drinking establishment) floorspace and up to 1, 395 sq.m of D2 (gym) floorspace with associated parking.

Update to Officer Report

1. OFFICER COMMENTS

1.1. Design and layout

- 1.1.1. The application is submitted with an indicative layout which provides for a large, two storey structure located to the rear of the site, with car parking (163 spaces including 12 disabled spaces) located to the front. In this respect, the layout is very similar to the other retail offerings at Kingsditch, Gallagher and the Homebase development.
- 1.1.2. The site is currently dominated by three large warehouse type buildings, the most southern of which addresses Tewkesbury Road. The buildings are of little merit and officers are satisfied that there is a better way to develop the site and enhance the appearance of the area.
- 1.1.3. The indicative details provided suggest a building of a suitable height and mass; it is a two storey, flat roofed building that spans the site. Such a building, whilst functional, offers a good opportunity to provide architecture that is of interest and in this respect, officers would point to the recent refurbishments of a number of the units at the Gallagher Retail Park which have lifted the quality of the built environment in that location.
- 1.1.4. As well as the architecture, key to the success of a scheme of this nature is the treatment of the car park to the front. The indicative layout shows the planting of 24 trees and officers consider that this approach should be carried through into the detailed design. The relatively recent Asda development on Hatherley Lane has demonstrated how successful tree planting in and around car parks can be and whilst that site sits in a different context, should outline planning permission be granted, officers are expecting to see a high quality landscaping proposal be developed at the reserved matters stage. Such an approach could significantly lift the appearance of this part of Tewkesbury Road.
- 1.1.5. Access to the site and the functionality of the service yard to the rear will be discussed in the following section, but based on the indicative proposals presented, officers are satisfied that design and layout of the proposal complies with the provisions of local plan policy CP7 which requires development to be of a high standard of design that complements and respects neighbouring development and the character of the locality.

1.2. Access and highway issues

1.2.1. The application has been thoroughly assessed by the Highways Authority and their detailed consultation response was provided in the already circulated papers. Officers consider the response to be well articulated and justified and will not therefore look to summarise it in any great detail. The following concluding remarks are worth reiterating though:

1.2.2. *The impact of the proposed development on the local road network has been assessed in terms of traffic capacity of junctions and percentage changes in traffic flows. Whilst some arms of the Manor Road/Tewkesbury Road and Kingsditch roundabouts will operate at capacity in the future year assessment scenario [2019], the development will have a relatively limited impact on congestion in these locations. This is further evidenced by the traffic flow increases resulting from the development being relatively low. It is therefore concluded that the development will not have a severe impact on congestion on the local road network and site-specific mitigation is not required.*

1.2.3. The County have recommended conditions relating to the provision of a Travel Plan and Real Time Passenger Information facilities and officers consider these are appropriate given the nature of the application.

1.2.4. Members will note that the parish council have raised a number of concerns regarding highway considerations, the most pertinent of which is the security of the site given two accesses from Rutherford Way and Tewkesbury Road. This matter has been discussed with the County Council and it is considered that a condition should be introduced to control movements through the site at night.

1.2.5. Furthermore, in relation to deliveries to the site, the County Council has confirmed that the area to the rear of the development is sufficiently large to ensure that articulated lorries can safely access, turn and exit from the site. This is confirmed by the tracking drawings that accompany the application.

1.2.6. In summary, the County Council are fully supportive of the scheme subject to suggested conditions and a necessary legal agreement. Essentially, the development will not generate such significant levels of traffic beyond that already experienced on the highway network; the development is well provided for in terms of car parking provision and the access points to the site are suitable.

1.2.7. No objection is raised to the development on the basis of highway considerations.

1.3. Other considerations

1.3.1. Given the weight currently attached to economic considerations in the determination of planning applications, it is of note that it is anticipated that this development will generate the equivalent of between 70 – 120 full-time equivalent jobs. The eventual construction of the development will also generate employment within the construction industry, and the LPA should be mindful of such benefits when determining this application.

2. CONCLUSION AND RECOMMENDATION

- 2.1. The key aspects in the assessment of this application are the retail considerations, namely the sequential test and the potential impact on the vitality and viability of the town centre as well as investment in to the town centre.
- 2.2. Officers and the Council's appointed consultant have provided detailed advice on this material consideration because the conclusion is far from straightforward when considered in light of the NPPF.
- 2.3. The advice from our independent consultant is that the application only passes the sequential test if it is accepted that TK Maxx is necessary as the anchor tenant; this is a matter that has not been proved through the application. The applicant points to recent case law that suggests that the correct way to interpret the sequential test is to assess the suitability of a site on the basis of that which has been submitted, not a hypothetical retail development, for which the Brewery and North Place would undoubtedly be sequentially preferable.
- 2.4. It is for the LPA to consider how flexible they require an applicant to be, but the advice in relation to suitability has to carry weight. If TK Maxx are taken as the anchor tenant and are necessary to make the development viable, then the Brewery and North Place are not suitable sites due to the proximity of their existing store. Even if they are not accepted as the anchor tenant, a matter that has not been resolved either way through this submission, the fact that the development has been concluded to have such a limited impact on the vitality and viability of the town centre and also investment into the town centre (subject to suitably worded conditions and a S106 legal agreement) places the LPA in a very weak position to justify the refusal of consent. The lack of representations from the North Place owners suggest there is little perceived impact on this site, and the recent John Lewis consent at the Beechwood Arcade, in the knowledge of this scheme, points to a healthy town centre. With this in mind, a refusal of consent would be based solely on a very challengeable failing of the sequential test; members are advised that an appeal on such a narrow refusal reason would be very difficult to defend given the absence of impact on the town centre.
- 2.5. The balance in favour of the application is further tipped by the number of jobs that would be created by a development of this nature.
- 2.6. The proposal has been found to be acceptable from a highways perspective and the indicative details submitted suggest that a development of this nature could be of a suitably high standard of design and layout.
- 2.7. It is recommended that members resolve to grant outline planning permission for this development subject to a Section 106 agreement to mitigate the impact on the town centre and also secure improved bus facilities as well as contribution to the monitoring of the necessary travel plan.
- 2.8. A full list of conditions will be circulated by way of an update in advance of committee.

3. CONDITIONS

- 1 To follow

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APPLICATION NO: 15/00321/OUT	OFFICER: Mr Martin Chandler
DATE REGISTERED: 12th March 2015	DATE OF EXPIRY: 11th June 2015
WARD: Swindon Village	PARISH: Swindon
APPLICANT:	Hinton Properties (Cheltenham) Ltd
AGENT:	Mr James Griffin
LOCATION:	Cotswold BMW, Tewkesbury Road Cheltenham
PROPOSAL:	Outline Planning Application for up to 3, 892 sq.m of Class A1 (shops) floorspace, up to 603 sq.m of A4 (drinking establishment) floorspace and up to 1, 395 sq.m of D2 (gym) floorspace with associated parking.

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Attached are a list of suggested conditions to support the recommendation to permit this application subject to the satisfactory completion of a Section 106 legal agreement to mitigate the impact of the development on the town centre and a travel plan contribution to the County Council.
- 1.2. It is necessary for a condition to restrict the goods offered by this development but at the time of publishing this report, the final wording had not been fully resolved.
- 1.3. Members are advised that the aim of the condition will be to allow a TK Maxx 'type' unit as well as a shoe store operator to trade from the development but other than this flexibility, the development will be restricted by a standard bulky goods condition.
- 1.4. The reason for the condition will be to ensure that the development proposed does not prejudice the town centre's vitality and viability.
- 1.5. Members are also advised that two letters from the applicant in support of the proposal are attached to this update.

2. CONDITIONS

- 1 The development hereby permitted shall be begun by whichever is the later of the following:-

- (a) the expiration of three years from the date of this permission;
- (b) the expiration of two years from the date of approval of the final reserved matters;

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 Application(s) 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.

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.

- 3 The development hereby permitted 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.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any development revoking and re-enacting that order with or without modification), the units hereby granted planning permission shall not be subdivided without the prior express permission of the Local Planning Authority.

Reason: To ensure that the premises do not prejudice the continuing vitality and viability of the town centre.

- 5 Bulky goods and formatting

- 6 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design. This information is necessary before development commences to ensure a suitable relationship with the existing built form.

- 7 No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy UI3 of the Cheltenham Borough Local Plan (2006). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 32 and 35 of the National Planning Policy Framework. This information is necessary prior to the commencement of development to ensure there is a safe and suitable access during the construction period, in accordance paragraph 32 and 35 of the National Planning Policy Framework.

- 9 Prior to beneficial occupation a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority, setting out:
- i. objectives and targets for promoting sustainable travel,
 - ii. appointment and funding of a travel plan coordinator,
 - iii. details of an annual monitoring and review process,
 - iv. means of funding of the travel plan, and;
 - v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

- 10 Prior to beneficial occupation of the proposed development details of secure and covered cycle storage facilities shall be submitted to and approved in writing by the local planning authority, the approved works shall be completed prior to beneficial occupation and shall be maintained as such thereafter.
- Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 and 35 of the National Planning Policy Framework.

- 11 Prior to beneficial occupation of the proposed development the car parking facilities shall be provided in accordance with the approved plan and shall be maintained available for that purpose thereafter.
- Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 32 of the National Planning Policy Framework.

- 12 Prior to beneficial occupation of the proposed development details of enhanced westbound bus stop facilities including Real Time Passenger Information facilities shall be submitted to and agreed in writing by the local planning authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.
- Reason: To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

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 ensured that the applicant provided sufficient retail analysis so that the conclusions of the sequential test and the impact on investment and

the vitality and viability of the town centre were fully understood. Upon receipt of this information and following scrutiny by an external, independent consultant, the Local Planning Authority are satisfied that the development constitutes sustainable development and has therefore been approved in a timely manner.

- 2 This permission is subject to a Section 106 agreement to mitigate the impact of the development on the town centre and also an unilateral undertaking to the County Council in relation to a contribution towards travel plan monitoring.

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15 December 2015

Our ref: GES/1640CA/L0002

Martin Chandler
Planning Department
Cheltenham Borough Council
Municipal Offices
Cheltenham
GL50 9SA

Dear Mr Chandler

**Land at Former BMW Dealership, Tewkesbury Road, Cheltenham
Proposed Mixed Commercial Development by Hinton Properties Limited – Application Ref No
15/00321/OUT**

I understand that with regard to the above proposal by Hinton Properties, you require further information concerning the sequential test in relation to the potential development opportunity at North Place, Cheltenham.

Relevant Appeal Decisions and Case Law

At the outset I would highlight that recent appeal decisions and case law clearly demonstrate how the sequential test should be properly interpreted and applied. In the first instance, I would refer you to our previous submissions in response to queries raised by DPDS, which identify the key principles arising from these decisions, the most notable being the Supreme Court's "Dundee decision", the Secretary of State's "Rushden decision" and the High Court's "Zurich decision". Copies of these decisions are attached for ease of reference.

As you will see from Paragraph 29 of the Dundee decision, the Supreme Court confirmed that the correct approach towards applying the sequential test is to consider "...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site". Moreover, Paragraph 38 of the Judgement clearly reinforces this point, making it very clear that it is the developer's proposal rather than an alternative scheme that might be suggested by the local authority, that is relevant for sequential test purposes.

The Secretary of State's Rushden decision similarly confirms the importance of the application proposal itself rather than some hypothetical alternative. At Paragraph 15 of his decision letter, the Secretary of State agreed with the Inspector that the sequential test relates, "...entirely to the application proposal and whether it can be accommodated on an actual alternative site", and, "...not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site" (Inspector's Report, paragraph 8.45). Furthermore, the Secretary of State (Paragraph 16) also endorses the Inspector's view that there is no policy requirement to consider disaggregation of a development for sequential test purposes. Subject, therefore, to the policy requirement for an applicant to demonstrate a reasonable degree of flexibility, the Dundee and Rushden decisions clearly demonstrate that it is the development, as proposed, that needs to be considered when potential alternative sites are being assessed in the context of the sequential test. Moreover, the

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Rushden decision also confirms that for a potential site to be relevant for sequential testing, it must be available now rather than at some possible future date.

The Zurich case, which related to an out of centre retail proposal comprising several retail units together with an M&S department store, helpfully addresses suitability/viability considerations. Crucially, the only available unit in Scunthorpe town centre could not accommodate the size of store required in order for M&S to provide its full retail offer of both non-food and food goods. Consequently, this particular town centre unit was discounted by M&S as unsuitable and unviable. As you will see from Paragraphs 60-2 of Mr Justice Hickinbottom's decision, he afforded considerable weight to the business model/requirements of M&S and the implications thereof in terms of the unsuitability of the available town centre unit. Such considerations are of particular relevance in the context of the Tewkesbury Road proposal and the fact that the scheme's retail anchor is confirmed as being TKMaxx – which we address later in this submission.

The Application Proposal

As you will be aware, the application proposal is for a mixed commercial development comprising three retail units together with a gym and public house, on a site of approximately 1 hectare. Also included within the scheme are mezzanine floors and shared car parking – two important features when assessed in the context of the sequential test requirement to demonstrate flexibility in terms of scale and format. Importantly, the retail element of the scheme is supported by two confirmed named-operators, namely, TKMaxx and Brantano, whilst the gym and public house are also supported by confirmed named –operators (Pure Gym and Greene King). As previously confirmed in writing, TKMaxx require a second store in Cheltenham that will complement their existing store in the town centre, whilst Brantano require a unit that will complement their sister brand (Jones Bootmaker) that is also located in Cheltenham town centre. With regard to the proposed gym and public house, these regard the application proposal as ideal in terms of meeting their respective business requirements for units that will cater for the substantial number of employees in the surrounding area and pass-by traffic on the busy Tewkesbury Road. They are not targeted at meeting the needs of residents or employees and visitors in the town centre – an important point in that the sequential test should appropriately be considered in the context of the need that a proposal will meet.

Taking into account the aforementioned appeal decisions, it is clear that the Hinton Properties proposal as a whole must be considered for the purposes of correctly applying the sequential test.

North Place

In terms of its size, the North Place site totals approximately 1.3 hectares and, as such, it could potentially accommodate the proposed development on the basis that the application site has an area of about 1 hectare. Furthermore, whilst in locational terms, it is acknowledged that the North Place site is more centrally located than the application site, it is not located within the designated Central Shopping Area and, as such, is not well related to the retail core where most national multiples are represented and where pedestrian flows are concentrated.

With regard to its development plan status, the North Place site is allocated for a mixed use development under Policy PR2 of Cheltenham Borough's Local Plan Second Review (adopted 2006). In terms of specific land uses, the site is identified for a minimum of 100 residential units (including 50 affordable), together with public car parking and possibly other public uses. Taking into account the characteristics of this general location and surrounding land uses, we concur with the appropriateness of this site's allocation. Notwithstanding the Council's previous decision, having undertaken the necessary planning balance, to grant planning permission for a food superstore on this site, the Tewkesbury Road proposal would clearly be non-compliant in land use policy terms given the North Place site's development plan allocation. Furthermore, it is our understanding that with regard to housing land availability in Cheltenham, there is a serious shortfall in respect of providing the necessary 5 year supply, as evidenced by the information provided both by the Council and the appellant at a recent Inquiry in respect of land at Leckhampton. This acknowledged shortfall reinforces the importance of safeguarding sites such as North Place, which are allocated for residential purposes in the development plan, and which can make an important contribution towards reducing the

serious shortfall in housing land supply in Cheltenham. Whilst for the reasons set out below, the North Place site is discounted as a credible alternative to the Tewkesbury Road application site, were a hypothetical non-conforming land use proposal to come forward, it should be rejected on the grounds of conflict with the development plan. Given, therefore, its development plan allocation and the serious housing land shortage in Cheltenham, the North Place site is demonstrably unsuitable for an alternative mixed commercial development, as proposed.

Furthermore, a suitably designed housing-led development at North Place would accord well with the role and character of the surrounding area which, importantly, falls within a designated Conservation Area. Whilst for the reasons set out in this submission, we believe that the North Place site can be discounted as a credible alternative to the application site, we would also seriously question the site's suitability in urban design terms for a retail warehouse-led development with associated surface level car parking.

In terms of availability, the North Place site is currently not available and remains "under contract" with Morrisons pending the outcome of an arbitration hearing which, we understand, is programmed to take place early in the new year. Presently, the North Place site can reasonably be discounted as unavailable. If, however, it becomes available to the market in the future, it will not represent a suitable and viable sequentially preferable alternative to the subject Tewkesbury Road site for the following reasons.

Turning to suitability and viability-related considerations, on the basis that TKMaxx are the anchor retail operator supporting the application proposal and, importantly, have confirmed that they would not occupy a hypothetical unit at North Place, because such a store would unacceptably "cannibalise" the trading performance of its comparatively near-by existing town centre store, the North Place site, clearly does not represent a suitable alternative development opportunity that is capable of accommodating the application proposal. Put simply, the North Place site does not represent a viable business proposition for TKMaxx, a view previously accepted by DPDS in their advice to the Council. In light of the Zurich decision, this non-viability represents an important material consideration that should be afforded due weight. Importantly, a refusal of planning permission for the application proposal would not have the effect of re-directing the TKMaxx requirement to a hypothetical unit at North Place. Similar considerations apply in relation to Brantano – a refusal of planning permission would not have the effect of re-directing this element of the scheme to a hypothetical unit at North Place. Given these findings, and taking into account the relevant restrictions/obligation offered by the applicant, Officers and Members can reasonably conclude that the North Place site does not represent a suitable and viable alternative to the Tewkesbury Road site.

Also relevant in terms of the potential suitability of the North Place site is its relative remoteness in relation to the town centre's retail core and the lack of any significant road-side prominence and associated pass-by trade. For these reasons the site does not, in our judgement, offer an attractive and viable business opportunity for non-food retailers. In sharp contrast to the Tewkesbury Road site, the absence of a critical mass of significant neighbouring retail uses and major pass-by traffic, severely constrains the site's relative attractiveness and viability – a view endorsed by our named-operators and leading commercial marketing agents. Whilst a major retailer previously considered the site to be suitable, this was in respect of an essentially main (bulk) food shopping role, undertaken predominantly on a weekly basis. This does not in any way demonstrate the site's wider suitability and/or viability with regard comparison goods retailing, which is typically undertaken far less frequently and which generally generates far lower sales densities per square metre. The fact that Morrisons no longer wish to pursue a development at North Place, further calls into question the site's locational credentials even for a food superstore development, thus further reinforcing our view that North Place is fundamentally not a viable location for a potential retail development, as proposed.

With regard to the non-retail elements of the application proposal, these too have confirmed that the North Place site does not represent a suitable development opportunity. On the basis that it would serve a materially different core catchment area to that associated with the Tewkesbury Road proposal. Again, a refusal of planning permission on sequential grounds would not re-direct the two named-operators to a hypothetical development at North Place.

For the reasons stated, the North Place site does not therefore represent a suitable and viable development opportunity that could realistically be expected to accommodate the application proposal and its confirmed named-operators. In these circumstances, the North Place site can reasonably be discounted and the sequential test deemed to be satisfied.

The Planning Balance

Whilst national policy states that non-compliance with the sequential test would normally dictate a refusal of planning permission, such a presumption must, nevertheless, be considered in the light of all material considerations. In undertaking the necessary planning balance and examining a proposal's relative merits, the benefits associated with a proposal could, as in the Zurich case referred to above, outweigh any failure to fully comply with the sequential test.

Whilst we are strongly of the view that the Tewkesbury Road proposal satisfies a sensible interpretation and application of the sequential approach towards site selection, should the Council conclude otherwise, it would still need to undertake the planning balance and weigh, for example, the scheme's major employment and consumer choice benefits together with the absence of any "significant adverse effect" on the town centre, as accepted by DPDS, against any perceived non-compliance with the sequential test. Whilst the evidence in this case does not support such a scenario, were the Council to conclude otherwise, it is our judgement that the planning balance would be, in any event, firmly in favour of the proposed investment and development by Hinton Properties.

Conclusion

The appeal decisions and case law referred to, clearly demonstrate how the sequential test should properly be interpreted and applied. A flexible approach has been adopted, as demonstrated by the applicant's use of mezzanine floors and shared car parking, and disaggregation of the application proposal into its constituent parts is no longer a policy requirement. Moreover, it is the overall development proposal advanced by the applicant that is relevant for the purpose of considering potential alternative sites, and not some hypothetical variant thereof. Furthermore, as demonstrated by the Zurich decision, potential alternative sites can be discounted where a named-operator considers these to be neither commercially viable nor suitable for their commercial requirements. Assessed in terms of the general principles set down in the cases referred to, it is clear that the North Place site does not represent a suitable or viable alternative that is capable of accommodating the proposal and its associated named-operators. In these circumstances, the North Place site can reasonably be discounted as a sequentially preferable alternative to the Tewkesbury Road site.

I trust you find these supplemental comments to those previously submitted to the Council, helpful. Should you require anything further to assist in preparing your Committee Report, please do not hesitate to contact me.

Yours sincerely,



Gary Sutton
Director
DPP
D: 02920 660265
M: 07725 859576

cc James Hinton, Hinton Properties Limited
Peter Harris
Paul Fong, Hunter Page

Our Ref: JG/3982
14th January 2016

Dear Councillor,

**Planning Application Ref: 15/00321/OUT Former Cotswold BMW garage,
Tewkesbury Road, Cheltenham**

I am sorry to burden you with additional papers in advance of next week's planning committee. However, I thought you would find the following information of help in your consideration of the planning application for the redevelopment of the soon to be vacant Cotswold BMW, Tewkesbury Road site.

The construction of the new flagship BMW/MINI store at Grovefield Way has progressed well and is due to open this summer. The existing store, which is prominently sited, will soon become vacant unless a new use is found. Our research has not revealed any demand for a replacement car showroom. The proposed development will provide a mix of uses including a gym, restaurant/pub and three retail stores.

We are strongly of the view that the scheme presented will deliver the best solution for the site whilst also complementing the adjacent Gallagher and Kingsditch Retail Parks which already provide comparable uses.

User restrictions

We have worked closely with officers to allay their clear concerns regarding the impact of out of town retail. My client (Hinton Properties) has taken a flexible approach by suggesting the imposition of 4 restrictive planning conditions in addition to a tightly worded S106 agreement to ensure the retail vibrancy and vitality of the town centre does not suffer but is strongly protected.

The conditions are commonly used in the retail sector and would ensure new units could not sell items outside of those specified. Also, units could not be subdivided to create a greater number of stores. To further safeguard the town centre, my client is willing to enter into a S106 agreement to ensure (for a period of 5 years) our anchor tenants must retain their existing town centre units (in addition to the new stores) or that any new retail trader has not traded in Cheltenham town centre before. The above user restrictions would ensure a strong level of control for retail traders on the site and would prevent existing town centre stores moving out to this site thus forcing a store closure.

Unique opportunity

It is important to recognise that both TKMaxx and Brantano ("aka Jones Bootmakers"), have chosen a new business model for Cheltenham where both prestige retailers have identified a need for both a town centre and an out of town centre store.

This unique business model represents the current strength and resilience of Cheltenham as an important retail centre and supports our view that the town centre will not be disadvantaged by this development.



In reality, the strength of the town centre will be substantially boosted this year by the arrival of John Lewis, the knock on effects of which are already being seen.

Range of benefits

This development will deliver a range of benefits for the site and wider area. It will;

- provide solid **economic growth** through a range of uses complementing those already found on the Gallagher and Kingsditch retail parks;
- provide between **71-120 full time equivalent jobs** for the town;
- **reinvigorate** a soon to be redundant gateway site; and,
- **enhance** the visual amenity of the site through a well-designed building and introduction of landscaping that the site currently lacks.

Summary

The planning application before you is a result of many hours of discussion with your Officers during the application process. The new development will deliver a wide range of benefits whilst ensuring the existing retail offer in the town centre is protected.

It is imperative that a new use for this soon to be vacant site is found - the uses proposed are the only realistic selection suitable for this site given its location and existing neighbours.

Naturally we are pleased with the recommendation to permit. Your Officers have dealt extensively with the retail impact element covering some five pages of your report. We believe that paragraphs 6.4.12, 6.4.22, 6.5.7 and 6.6.6 are particularly relevant and confirm the need to determine this application as it stands, with anchor tenants identified and continued town centre presence guaranteed, and not as a speculative or hypothetical application.

We hope therefore, for all the reasons set out in your Officer's report, you will be able to support the development proposed and deliver a further economic boost for Cheltenham.

Yours sincerely,



James Griffin MRTPI
Hunter Page Planning Ltd
james.griffin@hunterpage.net

APPLICATION NO: 15/00321/OUT		OFFICER: Mr Martin Chandler
DATE REGISTERED: 12th March 2015		DATE OF EXPIRY: 11th June 2015
WARD: Swindon Village		PARISH: Swindon
APPLICANT:	Hinton Properties (Cheltenham) Ltd	
AGENT:	Mr James Griffin	
LOCATION:	Cotswold BMW, Tewkesbury Road, Cheltenham	
PROPOSAL:	Outline Planning Application for up to 3, 892 sq.m of Class A1 (shops) floorspace, up to 603 sq.m of A4 (drinking establishment) floorspace and up to 1, 395 sq.m of D2 (gym) floorspace with associated parking.	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Attached is a further representation on behalf of the owners of The Brewery and the Regent Arcade. Officers understand that this has already been circulated to members in advance of the meeting.
- 1.2. The representation has been given due consideration, but members are advised that it does not introduce any new considerations. The key point relates to a disagreement with the Council's interpretation of the sequential test and the impact tests and therefore disagreement with the recommendation to support the application.
- 1.3. Officers accept that this application presents a difficult balancing act and this is fully acknowledged in the papers that members already have. Sequentially, it is possible to put a case together to suggest that both North Place and both phases of the Brewery development are preferable for a retail development of this nature but, in the absence of a significant impact on the town centre in terms of its vitality and viability as well as inward investment, members are advised that this would be a very difficult case to sustain at appeal.
- 1.4. Both the sequential test and impact tests are designed to promote and protect the town centre and the importance of these policies are well understood by officers. In the absence of impact, officers consider that the refusal of planning permission would be providing an unnecessary level of protection for the town centre; in this respect it is the health of the town centre that enables this development, subject to restrictions, to be supported.
- 1.5. In preparing the recommendation, officers have been acutely aware of the advice within the NPPF at paragraphs 186 and 187 which states that LPAs should approach decision-taking in a positive way and seek to approve applications for sustainable development where possible. It is considered that, on balance, the proposal is a sustainable form of development and is therefore one that should be supported.

2. Suggested conditions

2.1. As well as the conditions already circulated, members are advised that the following condition should also be attached to control the development, if approved:

2.2. *The development hereby approved provides for the following: up to 3, 892 sq.m of Class A1 (shops) floor space, up to 603 sq.m of A4 (drinking establishment) floor space and up to 1, 395 sq.m of D2 (gym) floor space.*

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any development revoking and re-enacting that order with or without modification), the development shall be implemented strictly in accordance with terms of this condition.

a) *No unit within the development hereby approved shall provide more than 1,860 sq.m (GIA) of use class A1 (retail) floor space;*

b) *Other than in accordance with the terms of part 'c' and 'd' of this condition, the retail floor space hereby approved shall be used for the sale of furniture, electricals, carpets/floor coverings, DIY- related and garden products, and the sale of ancillary goods which are part of the usual product mix of retailers of the foregoing only;*

c) *As well as the product mix identified in part 'b' of this condition, one unit of up to 1,860 sq.m (GIA) is permitted to be used to sell or display the following:-*

- *Hobbies and craft equipment and materials;*
- *Cleaning materials primarily used in connection with home improvement, car maintenance, garden activities or hobbies/crafts;*
- *Linen, bedding, textiles/fabrics, cushions;*
- *Toys;*
- *Shoes/footwear;*
- *Baby/Children's goods;*
- *Health and leisure services/facilities;*
- *Watches, clocks, jewellery and sunglasses;*
- *Homewares including cooking utensils and equipment, crockery, glassware, picture frames and other home furnishing products;*
- *Travel cases, bags, purses and wallets;*
- *Clothing, and fashion accessories;*
- *Cosmetics, hosiery; and*
- *Confectionery, seasonal food goods and other associated food items (provided such food good occupy no more than 2% of the net sales area).*

d) *As well as the product mix identified in part 'b' of this condition, one unit of up to 640 sq.m is permitted to be used for the sale of shoes and footwear, and ancillary goods which are part of the usual product mix of footwear retailers only;*

e) *Within the product range identified in part 'c', no more than 70% of the net sales area of any resultant unit shall be used to sell or display clothing;*

f) *Any unit subsequently developed as a result of this permission shall not be subdivided without the prior express permission of the Local Planning Authority.*

- g) *Unless approved at reserved matters stage, the installation of a mezzanine floor in any unit within the development hereby approved shall require the express benefit of planning permission.*

Reason: The impact on the vitality and viability of the town centre has been assessed on the basis of the terms set out above and has been found to be acceptable. These restrictions are therefore necessary to ensure that the development approved does not prejudice the continuing vitality and viability of the town centre.

3. Legal agreement: heads of terms

- 3.1. Further progress has been made in relation to the necessary agreement to mitigate impact on the town centre. The suggested wording is as follows:

For a period of 5 years from first commencement of retail trading on the Site, new retail units on the Site shall only be permitted to be occupied by a retail trader that either:

- a) *has not traded from the Core Commercial Area of Cheltenham in the preceding 12 calendar months; or*
- b) *if they have so traded, they shall retain their existing retail trading unit and continue to trade from that retail trading unit in the Core Commercial Area of Cheltenham or shall otherwise continue to maintain their trading in the Core Commercial Area of Cheltenham in an alternative trading unit provided such unit is not of a lesser net floorspace as that in which they were occupying as at the date they first commence occupation of a new retail unit on the Site.*

4. Summary

- 4.1. The objections from The Brewery and the Regent Arcade are well understood and the recommendation that is presented to members is one that has been carefully balanced in terms of the retail assessment.
- 4.2. Having scrutinised the proposal, the advice to members is that there is not a sufficiently strong case to refuse planning permission, particularly in light of the suggested conditions and legal agreement which will help mitigate the impact on the town centre. In this regard, members are reminding that when initially submitted, the application was for an open A1 use which would have had a greater impact on the town centre.
- 4.3. It is recommended that outline planning permission be granted subject to the suggested conditions and necessary legal agreement.

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CHELTENHAM BOROUGH COUNCIL – PLANNING COMMITTEE

FAO:

Councillor Garth Barnes (chair);
Councillor Jacky Fletcher (vice-chair);
Councillor Paul Baker
Councillor Andrew Chard
Councillor Diggory Seacome
Councillor Bernard Fisher
Councillor Colin Hay
Councillor Adam Lillywhite
Councillor Helena McCloskey
Councillor Andrew McKinlay
Councillor Klara Sudbury
Councillor Pat Thornton
Councillor Louis Savage
Councillor Malcolm Stennett
Councillor Simon Wheeler
Councillor Flo Clucas (reserve)

Your ref: 15/00321/OUT/
Our ref: CBC/CJ/160119

Reserve:

Councillor Matt Babbage; Councillor Jon Walklett; Councillor Wendy Flynn
Councillor Rowena Hay; Councillor Chris Mason; Councillor Chris Nelson;
Councillor John Payne.

SENT BY EMAIL ONLY

20th January 2016

Dear Councillor

PLANNING APPLICATION FOR MIXED USE SCHEME AT COTSWOLD BMW, TEWKESBURY ROAD, CHELTENHAM (REFERENCE: 15/00321/OUT) - FURTHER OBJECTIONS SUBMITTED ON BEHALF OF NFU MUTUAL INSURANCE SOCIETY & CANADA LIFE LIMITED

We hope you do not mind our contacting you directly in advance of the Planning Committee scheduled for this Thursday 21st January on behalf of our joint clients:

- NFU Mutual Insurance Society Limited - owners of The Brewery retail and leisure scheme in Cheltenham Town Centre; and
- Canada Life Limited - owners of Regent Arcade.

As two of the major stakeholders in the town centre our clients wish to restate their strong objections to the application by Hinton Properties (Cheltenham) Limited seeking permission for a major new mixed use retail and leisure scheme of 5,890m² gross on the existing BMW Car Dealership site, located some 1.7km from Cheltenham Town Centre in an out-of-centre location.

For the reasons set out in our original letters to the Council dated 21st April 2015 and 21st July 2015 (see attached) both NFU Mutual and Canada Life are clear that the application proposal will result in a significant adverse impact on investor/business confidence and market/operator demand in Cheltenham Town Centre and, specifically, on their respective shopping centre assets and investments.

We have consistently advised the Council's planning policy officer - Mr Edward Baker (who we understand left the Council in December) - and their planning adviser (DPDS Consulting) that the application was contrary to paragraph 27 of the NPPF and local plan policy, and should be refused by Cheltenham Borough Council on this basis.

You will therefore understand our clients' surprise to hear through the local press that the Council's replacement planning officer has recommended in his planning committee report that the application be permitted. Our clients are particularly disappointed and frustrated that we have not been provided with the opportunity to respond to the supplementary advice recently prepared by DPDS Consulting; furthermore, we understand from the case officer that DPDS only submitted their advice last week and it has not, as yet, been posted on the Council's website for review and comment.

We are also concerned that the officer's report makes little substantive reference to our previous objections to the application on sequential and impact grounds (apart from in paragraphs 5.2 and 5.3 of his report). For these reasons, subject to Counsel's advice, our clients are seriously considering challenging the Council's decision-taking on this application.

Notwithstanding this, and turning to the key sequential and retail impact issues that you are being asked to consider at the Planning Committee on Thursday, our previous correspondence clearly sets out the reasons why we believe the application should be refused out of hand. Although we know that you will review our previous objections in detail in advance of the Planning Committee, we would nevertheless like to take the opportunity here to draw your attention to some of the key issues and considerations relevant to your assessment and determination of the application proposal.

First and foremost, there can be no doubt that allowing more retail, food and beverage and commercial leisure floorspace outside the town centre will result in a **significant adverse impact** on the overall vitality and viability of the town centre, and on existing, committed and planned public and private investment, including by our clients. In summary:

- The existing and proposed retail and leisure floorspace in this established out-of-centre location competes directly with the town centre for shoppers and trade, and for existing and new occupiers. For example, Gallagher Retail Park has recently let space to Sports Direct and Outfit, which comprises a wide range of high street brands (including Top Shop, Top Man, Warehouse, Dorothy Perkins, BHS, Evans and Wallis), as well as click-and-collect. The Council should be aware that a number of these retailers and brands had previously been identified as potential occupiers for The Brewery Phase 2 development, and their ability to take space outside the town has therefore had a **direct negative impact on our clients' letting and marketing strategy**.
- At the same time other national food and beverage operators have recently opened at Gallagher Retail Park (including Costa Coffee, Subway, Greggs and Patisserie Valerie). This means that **shoppers do not have to visit the town centre** to satisfy their shopping, food and beverage and leisure needs. The addition of new retail floorspace, a gym and food/beverage operators to the critical mass of uses in this location will further increase its attraction and reduce the need for shoppers to travel to the town centre.
- Although our clients welcome competition and choice, you will appreciate that allowing more retail and leisure floorspace outside the town centre is **not a 'level playing field'** in commercial terms. The existing and proposed out-of-centre floorspace benefits from a number of significant competitive advantages over existing and planned town centre floorspace including, for example, free parking, easy access by car and lower overhead costs for operators. As a result, the likely scenario is that retailers and leisure operators seeking space in Cheltenham will choose to locate in the out-of-centre scheme first, ahead of the new space planned for the town centre. In turn,

this will result in a significant adverse impact on operator demand and investment confidence in The Brewery Phase II extension and the town centre as a whole.

- Councillors should also be aware that no account has been taken by the applicant or Council of the **cumulative impact** of the proposal on the town centre, or the **loss of linked trips** and expenditure to other shops and businesses. This includes smaller independent businesses that depend on the footfall and linked trip expenditure generated by the larger shopping centres and national occupiers to help underpin their turnover, profitability and overall viability.
- As a result, and for the reasons set out in our April and July letters to the Council, the application proposal will bring absolutely **no benefits to the town centre in terms of linked trips, expenditure and new jobs**. Any benefits that may arise from the proposed retail and commercial leisure floorspace will flow to the existing out-of-centre facilities in close proximity to the application site; further strengthening the attraction of Tewkesbury Road to shoppers and other car-borne visitors, and increasing the cumulative impacts on the town centre. Furthermore, any jobs created by the new application proposal could be easily outweighed by the loss of jobs in the town centre through the downsizing of existing units and/or store closures.
- As you are aware, Canada Life Limited is investing millions in the **Regent Arcade** shopping centre. This includes improvements to the front entrance to the scheme and the construction of a new unit of circa 1,255m² (13,500 sq ft). TK Maxx is also an important anchor store; attracting customers to the centre and driving footfall, spend and turnover across the shopping centre and town as a whole. The unit has recently been extended by our client to provide a larger modern format unit of 3,112m² (33,500 sq ft) selling a wide range and variety of goods.
- Although we note the officer's report refers to the planning obligation offered up by the applicant to help mitigate the impact of the proposed TK Maxx store, the local planning authority should be aware that there is absolutely **no guarantee in the current rapidly-changing retail market that TK Maxx will maintain their presence in the town centre once the five year time limit expires as proposed**. Furthermore, evidence from similar agreements elsewhere suggests that TK Maxx could simply disinvest in their town centre store over the next five years and exit from the town centre. The Council will also be aware that the future of BHS - which trades from a store of 4,970m² - is also not guaranteed in the current economic climate following the sale of the 171-store portfolio in 2015.

For these reasons we maintain that the application should be refused on impact grounds in accordance with the NPPF (paragraph 27).

Turning to the **sequential test** and the comments in the officer's report, we feel it is important to restate the key issues we have previously raised in our letters of April and July 2015. In summary:

- The **Brewery Phase II** development is clearly available and suitable for the proposed development. It will provide 10,219m² (110,000 sq ft) of new retail and leisure floorspace, with the flexibility to suit a variety of retailer requirements, sizes and business models. The units in Phase II will also benefit from a highly prominent retail frontage, a 4.6 metre floor to ceiling height, with the floorspace arranged over ground and first floor level. There can be no doubt therefore that in planning and commercial terms The Brewery can accommodate the scale, format and type of retail and leisure operators identified for the application proposal.
- The mixed use development opportunity at **North Place** has an extant permission for a large quantum of Class A1 retail floorspace and Morrisons is no longer seeking to deliver a larger superstore on this site. The site is therefore available and suitable for the proposed new retail floorspace, assuming some flexibility in terms of format and scale. This is accepted by the officer's report (para 6.4.16).
- There is also over 4,676m² of **vacant floorspace in The Brewery that is immediately available for occupation**. This could easily accommodate the 3,925m² gross of Class A1 retail floorspace proposed for the out-of-centre Tewkesbury Road site.

In terms of the assessment of "**availability**", we need to correct the Officer's interpretation that it "*means whether a site is currently available*" (para 6.4.2) and their planning consultant's advice that "*retail planning is focussed on the short term*". Both the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (PPG) promote long-term planning and positive strategic visions for centres to help ensure their success and enable sustainable economic growth and provide a wide range of social and economic benefits. Policy should seek to ensure the vitality of town centres and local planning authorities should plan positively to support town centres and promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.

In this context whilst we accept that 'Rushden Lakes' has reduced the timescales for assessing availability, it is nevertheless widely accepted that there has to be a degree of flexibility in considering when other potential sequentially preferable sites are available or likely to become available. On this point recent appeal decisions have provided clarification with regard to the issue of "**availability**", for example:

- **Land at Blackwater Shopping Park, Farnborough, Hampshire (Ref: APP/P1750/A/14/2213117), July 2014:** The Inspector concluded in his assessment of an alternative town centre site that whilst it was not available now, "*...there would appear to be a prospect of it becoming so within a reasonable period, bearing in mind that town centre sites can be more expensive and complicated to assemble*" (para 36). He concluded that "*When push comes to shove I consider that there is a reasonable likelihood of a food retailer going to the town centre site. It may be more difficult, and take longer, to develop than an out of centre site, but that is not a reason for saying that it is not suitable and available*" (para 38).
- **Royal Leamington Spa, Appeal (APP/T3725/A/14/2218334), February 2015:** The Inspector in his consideration of the appeal to sub-divide an existing out-of-centre Homebase unit to create 3/4 new A1 units that "*depending on the circumstances of the case, having to be immediately available for occupation seems somewhat too restrictive*" (paragraph 17).

In our experience the assessment of the availability of a site for development will depend on a number of factors and these have to be reasonably assessed on a case-by-case basis. It also has to be recognised that proposals are rarely brought forward at exactly the same time, and town centre schemes inevitably take longer to plan and deliver than out-of-centre schemes; particularly at the present time following the impact of the longest and deepest economic recession in living memory on developer, investor and business confidence. Given that national and local plan policy supports a 'town centre first' approach – and this has recently been reinforced by the DCLG and Ministers – it is material to the assessment of availability to consider when sites may be capable of delivering development, rather than whether they are necessarily available at the time a competing application is made.

A key consideration is also whether the site is available for the form of development proposed, rather than available to the applicant or operator. In the case, the crux of the applicant's retail planning case appears to be that TK Maxx is not prepared to open a second store in the town centre for "*fear of 'cannibalising' existing trade*" (para 6.4.10). To be clear, this is not a justification for dismissing other sequentially preferable sites out of hand, and allowing the application proposal:

- Firstly, as the Council accept, there is "*nothing within the application to establish that the development would only be viable with TK Maxx, and it is relevant that the permission (if granted) would not, as submitted, be restricted to TK Maxx – they are not the applicant*" (para 6.4.18).
- Secondly, the Council's own planning consultant (DPDS) advised in his more recent report that the Council is "*...entitled to conclude that insufficient flexibility has been demonstrated*" and "*should show considerable caution in accepting, as a matter of principle, that the requirements of specific, named retailers should attract great weight in the sequential test*" (para 6.6.3).

- Thirdly, allowing a second TK Maxx store in Cheltenham will not increase competition and choice for existing customers, as they are already served by the existing (policy-compliant) town centre store. Allowing a second store will inevitably strengthen the critical mass and attraction of out-of-centre retailing on Tewkesbury Road. It will also impact 'like-against-like' on the existing town centre store, which is also an important anchor to Regent Arcade, resulting in a reduction in trips, footfall and expenditure to the shopping centre and across the town centre.
- Fourthly, and for the reasons set out above, there is no guarantee even with the proposed agreement in place that TK Maxx will maintain their presence in the town centre after the stated 5-year period once they have secured permission for a new out-of-centre store. This has serious implications for the long term future, planning and management of Regent Arcade and the town centre as a whole.

We maintain that that **DPP's sequential approach is fundamentally flawed**. They have not demonstrated sufficient flexibility when considering the potential availability and suitability of alternative sites in Cheltenham Town Centre. Our clients are clear that The Brewery (Phase I and II) is capable of accommodating the scale and type of floorspace proposed for the application site, as are other town centre development sites.

As we stated in the introduction to this letter, you can imagine our clients' surprise and frustration to hear that officers' are satisfied the proposal "passes" both the impact and sequential tests.

It is clear to our clients that any "balancing" exercise as part of the decision-making process can result in only one conclusion; namely that the application fails to satisfy the sequential test and is contrary to local and national planning policy objectives, and should be refused by the local planning authority on this basis.

Finally, NFU Mutual Insurance Society Limited and Canada Life Limited would like to thank you in advance for carefully considering their on-going objections to the application proposal, which you will understand reflect their overriding objectives to ensure the vitality and viability of the town centre and their key shopping centre assets against the increasing competition from out-of-centre and internet shopping.

Yours sincerely



Dr Steven Norris BA MPhil PhD MRTPI
Partner
Head of National Retail and Town Centre Consultancy
for and on behalf of Carter Jonas

- cc. Tracey Crews – Head of Planning, Cheltenham Borough Council
Martin Chandler – Senior Planning Officer, Cheltenham Borough Council

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APPLICATION NO: 15/01449/COU	OFFICER: Miss Chloe Smart
DATE REGISTERED: 18th August 2015	DATE OF EXPIRY: 13th October 2015
WARD: College	PARISH:
APPLICANT: Pedlam	
AGENT: n/a	
LOCATION: Former Workshop and Garage to rear of 174 Bath Road, Cheltenham	
PROPOSAL: Change of use from workshop and garages (previously associated with undertakers) to a bicycle workshop (including ancillary cafe and office). No external alterations proposed.	

RECOMMENDATION: Permit, subject to conditions



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a single storey building which is located to the rear of a row of commercial properties which front onto Bath Road. The property is accessed via a narrow passageway which joins the adopted highway at Clare Street. The site lies within the Central Conservation Area.
- 1.2 The application seeks planning permission for a change of use of the property from a workshop which was previously associated with an undertaker (sui generis) and has also been used as an upholsterer's workshop. The change of use sought is to a bicycle workshop which is to include an ancillary café and office (mixed B1(c) and A3 use).
- 1.3 The primary element of the proposed use is the bicycle repair and fitting service. The café is intended to serve customers who are waiting for their bicycle to be repaired. In addition, the applicant proposes some additional services such as bicycle storage (for up to 20 bikes) and various educational workshops.
- 1.4 The application is before planning committee following requests from Councillor Barnes and Councillor Sudbury to enable the committee to consider the potential impact on surrounding residential properties.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

Relevant Planning History:

N/A

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Central conservation area: Bath Road Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

2nd November 2015

I refer to the above planning application received on the 29th September 2015 with submitted plans

Location:

The proposed change of use relates to a site situated between the class 4 highways known locally as Naunton Parade and Clare Street both of which are accessed from the class 1 A46 Bath Road.

Access:

The proposed site would be accessed from a footway linking Naunton Parade and Clare Street. The footway appears not to be adopted, however it is un-gated, and although it is no formal highway there are established highway/vehicle rights across it in particularly the northern half of the lane which provides vehicle access to a private drive. Cycles accessing the site from the north do have adequate room to pass a pedestrian. However those cyclists accessing from the south (Naunton Parade) enter lane where it is approximately 2.0m-2.5m potentially restricting the free flow of pedestrians and cycles. Currently there are no provisions which restrict or prevent a person from cycling down the access lane. Furthermore due to the established vehicular use over the northern end of the lane it would not be possible to restrict access by cycles. To ensure pedestrian priority and to reduce any potential conflicts between cyclists and pedestrians, cycle dismount signage could be erected, this would be appropriate at the southern end where the passing of a cycle and pedestrian is restricted.

In regards to planning legislation and cycling in the general area, cyclists should be dismounted when on a public footway. Section 72 of the Highways Act 1835 states that cycling on the footway is an offence, and would be regarded as dangerous cycling under section 28 of the Road Traffic Act 1988 should any conflict or collision occur.

Access for pedestrians and dismounted cyclists would be regarded safe and secure using an existing means of access. Rites of passage and ownership falls outside of planning.

Parking:

The proposal has not provided any off-road vehicular parking facility which is indicative of many of the commercial units in or around the Bath Road. Naunton Parade and Clare Street are subject to double yellow line parking restrictions. Therefore any parking occurring on the double yellow lines would fall outside of planning and would become a civil enforcement issue and therefore fall under other legislation. There are publicly available parking bays on Bath Road, as well as a publicly available pay and display car park within 70m of the development site and is well within a comfortable walking distance.

Vehicular Trip Generation:

In regards to planning legislation the development would not have a residual cumulative impact that is regarded as severe. Any conflicts regarding cycling on the footway and parking upon the highway in an area of parking restrictions would fall under other legislation outside of planning.

Therefore I recommend that no highway objection be raised subject to condition(s).

Condition 1: Cycle Dismount Signage:

Prior to the building hereby permitted being brought into use, details of a cycle dismount sign shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved plans.

Reason: - To minimise conflict between pedestrian and cyclists in accordance with Paragraph 35 of the NPPF.

Environmental Health

16th November 2015

At your request I have had another look at this application, as some details have changed.

Having looked, I still have no objection to the proposal overall. The limited kitchen facilities vent to an outdoor area owned by applicant, not directly over an adjacent property. Any impact from noise or odour will be minimal. The proposed opening hours seem reasonable, and I would suggest that a condition is applied to ensure that these hours are restricted. I would also recommend a condition to ensure that no deliveries to, or collections of waste from, the premises are made outside of those opening hours, to ensure there is no loss of amenity for neighbouring properties.

I would agree with some of the concerns raised that this development should not be allowed to be further developed to become an A3 premises, so would suggest that if permission is granted, it is made a personal condition to the current applicant.

Building Control

11th November 2015

Excessive travel distance for means of escape in case of fire.
Strategy needed to develop an adequate means of controlling spread of flame and safe exit from the building.

Transport Projects Officer

8th January 2016

As discussed, I'd be very supportive of this initiative. I think it would be a good thing for the community as a whole and for the cycling community. The Bath Road area is a very busy and thriving community and has a unique atmosphere.

There are a lot of people living and visiting the area who ride bikes. The extra cycle parking we got installed is constantly in use. I'd add that I don't believe that there would be any noise nuisance and certainly no more than any other workshop that may have been there in the past.

I think this would be a positive addition to the area.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	10
Total comments received	11
Number of objections	11
Number of supporting	0
General comment	0

5.1 Ten letters have been sent to neighbouring properties and eleven letters of representation have been received raising objections to the proposal.

5.2 The concerns raised within the responses have been summarised below;

- Not a suitable use within residential area.
- Odours from cooking
- Noise and general disturbance
- Opening hours should be restricted.
- Lack of parking and highway safety issues.
- Additional traffic
- Ownership and access issues
- Proximity of outside space to neighbouring gardens.

- Impact on the conservation area

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key considerations in relation to this application are the principle of the proposed change of use, the impact on neighbouring amenity and highway considerations.

6.3 Principle of change of use

6.4 There are no specific Local Plan Policies which are relevant when considering the principle of the change of use proposed. In this case, the building benefits from previous commercial uses which include being part an undertaker's workshop and also upholsterers. Being a sui generis use, policy EM2 is not relevant and as such, there is no policy presumption contrary to the proposed change of use, subject to other relevant material considerations.

6.5 Impact on neighbouring property

6.6 Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.

6.7 A number of objections have been received from residents within the locality, with concerns regarding the noise and disturbance of such a use in this area. The primary aspect of the proposed use is the repair of bicycles and fitting services. The applicant has confirmed this would entail the use of a hammer, an air hose and a drill. In addition, an ancillary café is proposed, which would cater for cyclists who are using the repair service and also cyclists passing by.

6.8 Due to the nature of the change of use the Borough's Environmental Health Officer has been consulted. No objection has been raised regarding the change of use and the impact on neighbouring properties. The impact of odour from the kitchen has been raised as a concern within the submitted letters of representation; however the EHO has confirmed that the impact of noise and odour from the proposed vent would be minimal. The applicant has provided details of the nature of catering within the café, with most of the food being pre-cooked off site and heated up on site. The purpose of any extraction is for ventilation, as there are no opening windows within this space.

6.9 The intended hours of operation have also been raised as a concern by local residents. The applicant proposes opening hours of 8:30am to 7pm Monday to Saturday and 9am to 6pm on a Sunday or bank holidays. The Environmental Health Officer has reviewed this information and considers these hours to be reasonable, in light of the activity proposed at the site. Officers have also considered the fact that the previous uses of the building would not have been subject to any planning restriction on opening hours and therefore there is the opportunity to restrict the hours of operation through this application.

6.10 Overall, officers do not consider that the proposed change of use will result in an unacceptable impact on neighbouring amenity. Clearly there is likely to be an increase in activity at the site, but this in itself is not considered detrimental to the amenities of the area. There is the opportunity for customers to use the outdoor space, however this space is limited in size and would remain an incidental aspect of the proposed use.

6.11 In light of all of the above, officers are satisfied the proposal would not result in any unacceptable increase in noise and disturbance to neighbouring dwellings. The EHO has suggested the use of a condition to restrict opening hours and the restriction to a personal

permission, both of which attached to this recommendation. With the addition of these conditions, officers are satisfied the proposal is in accordance with Local Plan Policy CP4. As such, there is no policy presumption contrary to the proposed change of use, subject to other relevant material considerations.

6.12 Access and highway issues

6.13 A number of objections received also raise concerns regarding the impact of the proposal on the highway network. Gloucestershire County Council Highways has provided a detailed response which considers access, parking and the potential increase in vehicular trips resulting from this proposal.

6.14 Gloucestershire County Council Highways raises no objection to the proposal, but initially suggested a sign would be required on Naunton Parade, which would require cyclists to dismount at this point. This comment was made prior to an amendment to the site location plan which indicates access to the building will be using Clare Street. Following this amendment, the Highway's Officer has confirmed that access from this point is suitable and can safely support the passing of a pedestrian and cyclists. As such, there is no requirement to attach a condition in relation to signage.

6.15 A received letter of representation states that there would be no right of access from Naunton Parade to the application building, due to ownership. Whilst these comments have been noted, they are not relevant to the determination of this application and would be a separate legal issue which would fall outside of the planning remit.

6.16 In light of the above, the proposal is considered acceptable in terms of its impact on the surrounding highway network.

6.17 Other considerations

6.18 Members will note this application has been the subject of various rounds of consultation, with a number of comments stating the submitted plans have not materially changed. The red line was initially inaccurate and in addition, did not demonstrate access to the building from the public highway. The amendments resulted in the red line incorporating land outside of the applicant's ownership and therefore, a notice has been published within the local paper and the ownership certificate accompanying the application has been updated.

6.19 Should there be any outstanding issues in relation to ownership, these will need to be dealt with outside of the planning process.

6.20 Finally, officers have noted the comments received from Building Control and relayed these to the applicant. As this stage, the purpose of this application is to establish if the use is acceptable in planning terms. The applicant is fully aware that there may be Building Control issues to overcome, however the comments received are not relevant to the acceptability of this application.

7. CONCLUSION AND RECOMMENDATION

7.1 In conclusion, officers consider that when assessed against the provisions of the NPPF and the Local Plan, the proposed development is acceptable.

7.2 There are no specific policies which would result in the principle of the change of use proposed being unacceptable. In fact, given the previous commercial uses of the building, officers consider the proposal represents a positive economic use, for what is currently a redundant building. Furthermore, the nature of the use will encourage a more sustainable form of transport.

- 7.3 Despite the concerns raised in relation to the impact of the proposal on the amenity of adjoining occupiers, officers are satisfied the proposal will not result in any unacceptable increase in noise and disturbance, due to the small scale nature of the use proposed. The Borough's Environmental Health Officer also raises no objection, subject to the addition of certain conditions.
- 7.4 Finally, the Highway's Authority raises no objection to the proposal and the impact on the local highway network.
- 7.5 The recommendation is to approve this application, subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
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 development hereby permitted shall be carried out in accordance with drawing numbers 1449.01C and 1449:03A received 28th September and 4th December 2015.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 This permission shall be exercised only by Mr Nigel Clifton (the applicant).
Reason: The development is only acceptable because of special circumstances and the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby permitted.
- 4 The use hereby permitted shall not operate outside of the hours of 08:30 to 19:00 on a Monday to Friday, 08:30 to 19:00 on a Saturday and 09:00 and 18:00 on Sundays and bank holidays.
Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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 applicant's attention is brought to the consultation response received from Building Control and the requirements for any proposal to comply with Building Regulations.

APPLICATION NO: 15/01449/COU		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 18th August 2015		DATE OF EXPIRY : 13th October 2015	
WARD: College		PARISH:	
APPLICANT:	Pedlam		
LOCATION:	Former Workshop and Garage to rear of 174 Bath Road, Cheltenham		
PROPOSAL:	Change of use from workshop and garages (previously associated with an undertakers) to a bicycle workshop (including ancillary cafe and office). No external alterations proposed.		

REPRESENTATIONS

Number of contributors	11
Number of objections	11
Number of representations	0
Number of supporting	0

Kirtonia
Clare Street
Cheltenham
Gloucestershire
GL53 7NN

Comments: 18th September 2015
Letter attached.

Comments: 16th October 2015
Letter attached.

7 Clare Street
Cheltenham
Gloucestershire
GL53 7NN

Comments: 21st September 2015

We live at No 7 Clare Street and the alleyway that runs along side our property has always been an issue for us we have had a lot of problems in the past with people hanging around this area causing damage to our property and unruly behaviour to the extent where we have had the police attend on numerous occasions and had to install CCTV.

This area does not have public access and should not be used to service businesses and the general public.

As well as the constant nightmare of people parking and blocking access to other properties including ourselves via the alleyway.

We therefore strongly object to any application for any business that would need access to this property .

Comments: 2nd November 2015

As per my previous comments but don't really have any more to add, we still object to the proposal.

We share the same opinion as the rest of our neighbours that this would not be suitable for this already congested section of a residential area.

5 Naunton Parade
Cheltenham
Gloucestershire
GL53 7NP

Comments: 7th October 2015

As the owners of the property, we wish to object the proposed development at the rear of the former funeral workshop .

Our objection is on the grounds of parking, smells and odours from the cooking, increased numbers from the proposed meetings.

I hope the planning committee will note our views.

4 Naunton Parade
Cheltenham
Gloucestershire
GL53 7NP

Comments: 24th September 2015

Letter attached.

Comments: 26th November 2015

We have looked at the minor alternation to the plan submitted by the applicant.

All our concerns regarding this application and in particular the cafe / meeting space use, and the likely adverse effects in terms of noise, odour and disturbance causing significant harm to amenity as well as potential congestion issues remain.

3 Naunton Parade
Cheltenham
Gloucestershire
GL53 7NP

Comments: 14th September 2015

With regret, I write to object to this application.

The overview document states, in relation to opening times, that it would be "opening when cyclist (sic) need us to be open". This is unacceptable. In recent neighbouring application 13/01905/COU, to safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living, the corresponding decision enforced commitments given by the applicant to restrict opening hours to 9-6pm M-F, not at weekends or bank holidays. If this application is successful, we would expect a similar restriction to be placed on this venture and suitably enforced.

There is considerable scope for impact on the amenity of neighbours both in terms of noise (from the cafe and workshop) and general disturbance (given the cafe itself and venting fan from the

cafe kitchen are sited immediately next to the gardens of at least three neighbouring properties, Clare Cottage, 3, 4 and 5 Naunton Parade, which will lead to noise, smells and vibration). The proximity of the cafe area and outside space to the neighbours' gardens will also likely impact on privacy of those dwellings.

As has been highlighted by 180 Bath Road in comments, there should be no access to the site from Naunton Parade. However the likelihood is that any commercial operation located so close to Naunton Parade would attract additional traffic that would look to traverse from Naunton Parade, be it customers short-term parking to drop off bikes for repair or collect, or deliveries for the cafe / office / workshop itself. Naunton Parade is wholly unsuited for any additional thoroughfare of this nature. There is a significant volume of illegal parking from people "popping to shops" on Bath Road and the regular deliveries to the bakery on the corner, or to other local shops, meaning that there is often congestion on the road: pedestrians, including mothers with children, can regularly be seen straying into the road to avoid vehicles parked on the pavement, and this development would only add to the existing problems.

Comments: 30th September 2015

I do not consider the revised documents, that have been provided without commentary, respond to any of the issues raised in my previous objection. The only noticeable difference on the plot plan is the removal of one table from the outside seating area in the middle of the proposed layout and the resizing of an indoor bar.

Therefore my position, and the points I have raised, remains unchanged.

Comments: 10th November 2015

Further to previous comments, having seen the revised site layout on 6/11, I do not believe this new submission makes any material change to the proposals and so I continue to object. It seems unlikely that patrons of the proposed facility would adhere to the revised site layout's specified entrance, and I would fully expect additional illegal parking on Naunton Parade and access to the detriment of residents on Naunton Parade and in contradiction to access rights as expressed by other commenters.

Clare Garden Cottage
Clare Street
Cheltenham
Gloucestershire
GL53 7NW

Comments: 24th September 2015

I would like to register my objection to the above planning application.

I would have no objection to the continuing use of the premises in question as a workshop, a use to which they have generally been put during the twenty years that I have lived in The adjoining Clare Garden Cottage. I do, however, strongly object to the cafe element of the change of use proposal, involving as it does the building which serves as the back wall of my garden plus additional outdoor seating in the area directly adjacent to my garden. In view of the relative size of the areas given over to the workshop and to the cafe in the proposed plan, it seems to me that "key", rather than "ancillary" would be the accurate word to describe the cafe area, which according to an article in the Gloucestershire Echo would be promoted as a meeting place for cyclists and could accommodate a considerable number of people. This would destroy the peace and tranquillity enjoyed by residents of this Conservation Area. There are numerous well-established cafés in Bath Road and there is consequently no necessity to open one amongst private gardens, creating noise and odour pollution leading to loss of amenity. This concern applies particularly to the outside seating area and to the vent fan, wherever it might be sited, but the entirety of the proposed cafe area is unsuitable as a public space, not least as there is no emergency exit from the cafe area in the event of a problem in the workshop.

Parking, much of it illegal and at times dangerous to residents, has already been raised with one of our local Councillors as a problem in this area. I am anxious that extended use of these premises would exacerbate this problem. In addition, my own front door opens directly on to the lane in question and the slope down from Naunton Parade already encourages cyclists to fly past my door at speed. This lane is frequently used by families with young children and elderly local residents. Additional parking at the Clare Street end of the lane could also cause further problems of access for local residents and businesses alike.

Should the Council decide in favour of this application, I would ask that the Council restrict the opening hours of the cafe to weekdays from 9am-3pm and ensure that any permission regarding the cafe is limited exclusively to this application and cannot be assumed to apply in the future.

5 Clare Court
Clare Street
Cheltenham
Gloucestershire
GL53 7NN

Comments: 10th September 2015

The application is very vague as to when the workshop/cafe would be open. As most leisure cyclists enjoy their sport at the weekend it may be open 7 days a week. This will impact on local parking, if bikes are to be left at the workshop, and potential noise from the proposed cafe catering for up to the 24 seats shown on the drawing.

Comments: 9th November 2015

No objection to the use of the site as a workshop with the provision that the bikes are pushed to the workshop from Clare Street rather than ridden. Bikes being ridden would restrict safe access to the passage way for residents, especially those pushing buggies.

Strong objection to the use of the site as a cafe. The proposal for the cafe to be open when customers want suggest that a cafe in the proposed site will result in noise, excess light, cooking smells beyond the normal hours of business in this residential area. Bath Road has several pubs and cafes where workshop users could wait if necessary.

Coomesville
Clare Street
Cheltenham
Gloucestershire
GL53 7NW

Comments: 22nd September 2015

We would have supported the alternative use of these buildings as a bicycle workshop and service centre. This would have been consistent with the previous low occupancy light duty use, open during normal weekday working hours (Its previous uses being an undertakers, an upholsterer and more recently a storage space)

However, the proposed plans, details and the local press article promoting the business by the owner show that the primary use will be a cafe / meeting space that will be open at times to suit cyclists.

From the plans, the allocation of space and the seating layouts indicate that the bicycle repair and service centre is ancillary to the cafe.

Our objections and reasons are as follows:

NOISE FROM THE ACTIVITIES IN A RESIDENTIAL CONSERVATION AREA

The cafe / meeting room will generate significantly greater noise than previous users and this will disturb the neighbouring residents. Activities such as cafe groups, meetings, discussions and background music will all create noise.

From the plans the occupancy could reach 25 or more including staff where as previously occupancy levels were around 4 persons.

Added to this the opening hours are not specific but every indication is that it will be open outside normal weekday workshop hours and we understand it will also be open on Saturdays and Sundays.

Can noise levels and opening hours be controlled or restricted so as not to disrupt residents ?

NOISE AND SMELLS FROM NEW MECHANICAL EQUIPMENT

The kitchen area will need air extraction and the cafe will need ventilation.

Mechanical fans will create both a constant background noise and extract cooking smells into the neighbourhood that will disturb residents.

INCREASED TRAFFIC

The numbers of people that are expected to visit the property will be a significant increasing the local foot, bicycle, car and van traffic.

This residential area already suffers from congestion and anti social parking both on the main roads and on the un-adopted driveway and path.

This proposal would exacerbate this.

PLANNING AND CONSERVATION POLICY

There are local planning policies and guidelines that conflict with this application for...

"The change of use from an existing small workshop and garage to a class A3 cafe and meeting space in a quiet residential part of the conservation area"

Sections / clauses from planning guides:

development

' should not cause unacceptable harm to the amenity of adjoining land users'

development

' should not result in levels of traffic to and from the site attaining an environmentally unacceptable level'

development

'must not cause unacceptable harm to the local amenity including the amenity of neighbouring occupants'

If this application is to be approved, we would urge the council to place restrictions on the change of use to protect the local residents, and limit the approval to the current applicant to avoid the new A3 status of the building to be exploited by subsequent owners who may have less worthwhile intent.

Comments: 12th November 2015

Letter attached.

180 Bath Road
Cheltenham
Gloucestershire
GL53 7NF

Comments: 2nd September 2015

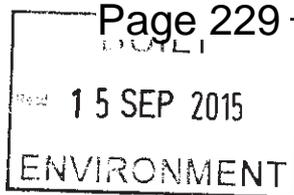
Dear Chloe, further to our conversation, I would confirm that we are the owners of the car park at the rear of 182 Bath Road. There is therefore no absolutely access to the applicants property from Naunton Parade. We have several signs in the area stating that there is no pedestrian or vehicular access over the property ,in addition we have employed a car parking management company to prosecute anyone parking illegally We would be very concerned as to cyclists illegally crossing our property and damaging our customers cars, (as has happened in the past as there is very little room and causes peddle damage) We strongly feel that the site is unsuitable for public access

Vine House
Clare Street
Cheltenham
Gloucestershire
GL53 7NN

Comments: 22nd September 2015

Letter attached.

Private & Confidential
Planning Department
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
Glos
GL50 1PP




Kirtonia
Clare Street
Cheltenham
Glos
GL53 7NN

Monday 14 September 2015

Dear Sir.

Re: Proposal for change of use from workshop and garages (previously associated with undertakers) to a bicycle workshop (including ancillary café and office. No external alterations proposed. At Former Workshop and Garage Rear 174 Bath Road Cheltenham. Reference 15/01449/COU

With reference to the above planning application I would like to register the following objections.

- The application mentions Clare Lane when no such road exists (as confirmed on the telephone by Cheltenham BC)
- The narrow and unregistered lane provides the rear access for the Bath Road shops (numbers 160 to 184) and is frequently in use for deliveries, as their front access is restricted with yellow lines and pedestrian traffic lights. It is also regularly used by the residents of Clare Street. I feel the introduction of cyclists will be a danger and disturbance to everyone.
- The addition of another café to the area will also bring additional noise and disturbance to this area. We have noted that there are already 10 cafes plus many other outlets providing take away refreshments within the close proximity of the proposed site.
- You the council have provided 23 cycle stands in the area to be used by the public so the need for further cycle parking is debateable.
- Also I would question the fire access on safety grounds with only a front entrance.

In the overview the applicant has proposed to offer various services including workshops, courses, maintenance and storage (plus the café) I feel that these activities in an area designated in the Town Plan as residential are unsuitable and will bring more congestion and disturbance to the area.

I therefore request you refuse this application.

Yours faithfully

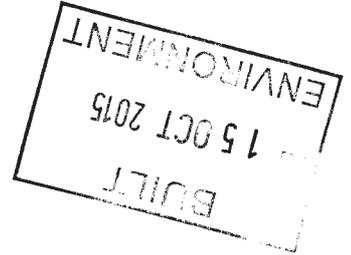


Private & Confidential

Planning Department
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
Glos
GL50 1PP



Kirtonia
Clare Street
Cheltenham
Glos
GL53 7NN



Monday 12 October 2015

Dear Sir.

Re: Proposal for change of use from workshop and garages (previously associated with undertakers) to a bicycle workshop (including ancillary café and office. No external alterations proposed. At Former Workshop and Garage Rear 174 Bath Road Cheltenham. Reference 15/01449/COU

With reference to the above and the revised planning application I would like to confirm that my objections raised in my previous letter (dated 14 September 2015) have not changed.

I fail to see to see how the reduction in the number of tables/seats and the increase in storage changes the basis of the application in any way.

I therefore request you refuse this application.

Yours faithfully



4 Naunton Parade
Cheltenham
GL53 7NP

FAO: Chloe Smart

Planning: Environmental & Regulatory Services
Cheltenham Borough Council
PO BOX 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Dear Sir / Madam

Letter of Objection: Planning application 15/01449/COU at Former Workshop And Garage Rear 174 Bath Road Cheltenham

We would like to object to planning application 15/01449/COU for "Change of use from workshop and garages (previously associated with an undertakers) to a bicycle workshop (including ancillary cafe and office). No external alterations proposed. at Former Workshop And Garage Rear 174 Bath Road Cheltenham". The public notice displayed outside the property states that responses must be submitted by 22 September 2015.

The applications and plans submitted indicate 3 elements to the proposal: (a) bicycle workshop; (b) bicycle storage; and (c) cafe and meeting space for courses and workshops.

We do not object to the use of the property as a bicycle workshop and in fact think this is an ideal use for it and would welcome such a use. However we are very concerned about the use of the property as a cafe and space for courses and workshops and bicycle storage because these uses will result in much larger numbers of people visiting the property, generating noise, odour and disturbance and so will significantly harm amenity, in both the public areas nearby as well as in the private gardens adjoining and near the property (including our own). Increased numbers of people will also exacerbate existing congestion and access problems in the vicinity.

We have set out below our concerns regarding the proposals and the reasons for our objections, which we believe are supported by relevant local planning policy quoted in a separate section beneath.

Use as a Cafe and Meeting Space and Bicycle Storage

Cafe Use not Ancillary

The application text describes the cafe as "ancillary" to the bicycle workshop, however the plans submitted with the application and recent press in the Gloucestershire Echo, which describes the project as a "hub" and "meeting place for cyclists", indicate that this is not in fact the case. <http://www.gloucestershireecho.co.uk/Cycling-cafe-coming-Bath-Road-Cheltenham/story-27724302-detail/story.html>

The plans indicate that the cafe and kitchen would form 34.1sqm of the floorspace, however on closer inspection it is clear that there are four tables in the bicycle storage area and a number of tables and chairs in the outdoor section as well, meaning that the total floorspace could be not far off 50%. In addition, nearly half of the area marked as office and exhibition could become a spill over area for the cafe. The imagery provided in the application, the importance given to the cafe in publicity materials and the floorspace given to the customer seating areas indicate that the cafe

could not reasonably be described as ancillary to the workshop and would in fact be a key and essential part of the proposal.

Given the already large provision of cafes and public houses on the Bath Road and "the Suffolks" nearby, it is not at all clear whether a further cafe, which is slightly off the beaten track, is needed and whether it would bring any benefit at all to the area. Similarly there are plenty of meeting spaces and places in Cheltenham and it is not clear that such a use is needed or can be justified. Given the lack of need for either the cafe or meeting space, it is difficult to see how the proposal is a sensible or justified use of the space, particularly given the significant harm that would arise to the amenity of the area and to neighbouring gardens (discussed below).

Loss of Amenity

Use of the space as a Cafe and Meeting Space would attract large numbers of people to the property. This will principally lead to four key problems: (i) Noise; (ii) Odour; (iii) Congestion; and (iv) safety.

The proposal would not be able to fall within the proviso in use class B1 - that the use "can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit" (Town and Country Planning Act (Use Classes Order) 1987, as amended). It would not be appropriate for it to be granted permission in another commercial use class (e.g. A3) given the location - i.e. in a residential area. This is particularly the case because it would represent an extension of commercial use in the residential part of the conservation area (contrary to the intentions of the Local Plan).

Noise and Odour: 18 tables are shown on the plans in total (which would make it larger than a number of dedicated cafes on the Bath Road) and the photo montage submitted gives images of a large warehouse style cafe. The building is old and appears to be poor condition; the appearance and construction of the roof suggests that noise would reverberate and become magnified which would cause a nuisance in the neighbouring streets and gardens. The cafe / meeting space and bike storage uses would attract much larger numbers of people to the premises than is currently the case and would make any noise problem worse.

In particular, noise from the outdoor section of the cafe would affect the amenity of the neighbouring lanes and streets and the adjoining gardens.

Additionally, odour is likely to come from the vent fan. It is not clear exactly what the owner would intend to serve in the cafe (the application merely states "snacks"), however, it is likely that even a coffee machine (and odours from hot food and industrial appliances such as dishwashers etc) would be vented out in the vent fan causing an unpleasant nuisance outside.

The vent fan is located at the back of the cafe, into a space marked "outdoor space". This area is "landlocked" in the sense that currently, it could only be accessed by climbing over our garden wall. The noise and odour from this vent fan would effectively pump directly into our garden, and our kitchen when we have the windows open.

The garden areas behind the property in question are very peaceful and odour free and these uses would significantly harm our amenity as it would feel like we had a cafe in our back garden. Given that the existing use of the property does not involve any / minimal noise, disturbance and no odour we find this potential change concerning.

Congestion: The area already suffers from a significant illegal parking problem. Cars and vans frequently pull up on the double yellow lines on Naunton Parade, the area of hardstanding at the top of the lane as well as in Clare Street. People bringing their bikes to be fixed, or attending courses / meetings at the Property may not arrive by bike; they may be dropped off or collected in a car. Even if people arrive by bike or on foot, there is a safety issue with bikes riding down the lane, given that the door of Clare cottage opens directly on to it. As a pedestrian in the area, I am

frequently forced into the road (with my pram) due to vehicles pulling up illegally or turning around in Naunton Parade and this has the potential to be dangerous, particularly by the corner with Parsons sandwich shop. This issue would become worse if large numbers of cyclists were also arriving for a course or going to the cafe if it becomes the "hub" and go-to destination the Gloucestershire Echo article indicates is the intention.

Safety: There appears to be no emergency access / escape in the event of a fire. The back of the building is landlocked with no separate access to safety in an emergency, the only access to the site being through the lane. This could be unsafe with large numbers of people in the building.

Relevant Planning Policy

We believe the policies referred to below support our view that the use of the property as a cafe / meeting space is not acceptable for the reasons we've explained above. The application is contrary to a number of the policies in the Cheltenham Borough Local Plan 2006:

CP 4: Safe and Sustainable living: indicates that development should "not cause unacceptable harm to the amenity of adjoining land users and the locality (notes 1 - 4)"; and should "not result in levels of traffic to and from the site attaining an environmentally unacceptable level";

In particular the note to the policy considers potential disturbance from noise and smells, hours of operation, and travel patterns, as relevant to assessing impact on amenity and as explained above, there would be considerable impact from these from the proposed use.

Draft policy SD15 of the Joint Core Strategy (Pre-Submission Document June 2014) provides that development must not cause "unacceptable harm to local amenity including the amenity of neighbouring occupants" and our concerns expressed above suggest that this cannot be satisfied.

It should be noted that the property is in a conservation area, and as such the proposed use of any property in a conservation area should be sensitive to its setting, and unfortunately the cafe / meeting space and bicycle storage are not.

BE 1: Open Space in Conservation Areas: this makes clear that impact on a private garden in a conservation area is a relevant consideration. As indicated above, there would be considerable impact from the development both on ours and our neighbours gardens, contrary to policy BE1.

BE 6: Back Lanes in Conservation Areas:

"Development will be permitted on back lanes in conservation areas where:

- (a) the design is appropriate to its location (note 1); and
- (b) adequate amenity space remains with the existing property; and
- (c) the impact of parked cars would not harm highway safety or access to properties."

As explained above, we believe that the amenity space of existing property (i.e. around the back lane and in the private gardens) will be significantly harmed by the use of the property as a cafe and meeting place and that problems with illegally parked cars would only worsen. Access is also a problem.

The property is not within the district centre (see plan below) and therefore is in a residential part of the Conservation Area. Whilst the property currently has a commercial use, it has involved very low numbers of people being present and has consequently been very unobtrusive on the local area and to the neighbours. However the proposed use would result in an intensification of the commercial nature of the property to an unacceptable extent. The Local Plan at paragraph 5.22 seeks to resist the encroachment of commercial development in residential parts of the conservation areas.

“The second pressure, which the Council will seek to resist, is that of the intrusion of commercial development into residential areas. Some cases already exist, outside the commercial core, of individual sites or groups of buildings (e.g. the back lanes of terraces) in commercial use. Policy BE 2 seeks to prevent the extension of further commercial activity into residential parts of the conservation areas, by preventing the loss of residential accommodation, except for uses ancillary and beneficial to residential character.”

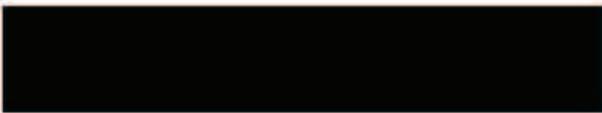
Intensification of a use or the change of use of a property to something involving a significantly higher volume of custom and business (e.g. as a cafe and meeting place) could be considered to be such an extension and intrusion of commercial development in a residential area.

Other

The Site location plan does not include the small area of outdoor space at the back of the cafe, within the development site, however it is included in the “proposed plan” and this discrepancy needs clarifying.

We do not believe that the use as a cafe / meeting space could ever be acceptable and strongly object to these elements of the application. However without prejudice to our views, should the Council decide to grant the permission, then we believe the Council should consider conditions to restrict the cafe to operating in normal cafe hours in the week time (i.e. 9-3pm Monday to Fridays), ensure that the extractor vents onto the outdoor space of the development itself (and not as shown into the area abutting our garden), and is personal to the current owner so that an A3 use cannot become established without the bicycle workshop.

Yours faithfully



CHELTENHAM BOROUGH COUNCIL

10th November 2015

PLANNING DEPARTMENT
CHELTENHAM BOROUGH COUNCIL
PO BOX 12
MUNICIPAL OFFICES
PROMENADE
CHELTENHAM
GL50 1PP

Dear Ms Smart,

WORKSHOP AND GARAGES AT THE REAR OF 174 BATH ROAD
CHELTENHAM
CHANGE OF USE 15 / 01449 / COU

We have seen the revised plans on the planning portal.
The changes would appear to be the omission of 4 x outside seats and 2 x seats from the workshop, not significant revisions, so our previous comments still apply.

For clarity, our previous letter dated 22nd Sept 2015 reads as follows;

We would have supported the alternative use of these buildings as a bicycle workshop and service centre. This would have been consistent with the previous low occupancy light duty use, open during normal weekday working hours (Its previous uses being an undertakers, an upholsterer and more recently a storage space)

However, the proposed plans, details and the local press article promoting the business by the owner show that the primary use will be a cafe / meeting space that will be open at times to suit cyclists.

From the plans, the allocation of space and the seating layouts indicate that the bicycle repair and service centre is ancillary to the cafe.

Our objections and reasons are as follows:

NOISE FROM THE ACTIVITIES IN A RESIDENTIAL CONSERVATION AREA

The cafe / meeting room will generate significantly greater noise than previous users and this will disturb the neighboring residents. Activities such as cafe groups, meetings, discussions and background music will all create noise.

From the plans the occupancy could reach 25 or more including staff where as previously occupancy levels were around 4 persons.

Added to this the opening hours are nPage 236 every indication is that it will be open outside normal weekday workshop hours and we understand it will also be open on Saturdays and Sundays.

Can noise levels and opening hours be controlled or restricted so as not to disrupt residents ?

NOISE AND SMELLS FROM NEW MECHANICAL EQUIPMENT

The kitchen area will need air extraction and the cafe will need ventilation.

Mechanical fans will create both a constant background noise and extract cooking smells into the neighborhood that will disturb residents.

INCREASED TRAFFIC

The numbers of people that are expected to visit the property will be a significant increasing the local foot, bicycle, car and van traffic.

This residential area already suffers from congestion and anti social parking both on the main roads and on the un-adopted driveway and path.

This proposal would exacerbate this.

PLANNING AND CONSERVATION POLICY

There are local planning policies and guidelines that conflict with this application for...

"The change of use from an existing small workshop and garage to a class A3 cafe and meeting space in a quiet residential part of the conservation area"

Sections / clauses from planning guides:

development

' should not cause unacceptable harm to the amenity of adjoining land users'

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' should not result in levels of traffic to and from the site attaining an environmentally unacceptable level'

development

'must not cause unacceptable harm to the local amenity including the amenity of neighboring occupants'

If this application is to be approved, we would urge the council to place restrictions on the change of use to protect the local residents, and limit the approval to the current applicant to avoid the new A3 status of the building to be exploited by subsequent owners who may have less worthwhile intent.

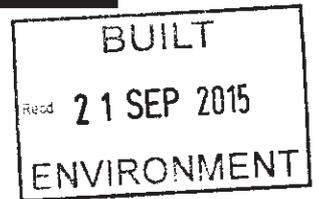
Yours Sincerely



[REDACTED]
Vine House
Clare Street
CHELTENHAM

GL53 7NN

19 September 2015



For the attention of Miss Chloe Smart, Planning Officer

Dear Madam,

**PLANNED OPENING OF 7 DAY CAFÉ
AND BICYCLE WORKSHOP**

Please find attached the comments of myself and several other residents regarding the above mentioned application for change of use for the premises previously used by undertakers and others.

Do feel free to contact me at any time.

Yours sincerely,

[REDACTED]

From: Vine House
Clare Street
GL53 7NN

You ref: 15/01449/COU

PLANNED OPENING OF 7 DAY CAFÉ
AND BICYCLE WORKSHOP

We, the undersigned, object strongly to the redevelopment and change of use of the workshop/garage at the rear of 174 Bath road into a cafe. The premises are about five meters from our home and the noise and general disruption that would result from what amounts to a late night rendezvous for young cyclists would be a further invasion into our privacy. Access is available only via a narrow alley way that can barely handle the requirements of residential property and business premises already in existence. At times, it is almost impossible to walk along this alley due to the presence of delivery vehicles: the presence of cycles would inevitably lead to injury to both the cyclists and us residents

Some businesses who have a frontage on Bath Road have their material delivered via this alley. The alternative that they would have to adopt would be to take delivery from vehicles parked in Bath Road making this already overloaded thoroughfare even more dangerous.

Clare Street and Clare Court already get congested with vans that offload for businesses on the Bath Road. In addition, cars frequently bring customers to the betting shop located on the corner of Bath Road and Clare Street. Many cars come down this street to turn round and trying to drive out onto the Bath Road is already perilous enough. Adding cyclists to the existing traffic flows is inviting disaster.

A café, open all hours 7 days a week, will cause unnecessary noise and disturbance to what is a residential area and would be an unnecessary addition to the already numerous cafes on the Bath Road, in addition to which there are four pubs that serve coffee, tea and soft drinks until the early hours.

There are no cycle paths or special provision for cyclists in this area, nor do they seem to be in demand. What cyclists we do encounter ride along the pavements frequently causing distress to elderly residents. The proposed cyclists/ café can only make things worse.

We ask you to reject the proposed change of use to these premises.

4 Clare Court

APPLICATION NO: 15/01449/COU		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 18th August 2015		DATE OF EXPIRY : 13th October 2015	
WARD: College		PARISH:	
APPLICANT:	Pedlam		
LOCATION:	Former Workshop and Garage Rear, 174 Bath Road, Cheltenham		
PROPOSAL:	Change of use from workshop and garages (previously associated with an undertakers) to a bicycle workshop (including ancillary cafe and office). No external alterations proposed.		

ADDITIONAL REPRESENTATION

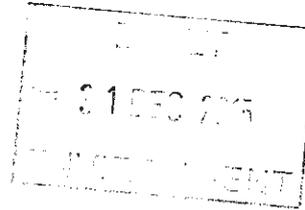
Coomesville
 Clare Street
 Cheltenham
 Gloucestershire
 GL53 7NW

Comments: 14th January 2016
 Letter attached.

COOMEVILLE
CLARE STREET
CHELTENHAM
GL53 7NW

29th DECEMBER 2015

PLANNING DEPARTMENT
CHELTENHAM BOROUGH COUNCIL
PO BOX 12
MUNICIPAL OFFICES
CHELTENHAM
GL50 1PP



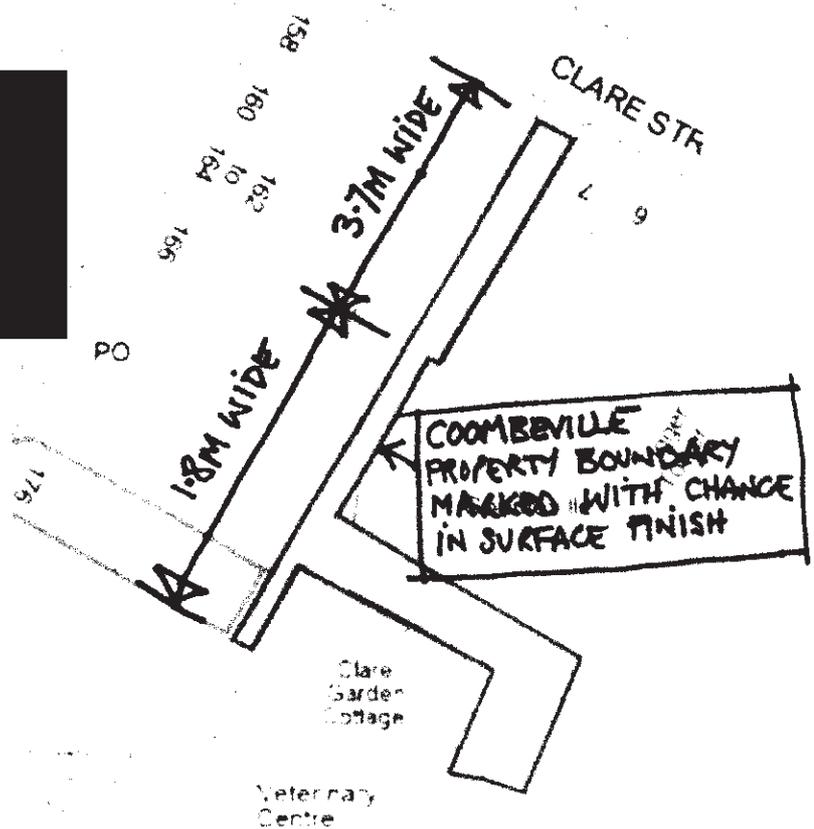
Dear Ms Smart,

WORKSHOP AND GARAGES AT THE REAR OF 174 BATH ROAD
CHELTENHAM
CHANGE OF USE 15 / 01449 / COU

We refer to your letter dated 18th December, the revised SITE LOCATION PLAN and the highways comments dated the 2nd November.

We would like to clarify the extent of the un-adopted access to the property on the application as follows....

From Clare Street the wider 3.7M (12 Feet) un- adopted access extends to the corner of our property (Coombeville) at which point it reduces to 1.8M (6 Feet) (The boundary of our land is marked by the change in surface finish)



APPLICATION NO: 15/01441/OUT	OFFICER: Mr Ed Baker
DATE REGISTERED: 15th August 2015	DATE OF EXPIRY: 10th October 2015
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Mr R.J. Ashton
AGENT:	Mrs Becky Brown
LOCATION:	Land off Harp Hill, Charlton Kings
PROPOSAL:	Outline application for the erection of dwelling (revised submission following refusal of 14/01612/OUT)

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Members may recall that this application was considered by the Planning Committee in November 2015 and at that meeting, the committee resolved to refuse permission with the matter delegated back to officers to give further consideration in relation to visibility and potentially include lack of visibility as a further refusal reason.
- 1.2. The matter in relation to visibility has now been resolved and the County Council are satisfied that appropriate visibility can be achieved. Officers are therefore now in a position to refuse planning permission solely on the one issue, namely the cramped nature of the development.
- 1.3. Notwithstanding this, since the November meeting, officers have met with the applicant who expressed his disappointment about how the matter regarding highway safety was handled by officers, with particular reference to the late update given to members which re-introduced visibility as a concern.
- 1.4. Having reflected on this point, officers do have some sympathy with the case that is being advanced. The visibility concern was re-introduced at a late stage and, at the time, officers did give serious consideration to deferring the item to enable a clearer picture to be presented to the committee at a later meeting. Instead, the recommendation was presented such that regardless of the outcome of the substantive suggested refusal reason, the highway matter was delegated back to officers to resolve. The applicant's contention is that this recommendation may have influenced the debate that the committee went on to have.
- 1.5. Officers are revisited the minutes of the meeting and there is nothing to suggest that this was the case, but on reflection, members were not presented with the clearest of recommendations. With this in mind, and due to the fact that the decision has not yet been issued, officers consider it appropriate to bring the matter back to the committee for a further debate.
- 1.6. The recommendation remains that planning permission is refused for the reason set out below and the original officer report is attached to these papers.

2. REFUSAL REASONS

- 1 The application site is within the AONB and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this

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character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to policies CP7 and CO2 of the Adopted Local Plan, the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the National Planning Policy Framework.

APPLICATION NO: 15/01441/OUT		OFFICER: Mr Ed Baker
DATE REGISTERED: 15th August 2015		DATE OF EXPIRY: 10th October 2015
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr R.J. Ashton	
AGENT:	SF Planning Limited	
LOCATION:	Land off Harp Hill, Charlton Kings	
PROPOSAL:	Outline application for the erection of dwelling (revised submission following refusal of 14/01612/OUT)	

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a triangular parcel of land which narrows to a point and at its widest, is 24m wide. It is accessed via a track which leads off Harp Hill, this currently provides primary access to Rose Orchard and also provides a secondary access to Kings Welcome, whose main access is further to the west. The site is located within the Cotswolds Area of Outstanding Natural Beauty, is bound by hedging and trees and is currently empty.
- 1.2 The application is made in outline with all matters reserved for future consideration except for access, which would be provided by the existing track. The proposal is for the construction of one new dwelling.
- 1.3 Members may recall that planning permission was refused in November 2014 for a very similar form of development. That application was refused for the following reasons:
- 1.4 *The application site is within the AONB and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to policies CP7 and CO2 of the Adopted Local Plan, the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the NPPF.*
- 1.5 *The application fails to demonstrate that the proposal can ensure safe and suitable means of access. The existing access and visibility from it are inadequate to accommodate the vehicular movements associated with the proposal and as such the proposal would result in highway danger. Therefore the application is contrary to policy TP1 and advice contained in the NPPF.*
- 1.6 This application seeks to overcome both refusal reasons and the application is now supported by a report provided by a transport consultant, as well as further indicative material which demonstrates how the site might be developed. It is before committee at the request of Cllr Babbage.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Residents Associations

Relevant Planning History:

14/01612/OUT 21st November 2014 REF
Outline application for the erection of 1 dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
CO 1 Landscape character
CO 2 Development within or affecting the AONB
HS 1 Housing development

HS 2 Housing Density
RC 6 Play space in residential development
RC 7 Amenity space in housing developments
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 2 Highway Standards
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Wales And West Utilities

1st September 2015

Wales & West Utilities acknowledge receipt of your notice received on 20.08.2015, advising us of the planning application and proposals at: land off Harp Hill, Charlton Kings.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and update plans must be requested before any work commences on site if this period has expired.

Parish Council

25th August 2015

No objection.

GCC Highways Planning Liaison Officer

25th August 2015

I have the following comments on the application for erection of a dwelling:

This is a revised submission following the previous application on 14/01612/OUT on the site that was refused on the grounds that:

'The application fails to demonstrate that the proposal can ensure safe and suitable means of access. The existing access and visibility from it as inadequate to accommodate the vehicular movements associated with the proposal, and as such the proposal would result in highway danger.'

This was based on the conclusion that 'The existing vehicular access is located at a point on Harp Hill where visibility is severely restricted and the intensification in use of that access would increase highway dangers and hazards contrary to the interests of highway safety and paragraph 32 of The Framework'. This conclusion was arrived at due to the lack of suitable evidence supporting the application.

The current application is for the access only with all other matters reserved.

The current application provides suitable visibility splays in both directions from the site entrance onto Harp Hill of 54m to the left (west) and 50m to the right (east) exiting the site on drawing SK_01 rev B based on speed surveys evidence of 85th percentile speeds. The submitted evidence indicated the 85th percentile speed of traffic on Harp Hill as being 35 MPH westbound (towards Cheltenham) and 34 MPH eastbound (away from Cheltenham). Drawing SK_02 further illustrates the availability of suitable forward visibility for a vehicle waiting to turn right into the access.

The existing shared driveway is limited in width with the proposed passing space for two cars set back from the highway up the driveway close to the proposed dwelling as shown on the block plan 730, 81 - 05C. It is considered although not ideal given the low number of movements expected along the driveway to and from the proposed and existing dwellings the impact of the additional dwelling would not be severe to warrant refusal.

The ground floor, site and block plans (730, 81 - 02B, 730, 81 - 05C, 730, 81 - 03C) illustrate parking marked as for two cars fronting the proposed dwelling. The area illustrated is noted to be too small to accommodate two standard size parking spaces and tunin space, however it is considered space is available within the site to provide two parking spaces with turning space for vehicles to enter and exit in forward gear.

Therefore having reviewed the submitted information I recommend no objection on highway grounds subject to the following conditions;

1. The vehicular access hereby permitted 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 54 west and 50m east (the Y points). The area between those splays and the carriageway shall be cut back or 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 reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 32.

2. No building on the development shall be occupied until the carriageway including the passing place providing access from the nearest public highway to that dwelling have been completed to at least binder course level and similarly maintained thereafter.

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 conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework paragraph 32.

3. The car parking, vehicular loading and turning, and cycle parking arrangements agreed as part of the Reserved Matters application shall be provided prior to occupation of the dwelling to which they relate and shall be maintained thereafter.

Reason:- To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

Tree Officer

7th September 2015

The Tree Section has no objections in principle with this proposal as an outline application. However as with 14/01612/OUT, there are no tree details submitted as a part of this application.

As a minimum CBC Tree Section would anticipate a full BS5837 (2012) tree survey of trees on and within the sphere of influence of this land. Similarly, road/access construction needs to take account of trees within the site as well as trees in adjacent property. Following this survey, it may be decided that a no-dig solution is necessary where the root protection area of trees falls within construction zone. As such this will require a method statement.

Details of proposed underground utility services need to be submitted and agreed. Similarly a method statement for their insertion will be necessary to be submitted and agreed.

A tree protection plan showing trees to be retained and protected will be necessary to be submitted and agreed as a part of the application. It would also be useful if this plan shows trees to be removed and where appropriate, pruned.

Landscaping proposals to mitigate for any loss of soft landscape features should also be submitted.

Battledown Trustees

3rd September 2015

The Trustees confirm that this application does not breach the Battledown Trust covenant. We reiterate the comment made on another application on Harp Hill concerning the safety of the upper part of the road for pedestrians.

Gloucestershire Centre For Environmental Records

1st September 2015

Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	7
Number of objections	7
Number of supporting	0
General comment	0

- 5.1 Letters were sent to thirteen neighbouring properties to publicise the application, with 7 letters of objection being received. The objections principally focus on two main issues: highway considerations and the view that the proposal would represent an

overdevelopment of the site. There is also concern that the proposal will impact on the amenity of Kings Welcome.

- 5.2** Members are advised that one objection is supported by a detailed transport assessment, a copy of which can be read on-line.

6. OFFICER COMMENTS

- 6.1** Officer comments and a full recommendation will follow as an update to this report.

APPLICATION NO: 15/01441/OUT		OFFICER: Mr Ed Baker	
DATE REGISTERED: 15th August 2015		DATE OF EXPIRY: 10th October 2015	
WARD: Battledown		PARISH: Charlton Kings	
APPLICANT:	Mr R.J. Ashton		
AGENT:	Mrs Becky Brown		
LOCATION:	Land off Harp Hill, Charlton Kings		
PROPOSAL:	Outline application for the erection of dwelling (revised submission following refusal of 14/01612/OUT)		

Update to Officer Report

1. OFFICER COMMENTS

1.1. Determining Issues

1.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the Development Plan, unless materials considerations indicate otherwise.

1.3. The Development Plan for the area is the Cheltenham Borough Local Plan (adopted 2006).

1.4. The main issues relevant to the consideration of the planning application are:

- (i) Planning history
- (ii) Housing supply
- (iii) Impact on the Area of Outstanding Natural Beauty and character and appearance of the area
- (iv) Access and highway issues
- (v) Impact on neighbouring property

1.5. Planning history

1.6. Outline planning permission was refused for the erection of a dwelling on the site in November 2014 (14/01612/OUT). The grounds for refusal were:

1. The application site is within the AONB and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to policies CP7 and CO2 of the Adopted Local Plan, the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the NPPF.
2. The application fails to demonstrate that the proposal can ensure safe and suitable means of access. The existing access and visibility from it are inadequate to accommodate the vehicular movements associated with the

proposal and as such the proposal would result in highway danger. Therefore the application is contrary to policy TP1 and advice contained in the NPPF.

- 1.7. The current application is almost identical to the previous refused scheme save for the submission of a transport report on the means of access and the provision of a passing bay on the access track (some 65 metres from the access junction onto Harp Hill). There have also been adjustments to the indicative design including the removal of the detached garage and minor changes to the design of the dwelling.
- 1.8. **Housing supply**
- 1.9. The Council cannot currently demonstrate a five year housing supply (plus 20% buffer). The five year housing supply position at 31 March 2015 is that taking account of shortfall and the application of a 5% buffer, the Council has a 3.6 year housing supply. This means that the housing supply policies in the Local Plan are not considered up to date, and the policies in the NPPF should prevail (par. 49).
- 1.10. Paragraph 14 of the NPPF says that where Local Plan policies are out-of-date, planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.'*
- 1.11. The lack of a five year housing supply is an important material consideration.
- 1.12. The site is located within the Principal Urban Area as identified by the Local Plan. It is a reasonably sustainable location for one new dwelling with access to shops, services, jobs and public transport. The application proposal would make use of undeveloped land in a residential part of the town. The Council has recently accepted the principle of development of land to the west of the site for two new dwellings (land adjacent the Gray House, 15/01165/FUL). Moreover, the Council did not refuse the previous application for a dwelling on the site on grounds of sustainability.
- 1.13. For these reasons, development of the site for a single dwelling is considered acceptable in principle.
- 1.14. **Impact on the scenic beauty of the AONB and character and appearance of the area**
- 1.15. The previous application was refused on two grounds, the first relating to the impact of the dwelling on the AONB. The refusal reason is reproduced below:

'The application site is within the AONB and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to policies CP7 and CO2 of the Adopted Local Plan, the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the NPPF.'
- 1.16. As mentioned, the site forms part of an area of transition at the east edge of the town. It is located within the edge of the AONB, although it is not rural countryside, but within an area of loose-knit housing. The Council's Landscape Architect notes that to the east side of the Gray House located to the west (whose boundary forms

the edge of the AONB), the built form becomes less ordered, more loose-knit, with dwellings set back from the road within large plots. There is a spacious, semi-rural character to the area.

1.17. The proposal is for a single dwelling on a small triangular parcel of land. The site is substantially smaller than the plots surrounding it, including The Bredons to the north west, High View to the north, Rose Orchard to the north east and Kings Welcome to the south. It is considered that the new dwelling would appear cramped and out of character with the surrounding larger dwellings, which are set in more spacious plots. In this regard, nothing substantive has changed since the previous application and the proposal would remain harmful to the character and appearance of the area.

1.18. The applicant seeks to argue that the new dwelling would be set behind existing houses and would not be particularly visible from public vantage points. In the committee report to the previous application (14/01612/OUT), the planning officer quoted a then recent appeal decision relating to proposed back-land development at Cold Pool Lane (13/02161/FUL):

'The SPD [on development on garden land and infill sites in Cheltenham] seeks to provide an objective means of assessing proposals such as this appeal scheme. Even so, it clearly states "there are few, if any, absolutes in the assessment process"³ and, through a series of questions, it addresses the need to take account of a wide range of different factors. These begin with matters relating to local character and distinctiveness "within the street, block or neighbourhood, including its spacious character"⁴. Thus, even though rear gardens are unlikely to have townscape significance if they are not particularly prominent or visible in the street scene, their spaciousness and mature planting may be of 'environmental significance'⁵, thereby contributing to the area's character. (emphasis added).

1.19. It is considered that these findings support the case for refusal of the application even where the impact of the development on the public realm may not be significant.

1.20. It is of relevance that the planning committee recently resolved to grant planning permission for the erection of two large dwellings on land to the west, between The Gray House and The Bredons (15/01165/FUL, 22 October 2015). However, that proposal is for two much larger dwellings in bigger plots, not out of character with the existing houses in the immediate locality. In comparison, the proposed dwelling would over intensify the level of development in the area and would thus be visually harmful. Plot 1 of the adjacent development would significantly screen the application site from Harp Hill. Nevertheless, as previously mentioned, that the proposal may not be significantly visible from public vantage points does not make it acceptable.

1.21. It is considered that the grounds for refusal of the previous application relating to impact on the AONB have not been overcome.

1.22. Access and highway issues

1.23. The application has been resubmitted following pre-application discussions with the Highway Authority. The second ground for refusal related to the access to the site being substandard in that the required levels of visibility to make the development safe were not available and that the access was too narrow to allow two vehicles to pass each other.

- 1.24. The Highway Authority is satisfied that the applicant has now demonstrated that sufficient visibility can be achieved in both a westerly and easterly direction. The normal standard of visibility expected in this location is 2.4 metres by 54 metres in either direction. This can be achieved in a westerly direction with slightly less visibility in an easterly direction at 50 metres. Nevertheless, the Highway Authority considers this to be adequate and the access to be suitably safe.
- 1.25. The level of visibility has been challenged by objectors. The neighbour at Kings Welcome to the rear of the site (and who also shares the same access drive as the proposed dwelling as a secondary access) has commissioned their own highway report which disputes the findings of the applicant and Highway Authority. That report has been sent to the Highway Authority for their consideration. However, having reviewed that objection, the Highway Authority maintains its position that adequate visibility can be achieved. No severe impacts on the highway are identified.
- 1.26. The application also now proposes a passing place on the access track to enable two vehicles to pass. Whilst this passing place is some distance from the access onto the highway and not ideal, given the low level of traffic which is likely to use the access and track, this is considered acceptable.
- 1.27. In view of the Highway Authority's advice, it is considered that the applicant has satisfactorily demonstrated that suitable levels of visibility can be achieved and that the means of access is safe. The second refusal reason has therefore been overcome.
- 1.28. Impact on neighbouring property**
- 1.29. The site is surrounded by neighbouring houses to the north (The Bredons), east (Rose Orchard and High View) and south (Kings Welcome).
- 1.30. There would be more than sufficient separation between the new dwelling and The Bredons, Rose Orchard and High View to the north and east so as not to harm their living conditions. Moreover, this is an outline application and the dwelling could be designed to further minimise the impact on those properties.
- 1.31. Kings Welcome at the rear is the neighbour most likely to be affected by the new dwelling. Kings Welcome is on higher ground to the immediate south. It enjoys excellent medium and long distant views of the countryside to the north. The proposed dwelling, just in front of Kings Welcome, has the potential to significantly reduce its outlook. The indicative design shows the proposed dwelling dug into the ground but it is not clear what the relationship or impact on Kings Welcome and its outlook would be. The indicative plans show a two storey dwelling with flat roof and a single storey dwelling might significantly improve the relationship with Kings Welcome, although it cannot be certain.
- 1.32. The previous application was not refused on grounds loss of outlook or harm to the living conditions of Kings Welcome (or any other neighbours). It would be unreasonable to introduce this issue as a refusal reason now. It would be more appropriate to deal with this issue at the reserved matters stage were outline planning permission to be granted, paying particular attention to the size, scale and floor levels of the new dwelling and its impact on Kings Welcome.
- 1.33. Concerns have been expressed by Kings Welcome about noise from additional traffic. However, given the relationship of the two properties, it is extremely unlikely

that traffic noise would unacceptably harm the living conditions of Kings Welcome. Moreover, this was not raised as a reason for refusal of the previous application.

2. CONCLUSION AND RECOMMENDATION

- 2.1. It is recommended that planning permission is refused on grounds that the proposal does not overcome the reason for refusal of the previous application relating to harm to the AONB, and character and appearance of the area.
- 2.2. Whilst the Council cannot currently demonstrate a five year land supply, it is considered that the harm caused by the proposed dwelling would outweigh the marginal contribution that it would make towards meeting the local housing supply.

3. REFUSAL REASONS

- 1 The application site is within the Cotswolds Area of Outstanding Natural Beauty and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to Policies CP7 and CO2 of the Cheltenham Borough Local Plan (adopted 2006), the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the National Planning Policy Framework.

APPLICATION NO: 15/01441/OUT		OFFICER: Mr Ed Baker
DATE REGISTERED: 15th August 2015		DATE OF EXPIRY: 10th October 2015
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	Mr R.J. Ashton	
AGENT:	Mrs Becky Brown	
LOCATION:	Land off Harp Hill, Charlton Kings	
PROPOSAL:	Outline application for the erection of dwelling (revised submission following refusal of 14/01612/OUT)	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Upon further consideration of the necessary visibility splays, officers have identified a potential flaw in the highways analysis that supports this application. The submitted drawings which identify the necessary splays suggest that these can be provided without encroaching onto third party land. Unfortunately, the annotations on the drawings that set out the necessary dimensions (50m to the east and 54 metres to the west) do not tally with the lines themselves. Having discussed this matter with the Highways Authority, it would appear that this is because the lines do not account for the curve in the road and therefore suitability is still provided.
- 1.2. Having reflected on this matter, and given the importance of the issue at stake, officers would like further comfort on this point and therefore advise that members resolve delegate authority back to officers to refuse planning permission based on the reason set out below, but also on highway safety matters should the submitted drawing be found to be incorrect.

2. REFUSAL REASONS

- 1 The application site is within the AONB and contributes to the spacious semi-rural character of the area. The development of the site would be detrimental to this character and would result in a cramped form of development which would fail to respond to the prevailing character and layout of the surrounding area. As such the application is contrary to policies CP7 and CO2 of the Adopted Local Plan, the Development on Garden Land and Infill Sites in Cheltenham SPD and advice contained in the National Planning Policy Framework.

APPLICATION NO: 15/01441/OUT		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 15th August 2015		DATE OF EXPIRY : 10th October 2015	
WARD: Battledown		PARISH: CHARLK	
APPLICANT:	Mr R.J. Ashton		
LOCATION:	Land off Harp Hill, Charlton Kings		
PROPOSAL:	Outline application for the erection of dwelling (revised submission following refusal of 14/01612/OUT)		

REPRESENTATIONS

Number of contributors	7
Number of objections	7
Number of representations	0
Number of supporting	0

18 Haywards Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6RH

Comments: 7th September 2015
Letter attached.

23 Bournside Road
Cheltenham
Gloucestershire
GL51 3AL

Comments: 7th September 2015
Letter attached.

146 Old Bath Road
Cheltenham
Gloucestershire
GL53 7DP

Comments: 8th September 2015
Letter attached.

High View
Harp Hill
Charlton Kings
Cheltenham
Gloucestershire
GL52 6PR

Comments: 27th October 2015

My wife and I live in High View next to the lane which leads to Vic Fry in King's Welcome. We support his objection to the application to build a large house on a triangular lot, which is very much smaller than the minimum permitted on Battledown Estate. We are also concerned at the overcrowding of the lane, which cannot be widened.

Would you please register our concern and objection to this proposal. Please let us know if we should take any further action to support our case. We have notified the Battledown Trustees of the above.

Comments: 6th November 2015

I was somewhat distressed to learn that Mr Baker has left Cheltenham, apparently without passing on our objection to a request to build a house at the top of the lane leading to Mr V Fry's house, Kings Welcome. This is to be on a small triangular lot of less than 1/4 acre in area.

Therefore I would like to your committee to accept this objection from my wife and myself. Also we would repeat that we would not wish to enlarge the lane in any way, nor would we be prepared to cut down any of our trees or hedges, or indeed to modify them in any way.

We understand that the meeting to discuss this application is scheduled for the 17 November. Please acknowledge receipt of this and let us know if we should make a more formal application. Any further comments would be welcome.

Rose Orchard
Harp Hill
Charlton Kings
Cheltenham
Gloucestershire
GL52 6PR

Comments: 4th September 2015

The comments submitted on the previous application are reproduced here, with some additional points regarding the new application.

I note the very long and wordy planning and access statement, together with the supporting documents submitted with this application.

However the Applicant has failed to consider the following.

1. AONB Policy CO2 states for no new building, except in very exceptional circumstances.
2. AONB Policy CO3 states only replacement dwellings, subject to increase in size of 10% or 45M3.
3. Related cases 'Land off Harp hill' was the subject of an earlier refusal.
4. Related cases 'Land at Harp Hill' Rose Orchard was permitted only by the replacement policy existing at the time, subject to many conditions.

5. I now refer to application 03/01494/OUT Haytor Harp Hill This was refused by the Planning officer and his decision was subsequently backed up by a dismissed appeal from the inspector.

The carefully considered reasons for refusal, are most relevant to 14/01612/OUT. With particular respect to the location, the openness and sloping nature of the site and the close proximity of existing dwellings. Kindly refer to the various documents on 03/01494/OUT, rather than me quoting them verbatim.

The proposal is an undesirable form of back land development which would create a precedent where a significant environmental alteration is neither desirable nor achievable, contrary to Policy HS73.

Structure Plan Policy S3 requires that development should not be detrimental to the urban environment. PPG3 states that developments should not be viewed in isolation.

I note that Gloucestershire Highways, now seem to have capitulated and now approve this application. As one of the users of the current access, I can state that nothing has materially changed from the previous application. the vision splays did not comply previously and do not now. Joining the main road is dangerous particularly as traffic densities continue to increase. Soon to be considerably increased as the GCHQ development is built. I find the traffic speed survey results are dubious. I invite you to try leaving the drive as cars approach at high speed, in both directions. The passing place proposed in isolation is unacceptable and a second passing place at the beginning of the drive, is required if reversing onto Harp Hill is to be avoided.

In consideration of all the historical precedents related to above, The decision on this application must be refusal.

Kings Welcome
Harp Hill
Charlton Kings
Cheltenham
Gloucestershire
GL52 6PR

Comments: 9th September 2015
Letter attached.

Comments: 30th September 2015
Appraisal attached.

The Bredons
Harp Hill
Charlton Kings
Cheltenham
Gloucestershire
GL52 6PR

Comments: 24th August 2015

We wish to record our opposition to this application.

First, sited on such a disproportionately small plot in relation to all other houses in the surrounding area, it would result in a squeezed in form of development, just one effect of which would be an unnatural and uncomfortable closeness to the frontage of Kings Welcome.

Second, in turning down a previous application on the same site in November last, a problem was identified with the access and visibility at the driveway's entry/exit point with Harp Hill, and nothing has really changed in this respect. If safety was considered an issue then, it remains so.

The photo-shots of the "existing site" and the "proposed site" could perhaps be clarified so as not to create any confusion with another piece of land, that at road level adjacent to The Gray House.

Mr Ed Baker

Planning Officer

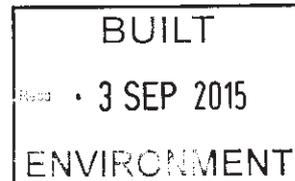
Planning Department

Cheltenham Borough Council

[REDACTED]
18 Haywards Road

Cheltenham GL52 6RH
[REDACTED]

REF: 14/01612/OUT



Dear Mr Baker,

Having grown up in Kings Welcome, Harp Hill where my Father still resides, I was concerned to hear about this planning application. There are many reasons why it should not be granted. First of all the shared narrow drive leading up to the proposed plot is only wide enough for one car at a time. On numerous occasions when two cars meet in the driveway one has to reverse to let the other through. They normally reverse onto the main road as it is easier to reverse downhill. A driver driving forwards down the drive way has a very poor view of oncoming traffic along the main road and has to ease out slowly, a car reversing out of the drive way would have no view at all. This would be a danger to any oncoming vehicles on the main road as well as to cyclists and the familiar horse riders seen on Harp Hill. Things have been made even more dangerous with the extra traffic that has emerged with the new development on the old GCHQ site and will get even worse as building continues.

Secondly, my Father and Mother bought Kings Welcome over 30 years ago and planned to live out their lives there as it was so peaceful with such a lovely view rarely found in other parts of Cheltenham. The building of any property on this very small plot would be an eye sore for my Father's house on top of the extra noise from extra traffic. My Father, who is in his 70's is suffering from ill health from the stress caused by this application. The proposed dwelling would just look out of place.

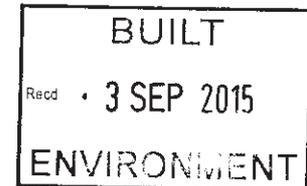
Just a word of note, the owner of the property hadn't maintained the land for over 30 years, but my Father has, by cutting back the hedges and trees that were left to grow wild.

Yours sincerely,
[REDACTED]

23 Bournside Road
Cheltenham
GL51 3AL

25th August 2015

Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP



Attention: M/s Tracey Crewes – Head of Planning

Dear M/s Crewes

Proposal: Outline application for the erection of 1 dwelling at land off Harp Hill, Charlton Kings (Revised submission following refusal of 14/01612/OUT

I write with reference to the above planning application.

We are [REDACTED] (Kings Welcome) son and daughter-in-law. We have used the single track lane up to Kings Welcome on occasions when we visit and have found it a daunting experience especially on our exit getting out onto Harp Hill as visibility is limited. We have had a number of occasions where vehicles have appeared on our right hand side from nowhere. We consider the lane to be unsuitable for any more vehicular use than it currently has. I must also stress that contrary to what the original planning application says this driveway is not a secondary access to Kings Welcome, it is and always will be the main access to Kings Welcome.

We also object to the proposed development on the basis that the proposed property will:-

1. Be a gross over-development of a very small plot.
2. Will infringe on the views of Kings Welcome with its size and close proximity.

Yours/~~S~~incerely



H. D. WILKINSON

BSc(Est Man) MRICS

146 Old Bath Road
CHELTENHAM
Gloucestershire GL53 7DP

CHARTERED SURVEYOR

Email : hugh.wilkinson@btinternet.com
VAT Reg No : 709 7071 26

Tel : (01242) 524890
Fax : (01242) 524890

3 September 2015

E Baker Esq
Planning Department
Cheltenham Borough Council
Promenade
CHELTENHAM Glos

Our Ref : DA151

Your Ref : 15/1441/OUT

Dear Mr Baker

Re : Planning Application for Dwelling on Harp Hill, Cheltenham.

I have been requested by my client, [REDACTED] of 'King's Welcome', Harp Hill to write on his behalf a letter of objection to the proposed planning application.

- The proposed development is too large for the site and therefore fails in our view to remain in keeping with the other properties on the Battledown Estate.
- [REDACTED] has always used the current driveway on to the main road and we feel that a further dwelling using this access will prove most dangerous.
- There is no provision for a passing point on this private road and if traffic does meet, then one vehicle has to reverse, causing problems.
- The access on to the main road is dangerous and there is insufficient visibility splay for cars turning right at this junction. Only recently the Highways Authority have placed a notice saying 'Slow Down' due to concealed entrance. I think that this highlights the danger of this access and the problems that another dwelling can only exacerbate.

[REDACTED] is undertaking his own private traffic survey by RSL Highways and Transportation and once this report is to hand, we will forward it to you.

We both feel that the refusal given on the 20th November 2014 still stands and none of the problems given in the Local Authority's Decision Notice have been answered in a positive manner and for this reason we think the Planning Application should be refused.

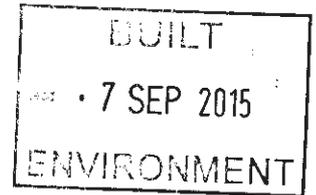
Yours sincerely

[REDACTED]

H D WILKINSON BSc MRICS


Kings Welcome
Harp Hill
Charlton Kings
Cheltenham
GL52 6PR

M/s Tracey Crews
Head of Planning
Cheltenham Borough Council
P O Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP



Your Ref: 15/01441/OUT

4th September 2015

Dear M/s Crewes,

Proposal: Outline application for the erection of dwelling (revised submission following refusal of 14/01612/OUT) at land off Harp Hill, Charlton Kings

Thank you for your letter dated 17th August regarding the above proposal.

I am opposed to this proposal for the following reasons: -

1. The proposed house is shoehorned in to a much smaller plot than is usual for this immediate area and this results, amongst other things, in it's location being crammed in much too near to the southern boundary and uncomfortably close to the main frontage of my property, Kings Welcome.
2. The access via the drive onto Harp Hill was previously adjudged unsafe and nothing has changed since. Further, the proposed tight passing place is far too distant from the junction with Harp Hill to be fit for purpose in case of need. This is my own main access and is also used daily by my postman and other delivery services. From my own experience, I am of the firm opinion that the drive cannot safely bear the coming and going of a further 2 or maybe 3 vehicles which would be associated with a further property.
3. I am not aware of when the indicated speed check was undertaken, nor over what period of time. What I wish to point out is that, for many weeks in the recent past, there were traffic light controlled pipe excavation works immediately to the east of this driveway junction which as a consequence had the impact of suppressing the speed of traffic travelling in both directions.

Yours sincerely



**ACCESS APPRAISAL OF THE
EXISTING DRIVEWAY SERVING
'ROSE ORCHARD' AND 'KINGS WELCOME'
HARP HILL
CHARLTON KINGS**



Existing Driveway Serving
'Rose Orchard' and
'Kings Welcome'
Harp Hill
Charlton Kings
GL52 6PR

ACCESS APPRAISAL

Issue Date:- September 2015

Issue no. **3**

Author: *RPS*

Checked: *RS*

RSL Highways and Transportation
3rd Floor St Peters House
2 College Street
Gloucester
GL1 2NE
www.rslht.co.uk

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1.0 INTRODUCTION

- 1.1 This Access Appraisal has been prepared by *RSL Highways and Transportation* for **Mr V Fry** to accompany a 'Letter of Objection' to a planning application to construct a new dwelling adjacent to 'Rose Orchard'(LPA ref: 15/01441/OUT).
- 1.2 This report aims to assess the suitability of the proposed access, vehicle speeds on the adjacent road, determine the required visibility and consult the current accident database to assess any road safety issues that may be present.
- 1.3 In addition, extracts from the planning application documents have been included in this report where required to demonstrate the available visibility and if it meets with the requirements.
- 1.4 Appendix 1 contains a drawing (using Ordnance Survey data) incorporating the access and visibility splays.

2.0 Site Context

General

- 2.1 'Harp Hill' is situated on the eastern side of Cheltenham. It acts as a link road between Charlton Kings, the A40 and the town centre.
- 2.2 Figure 1 below identifies the site relative to the centre of Cheltenham.



- 2.3 'Harp Hill' is approximately 5.5m wide adjacent to the access that this report relates to. The posted speed limit on this section of road is 30mph.
- 2.4 There is a kerb edge on the southern side but no pavement. Residential development is on the southern side for which there are regular access points. Privacy has been created by the planting of, primarily, evergreen screening plants.

- 2.5 Visibility from the individual residential access points are constrained and there is clear evidence that property owners have moved planting back in order to improve the situation. One property appears to have felled a tree adjacent to the highway boundary.
- 2.6 On the eastern side of the road there is no edging. A narrow verge gives way to a short drop to a hedgerow at the highway boundary.
- 2.7 'Harp Hill' has street lighting adjacent to the existing access and for at least 100 metres either side.
- 2.8 There are regular access points from Pystol Lane serving residential dwellings. Due to the historical arrangement, these access points have restricted visibility. Some dwellings do not have on plot parking.
- 2.9 Automatic Vehicle Counters(ATC), installed either side of the access, recorded average weekday traffic(AWDT) of 3,460 vehicles per day, while at the weekend(AWET) 2,239 vehicles were recorded. In total, for the 7 day period, approximately 21,800 vehicles were recorded. The position of the counters is marked on the drawing attached to appendix 1.
- 2.10 The majority of vehicles recorded were either cars or light goods vehicles(LGVs). Less than 2% of vehicles were HGVs.

Speed Survey

- 2.11 A speed survey was conducted for a seven day period from the 8th to the 16th of September 2015. During that 7 day period, the 85% speed recorded was between 31.6mph and 36.1mph. Appendix 2 and 3 contains the detailed results for each site and for either direction.
- 2.12 The ATC west of the existing access(Site 1) recorded a maximum 59.3mph. In addition, almost 60% of vehicles exceeded the speed limit. The 85% speed at the location for traffic travelling east bound was 36.1mph.

2.13 The ATC east of the existing access(Site 2) recorded a maximum speed of 52.2mph. In addition, the percentage of vehicles exceeding the posted speed limit was 31.1%, lower than the number to the west.

2.14 The 85% speed at the location for traffic travelling east bound was 31.6mph.

2.15 Appendix 4 contains Speed Statistics by Hour for both sites for the duration of the survey.

Accident History

2.16 An examination of the accident records for the area revealed that 3 incidents were recorded within 250m of the site. Details are contained in Appendix 7.

2.17 The records do not suggest speed may have been the cause, however, inclement weather may have.

3.0 Existing Access Appraisal

- 3.1 The current driveway provides access to 'Rose Orchard' and 'Kings Welcome'. The owner of 'Kings Welcome' has created a new access to the west primarily for safety reasons, however, he still randomly uses the original access.
- 3.2 The Highway Authority has provided comments, as a statutory consultee, to the planning application. They have raised no objection to the application, however, they did raise an objection to a previous application, LPA reference 14/01612/OUT.
- 3.3 The access is 2.5m wide. From the edge of the access to the boundary is approximately 0.45m on either side.
- 3.4 At the junction with 'Harp Hill' there is a large tree on the eastern side. The edge of the trunk is set back approximately 2.6m from the edge of the carriageway.
- 3.5 Below is a photograph of the access as seen from the opposite side of the road:-



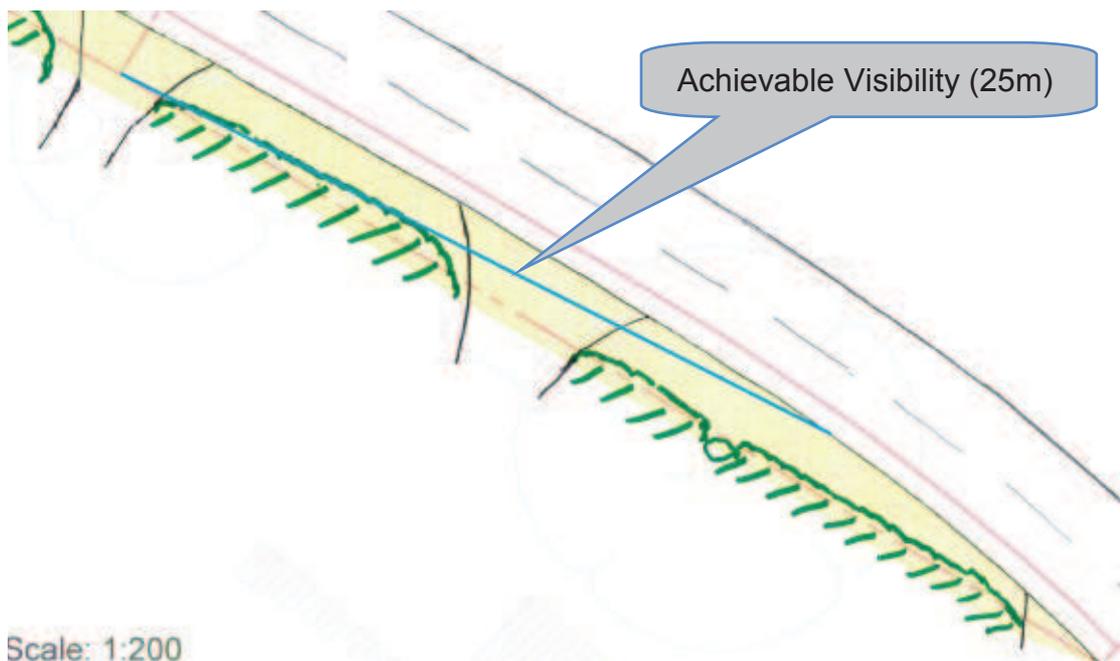
Visibility to the West

- 3.6 The 85% speed for vehicles travelling east, approaching the access, is 36.1mph. This is a “dry weather speed”, the “wet weather speed” for design purposes will be 33.6mph. This broadly aligns with the measured speed contained in the application documents.
- 3.7 The “Standing Advice” contained in Appendix 6 published by Gloucestershire County Council states a visibility splay of 2.4m(X) x 54m(Y) is required at this location.
- 3.8 Using Manual for Streets 2(MfS2), the splay required is 52m. Details of the calculation is contained in Appendix 5.
- 3.9 The visibility splay to the west is achievable which can be seen in the photograph below:-



Visibility to the East

- 3.10 The 85% speed for vehicles travelling west, approaching the access, is 31.6mph. This is a “dry weather speed”, the “wet weather speed” for design purposes will be 29.1mph. This is less than the measured speed contained in the application documents, however, the speed of vehicles increases as they travel west.
- 3.11 The “Standing Advice” contained in Appendix 6 published by Gloucestershire County Council states a visibility splay of 2.4m(X) x 54m(Y) is required at this location.
- 3.12 Using Manual for Streets 2(MfS2), the splay required is 40m. Details of the calculation is contained in Appendix 5.
- 3.13 A drawing contained in the application documents titled “Access Arrangement with Visibility Splays” (see Appendix 8) illustrates that a splay of 54m is achievable. The drawing shows the large trees, however, the hedgerow is not shown. The latter severely impacts on visibility. Below is an extract of the drawing with the achievable splay and correct line of vegetation shown:-



3.14 The photograph below clearly confirms the achievable visibility:-



3.15 The drawing contained in Appendix 1 illustrates the splay for 54m and 40m. In addition the property boundaries can also be seen. If the vegetation was not a restriction then it is likely 3rd party land ownership issues would be. A detailed Land Registry Search is required to confirm boundaries.

Gloucestershire County Council – Standing Advice

3.16 The document is clear in its requirements for residential development in order to protect highway safety. A copy of the document is contained in Appendix 6.

3.17 Pages 7 to 9 of the “Standing Advice” clearly state a minimum access width of 4.1m is required irrespective of road class. The existing access is 2.5m which is substantial below the requirement. Furthermore, there is no space to achieve a width of 4.1m even for the first 20 metres.

4.0 SUMMARY & CONCLUSIONS

- 4.1 This Access Appraisal has been prepared by *RSL Highways and Transportation* for **Mr V Fry** to accompany a 'Letter of Objection' to a planning application to construct a new dwelling adjacent to 'Rose Orchard'(LPA ref: 15/01441/OUT).
- 4.2 The speed survey conducted from the 8th to the 16th of September confirm that the 85% is at or above 30mph which broadly accords with the documents attached to the application .
- 4.3 Visibility to the west in accordance with the "Standing Advice" is achievable, however, to the east vegetation and 3rd party land ownership issues severely restrict the visibility to 25 metres. The details shown in the application documents are incorrect.
- 4.4 Finally, the existing access is 2.5m wide and well below the required minimum of 4.1m. There is no scope to increase the width due to 3rd party land ownership issues.

5.0 APPENDICES



5.1 APPENDIX 1

Existing Access and Visibility Splay

(RSLHT drg. no. 0010 rev 01)



NORTH



<p>Client</p> <p>Mr V. Fry</p>	<p>Project</p> <p>Harp Hill Charlton Kings</p>	<p>Title</p> <p>Existing Access to 'Rose Orchard' and 'Kings Welcome' VISIBILITY SPLAYS</p>	<p>Notes</p> <ol style="list-style-type: none"> 1. All Details shown on this drawing are subject to the approval of Local Authority. 2. Do Not Scale. 	<p>Drg. no.</p> <p>RSLHT-7180-P-0101</p> <p>Revision Notes (18/09/15) Rev. 01 - First Issue</p>	<p>Rev.</p> <p>01</p> <p>Scale</p> <p>1:500 @ A3</p> <p>RSL Highways and Transportation 3rd Floor St Peters House 2 College Street Gloucester, GL1 2NE</p> 
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5.2 APPENDIX 2

Speed Survey Results – Site 1

(west of existing access)



Virtual Week Report - Combined

Location: West of Entrance attached to LC25

Site name: Harp Hill, Charlton Kings, GL52 6PR - Site 1

Survey duration: 00:00 09 September 2015 to 00:00 16 September 2015 (7 days, 1 week)

Speed limit: 30 mph

Profile: Cls(2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(5,99) Headway(>0), Class scheme = DfT-UK

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0	8	3	6	6	6	15	13
1	3	1	0	0	3	2	5
2	0	1	0	0	2	0	4
3	1	1	0	1	3	0	4
4	3	4	3	2	1	2	1
5	10	8	10	10	5	7	3
6	39	31	39	39	46	11	9
7	206	214	216	223	200	41	22
8	512	472	473	478	464	75	52
9	195	191	200	211	209	167	117
10	156	170	143	163	181	189	160
11	168	156	138	191	180	240	213
12	166	151	191	185	223	195	200
13	157	164	182	177	223	206	211
14	168	169	210	206	213	242	183
15	351	297	337	323	365	182	230
16	327	316	337	352	409	214	213
17	371	397	388	407	387	265	143
18	173	249	255	291	244	168	114
19	121	148	165	175	132	96	76
20	52	62	92	94	74	54	38
21	38	58	59	52	51	28	25
22	23	28	25	33	31	14	21
23	5	8	12	11	19	21	10
Total	3253	3299	3481	3630	3671	2434	2067

AM peak	512 (0800)	472 (0800)	473 (0800)	478 (0800)	466 (0745)	240 (1100)	222 (1115)
PM peak	377 (1515)	408 (1645)	388 (1700)	420 (1645)	422 (1645)	275 (1645)	241 (1515)

Speed	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Mean	30.5	30.6	30.5	31.4	31.3	31.4	31.4
Speed 85%	35.1	34.9	35.1	35.8	35.8	35.8	35.8
Percent Ex	56.1	55.3	54.8	65.1	62.9	63.2	62.3

AWDT	AWET
6	14
1	4
1	2
1	2
3	2
9	5
39	10
212	32
480	64
201	142
163	175
167	227
183	198
181	209
193	213
335	206
348	214
390	204
242	141
148	86
75	46
52	27
28	18
11	16
3467	2251

Ave 1 to 5	Ave 6 and 7	Ave 1 to 7
30.9	31.4	31.0
35.3	35.8	35.5
58.8	62.8	60.0

Project Harp Hill Charlton Kings GL52 6PR	Title Speed Survey - Site 1 - West of Entrance Both Directions (Two Way)	Date 20/09/2015		
		Table No. S1/001	Rev. 1	

Virtual Week Report - WESTBOUND

Location: West of Entrance attached to LC25

Site name: Harp Hill, Charlton Kings, GL52 6PR - Site 1

Survey duration: 00:00 09 September 2015 to 00:00 16 September 2015 (7 days, 1 week)

Speed limit: 30 mph

Profile: Cls(2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(5,99) Headway(>0), Class scheme = DfT-UK

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0	5	1	2	5	2	9	5
1	2	0	0	0	1	1	4
2	0	0	0	0	1	0	1
3	1	1	0	1	2	0	3
4	2	3	2	2	1	2	1
5	3	1	2	2	2	3	2
6	7	9	10	12	9	4	3
7	88	84	92	92	81	16	8
8	282	275	253	255	248	43	21
9	124	113	114	136	133	96	62
10	77	95	87	89	101	108	101
11	93	83	62	92	100	136	126
12	87	73	94	104	129	101	87
13	77	85	108	96	109	108	124
14	90	89	108	101	88	144	88
15	190	149	183	167	200	75	111
16	211	184	213	207	267	109	106
17	193	212	225	242	232	107	76
18	95	151	125	160	129	86	50
19	61	88	83	90	67	51	50
20	27	32	57	50	39	24	22
21	18	11	32	25	24	17	12
22	7	16	13	19	12	8	14
23	2	4	2	5	9	10	6
Total	1742	1759	1867	1952	1986	1258	1083

AM peak	282 (0800)	275 (0800)	253 (0800)	255 (0800)	248 (0800)	136 (1100)	133 (1115)
PM peak	240 (1545)	227 (1645)	232 (1645)	242 (1700)	275 (1545)	144 (1330)	124 (1300)

Speed	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Mean	29.6	29.5	29.8	30.8	31.0	30.9	30.9
Speed 85%	34.0	33.8	34.2	35.1	35.6	35.6	35.1
Percent Ex	47.4	45.3	47.8	60.3	60.1	57.6	58

AWDT	AWET
3	7
1	3
0	1
1	2
2	2
2	3
9	4
87	12
263	32
124	79
90	105
86	131
97	94
95	116
95	116
178	93
216	108
221	92
132	68
78	51
41	23
22	15
13	11
4	8
1861	1171

Ave 1 to 5	Ave 6 and 7	Ave 1 to 7
30.1	30.9	30.4
34.5	35.4	34.8
52.2	57.8	53.8

Project Harp Hill Charlton Kings GL52 6PR	Title Speed Survey - Site 1 - West of Entrance Westbound (B->A)	Date 20/09/2015		
		Table No. S1/003	Rev. 1	

Virtual Week Report - EASTBOUND

Location: West of Entrance attached to LC25

Site name: Harp Hill, Charlton Kings, GL52 6PR - Site 1

Survey duration: 00:00 09 September 2015 to 00:00 16 September 2015 (7 days, 1 week)

Speed limit: 30 mph

Profile: Cls(2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(5,99) Headway(>0), Class scheme = DfT-UK

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0	3	2	4	1	4	6	8
1	1	1	0	0	2	1	1
2	0	1	0	0	1	0	3
3	0	0	0	0	1	0	1
4	1	1	1	0	0	0	0
5	7	7	8	8	3	4	1
6	32	22	29	27	37	7	6
7	118	130	124	131	119	25	14
8	230	197	220	223	216	32	31
9	71	78	86	75	76	71	55
10	79	75	56	74	80	81	59
11	75	73	76	99	80	104	87
12	79	78	97	81	94	94	113
13	80	79	74	81	114	98	87
14	78	80	102	105	125	98	95
15	161	148	154	156	165	107	119
16	116	132	124	145	142	105	107
17	178	185	163	165	155	158	67
18	78	98	130	131	115	82	64
19	60	60	82	85	65	45	26
20	25	30	35	44	35	30	16
21	20	47	27	27	27	11	13
22	16	12	12	14	19	6	7
23	3	4	10	6	10	11	4
Total	1511	1540	1614	1678	1685	1176	984

AM peak	239 (0745)	209 (0745)	240 (0745)	223 (0745)	236 (0745)	104 (1100)	105 (1145)
PM peak	178 (1700)	185 (1700)	169 (1715)	179 (1645)	170 (1645)	158 (1700)	127 (1515)

Speed	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Mean	31.6	31.8	31.3	32.1	31.7	31.9	32.0
Speed 85%	36.0	36.0	35.8	36.2	36.0	36.2	36.5
Percent Ex	66.2	66.6	62.9	70.7	66.2	69.3	67.0

AWDT	AWET
3	7
1	1
0	2
0	1
1	0
7	3
29	7
124	20
217	32
77	63
73	70
81	96
86	104
86	93
98	97
157	113
132	106
169	113
110	73
70	36
34	23
30	12
15	7
7	8
1606	1080

Ave 1 to 5	Ave 6 and 7	Ave 1 to 7
31.7	32.0	31.8
36.0	36.4	36.1
66.5	68.2	67.0

Project Harp Hill Charlton Kings GL52 6PR	Title Speed Survey - Site 1 - West of Entrance Eastbound (A->B)	Date 20/09/2015		
		Table No. S1/002	Rev. 1	

5.3 APPENDIX 3

Speed Survey Results – Site 2

(east of existing access)



Virtual Week Report - Combined

Location: East of Entrance attached to LC29

Site name: Harp Hill, Charlton Kings, GL52 6PR - Site 2

Survey duration: 00:00 09 September 2015 to 00:00 16 September 2015 (7 days, 1 week)

Speed limit: 30 mph

Profile: Cls(2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(5,99) Headway(>0), Class scheme = DfT-UK

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0	8	3	6	6	5	15	13
1	3	1	0	0	3	2	5
2	0	1	0	0	2	0	4
3	1	1	0	1	3	0	4
4	3	4	3	2	1	2	1
5	10	8	9	10	5	7	1
6	36	28	40	39	43	11	9
7	209	211	212	220	197	39	21
8	510	474	474	490	473	76	52
9	197	188	200	209	206	167	114
10	160	171	139	164	180	188	158
11	162	156	137	189	179	240	213
12	169	150	193	182	221	196	198
13	160	161	182	176	221	210	207
14	165	165	211	209	213	238	182
15	346	299	336	326	362	180	225
16	322	315	333	352	411	211	214
17	370	399	388	409	391	269	142
18	170	252	256	291	246	165	116
19	124	147	165	173	133	96	76
20	52	62	92	96	75	55	38
21	39	58	58	53	49	27	25
22	23	28	25	33	32	14	21
23	5	8	12	12	18	21	10
Total	3244	3290	3471	3642	3669	2429	2049

AM peak	510 (0800)	474 (0800)	474 (0800)	490 (0800)	474 (0745)	240 (1100)	221 (1115)
PM peak	373 (1515)	412 (1645)	388 (1700)	422 (1645)	424 (1645)	279 (1645)	238 (1515)

Speed	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Mean	28.1	28.4	27.8	28.2	28.4	28.4	28.5
Speed 85%	31.8	32.0	31.8	32.0	32.0	32.0	32.2
Percent Ex	30.3	31.0	29.0	31.8	32.8	31.0	31.6

AWDT	AWET
6	14
1	4
1	2
1	2
3	2
8	4
37	10
210	30
484	64
200	141
163	173
165	227
183	197
180	209
193	210
334	203
347	213
391	206
243	141
148	86
75	47
51	26
28	18
11	16
3463	2239

Ave 1 to 5	Ave 6 and 7	Ave 1 to 7
28.2	28.5	28.3
31.9	32.1	32.0
31.0	31.3	31.1

Project
**Harp Hill
Charlton Kings GL52 6PR**

Title
**Speed Survey - Site 2 - East of Entrance
Both Directions (Two Way)**

Date
20/09/2015
Table No.
S2/001
Rev.
1



Virtual Week Report - EASTBOUND

Location: East of Entrance attached to LC29

Site name: Harp Hill, Charlton Kings, GL52 6PR - Site 2

Survey duration: 00:00 09 September 2015 to 00:00 16 September 2015 (7 days, 1 week)

Speed limit: 30 mph

Profile: Cls(2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(5,99) Headway(>0), Class scheme = DfT-UK

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0	3	2	4	1	4	6	8
1	1	1	0	0	2	1	1
2	0	1	0	0	1	0	3
3	0	0	0	0	1	0	1
4	1	1	1	0	0	0	0
5	7	7	7	8	3	4	0
6	30	20	30	27	35	7	6
7	118	123	121	128	117	24	14
8	234	204	225	219	219	32	31
9	72	78	87	72	76	70	55
10	83	76	57	77	79	81	62
11	71	74	75	98	82	105	93
12	77	78	99	76	94	94	110
13	82	77	75	80	111	102	83
14	77	77	100	109	130	98	95
15	154	151	151	151	170	106	117
16	114	134	123	145	148	102	109
17	170	188	163	162	155	163	68
18	77	98	134	133	113	82	64
19	64	58	82	82	63	47	27
20	24	30	35	48	36	30	16
21	20	47	26	27	26	11	13
22	15	12	12	14	19	6	7
23	3	4	10	6	10	11	4
Total	1497	1541	1617	1663	1694	1182	987

AM peak	240 (0745)	214 (0745)	244 (0745)	223 (0745)	236 (0745)	106 (1115)	106 (1145)
PM peak	170 (1700)	188 (1700)	168 (1715)	175 (1645)	173 (1645)	163 (1700)	126 (1530)

Speed	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Mean	28.2	28.4	28.0	28.4	28.3	28.5	28.7
Speed 85%	32.2	32.2	32.0	32.2	32.2	32.2	32.7
Percent Ex	32.3	32.8	31.4	34.5	33.2	32.7	33.8

AWDT	AWET
3	7
1	1
0	2
0	1
1	0
6	2
28	7
121	19
220	32
77	63
74	72
80	99
85	102
85	93
99	97
155	112
133	106
168	116
111	73
70	37
35	23
29	12
14	7
7	8
1602	1085

Ave 1 to 5	Ave 6 and 7	Ave 1 to 7
28.3	28.6	28.4
32.2	32.5	32.2
32.8	33.3	33.0

Project Harp Hill Charlton Kings GL52 6PR	Title Speed Survey - Site 1 - East of Entrance Eastbound (A->B)	Date 20/09/2015		
		Table No. S2/002	Rev. 1	

Virtual Week Report - WESTBOUND

Location: East of Entrance attached to LC29

Site name: Harp Hill, Charlton Kings, GL52 6PR - Site 2

Survey duration: 00:00 09 September 2015 to 00:00 16 September 2015 (7 days, 1 week)

Speed limit: 30 mph

Profile: Cls(2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(5,99) Headway(>0), Class scheme = DfT-UK

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0	5	1	2	5	1	9	5
1	2	0	0	0	1	1	4
2	0	0	0	0	1	0	1
3	1	1	0	1	2	0	3
4	2	3	2	2	1	2	1
5	3	1	2	2	2	3	1
6	6	8	10	12	8	4	3
7	91	88	91	92	80	15	7
8	276	270	249	271	254	44	21
9	125	110	113	137	130	97	59
10	77	95	82	87	101	107	96
11	91	82	62	91	97	135	120
12	92	72	94	106	127	102	88
13	78	84	107	96	110	108	124
14	88	88	111	100	83	140	87
15	192	148	185	175	192	74	108
16	208	181	210	207	263	109	105
17	200	211	225	247	236	106	74
18	93	154	122	158	133	83	52
19	60	89	83	91	70	49	49
20	28	32	57	48	39	25	22
21	19	11	32	26	23	16	12
22	8	16	13	19	13	8	14
23	2	4	2	6	8	10	6
Total	1747	1749	1854	1979	1975	1247	1062

AM peak	276 (0800)	270 (0800)	249 (0800)	271 (0800)	254 (0800)	135 (1100)	128 (1115)
PM peak	236 (1545)	227 (1645)	228 (1530)	247 (1645)	269 (1530)	140 (1330)	124 (1300)

Speed	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Mean	28.0	28.3	27.7	28.1	28.5	28.3	28.3
Speed 85%	31.5	31.8	31.3	31.5	32.0	31.5	31.8
Percent Ex	28.6	29.3	26.9	29.5	32.4	29.5	29.5

AWDT	AWET
3	7
1	3
0	1
1	2
2	2
2	2
9	4
88	11
264	33
123	78
88	102
85	128
98	95
95	116
94	114
178	91
214	107
224	90
132	68
79	49
41	24
22	14
14	11
4	8
1861	1155

Ave 1 to 5	Ave 6 and 7	Ave 1 to 7
28.1	28.3	28.2
31.6	31.7	31.6
0.0	29.5	0.0

Project Harp Hill Charlton Kings GL52 6PR	Title Speed Survey - Site 1 - East of Entrance Westbound (B->A)	Date 20/09/2015		
		Table No. S2/003	Rev. 1	

5.4 APPENDIX 4

Speed Statistics by Hour – Site 1 & 2



MetroCount Traffic Executive Speed Statistics by Hour

SpeedStatHour-526 -- English (ENG)

Datasets:

Site: [Site 1] !Harp Hill
Attribute: West of Proposed Access
Direction: 2 - East bound, A trigger first. **Lane:** 0
Survey Duration: 10:44 08 September 2015 => 05:21 16 September 2015,
Zone:
File: Site 1 0 2015-09-21 0059.EC0 (Plus)
Identifier: GS55E459 MC56-L5 [MC55] (c)Microcom 19Oct04
Algorithm: Factory default axle (v4.05)
Data type: Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time: 00:00 09 September 2015 => 00:00 16 September 2015 (7)
Included classes: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 1 - 140 mph.
Direction: North, East, South, West (bound), P = East
Separation: Headway > 0 sec, Span 0 - 100 metre
Name: Default Profile
Scheme: Vehicle classification (DfT-UK)
Units: Part metric (metre, mi, m/s, mph, kg, tonne)
In profile: Vehicles = 21835 / 24346 (89.69%)

Speed Statistics by Hour

SpeedStatHour-526

Site: Site 1.0.0E
Description: !Harp Hill
Filter time: 00:00 09 September 2015 => 00:00 16 September 2015
Scheme: Vehicle classification (DfT-UK)
Filter: CIs(2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(1,140) Headway(>0) Span(0 - 100)

Vehicles = 21835

Posted speed limit = 30 mph, Exceeding = 13055 (59.79%), Mean Exceeding = 33.98 mph

Maximum = 59.3 mph, Minimum = 4.4 mph, Mean = 31.0 mph

85% Speed = 35.6 mph, 95% Speed = 38.7 mph, Median = 30.9 mph

10 mph Pace = 26 - 36, Number in Pace = 16408 (75.15%)

Variance = 24.20, Standard Deviation = 4.92 mph

Hour Bins

Time	Bin	Min	Max	Mean	Median	85%	95%	>PSL 30 mph		
0000	57	0.3%	16.1	49.6	33.5	32.9	37.4	43.8	45	78.9%
0100	14	0.1%	22.6	53.1	31.5	28.9	37.6	40.7	6	42.9%
0200	7	0.0%	23.1	26.8	25.6	25.9	26.6	26.6	0	0.0%
0300	10	0.0%	25.1	39.1	32.8	31.8	38.7	38.9	8	80.0%
0400	16	0.1%	29.1	46.7	33.0	31.3	34.9	37.6	14	87.5%
0500	53	0.2%	20.5	46.1	33.7	33.1	38.3	41.6	45	84.9%
0600	214	1.0%	6.8	50.9	32.8	32.7	38.5	41.4	160	74.8%
0700	1122	5.1%	6.2	51.6	32.1	32.0	36.5	40.3	770	68.6%
0800	2526	11.6%	4.4	49.8	30.6	30.6	34.9	37.6	1448	57.3%
0900	1290	5.9%	8.4	53.0	30.9	30.6	35.3	38.7	755	58.5%
1000	1162	5.3%	10.4	48.8	30.5	30.2	35.3	38.3	626	53.9%
1100	1286	5.9%	7.7	54.6	30.7	30.4	35.6	38.3	723	56.2%
1200	1311	6.0%	7.1	53.3	30.9	30.6	35.1	38.5	742	56.6%
1300	1320	6.0%	7.4	48.4	30.7	30.6	35.3	38.5	764	57.9%
1400	1391	6.4%	9.5	59.3	30.7	30.6	35.3	38.7	770	55.4%
1500	2085	9.5%	4.9	55.6	30.2	30.2	34.7	37.6	1122	53.8%
1600	2168	9.9%	9.0	53.0	31.0	31.1	35.3	38.3	1350	62.3%
1700	2358	10.8%	5.9	54.9	31.4	31.3	35.8	38.5	1524	64.6%
1800	1494	6.8%	7.1	51.2	31.6	31.5	35.6	38.5	989	66.2%
1900	913	4.2%	6.6	49.8	31.1	31.1	35.8	39.6	561	61.4%
2000	466	2.1%	16.8	54.8	31.6	30.9	36.2	40.7	283	60.7%
2100	311	1.4%	13.3	50.6	31.8	31.1	36.9	39.8	186	59.8%
2200	175	0.8%	16.7	47.3	31.6	31.1	36.0	39.6	101	57.7%
2300	86	0.4%	20.3	44.7	33.5	32.7	38.5	42.5	63	73.3%
----	21835	100.0%	4.4	59.3	31.0	30.9	35.6	38.7	13055	59.8%

MetroCount Traffic Executive Speed Statistics by Hour

SpeedStatHour-527 -- English (ENG)

Datasets:

Site: [Site 2] !Harp Hill
Attribute: East of Proposed Access
Direction: 2 - East bound, A trigger first. **Lane:** 0
Survey Duration: 10:55 08 September 2015 => 05:26 16 September 2015,
Zone:
File: Site 2 0 2015-09-21 0100.EC0 (Plus)
Identifier: GS73R8TF MC56-L5 [MC55] (c)Microcom 19Oct04
Algorithm: Factory default axle (v4.05)
Data type: Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time: 00:00 09 September 2015 => 00:00 16 September 2015 (7)
Included classes: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 1 - 140 mph.
Direction: North, East, South, West (bound), P = East
Separation: Headway > 0 sec, Span 0 - 100 metre
Name: Default Profile
Scheme: Vehicle classification (DfT-UK)
Units: Part metric (metre, mi, m/s, mph, kg, tonne)
In profile: Vehicles = 21794 / 24259 (89.84%)

Speed Statistics by Hour

SpeedStatHour-527

Site: Site 2.0.0E
Description: !Harp Hill
Filter time: 00:00 09 September 2015 => 00:00 16 September 2015
Scheme: Vehicle classification (DfT-UK)
Filter: CIs(2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(1,140) Headway(>0) Span(0 - 100)

Vehicles = 21794

Posted speed limit = 30 mph, Exceeding = 6769 (31.06%), Mean Exceeding = 32.66 mph

Maximum = 52.2 mph, Minimum = 7.2 mph, Mean = 28.2 mph

85% Speed = 32.0 mph, 95% Speed = 34.7 mph, Median = 28.2 mph

10 mph Pace = 23 - 33, Number in Pace = 17849 (81.90%)

Variance = 16.97, Standard Deviation = 4.12 mph

Hour Bins

Time	Bin	Min	Max	Mean	Median	85%	95%	>PSL 30 mph	
0000	56	0.3%	21.1	43.1	30.8	29.5	35.8	41.4	26 46.4%
0100	14	0.1%	25.1	46.6	30.4	26.8	35.8	37.1	5 35.7%
0200	7	0.0%	22.7	34.1	26.3	24.8	27.5	34.0	1 14.3%
0300	10	0.0%	26.4	36.5	30.4	30.4	31.8	36.5	6 60.0%
0400	16	0.1%	26.6	31.9	29.8	30.2	31.1	31.5	9 56.3%
0500	50	0.2%	22.7	42.0	31.1	30.4	35.1	38.9	29 58.0%
0600	206	0.9%	17.6	43.9	29.9	29.5	34.9	37.1	101 49.0%
0700	1109	5.1%	10.4	45.7	29.6	29.3	33.3	36.7	493 44.5%
0800	2549	11.7%	9.1	46.1	28.5	28.4	31.8	34.2	818 32.1%
0900	1281	5.9%	8.6	46.7	28.2	28.2	32.2	34.9	402 31.4%
1000	1160	5.3%	7.2	43.2	27.8	27.7	31.8	34.7	326 28.1%
1100	1276	5.9%	8.7	45.4	27.7	27.7	31.5	34.4	349 27.4%
1200	1309	6.0%	9.3	44.4	27.9	28.0	31.5	34.2	368 28.1%
1300	1317	6.0%	9.6	43.5	28.0	28.0	31.8	34.2	400 30.4%
1400	1383	6.3%	8.8	46.7	27.7	27.7	32.0	34.4	403 29.1%
1500	2074	9.5%	7.7	52.2	27.4	27.3	31.1	33.6	503 24.3%
1600	2158	9.9%	8.2	47.6	28.2	28.2	31.5	34.2	646 29.9%
1700	2368	10.9%	9.5	49.8	28.5	28.4	31.8	34.4	752 31.8%
1800	1496	6.9%	8.9	47.2	28.5	28.4	32.0	34.7	491 32.8%
1900	914	4.2%	10.7	44.1	28.0	27.7	32.0	35.1	258 28.2%
2000	470	2.2%	13.8	46.7	28.6	28.4	32.9	35.6	160 34.0%
2100	309	1.4%	13.3	46.3	28.8	28.4	33.6	37.4	110 35.6%
2200	176	0.8%	15.7	45.8	28.8	28.4	32.9	35.8	66 37.5%
2300	86	0.4%	18.7	41.3	30.4	30.6	34.7	36.7	47 54.7%
----	21794	100.0%	7.2	52.2	28.2	28.2	32.0	34.7	6769 31.1%

5.5 APPENDIX 5

MfS(2) Visibility Calculations



$$SSD = v*t + (v^2 / (2*(d + (0.1*a))))$$

v = speed (m/s)

t = driver perception-reaction time (s)

d = deceleration (m/s/s)

a = longitudinal gradient (%)

Design Speed	Vehicle Type	Reaction Time (s)	Deceleration rate (g)	d
60 k/h (37.28 mph) or below	Car & LGV	1.5	0.45	4.41
	HGV	1.5	0.375	3.68
	Bus	1.5	0.375	3.68
Above 60 k/h (37.28 mph)	All vehicles	2	0.375 (Absolute min. SSD)	3.68
	All vehicles	2	0.25 (Desirable min. SSD)	2.45

N.B. 'a' is positive (+) if uphill and negative (-) if downhill

v (mph) = 36.1 (Dry Weather Speed)

v (mph) = converted to --> v (m/s) =

v*t =

t = from table above

v² =

d = from table above

0.1*a =

a =

d + (0.1*a) =

2*(d + (0.1*a)) =

v² / (2*(d + (0.1*a))) =

SSD = m

Note: This calculation is based on Manual for Streets 2 para. 10.1.5 dated September 2010

"Y" Distance (SSD + 2.4m Bonnet Length) = m

Project Harp Hill, Charlton Kings Speed Survey	Title SSD Visibility Calculation Looking West	Date 20/09/2015	RSL Highways and Transportation 3rd Floor St Peters House, 2 College Street, Gloucester, GL1 2NE. 
		Rev. 01	

$$SSD = v*t + (v^2 / (2*(d + (0.1*a))))$$

v = speed (m/s)

t = driver perception-reaction time (s)

d = deceleration (m/s/s)

a = longitudinal gradient (%)

Design Speed	Vehicle Type	Reaction Time (s)	Deceleration rate (g)	d
60 k/h (37.28 mph) or below	Car & LGV	1.5	0.45	4.41
	HGV	1.5	0.375	3.68
	Bus	1.5	0.375	3.68
Above 60 k/h (37.28 mph)	All vehicles	2	0.375 (Absolute min. SSD)	3.68
	All vehicles	2	0.25 (Desirable min. SSD)	2.45

N.B. 'a' is positive (+) if uphill and negative (-) if downhill

v (mph) = 31.6 (Dry Weather Speed)

v (mph) = converted to --> v (m/s) =

v*t =

t = from table above

v² =

d = from table above

0.1*a =

a =

d + (0.1*a) =

2*(d + (0.1*a)) =

v² / (2*(d + (0.1*a))) =

SSD = m

Note: This calculation is based on Manual for Streets 2 para. 10.1.5 dated September 2010

"Y" Distance (SSD + 2.4m Bonnet Length) = m

Project Harp Hill, Charlton Kings Speed Survey	Title SSD Visibility Calculation Looking East	Date 20/09/2015	RSL Highways and Transportation 3rd Floor St Peters House, 2 College Street, Gloucester, GL1 2NE. 
		Rev. 01	

5.6 APPENDIX 6

Gloucestershire County Council Standing Advice



Gloucestershire County Council

Highways Development Co-ordination

Standing Advice

Proposed or Existing

Residential Development

comprising 5 dwellings or less.

1.0 Introduction

1.1 Gloucestershire County Council grants planning permission for a range of developments within Gloucestershire, including minerals extraction, waste management and disposal and the County Council's own developments (for example, schools and libraries). All other planning applications, including applications for residential, office, industrial, and retail development are determined by the six Local Planning Authorities (LPA's).

1.2 The LPA's consult Gloucestershire County Council as Highway Authority under the Town and Country Planning (Development Management Procedure) Order 2010 on any relevant highway and transportation issues relating to the proposal, where development:-

- is likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway;
- is likely to prejudice the improvement or construction of a classified road or proposed highway;
- involves the formation, laying out or alteration of any means of access to a highway; or
- consists of or includes the laying out or construction of a new street

1.3 In response to Section 16 1 (d) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Gloucestershire County Council, as Local Highway Authority, has resolved that it does not intend to make representations to Local Planning Authorities on new or existing residential developments comprising 5 dwellings or less which are accessed off a Class 3 highway that is subject to a 30mph speed limit, or off a Class 4 (or lower) highway, as defined in this Standing Advice, subject to the exceptions set out in this Standing Advice.

2.0 Criteria to be Applied

2.1 If a planning application is for a residential development of 5 dwellings or less, and:

either:-

a). the application site is adjacent to a Class 3 highway subject to a 30mph speed limit or lower; or

b). the application site is adjacent to a Class 4 highway or lower;

and

the circumstances of paragraph 2.4 do not apply,

then the Highway Authority need not be contacted direct and the guidance contained in Section 3 and the Appendices of this document should be utilised.

2.2 Any queries regarding the classification of a highway should be referred to Gloucestershire County Council Highway Records Team tel. (01452) 426398 or (01452) 425563 or e-mail highwayrecords@gloucestershire.gov.uk.

2.3 The Highway Authority should be consulted on all other types of development that meet the criteria set out in section 1.2 above. It is recommended that the Highway Authority should not be consulted in respect of minor developments/improvements comprising replacement windows/doors, replacement fascia, fascia signs, hanging signs, conservatories, erection of walls and retaining walls (below 1.37m and beyond 3.6m from the highway), porches, swimming pools, car ports, single and double garages, loft conversions, reroofing/roofing improvements, re-cladding, erection of sheds/summerhouses, CCTV equipment, non-illuminated signs, demolition of sheds or outbuildings, single storey extensions to existing residential properties, or vegetation removal.

2.4 There are other circumstances which are not covered by the above selection criteria:

a). the Highway Authority will provide a consultation response where the application affects any road improvement, traffic scheme, or ongoing transportation study. This will be identified by the Highway Authority.

b). the Highway Authority will provide a consultation response when a written request to do so is made by the LPA due to special circumstances or a County Council member within whose Division the development is located,

c). the Highway Authority reserves the right to comment on any planning application that could potentially affect the operation or road safety of any highway under the control of the County Council. This is to allow for sites falling outside the above criteria which may have site-specific issues that could result in significant highway impacts,

- d). in some locations individual plots have previously provided small lengths of footway across their frontage. Any such future planning applications should be referred to the County Council for a consultation response.

2.5 The LPA will need to acquire certain basic information from the applicant about the highway elements of the planning application in order for the County Council to carry out the consultation. The County Council may request further information on the larger and more complex applications.

3.0 Guidance to Local Planning Authorities

The following best practice should be applied by LPA's to planning applications with highway matters not considered by the Highway Authority.

3.1 Domestic Accesses / Drives – Geometric Layout

3.1.1 For a single domestic vehicular access from adopted public highway the access arrangement should be as set out in Figures 3.1 to 3.4 below depending on local context.

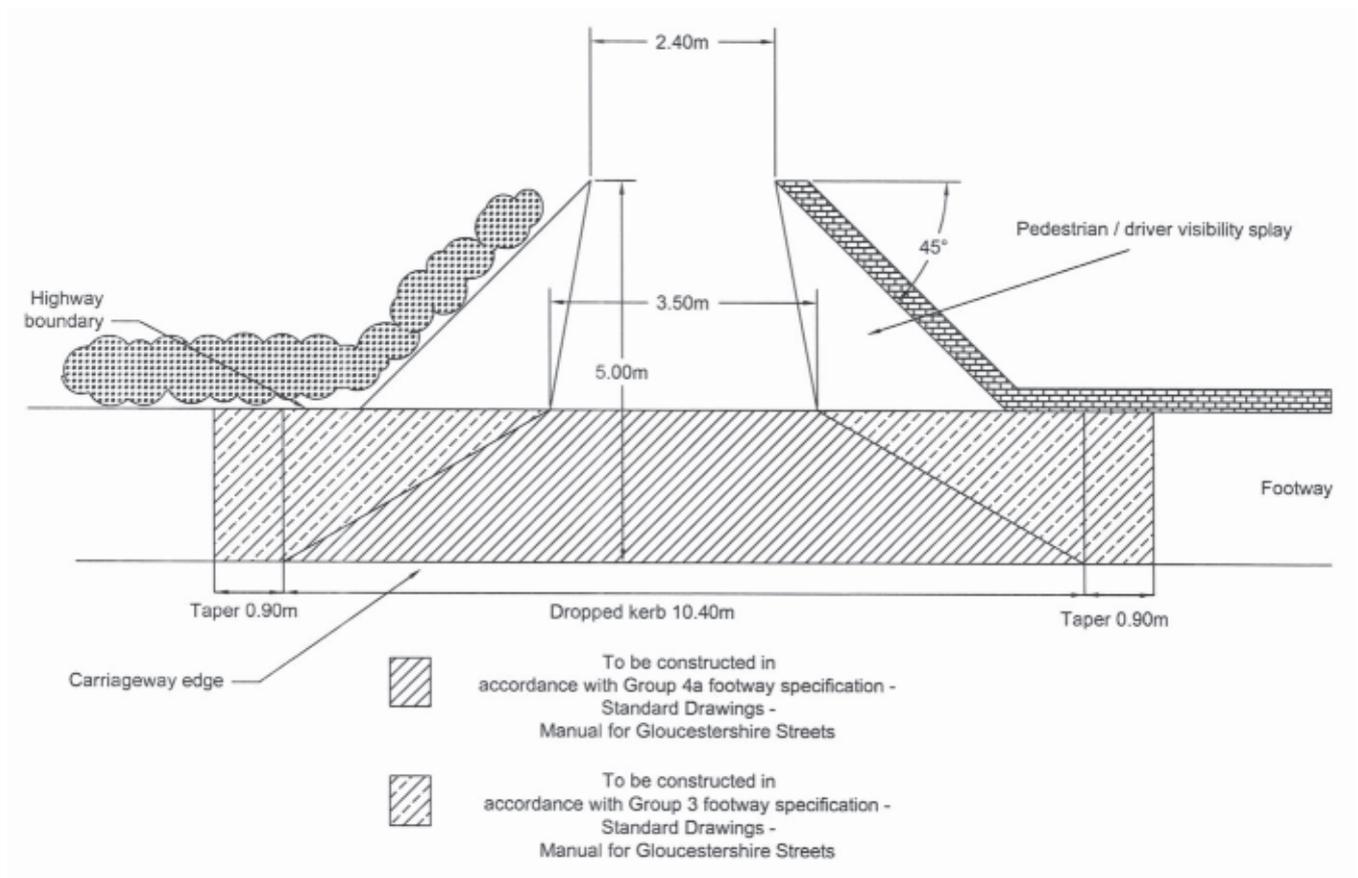


Figure 3.1 – Standard access to 1 dwelling over footway.

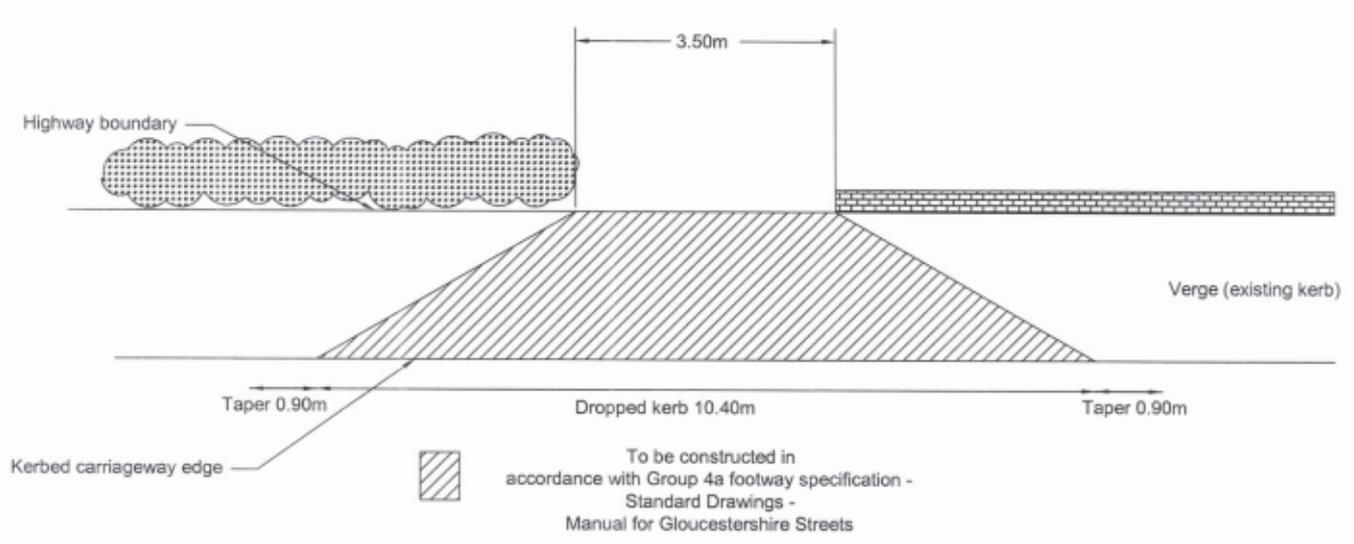


Figure 3.2 – Standard access to 1 dwelling over kerbed highway verge.

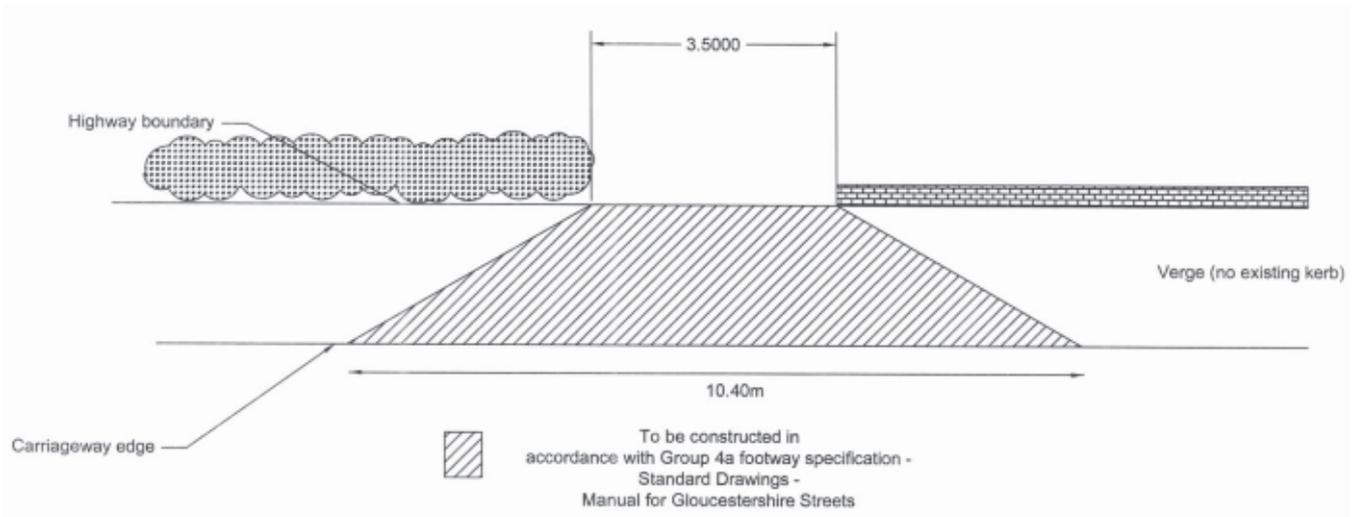
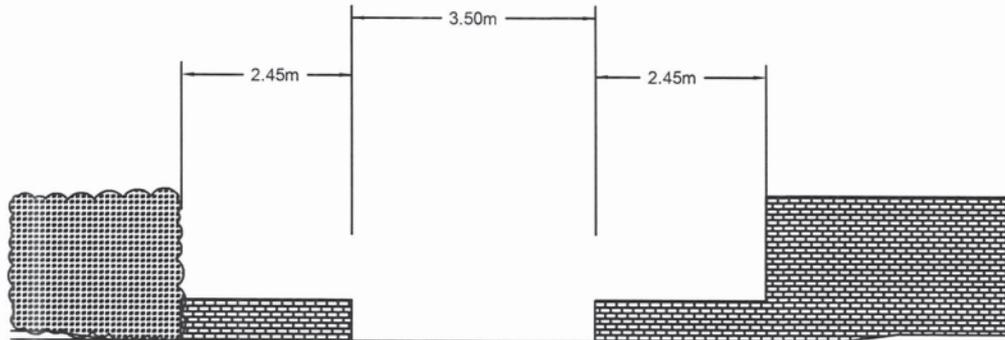
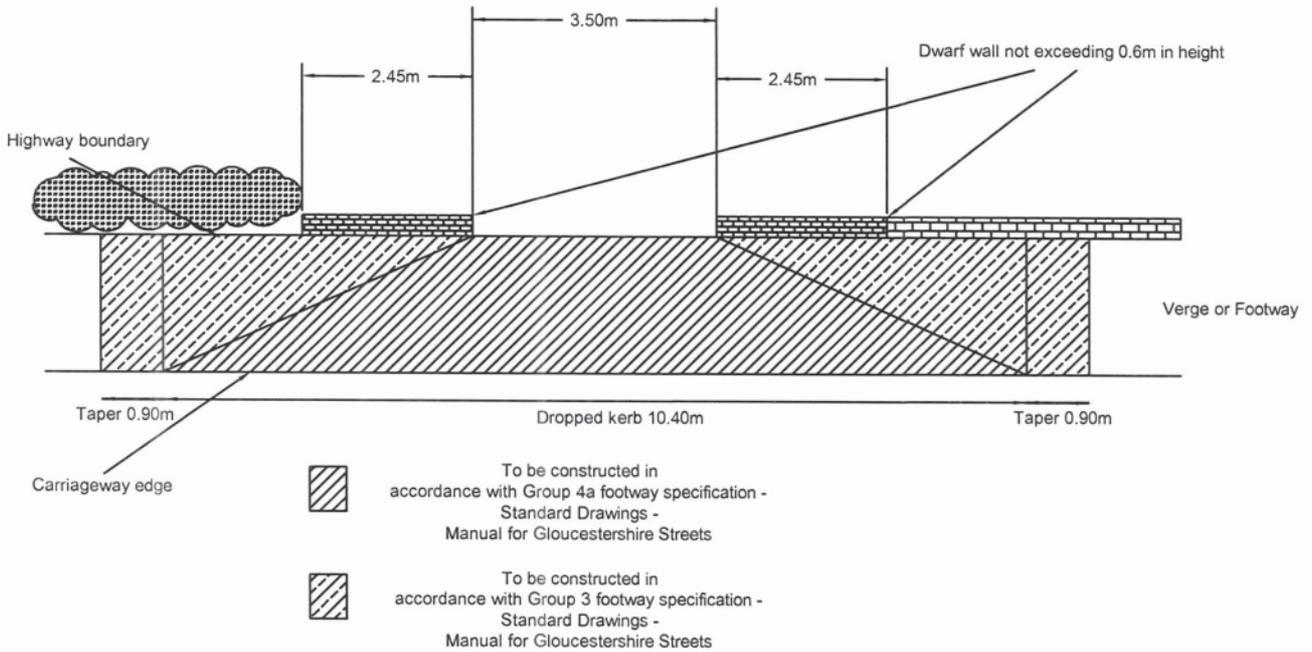


Figure 3.3 – Standard access to 1 dwelling over highway verge (no kerb).



N.B. Permitted development rights to raise height of boundary wall to be removed

Figure 3.4 – Alternative access to 1 dwelling on constrained site where gate post positions cannot be set back 5.0m.

3.1.2 A shared vehicular access from a Class 4 (or lower) highway serving between 2 and 5 dwellings should be designed to accord with the access layouts as set out in Figures 3.5 or 3.6 below. All shared accesses should be designed to a target speed of no greater than 20mph. It is considered acceptable for servicing and deliveries to take place from the existing highway and there is no requirement to accommodate large vehicles within the site. Access should be via a dropped kerb (see 3.1.3 below).

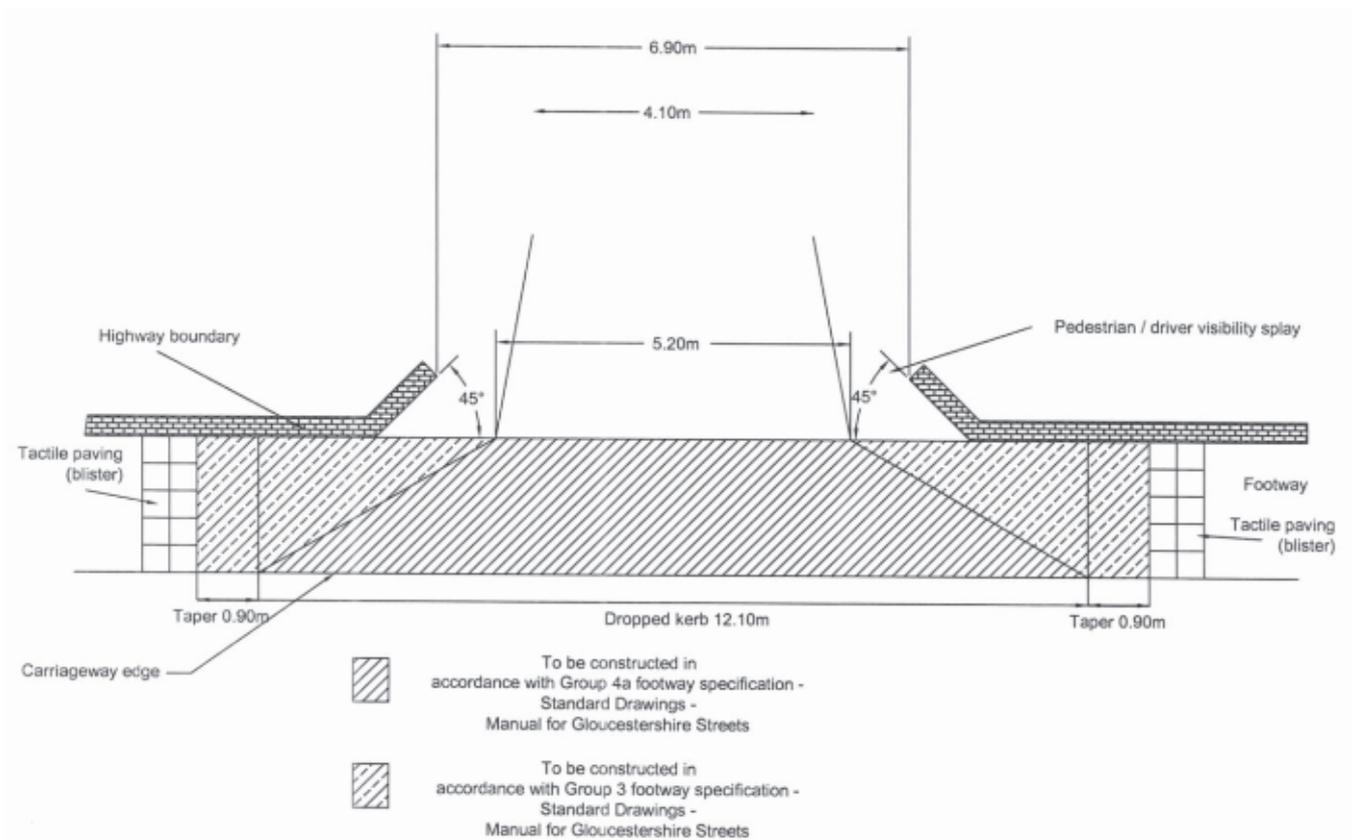


Figure 3.5 – Standard access to 2 to 5 dwellings over footway (only to be used on Class 4 highway or below).

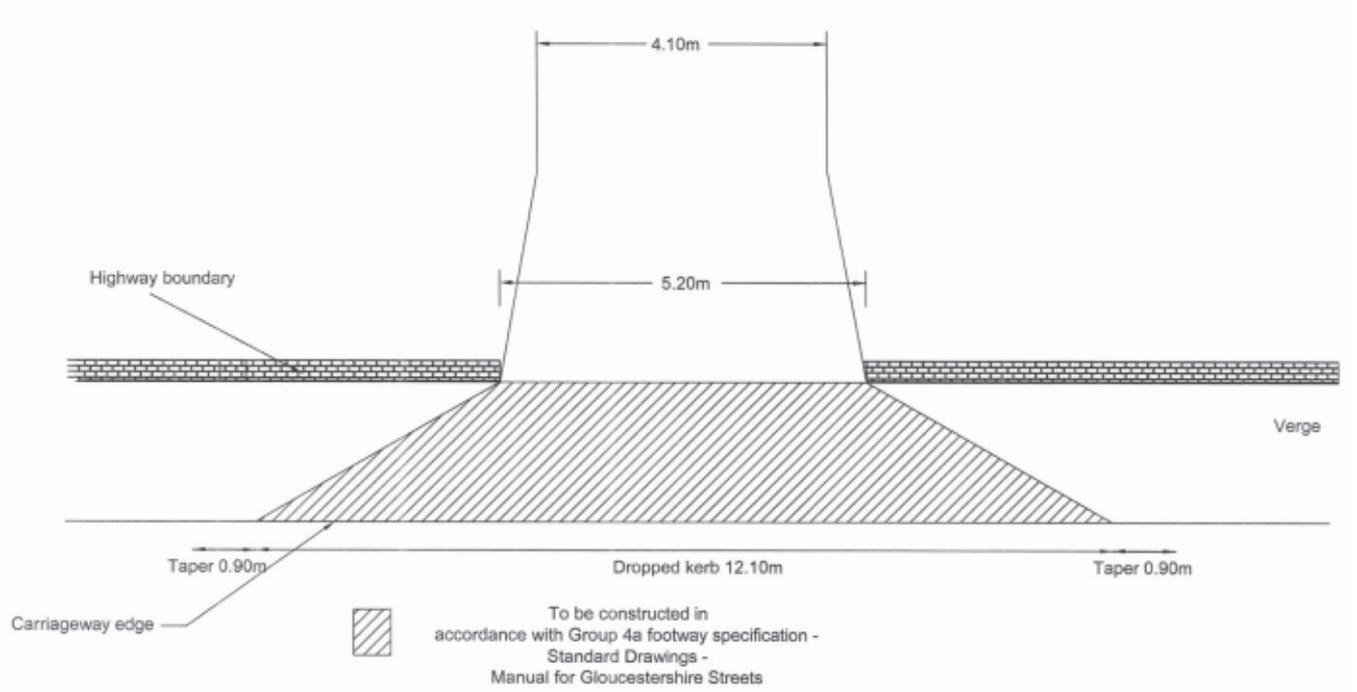


Figure 3.6 – Standard access to 2 to 5 dwellings over verge (only to be used on Class 4 highway or below).

3.1.3 Where access is being taken via a dropped kerb, the maximum longitudinal gradient is 10% (1 in 10) and the maximum crossfall gradient in 2.5% (1 in 40), unless the existing topography prevents this. The maximum kerb height across the access is 25mm. To achieve these requirements it is likely that the back of footway will need to be dropped and a corresponding lowering in height of the private access to the rear of the footway. Details are set out in Figure 3.7 below.

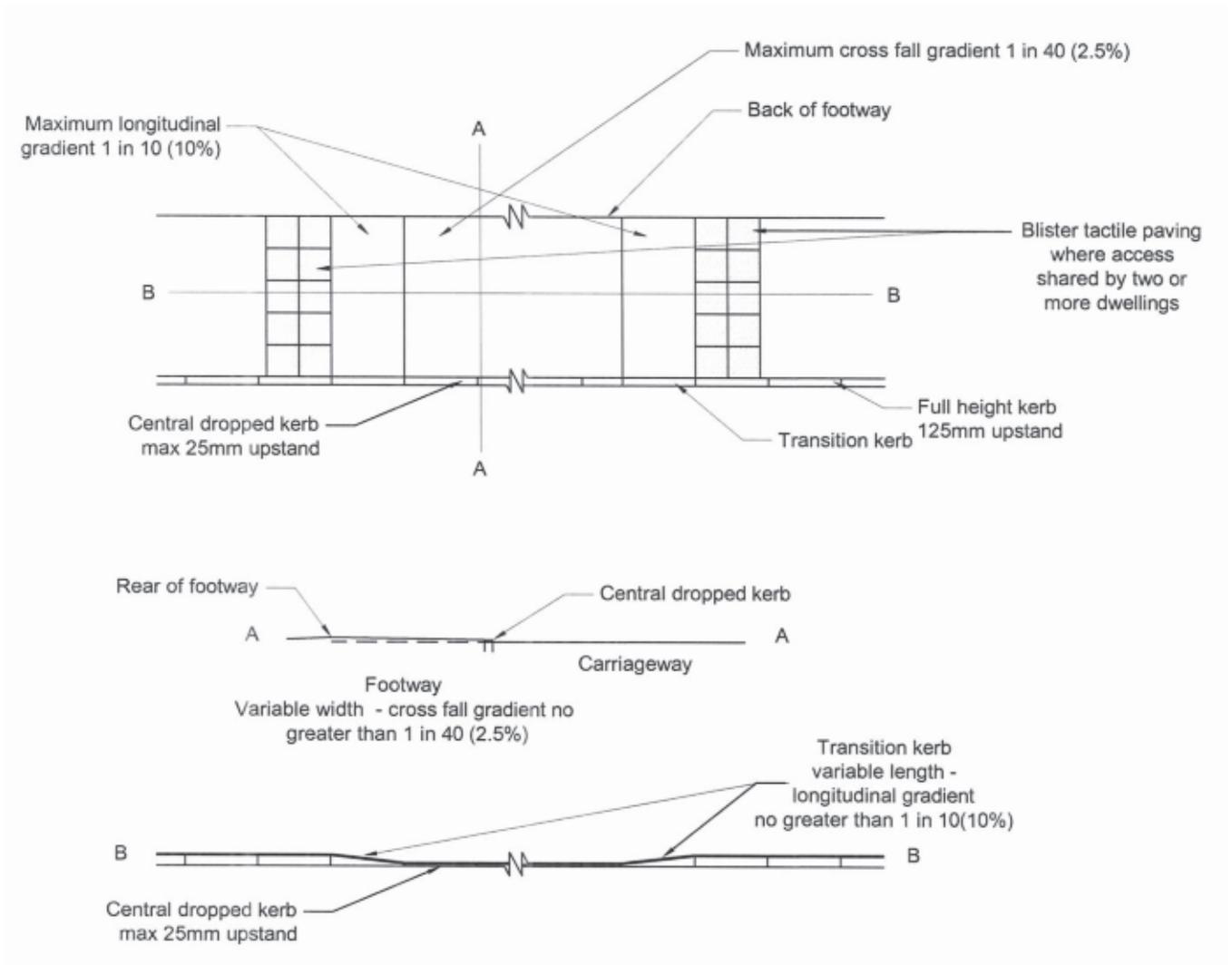


Figure 3.7 – Kerb and tactile paving detail in respect of standard access to 2 to 5 dwellings over footway (only to be used on Class 4 highway or below).

3.1.4 A shared vehicular access from a Class 3 (subject to a 30mph speed limit) highway serving between 2 and 5 dwellings should be designed to accord with the layout set out in Figure 3.8 below. It is considered appropriate to retain the free flow of traffic on a Class 3 highway and there is a requirement to accommodate large vehicles within the site. Facilities for pedestrians need to be provided across the access and details are set out in Figure 3.9 below.

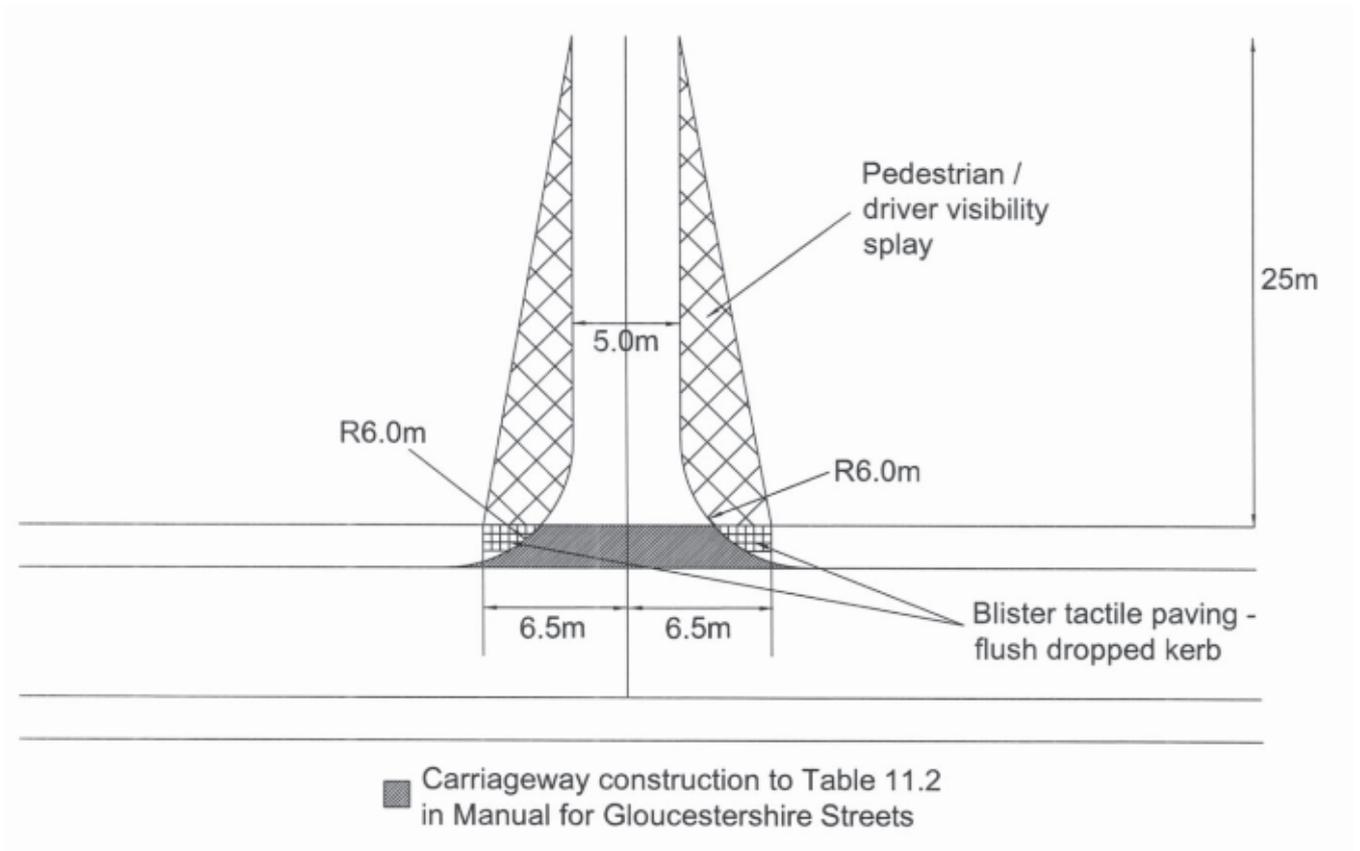


Figure 3.8 – Standard access to 2 to 5 dwellings over footway (to be used on Class 3 highway).

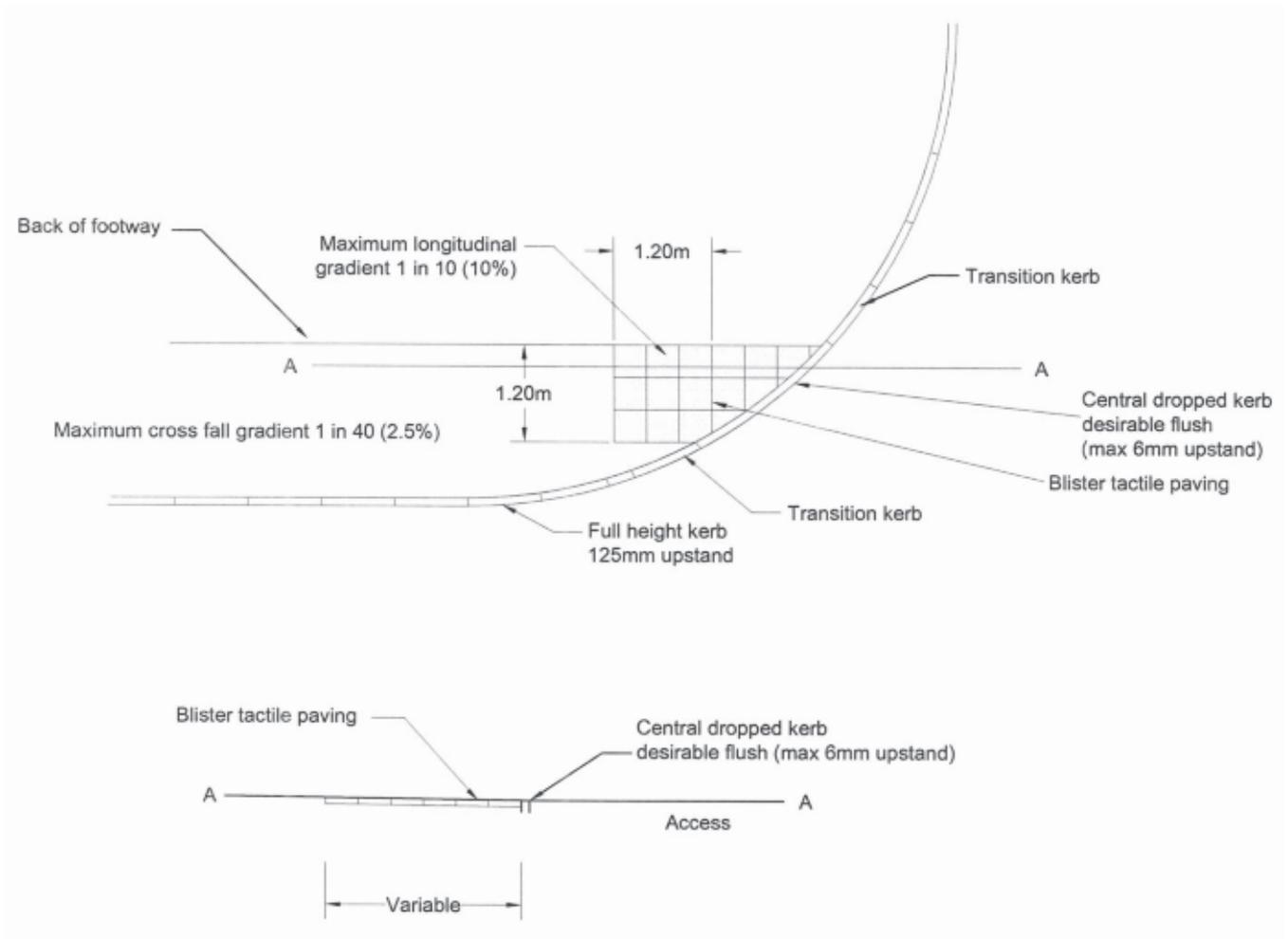


Figure 3.9 – Kerb and tactile paving detail in respect of standard access to 2 to 5 dwellings (to be used on Class 3 highway).

3.1.5 Works on the public highway to drop the footway to provide access requires the permission of the County Council. Application forms for permissions can be obtained by telephoning Gloucestershire Highways tel. 08000 514 514.

3.2 Visibility

3.2.1 The provision of adequate visibility between all highway users as a result of the development is vital for the safety of all road users. Visibility splays should be measured as set out in Figures 3.10 to 3.14 below, depending on the alignment of the adjacent public highway.

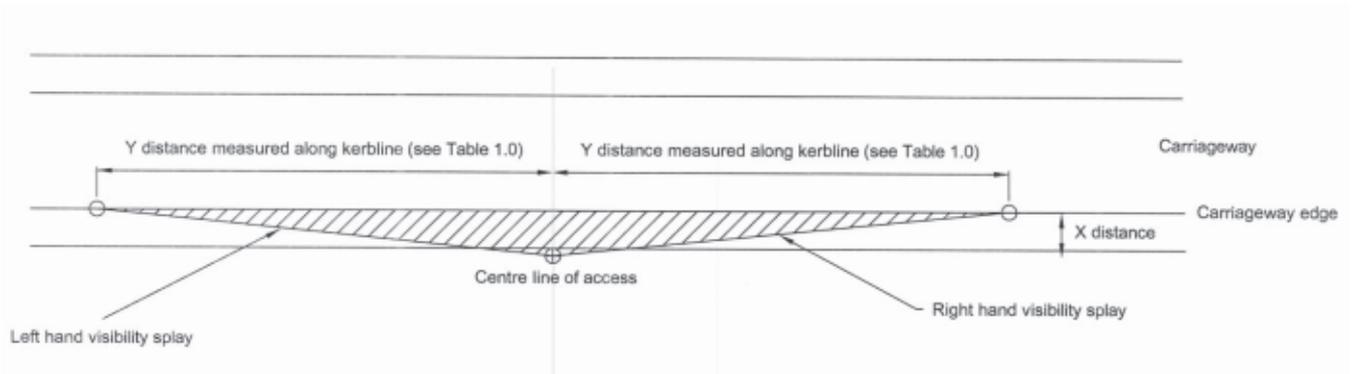


Figure 3.10 – Access visibility splay for traffic exiting development access where access is on a straight highway (measured to nearside edge of carriageway).

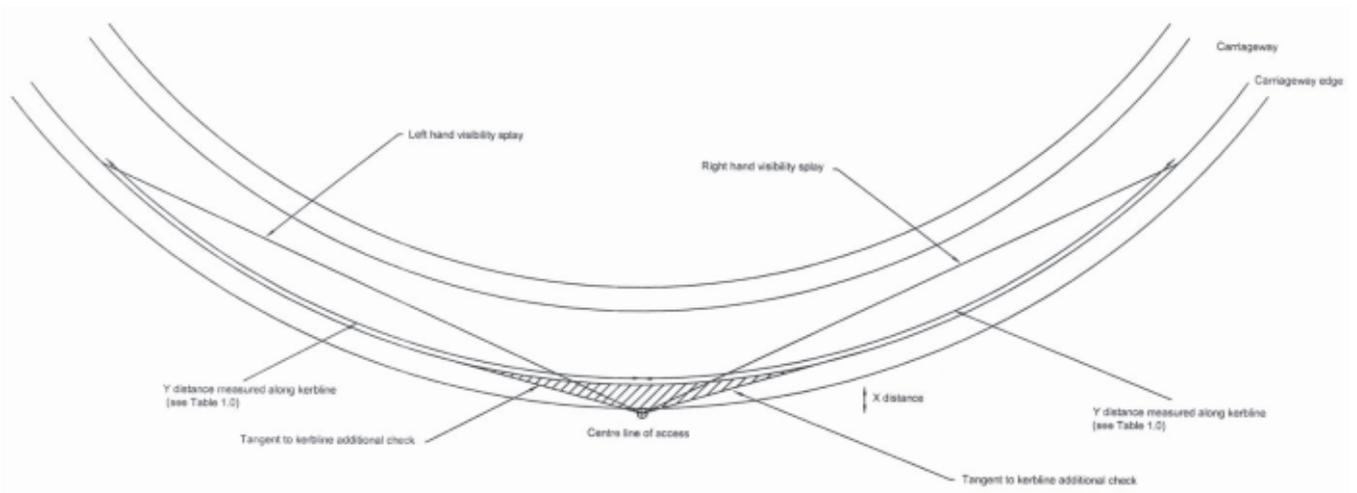


Figure 3.11 – Access visibility splay for traffic exiting development access where access is on the outside of a bend (measured to nearside edge of carriageway).

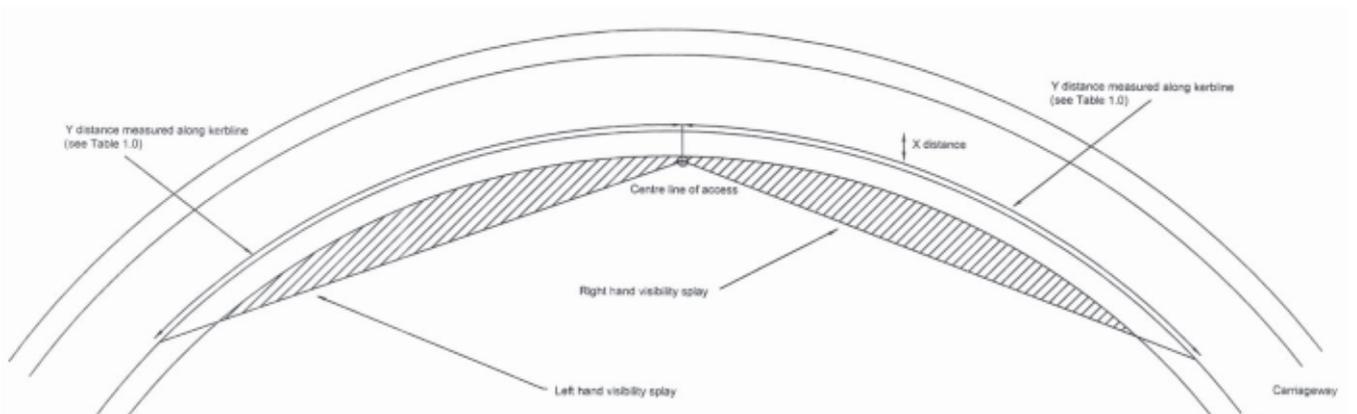


Figure 3.12 – Access visibility splay for traffic exiting development access where access is on the inside of a bend (measured to nearside edge of carriageway)

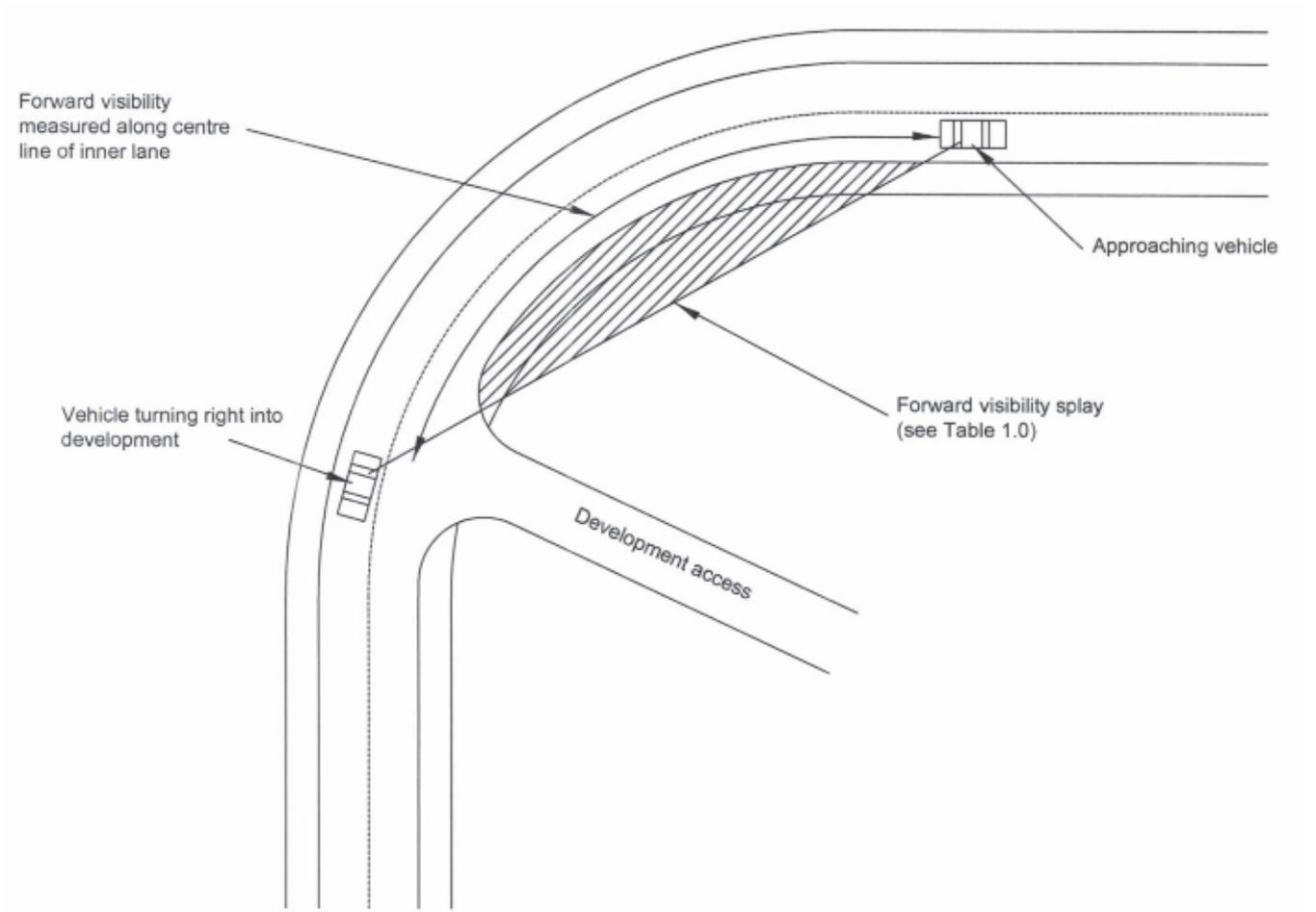


Figure 3.13 – Forward visibility splay for right turning traffic into development access (measured along centre line of inner lane).

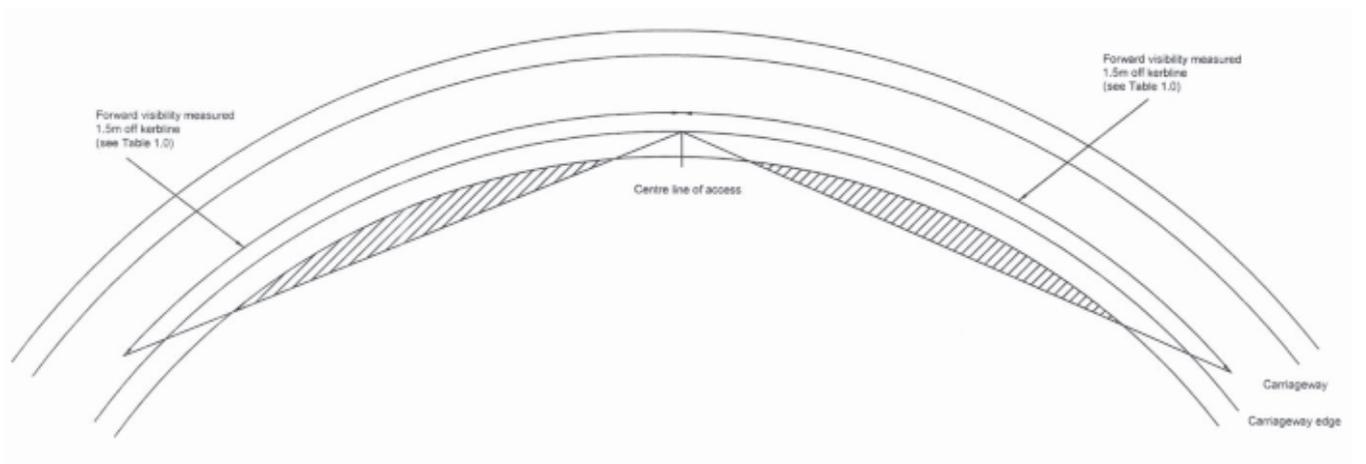


Figure 3.14 – Forward visibility splay for traffic approaching development access (measured 1.5m off edge of carriageway).

3.2.2 If visibility splays cannot be provided in accordance with the deemed to satisfy requirements set out below, the appropriate level of visibility can be derived from a speed survey.

Deemed to Satisfy Visibility Standards

Speed Limit (mph)	20	30	40	50	60	70
Y-distance (m)	22	54	120	160	215	295

Table 3.10

Note: Local evidence from the Gloucestershire County Council (Annual Speed Monitoring Report 1998 to 2006) indicates that the 85%ile speeds for 30mph highway is 34mph;

3.2.3 The speed survey should be undertaken in accordance with TA22/81 (Appendix 2). Confirmation of compliance will be required from the survey company commissioned by the Applicant. In the opinion of the County Council, on 30mph highway a speed survey can be undertaken using a hand held radar gun is acceptable. On 40mph highway, an automatic survey should be undertaken over a 7 day period.

3.2.4 x-distance

The default x-distance for this Standing Advice is 2.4m. Where 2.4m cannot be achieved, consideration can be given to reducing the x-distance to 2.0m where:-

- a). the speed limit is no greater than 30mph; and
- b). the site is located on a residential street; and
- c). there is no departure from the forward visibility requirements; and
- d). the adjacent highway carriageway width is not less than 5.5m.

3.2.5 y-distance

The parameters to be used to determine the appropriate y-distances are dependent upon the character of the highway. On highway subject to a 30mph speed limit or lower, the parameters will come from Manual for Streets, although these will depend on whether the site is located on a bus route, whether the adjacent highway has a high HGV content (above 5%) and whether the corrected 85%ile wet weather speed is greater than 37mph.

This is to take account of the different braking characteristics of types of vehicles and driver behaviour.

On a highway subject to a 40mph speed limit, it is possible that drivers treat the highway as a street, depending on local context. The way the highway is treated can be determined from traffic data, the assumption being that where the average speed is at or below the speed limit, the highway is being treated as a street. If the average speed is greater than the speed limit, the highway is being treated as a road and, under such circumstances, it would be necessary to use the parameters from the Design Manual for Roads and Bridges (DMRB).

On highways with speeds limits of 50mph, 60mph or 70mph, it is necessary to use the parameters from DMRB.

The Y-distances for each scenario are set out in Appendix 1.

3.3 Pedestrian Movement

3.3.1 Design of footways and footpaths:

As identified in Section 2 of this document, schemes proposing alterations to the existing public highway (including changes the carriageway, footway, cycleway, verge and street furniture) or proposing the adoption of highway should be referred to the Highway Authority for highways development management advice.

3.3.2 Improve existing highway and access continuity:

Always attempt to link all private footpaths with the adjacent adopted footway provision to ensure a safe and suitable access for all people.

3.3.3 Crime Prevention:

Footpaths and cycleways should be designed so as to encourage use (i.e. direct and along desire lines) and be lit and overlooked.

3.4 Cycle Movement

3.4.1 Design of highways:

It should be recognised that cyclists will use all streets within and leading to development. Street design should therefore be suitable for this purpose both with regard to safety and the suitability of surfaces.

Where footpaths are to be provided that provide more direct routes than the streets within or to outside the development, consideration should be given to building these as cycleways.

Where cycleways are to be provided, these should meet the Council's Cycle Facility Guidelines, with particular attention to achieving good sightlines at junctions for typical cycling

speeds of 15mph. Where the cycleway intersects a carriageway it should be flush and connect seamlessly without the use of dropped kerbs. Where possible, a separate (segregated by level difference) footway should be provided for pedestrians.

3.4.2 Cycle Parking

All dwellings should be provided with covered, secure storage for cycles. The provision of a garage will be sufficient to provide an adequate facility. Where no garages are proposed, dedicated cycle storage should be provided close to the main entrance and be as close and convenient as any proposed car parking.

Bespoke cycle accommodation to match the dwelling is preferred but various commercial products are also available.

3.5 Surface Water Drainage

3.5.1 Adequate provision should be made to ensure that surface water does not drain on to the public highway. Equally any new access should be designed to ensure that highway water does not drain on to the development site.

3.6 Rights Of Way

3.6.1 The planning application should identify if there is any effect on public rights of way. The need for stopping up or diversion orders should be identified. For further advice on the process please contact the Public Rights of Way section of Gloucestershire County Council.

3.6.2 The planning application should establish rights of access of others to the highway and consider any subsequent effects. It should be noted however that in many cases private rights of access issues will be a civil matter.

3.7 Overhanging

3.7.1 Anything that overhangs the highway must be over 2.1m above the footway level (or a minimum 3.5m above a cycleway level) and no closer than 500mm from the carriageway edge.

3.8 Planting

3.8.1 Roots or overhanging vegetation which causes damage or obstruction to the highway can be removed by the appropriate order by the County Council. It is advised that any planting scheme, especially proposals for trees, allows sufficient clearance from the highway allowing for seasonal growth of vegetation.

3.9 Lighting

3.9.1 Any development shall ensure that any external lighting systems do not interfere with the use of highway.

3.10 Car Parking

3.10.1 Car parking provision should be in accordance with the Development Plan policies and other material consideration, including the National Planning Policy Framework. Residential development should provide sufficient car parking to accommodate likely demand (taking into account the accessibility of the site, the type of dwellings, the availability of and opportunities for public transport, local car ownership levels and the overall need to reduce the use of high-emission vehicles.)

3.10.2 The minimum dimensions of a usable car parking space are 2.4m wide and 4.8m long. If the parking space is also the only available pedestrian route to the dwelling, the width should be increased to 3.2m. If walls are to be constructed on both sides of the proposed car parking space and an alternative pedestrian route is available, the minimum internal width of the parking facility is 3.0m, to allow doors to be opened. However, if this is also the only available pedestrian route to the dwelling, the width should be increased to 3.2m.

3.10.3 For garages, the minimum internal dimensions are 6.0m by 3.0m, with a 2.4m wide access.

3.10.4 In respect of communal residential car parking facilities, provision can be either parallel or angled arrangements. The minimum width of a parallel parking bay is 2.0m where any boundary structure adjacent to the bay is set back at least 1.8m or where a footway is to be provided. The width of the bay should be increased to 3.2m where access will be restricted, to allow access for disabled people. Parallel parking bays should not be provided to the rear of footways, since this could reduce the amount of existing on-street parking. Details are shown in Figure 3.15 below.

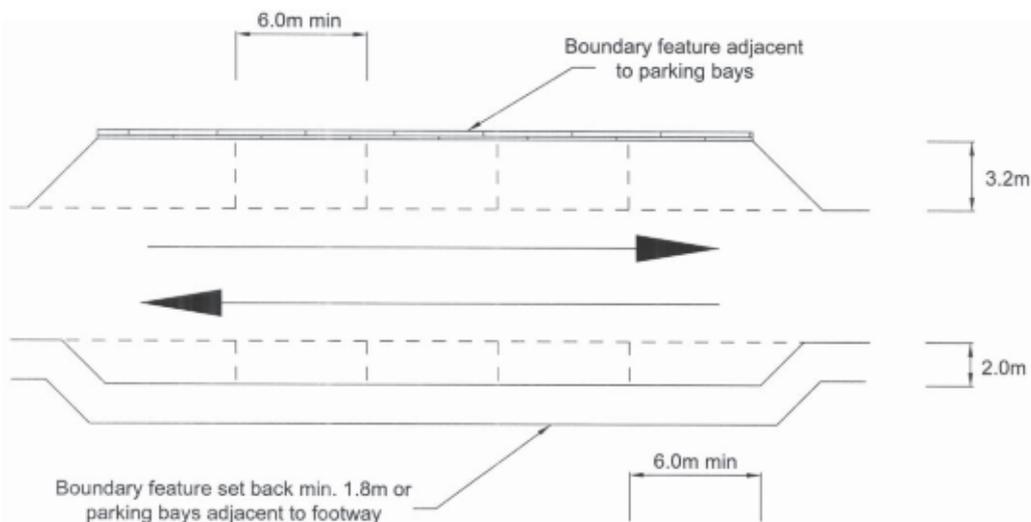


Figure 3.15 – Parallel parking bay detail

3.10.5 The width needed to access echelon or perpendicular spaces conveniently, depends on the width of the bay and the angle of approach. For a 2.4 m wide bay, these values are:

- at 90 degrees, W = 6.0 m;
- at 60 degrees, W = 4.2 m;
- at 45 degrees, W = 3.6 m.

These width requirements can be reduced if the spaces are made wider. Swept-path analysis can be used to assess the effect of oversized spaces on reducing the need for manoeuvring space. Details are shown in Figure 3.16 in below.

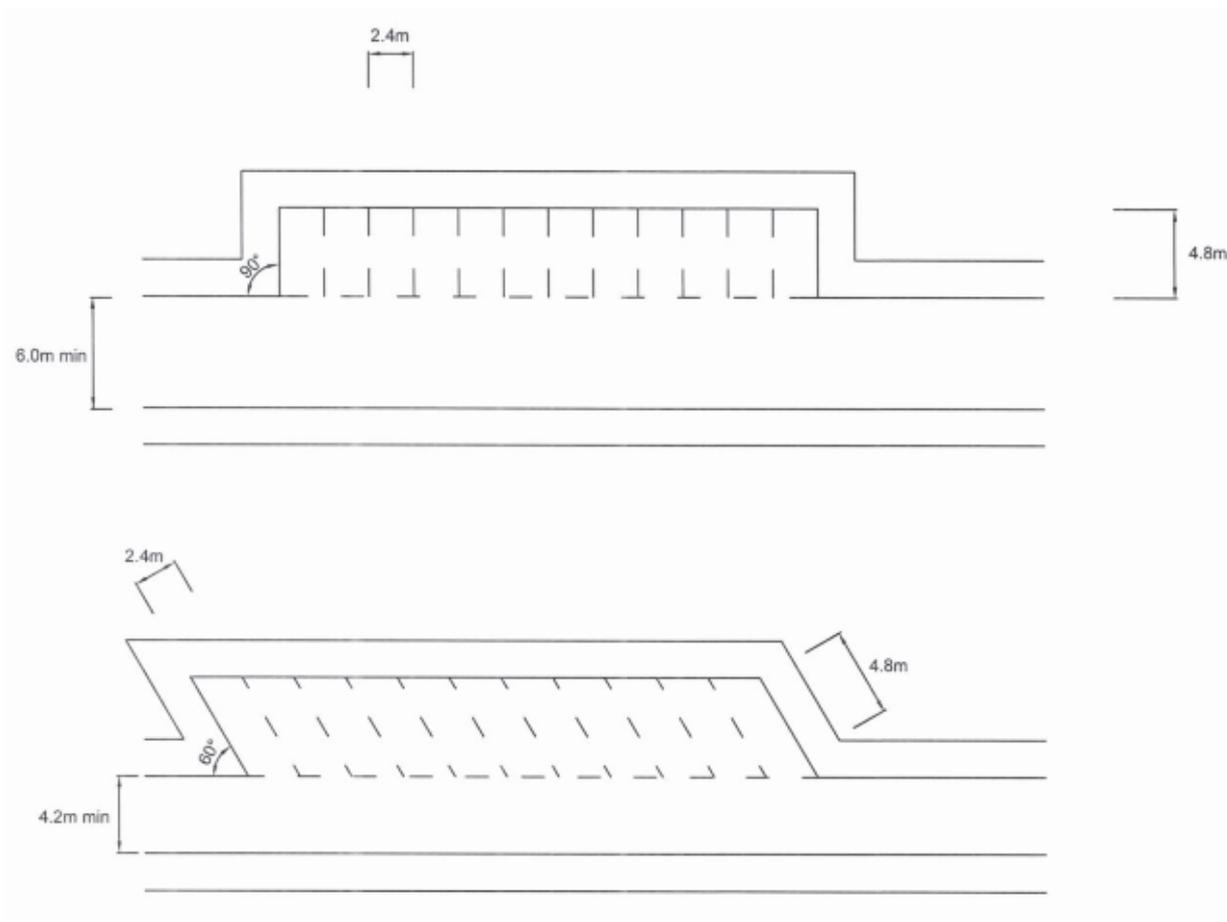


Figure 3.16 – Angled parking bay details.

3.11 Turning Areas

3.11.1 A single residential drive will not require turning facilities.

3.11.2 Shared residential drives serving between 2 and 5 dwellings accessed off a Class 4 street (or lower) should provide turning facilities sufficient to accommodate a car. The deemed to satisfy standards are set out in Figures 3.17 to 3.20 below.

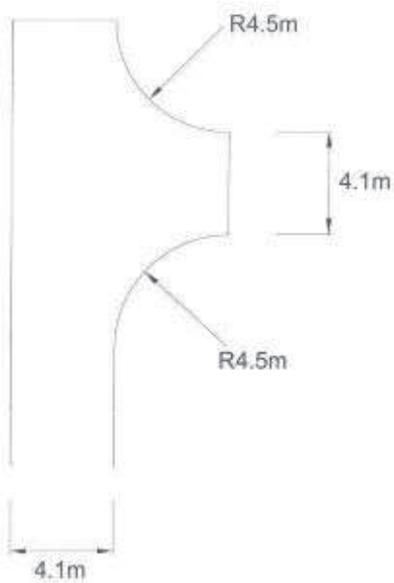


Figure 3.17 – Car turning facility – Option 1

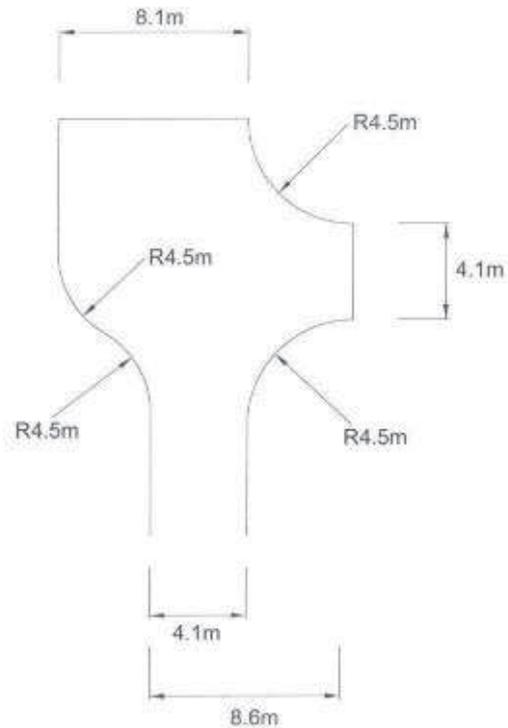


Figure 3.18 – Car turning facility – Option 2

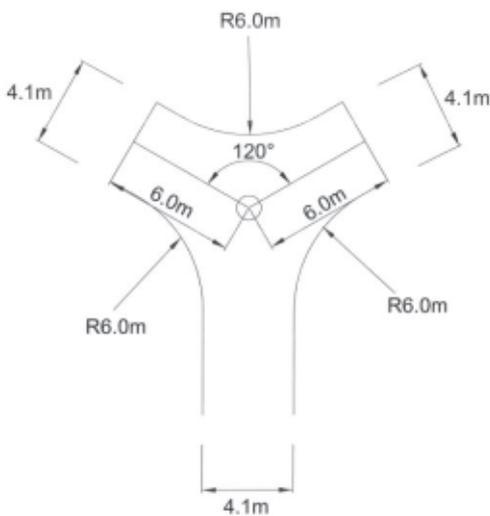


Figure 3.19 – Car turning facility – Option 3

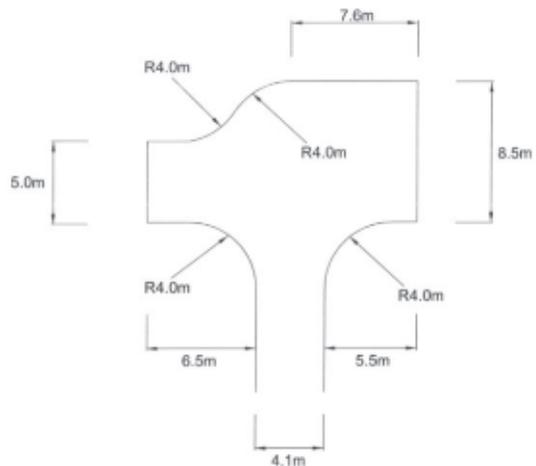


Figure 3.20 – Car turning facility – Option 4

3.11.3 Shared residential drives serving between 2 and 5 dwellings accessed off a Class 3 street subject to a 30mph speed limit (or lower) should provide turning facilities suitable for use by a large refuse vehicle. The deemed to satisfy options as set out in Figures 3.21 to 3.22 below.

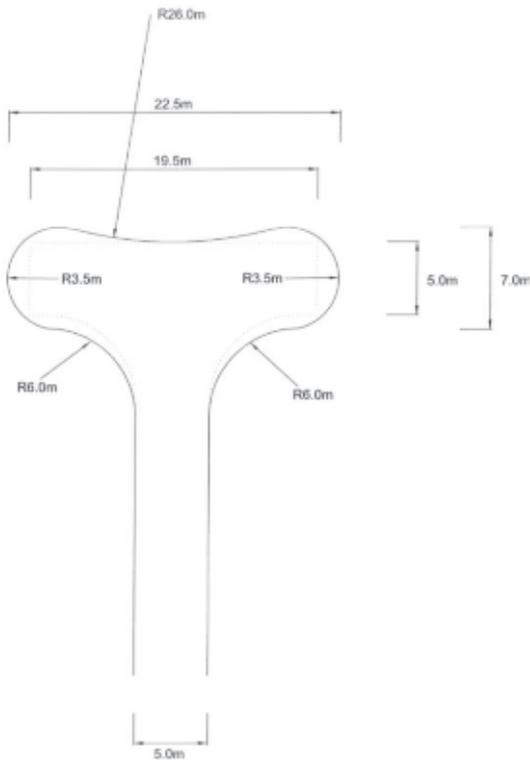


Figure 3.21 – Large vehicle turning facility
 Option 1

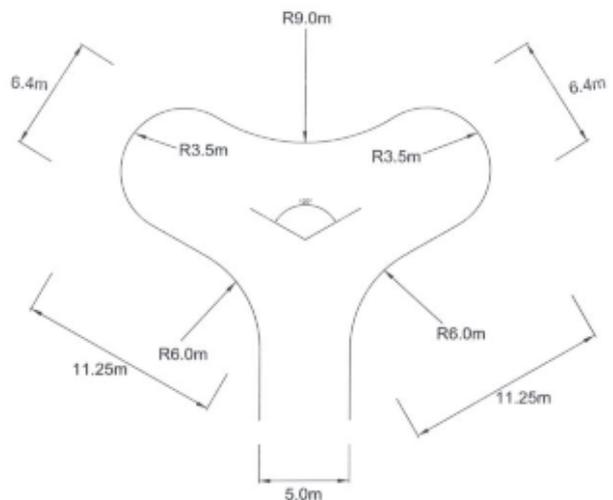


Figure 3.22 – Large vehicle turning facility
 Option 2

4.0 Reasons and Conditions for refusal.

4.1 Appendix 3 of this Standing Advice includes examples of Model Highway Conditions and consideration should be given to attaching such conditions where the relevant tests are met. The list of examples is not intended to be exhaustive. They provide a prompt for Local Planning Authorities to help them undertake their own assessment of planning applications not considered by the County Council.

4.2 In the event that the LPA is considering refusing an application on highways/transport grounds early discussion with Highway Authority officers is strongly recommended. Support in the event of an appeal will only be considered if such liaison has taken place.

APPENDIX 1

Y-Distances

MfS

i). The first column relates to sites not on a bus route and/or a highway with low HGV use (below 5%). This parameter has a reaction time of 1.5 seconds and deceleration rate of 4.41m/s up to 37mph and a reaction time of 2 seconds and deceleration rate of 3.68 m/s thereafter. The distance in brackets is to be used for forward visibility where allowance has been made for bonnet lengths.

ii). The second column relates to sites either on a bus route or on a highway with significant HGV use (above 5%). This parameter has a reaction time of 1.5 seconds and deceleration rate of 3.68m/s up to 37mph and a reaction time of 2 seconds and deceleration rate of 3.68 m/s thereafter. The distance in brackets is to be used for forward visibility where allowance has been made for bonnet lengths.

85%ile speed	Column 1	Y-distances	Column 2
<=12mph	12m (14m)		12m (14m)
13mph	13m (15m)		13m (16m)
14mph	14m (16m)		15m (17m)
15mph	15m (18m)		16m (19m)
16mph	17m (19m)		18m (20m)
17mph	18m (20m)		19m (22m)
18mph	19m (22m)		21m (23m)
19mph	21m (23m)		23m (25m)
20mph	22m (25m)		24m (27m)
21mph	24m (26m)		26m (28m)
22mph	26m (28m)		28m (30m)
23mph	27m (30m)		30m (32m)
24mph	29m (32m)		32m (34m)
25mph	31m (33m)		34m (36m)
26mph	33m (35m)		36m (38m)
27mph	35m (37m)		38m (40m)
28mph	37m (39m)		40m (42m)
29mph	39m (41m)		42m (45m)
30mph	41m (43m)		45m (47m)
31mph	43m (45m)		47m (49m)
32mph	45m (47m)		49m (52m)
33mph	47m (49m)		52m (54m)
34mph	49m (51m)		54m (57m)
35mph	51m (54m)		57m (59m)
36mph	54m (56m)		59m (62m)
37mph	62m (64m)		62m (64m)
38mph	73m (76m)		73m (76m)
39mph	76m (79m)		76m (79m)
40mph	79m (82m)		79m (82m)
41mph	82m (85m)		82m (85m)
42mph	85m (88m)		85m (88m)
43mph	89m (91m)		89m (91m)
44mph	92m (94m)		92m (94m)
45mph	95m (98m)		95m (98m)
46mph	99m (101m)		99m (101m)
47mph	102m (104m)		102m (104m)

DMRB

i). This parameter has a reaction time of 2 seconds and deceleration rate of 2.45m/s. The distance in brackets is to be used for forward visibility where allowance has been made for bonnet lengths.

85%ile speed	Y-distances
45mph	123m (125m)
46mph	127m (130m)
47mph	132m (135m)
48mph	137m (139m)
49mph	142m (144m)
50mph	147m (149m)
51mph	152m (154m)
52mph	157m (159m)
53mph	162m (165m)
54mph	167m (170m)
55mph	173m (175m)
56mph	178m (180m)
57mph	183m (186m)
58mph	189m (191m)
59mph	195m (197m)
60mph	200m (203m)
61mph	206m (209m)
62mph	212m (215m)
63mph	218m (221m)
64mph	224m (227m)
65mph	230m (233m)
66mph	237m (239m)
67mph	243m (245m)
68mph	249m (252m)
69mph	256m (258m)

APPENDIX 2

TA 22/81 – Vehicle Speed Measurements on All Purpose Roads.



THE HIGHWAYS AGENCY

TA 22/81



THE SCOTTISH OFFICE DEVELOPMENT DEPARTMENT



THE WELSH OFFICE
Y SWYDDFA GYMREIG



THE DEPARTMENT OF THE ENVIRONMENT FOR
NORTHERN IRELAND

Vehicle Speed Measurement on All Purpose Roads

Summary: This Advice Note provides advice on vehicle speed measurement for determining speed limits, for the improvement of alignments and major/minor junctions and accesses, for the layout of new major/minor junctions and accesses on existing roads, and for traffic signal design.

DESIGN MANUAL FOR ROADS AND BRIDGES

VOLUME 5	ASSESSMENT AND PREPARATION OF ROAD SCHEMES
SECTION 1	ASSESSMENT OF ROAD SCHEMES

TA 22/81

**VEHICLE SPEED MEASUREMENT
ON ALL PURPOSE ROADS**

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1. Introduction
2. Scope
3. Explanation of Terms and Concepts
4. Sources of Variability in Speeds
5. Setting-Up and Use of Recording Instruments
6. Analysis and Assessment of Results
7. References
8. Enquiries

Appendix 1
Appendix 2
Appendix 3
Appendix 4

November 1981

1. INTRODUCTION

1.1 The Department's current advice on speed limits (Ref 1) contains a reference to detailed guidance on the "measurement and analysis of speed". This note provides some further advice on vehicle speed measurement for the purpose of determining speed limits. It discusses in detail techniques for carrying out measurement of speed using recently developed methods and for analysing results and supersedes paragraphs 27 and 28 of Ref 1.

1.2 There are also applications for improvement of alignments on all purpose roads such as at bends and short diversions. Whereas for new works and major improvements the Department's Highway Link Design Standard (Ref 2) details the necessary techniques for geometric design using as a basis recent speed/flow/geometry relations, minor scheme design can better be based on the use of the measured 85 percentile vehicle speed of approach to the improvement section.

1.3 The layout of major/minor junctions and accesses as described in Departmental Advice Note TA 20/81 (Ref 3) is also, in a number of ways, dependent on a correct assessment of the 85 percentile vehicle speed. The advice herein should therefore be used as a basis.

1.4 Additionally there are applications for the design of traffic signal installations. Here the position of the speed measurement is important, especially for new installations.

2. SCOPE

The methods described herein are

Radar speedmeter measurement.

Measurement using vehicle detectors/timers such as inductive loops or noisy cables.

This note is concerned with "when?", "where?", "how much?" and "how accurate?". Although the note generally applies to vehicles the sample can be confined to cars. Mention of this is made in the text at the appropriate points. Other publications such as Ref 4 provide useful information though of earlier date.

3. EXPLANATION OF TERMS AND CONCEPTS

The following explanations are given to amplify terms and concepts used in this Advice Note.

3.1 Spot speed/Journey speed

The former is the instantaneous vehicle speed measured at a point as distinct from the latter which is measured over a length of road. Spot speeds are measured using devices such as radar speed meters or inductive loops. Journey speeds are measured by moving observer methods or by recording and matching registration numbers at times of passing.

3.2 Free flow

There is no generally accepted definition of this term. However, it may be stated that in free flow conditions headways and lateral displacements are usually so large as to ensure that drivers are in no way prevented, by the close proximity of other vehicles, from driving at the speed of their own choice. These conditions cannot be measured precisely and so it must be a subjective judgement as to whether or not traffic is in a free flow condition. For the purposes of this document it is considered more helpful to suggest times and circumstances when free flow conditions are most unlikely to occur -

Well defined directional morning and evening peaks

Times of high heavy vehicle flow

Directional weekend peaks

Local events (market days,sports events, etc.)

Roadworks

Bad weather

Additionally, sections of the road under consideration where the layout is likely to restrict speeds to a level markedly below that at other points should be avoided. However, if most of the length consists of such features it is neither desirable nor possible to avoid them.

3.3 Speeds (speed limits)

For determining speed limits the 85 percentile dry weather spot speed of cars is used as a yardstick. This is the speed only exceeded by 15% of the cars. When the 85 percentile spot speed has been arrived at, as described later in this Advice Note,it is used to determine the speed limit in the way described in Ref 1.

Chapter 3
Explanation of Terms and Concepts

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3.4 Speeds (improvement of alignment and junctions)

Whereas for speed limits the 85 percentile dry weather spot speed of cars is required, for improvement of alignments and major/minor junctions or accesses, and for new major/minor junctions or accesses on existing roads, the normal design methods are based on the 85 percentile wet weather journey speed of vehicles. The precise point at which the measurements are taken and the timing is important. A point just before the scheme length and a time of free flow are suitable. Measurements must be taken at both ends of the scheme so that traffic approaching from both directions is covered. If different values are obtained the higher speed value should be used in the design process. To get from the dry weather spot speed of vehicles measured to the wet weather journey speed used in design one of the following correction factors should be used -

For AP Dual carriageways ... deduct 8kph

For AP Single carriageways ... deduct 4kph

3.5 Speeds (traffic signal design)

These remarks are confined to areas outside 30mph speed limits. Two types of signal equipment are currently in use related to the following conditions:-

- a) 85 percentile dry weather spot speed of vehicle approach between 55 and 72kph, double vehicle extensions with speed discrimination.
- b) 85 percentile dry weather spot speed of vehicle approach between 72 and 105kph with either triple vehicle extensions with speed discrimination or double vehicle extension with speed assessment.

For a) above measurements should be taken at not less than 80m in advance of the stop line (as seen by traffic) nor more than 100m.

For b) above the values should be 150m to 200m.

To ensure accuracy certain conditions are necessary which are listed at Appendix 1.

4. SOURCES OF VARIABILITY IN SPEEDS

4.1 The results of the measurements are likely to be taken as representative of the speeds of all vehicles using the road in some undefined period - probably a whole year - but the measurements will have been taken within a much shorter period - perhaps no more than two or three hours. The way in which the measurement periods are chosen is every bit as important as the size of the sample.

4.2 Speeds vary from hour to hour, from day to day, from month to month, and from year to year, in a fairly systematic way. They have also been found to vary from one occasion to another more than would be expected from their variability on any one occasion. The total effect of all these variations, even when the times mentioned in paragraph 3.2 above are excluded and only one year is considered, may produce a difference of more than 5kph between the highest and lowest levels of speed. It is essential, therefore, that more than one set of measurements be taken. At least two (and preferably more) recording periods at the site are required, at different times of day and on different days of the week. If measurements cannot be taken in different months, they should be taken in a month that is "neutral" as far as seasonal variation in traffic is concerned - late Spring and early Autumn are recommended, avoiding Bank Holidays - though this is less necessary for urban roads.

4.3 During each recording period at the site, the number of speeds measured will affect the reliability of the result as an estimate of the true value at that time, obviously the larger the sample the better. A sample of 200 vehicles would normally give an estimate of the 85 percentile speed for that period to within + or - 3% at the 95% confidence level, eg. 65 kph + or - 2.0 kph. The value for another period may well be less than 60 or more than 70 kph.

4.4 When using vehicle detectors/timers (inductive loops/noisy cables) at least whole hour periods of free flow (see para 3.2) can be examined at any one time, if not more.

4.5 Measurement error may also arise from the choice of sites, from the way in which the recording device is set up and used, and from the way in which the data are analysed.

4.6 Finally, it cannot be emphasised too strongly that a small total sample from a radar speedmeter is perhaps much more useful than a large sample obtained with little thought provided the survey is carefully planned, executed and analysed by the methods described in this Advice Note. With vehicle detectors/timers, given measurement in free flow periods, the sample problem does not arise to the same extent as it can be very large.

5. SETTING-UP AND USE OF RECORDING INSTRUMENTS

5.1 General

5.1.1 If there is any doubt that the traffic in one direction only, at one site, can be regarded as representative of free flowing traffic on the length of road in question, measurements will have to be made at other places, or in the other direction. Roughly equal samples should be obtained for each site/direction/occasion. In the case of measurement for improvement of alignments and major/minor junctions or accesses, and for new major/minor junctions or accesses on existing roads, the directional samples should be taken at either end of the proposed scheme.

5.1.2 Weather conditions and any unusual circumstances should be recorded at the time and not left until later.

5.2 Radar Speedmeters

5.2.1 When using a radar speedmeter the first requirement is that a chosen site should have sufficient space to accommodate the meter and the observers (usually in a car) without disturbing the traffic. A verge, an unused entrance, or the beginning of a layby, are suitable. The installation should be an inconspicuous as possible, and if the meter's antenna unit can be mounted on a car window instead of on a tripod it will be less noticeable.

5.2.2 The site should not be near junctions (unless readings are being taken in connection with improvements to the junction) or bus stops, see paragraph 3.2 above. Situations where the radar beam may be obstructed by parked cars, or where vehicles are likely to be accelerating or braking, should also be avoided. Except at very light flows, it is not advisable to measure the speeds of vehicles on the far side of a single carriageway (and especially not on the far carriageway of a dual carriageway road).

5.2.3 The operating instructions for the meter should be carefully followed, especially in relation to interference and calibration. Some meters can be adjusted to ignore vehicles travelling in the "wrong" direction. With most meters, however, the response to those vehicles should be minimised by careful aiming of the antenna or by reducing the range setting. The aiming of the antenna is important, since a meter measures speeds along the centreline of the beam and then allows for any intended angle between that and the direction of the road. With meters that are designed to be aimed straight along the road, an error of 10 degrees either way (towards the road, or away from it) will cause the meter to underread by 1.5%. With meters that have a built-in offset correction, and are designed to be set with the beam at a particular angle to the road direction (say 20 degrees) an error of 10 degrees will cause the meter to overread by 5% or underread by 8%. When correctly set, the error of the meter is probably less than 2 kph.

5.2.4 It is best to have two observers, one reading the meter and the other recording the values. Using this method measurements can be confined to cars only if required. Provided that the traffic flow is light enough, and the observers have had enough practice, the speed readings for all vehicles (in one direction) should be recorded if possible. If the flow is too heavy for all vehicles (cars) to be measured some sort of sampling procedure is needed. To avoid bias, the sampling must be based on an attribute that is not related to speed, and is easily decided. The most satisfactory bases are colour (white cars for instance have been found to be representative in type and age, and to give approximately a 20% sample but this will change over the years), or registration number (where odd or even numbers will give a 50% sample, and specified first or last digits will give 10%, 20%, etc - approximately). The latter method is necessary if all vehicles are being sampled.

5.2.5 A value should be recorded for every vehicle that satisfies the sampling criterion. Ideally, that value would be a steady reading on the meter, but except at very low flows, it will not be possible to get a steady reading for every vehicle that passes. Sometimes the meter will give a brief indication - a flick of the needle, or a flicker of the digits - that can be recognised and accepted as the speed of the vehicle in question. Sometimes there will be no response at all. There are two different situations where readings are likely to be missed completely:-

- a) where a vehicle is overtaking another vehicle while both are in the radar beam.
- b) where a vehicle is following closely behind other vehicles, and the observer cannot be sure that the meter gave a separate reading for each.

If the missed readings are simply ignored, or recorded as a vehicle passing but no speed registered and then omitted from the analysis, it is equivalent to assuming that the true speeds of these vehicles have the same distribution as those that were measured, and with the same mean. But if these missed speeds are likely to form a significant proportion of the total (say, more than 10%) some alternative assumptions are preferable. They are:-

- a) that vehicles travelling in a fairly compact bunch all have the same speed; and
- b) that overtaking vehicles are travelling (say) 15 kph faster than the overtaken vehicle. Since the overtaken vehicle will often be a large vehicle, and since it is in any case closer to the meter, it will probably give a reliable reading.

Values arrived at in this way should carry a distinguishing mark in the records.

5.2.6 On dual carriageways, an alternative procedure is to record the lane of travel for all vehicles passing, and to assume that missed vehicles in either lane have the same speed distribution as those recorded in the same lane. Speeds in the two lanes would then be analysed separately, and combined in the proportions of the numbers of vehicles passing in each lane, not the numbers with speeds recorded.

5.2.7 These practices may seem complicated, and if they are not necessary (as at low flows), they should be avoided. However, if a lot of speeds are missed, to ignore them may bias the answer. The best time to estimate an individual speed is when the vehicle passes - not later, when the observer's memory of the circumstances will have faded. It is reasonable to expect that a sensible observer's estimate is better than the assumption that the missed vehicles are average.

5.2.8 Where measurements are required for modifying an existing traffic signal installation a different technique may be used with radar speedmeters or other methods which require an operator to be present. The sample should include only those vehicles that pass (at a point 150-200m back from the stop line) while a green signal is showing and no queue is present.

5.3 Vehicle Detectors/Timers

5.3.1 Speed measuring equipment based on vehicle detectors is entirely automatic in operation. It can provide mean speeds and frequency distributions, and other traffic data. However, unlike radar speedometers, it cannot distinguish cars from other vehicles, although vehicle separation by length is possible. Pairs of inductive loops or noisy cables are stuck to (or installed in) the road surface and connected to a detector/timer/counter unit which is securely fastened to some convenient roadside furniture. The passage of a vehicle over a loop/cable generates an electrical signal. The time interval between the start of the signal from the first loop/cable and the start of the signal from the second loop/cable is measured and, using the separation distance of the loops/cables, converted into a speed, which is recorded.

5.3.2 In one version of this sort of equipment, the detector/timer/counter unit is very small and inconspicuous. A separate control/output unit is temporarily connected to it to enable site information (including loop/cable spacing) to be programmed and the equipment to be tested, and is then removed. At the end of the measurement period, the control/output unit is reconnected to extract the results and it will then display them on command, or output them to a printer or VDU. The output can consist of a frequency distribution, or mean speed and various percentile speeds, for preset intervals over a period (eg, every hour for two weeks). Up to three lanes of traffic can be dealt with.

5.3.3 Where inductive loops are used each loop should consist of 4-6 turns if possible, at least 2m wide (ie, across the road) and 1m long (along the road), accurately laid and securely fastened - loose loops can be a traffic hazard. Two loops about 1m apart are laid in each lane of travel, so that the separation of their leading edges is about 2m, but this will vary with the type of equipment used. On dual carriageways each loop pair should be at least 2m laterally from the loop pair in the adjacent lane, to minimise double counting of straddling vehicles. On single carriageways one loop pair will generally be used for each direction, and vehicles crossing the loops in the wrong direction will not be recorded.

5.3.4 The manufacturer's installation and operating instructions should be carefully followed and these will include checks to ensure that the equipment is working properly. Wherever possible a vehicle with a calibrated speedometer should be used for a broad check on the readings given.

5.3.5 If the equipment can distinguish short vehicles, say those less than 5m long, longer vehicles may be excluded. If all vehicles are included a correction can be applied later in order to estimate the 85 percentile speed of cars only (see paragraph 6.6).

6. ANALYSIS AND ASSESSMENT OF RESULTS

6.1 Appendix 2 gives a check list to apply to results before analysing and assessing them. It is emphasised that the value finally arrived at is reliable only if the surveys were carefully planned, the measurements carefully taken and the results carefully assessed. The checks in Appendix 2 are therefore important and must not be overlooked.

6.2 There are several ways of estimating the 85 percentile speed from sets of measurements. The most direct way is to list all the speeds in ascending order, and count from the highest value until 15% of the total number of values have been passed. The speed arrived at is the 85 percentile speed. A quicker method is to group the values into, say, 10 kph groups and then plot the "cumulative frequency distribution" as explained in Appendix 3.

6.3 A quite different way of estimating the 85 percentile speed, and the only way that can be recommended for total samples of less than, say, 200 speeds such as may be obtained with a radar speedmeter is to make use of the well known shape of speed distributions. They are, for all practical purposes, Gaussian (ie, Normal). For a Normal Distribution, the 85 percentile is 1.037 standard deviations above the mean, where the standard deviation of speed, v , is estimated as-

$$\sqrt{\frac{(v - \text{mean})^2}{n - 1}}$$

It is sufficiently accurate to take

$$85 \text{ percentile} = \text{mean} + \text{standard deviation}$$

Some electronic speed measuring equipment gives the mean and standard deviation (and/or the 85 percentile) in its output and many pocket calculators will give the mean and standard deviation of values entered in case they are needed; however, the formulae are given in Appendix 3.

6.4 Separate calculation of either the 85 percentile speed (as in para 6.2) or the standard deviation (as in para 6.3) provides a useful check on the reliability of the measurements, since the ratio

$$\frac{85 \text{ percentile}}{\text{mean}} \quad \text{or} \quad \frac{\text{standard deviation}}{\text{mean}}$$

can then be compared with its expected value.

Because the standard deviation of speeds is usually equal to about one sixth of the mean speed, the ratio:-

$$85 \text{ percentile}/\text{mean}$$

usually lies in the range 1.1-1.25. (In Highway Link Design, Ref 2, this ratio is taken as the fourth root of 2 or 1.18 approximately. Further advice is given in the Advice Note on Highway Link Design.)

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6.5 Where measurements are required for modifying an existing traffic signal installation and all the vehicles have been included (rather than the restricted sample defined in paragraph 5.2.8) the mean speed will reflect the lower speed of vehicles approaching a red signal or a queue. In these circumstances the 85 percentile speed must be derived directly as in paragraph 6.2 and not from the mean speed. The ratios

$$\frac{\text{85 percentile}}{\text{mean}} \quad \text{and} \quad \frac{\text{standard deviation}}{\text{mean}}$$

given above will not apply.

6.6 The 85 percentile speed of cars required for speed limit setting may be estimated from the 85 percentile speed of all vehicles (including long vehicles) by adding 1kph on single carriageways or 2 kph on dual carriageways for every 15% of heavy vehicles.

Appendix D

- 6 Do not set up the equipment at or near:-
- a junction
 - traffic lights (including pelicans)
 - roadworks
 - pedestrian crossings
 - parked or stationary vehicles
 - considerable frontage access
 - features where traffic has to slow down, eg, a sharp bend, where the road narrows, a steep gradient, etc.
- 7 In addition to the points above read the manufacturer's instructions regarding setting up the equipment and follow them carefully. Check that the equipment and the operators are not conspicuous to drivers as this could affect speeds.
- 8 When vehicle detector/timers having peripheral logic and print-out facilities are being used the 85 percentile speeds printed out can be used with confidence for subsequent determination of speed limits provided items 1-7 above have been fully complied with and the advice for converting vehicle speeds to car speeds in paragraph 6.6 of the Advice Note is followed. In other circumstances the instructions in paragraph 6 and appendices 2 and 3 should be taken into account as applicable.
- 9 Refer to DTp Circular Roads 1/80 "Local Speed Limits" for general advice in determining speed limits.

GENERAL CHECKLIST FOR THOSE PLANNING TO SET UP VEHICLE DETECTOR/TIMERS OR RADAR SPEEDMETERS FOR TAKING MEASUREMENTS TO ASSESS THE NEED FOR SPEED LIMITS

(The implications of various points below are discussed in the main text)

- 1 Take readings where possible in late spring or early autumn.
- 2 Take readings at different times of the day and on different days of the week. A minimum of two sets is required, for instance, during the morning on one day and during the afternoon on another day.
- 3 A set of readings must include a minimum of 200 vehicles. However, the longer the period measured the more accurate will be the results. Always take as many measurements as is practical.
- 4 The preferred times for taking readings are 10.00 - 12.00 and 14.00 - 16.00 hours.
- 5 Do not take readings during:-
 - morning and evening peaks if these cause congestion
 - local events, eg market days, local holidays, fetes, race meetings, etc.
 - bank holidays
 - weekends
 - bad weather
 - high heavy goods vehicle flows

This procedure should enable an accurate assessment to be made of the speed of vehicles along the road in "free flow" conditions.

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For calculation purposes, a useful relationship is:-

$$\sum(v-m)^2 = \sum v^2 - (\sum v)^2/n$$

For example, if 150 speeds are measured, and the sum of the speeds is 7,500 and the sum of the squares of the speeds is 385,765, then:-

$$m = \sum v/n = 7,500/150 = \underline{50.0}$$

$$\begin{aligned} \sum v-m^2 &= \sum v^2 - (\sum v)^2/n = 385,765 - 7,500^2/150 \\ &= 385,765 - 375,000 = 10,765 \end{aligned}$$

$$s = \sqrt{\sum(v-m)^2/n-1} = \sqrt{10,765/149} = \sqrt{72.25} = \underline{8.5}$$

Note that the standard deviation, 8.5, is approximately one sixth of the mean:

$$50 \div 6 = 8.3$$

the 85 percentile is then given by

$$v = m + s = 50 + 8.5 = \underline{58.5}$$

which should be rounded to 59. (If use in minor scheme design is intended the caveats/corrections given in paragraph 3.4 need taking into account).

a) There should not be a parked vehicle or other obstruction, such as roadworks, within 100m of the measuring point.

b) Measurements should be taken as close to the measuring points as possible.

c) Only those vehicles which can be expected to clear run through the junction should be included. Any which deliberately speed up to go through on amber should be included using subjective judgement.

d) Care should be taken by any enumerators to be as inconspicuous as possible so as not to influence traffic behaviour.

e) Because the (proposed) equipment does not come into use at higher flows, as the signals run to maximum, measurements should be taken when flow does not exceed 50% of maximum flow.

f) The ideal arrangement is to take speed measurements when flows are 20-40% of maximum.

b) Have more than 20% of speeds been estimated in the way suggested? If so, it may be concluded that a radar speedmeter is not suitable for measuring speeds in these conditions. In that case, can the traffic fairly be described as free flowing?

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c) Do the speeds recorded (excluding those with obvious bias towards round numbers like 30, 35, 50? If so, check more carefully. About 10% of the values should end in "5", and 10% in "0", but up to twice those proportions would be acceptable in a sample of 100 or so. Beyond that, regard the measurements with suspicion.

d) Do the speeds recorded show any obvious bias towards odd or even numbers? This is especially likely with meters that have a needle on a scale display, rather than a digital display, and is not important.

Data recorded by measurement using vehicle/detector timers such as inductive loops or noisy cables are not prone to the faults above, but other faults are possible. Some equipment, for example, may give spurious readings for closely spaced vehicles. These faults may be obvious in the output - perhaps through a suspiciously high number of very low speeds. They may, however, be detected during the analysis of results.

full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant;

However, not all development plan policies have been saved and circumstances are constantly changing. The weight to be given even to 'saved' policies can be diminished by later planning policy guidance, particularly if the guidance is at odds with the development plan policies. The general (that is not site specific) 'saved' Local Plan policies that currently appear to make some reference to highways and transport issues are appended.

Highway safety is a matter of acknowledged importance, hence the requirement in the GDPO for the LPA to consult the LHA in some circumstances. Thus, even in the absence of reference to a specific development plan policy, any recommendation that a condition (or refusal reason) be imposed for highway safety purposes should be taken into account as a material consideration. The need for the LPA to refer to a specific policy is likely to be more necessary when our representations relate to accessibility or provision of transport infrastructure.

Timing

Some of the common beginnings to conditions that can be used instead of the wording in the model conditions below are:-

- a) Prior to occupation of the dwelling hereby permitted
- b) No dwelling on the development hereby permitted shall be occupied until....
- c) No works shall commence on site until...
- d) Prior to the change of use hereby permitted occurring...
- e) Within 3 months of the date of this permission (use for retrospective proposals)

The timing in the model conditions is shown in italics and optional text most likely to be amended to suit development-specific situations is shown in square brackets [.]. Some common options are shown below the reason. Asterisks represent details to be added.

Condition #1: ACCESS

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.*****]¹ [with any gates situated at least [4.5m]² back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and]³ [with the area of driveway within at least 4.5m of the carriageway edge of the public road surfaced in bound material]⁴, and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring the access is suitably laid out and constructed [and in accordance with Policy **]⁵.

1 insert drawing number if known or date received by LPA

2 amend distance to allow vehicle to wait clear of carriageway

3 or [without entrance gates and]

4 only use if acceptable surfacing not shown on plan

5 insert relevant Local Plan policy if available

Condition #2: DRAINAGE (SURFACE WATER)

The vehicular access hereby permitted shall not be brought into use until provision has been made within the site for the catchment and disposal of surface water, and such provision shall be maintained thereafter.

Reason:- To reduce potential highway impact by ensuring that surface water does not have to be discharged on to the public highway, [and in accordance with Policy **]¹.

1 insert relevant Local Plan policy if available

Condition #3: PARKING & TURNING

The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning]¹ [and loading/unloading]² facilities have been provided in accordance with the submitted plan [drawing no.*****]³, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site, [and in accordance with Policy **]⁴.

1 if turning area shown and required

2 if facilities for goods vehicles are shown and required.

3 insert drawing number if known or date received by LPA

4 insert relevant Local Plan policy if available

Condition #4: TURNING/PARKING (no details required - only use this condition if you are certain that there is sufficient land within the site to comply. Otherwise obtain details of the proposed turning and parking facilities and secure by attaching Condition #3 above)

The dwellings hereby permitted shall not be occupied until space has been laid out within the site for [**]¹ cars to be parked, and for all vehicles to be able to turn so as to enter and leave the site in forward gear, and such provision shall be maintained thereafter.

Reason: To reduce potential highway impact by ensuring that vehicles do not have to reverse to or from the public highway, [and in accordance with Policy **]².

¹ insert a number of spaces if necessary

² insert relevant Local Plan policy if available

Condition #5: PARKING (full permission)

[The dwelling hereby permitted shall not be occupied]¹ until the car parking associated with that dwelling (including garages and car ports where proposed) has been provided in accordance with the submitted plan [drawing no. ****]², and shall be maintained available for that purpose thereafter.

Reason: - To reduce potential highway impact by ensuring that vehicles do not have to park on the highway, [and in accordance with Policy **]³

¹ for multiple dwellings use [None of the dwellings hereby permitted shall be occupied]

² insert drawing number if known or date received by LPA

³ insert relevant Local Plan policy if available

Condition #6: VISIBILITY (Vehicular)

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been [set back]¹ to provide visibility splays extending from a point [2.4m]² back along the centre of the access (measured from the public road [**m]³ distant in both directions, to a point on the nearer carriageway edge of the public road [**m]³ distant in both directions, and the area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between those points at a height of between 1 metre and 2.1m above the adjacent carriageway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained, [and in accordance with Policy **]⁴.

¹ could be [lowered] in some situations

² [2.0m] could be consider in some very lightly-trafficked and slow speed situations (see section 3.2.4 above)

³ distance based on criteria in appropriate guidance (see section 3.2.5 above)

⁴ insert relevant Local Plan policy if available

Condition #7: VISIBILITY (pedestrian)

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along the centre of the access, measured nearer edge of the footway, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason:- To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained, [and in accordance with Policy **]¹

1 insert relevant Local Plan policy if available

Condition #8: JUNCTION COMPLETION

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first [20m]¹ 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 reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of construction works [and in accordance with Policy **]².

1 alter as appropriate

2 insert relevant Local Plan policy if available

Condition #9: ACCESS RESTRICTION (outline - 'access' reserved)

The vehicular access to the development shall be gained only from [High Street]^{1&2}.

Reason: - To reduce potential highway impact by ensuring that there is no additional vehicular access to [ROAD NAME] from and use of a road considered unsuitable to serve further development

1 insert road name as appropriate

2 or specify location such as [situated at the western extremity of the site frontage] or [shall be positioned to provide optimum visibility]

Condition #10: CLOSURE OF ACCESS

The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed, and the footway/verge in front has been reinstated, in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason:- To reduce potential highway impact by ensuring there is no further use of an access that is deemed to be unsuitable to the serve the development.

Condition #11: CONSTRUCTION METHOD STATEMENT

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway [and in accordance with Policy **]¹.

1 insert relevant Local Plan policy if available

Condition #12: RETROSPECTIVE PERMISSION

Unless within [one]¹ month of the date of this decision a scheme for [whatever works are required]², is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is then implemented within [three]³ months of the Local Planning Authority's approval, the use of the site for the purpose otherwise permitted by this permission shall cease.

Reason:- To ensure that the development is carried out in a manner that does not have a detrimental effect on the public highway [and in accordance with Policy **]⁴.

1 amend as appropriate

2 specify works required

3 amend as appropriate

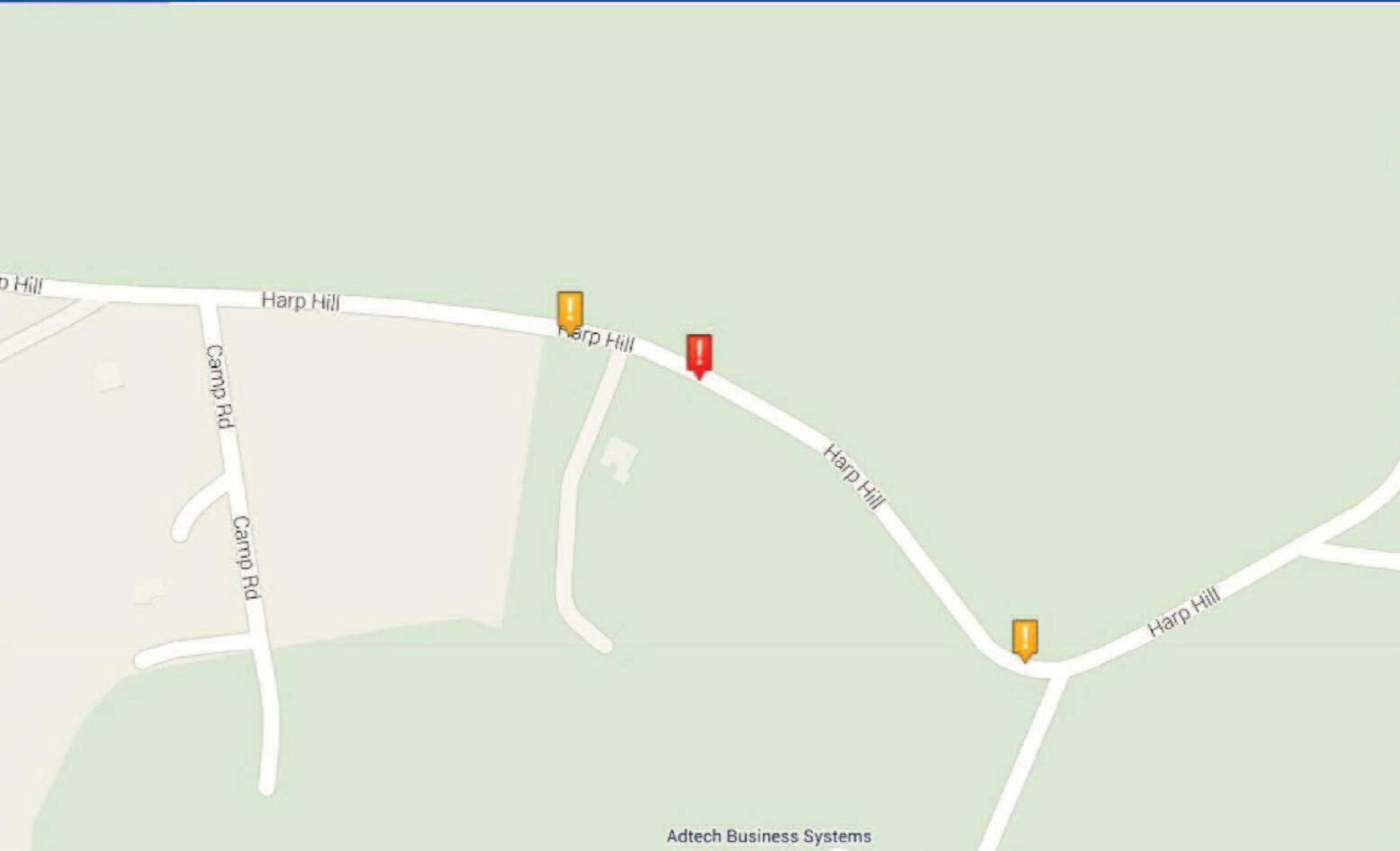
4 insert relevant Local Plan policy if available

5.7 APPENDIX 7

Accident Data

(CrashMap)





Location:

Severity

- Fatal
- Serious
- Slight

Casualty Types:

All Casualty Type

Years

- 2005
- 2006
- 2007
- 2008
- 2009
- 2010
- 2011
- 2012
- 2013
- 2014

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Crash Date:	Saturday, February 04, 2006	Time of Crash:	1:45:00 PM	Crash Reference:	2006530185309
Highest Injury Severity:	Slight	Number of Vehicles:	2	Number of Casualties:	1
Highway Authority:	Gloucestershire			OS Grid Reference:	397150 222230
Local Authority:	Cheltenham Borough				
Road Number:	U0	Road Type:	Single carriageway		
Weather Description:	Fine without high winds				
Road Surface Description:	Snow				
Speed Limit:	60	Junction Control:	Unknown		
Light Conditions:	Daylight: regardless of presence of streetlights				
Carriageway Hazards:	None				
Junction Detail:	Not at or within 20 metres of junction				
Junction Pedestrian Crossing:	No physical crossing facility within 50 metres				

Vehicles involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre
1	Car (excluding private hire cars 2005 onwards)	16	Female	46 - 55	Vehicle proceeding normally along the carriageway, not on a bend
2	Car (excluding private hire cars 2005 onwards)	5	Male	46 - 55	Vehicle proceeding normally along the carriageway, not on a bend

For more information about the data please visit: <http://www.crashmap.com/home/aboutthedata> and <http://www.crashmap.com/home/definitions>



Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	Slight	Driver or rider	Female	46 - 55	Unknown or other	Unknown or other



Crash Date:	Tuesday, July 01, 2008	Time of Crash:	1:10:00 AM	Crash Reference:	2008530195099
Highest Injury Severity:	Serious	Number of Vehicles:	1	Number of Casualties:	2
Highway Authority:	Gloucestershire			OS Grid Reference:	397210 222210
Local Authority:	Cheltenham Borough				
Road Number:	U0	Road Type:	Single carriageway		
Weather Description:	Fine without high winds				
Road Surface Description:	Dry				
Speed Limit:	30	Junction Control:	Unknown		
Light Conditions:	Darkness: street lights present and lit				
Carriageway Hazards:	None				
Junction Detail:	Not at or within 20 metres of junction				
Junction Pedestrian Crossing:	No physical crossing facility within 50 metres				

Vehicles involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre
1	Motorcycle over 125cc and up to 500cc (2005 onwards)	-1	Male	16 - 20	Vehicle proceeding normally along the carriageway, on a left hand bend



Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	Serious	Driver or rider	Male	16 - 20	Unknown or other	Unknown or other
1	2	Serious	Vehicle or pillion passenger	Male	11 - 15	Unknown or other	Unknown or other



Crash Date:	Friday, May 22, 2009	Time of Crash:	5:39:00 PM	Crash Reference:	2009530198568
Highest Injury Severity:	Slight	Number of Vehicles:	2	Number of Casualties:	1
Highway Authority:	Gloucestershire			OS Grid Reference:	397360 222080
Local Authority:	Cheltenham Borough				
Road Number:	U0	Road Type:	Single carriageway		
Weather Description:	Fine without high winds				
Road Surface Description:	Dry				
Speed Limit:	30	Junction Control:	Give way or uncontrolled		
Light Conditions:	Daylight: regardless of presence of streetlights				
Carriageway Hazards:	None				
Junction Detail:	Other junction				
Junction Pedestrian Crossing:	No physical crossing facility within 50 metres				

Vehicles involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre
1	Car (excluding private hire cars 2005 onwards)	12	Male	26 - 35	Vehicle is slowing down or stopping
2	Car (excluding private hire cars 2005 onwards)	-1	Male	36 - 45	Vehicle proceeding normally along the carriageway, not on a bend

For more information about the data please visit: <http://www.crashmap.com/home/aboutthedata> and <http://www.crashmap.com/home/definitions>



Casualties

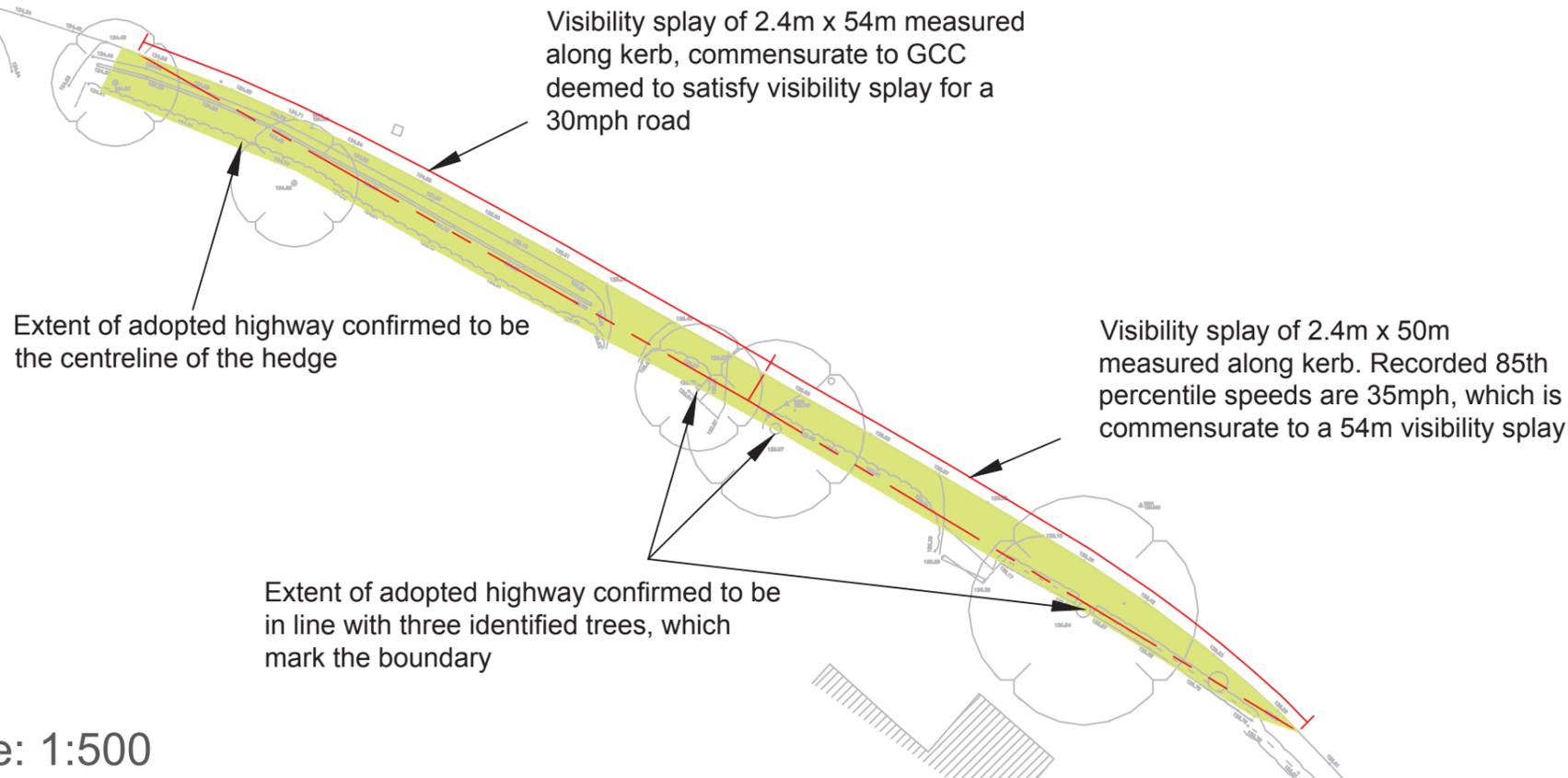
Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	Slight	Driver or rider	Male	26 - 35	Unknown or other	Unknown or other

5.8 APPENDIX 8

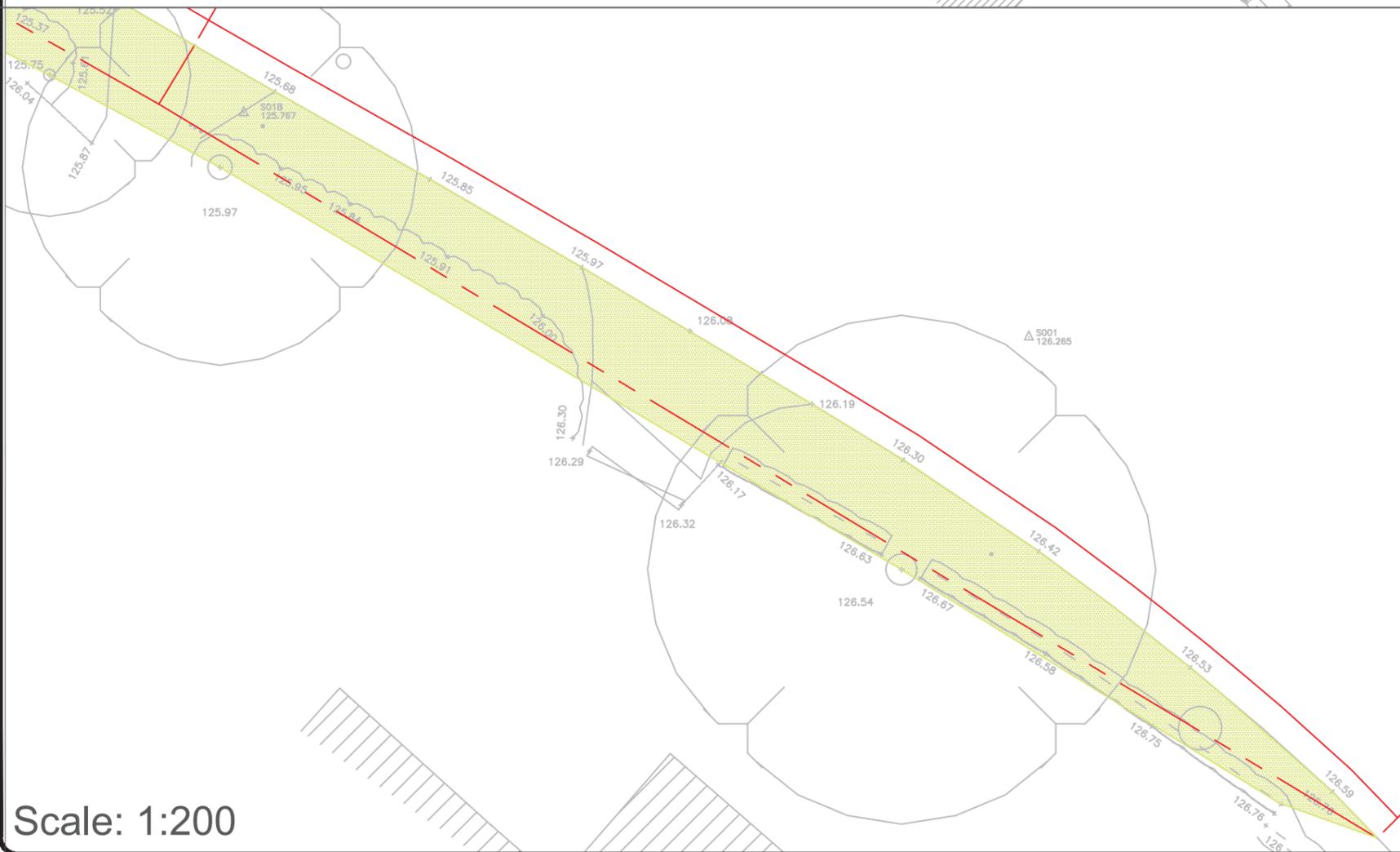
“Access Arrangement with Visibility Splays”

(published by CTP drg. No. SK_01)



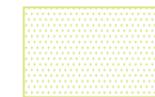


Scale: 1:500

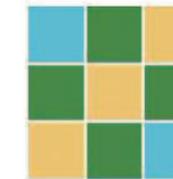


Scale: 1:200

Notes:



Extent of adopted highway



**COTSWOLD
TRANSPORT
PLANNING**

Page 352

Cotswold Transport Planning Ltd
121 Promenade
Cheltenham Gloucestershire GL50 1NW
 Tel: 01242 370283
 cheltenham@cotswoldtp.co.uk
 www.cotswoldtp.co.uk

Drawing Title:
Access Arrangement with Visibility Splays

Client:
 Mr R. J. Ashton

Project:
 Land off Harp Hill, Cheltenham

Drawing No: SK_01	Revision: B
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Date Drawn: 02/03/15	Issue Date:
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Drawn by: AP	Checked by: AP
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Project Code: CTP-15-109	Scale at A3: AS SHOWN
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Drawing Status:
 INFORMATION

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APPLICATION NO: 15/02067/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 2nd December 2015	DATE OF EXPIRY: 27th January 2016
WARD: St Marks	PARISH: N/A
APPLICANT:	Cheltenham Borough Council
AGENT:	Cheltenham Borough Homes
LOCATION:	James Court, Griffiths Avenue, Cheltenham
PROPOSAL:	Installation of mobility scooter store (1.8m deep x 7.3m wide x 2.1m high) to provide 6no. individual secure compartments with charging points

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 James Court is a 1960's Sheltered Accommodation complex located on the west side of Griffiths Avenue, managed by Cheltenham Borough Homes. The site comprises four buildings which provide a total of 20no. flats. The buildings are two storeys in height with pitched roofs. The external spaces are largely laid to lawn. A large single storey electricity substation is centrally located to the front of the site.
- 1.2 The application proposes the provision of a purpose-built mobility scooter store with 6no. individual secure compartments with charging points. The structure would be 1.8m deep by 7.3m wide, and would be vertically timber clad with a curved mono-pitch aluminium clad roof, rising from 1525mm on the boundary to 2100mm within the site.
- 1.3 The store will be located to the rear of the site, adjacent to the boundary with The Knole Care Home, which is well screened by mature hedging. The store would be sited on a concrete base and accessed via an existing gate and new pathway.
- 1.4 The application sets out that due to an increase in the use of mobility scooters by residents in recent years has resulted in scooters being stored in corridors and communal lounges. This was raised as an issue in a Fire Risk Assessment carried out in 2010.
- 1.5 The application is before the planning committee as the site is owned by Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre for Environmental Records

14th December 2015

Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to The Knole and the occupants of James Court. No representations have been received in response to the publicity.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the design and appearance of the proposed mobility scooter store, and amenity.

6.2 Design

6.2.1 The proposed mobility scooter store is utilitarian in appearance and would be discreetly located to the rear of the site; the design and materials of the building are considered appropriate for its function, and in this location. The store would provide a formal solution for the storage and charging of mobility scooters.

6.3 Amenity

6.3.1 The height and location of the proposed store would not result in any harm to the amenity of residents or the wider locality.

7. CONCLUSION AND RECOMMENDATION

- 7.1 With the above in mind, the recommendation is to grant planning permission.

8. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
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 development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice, and the accompanying metroSTOR PSM in-line scooter store specification (PSM-6 Class 3).
Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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.

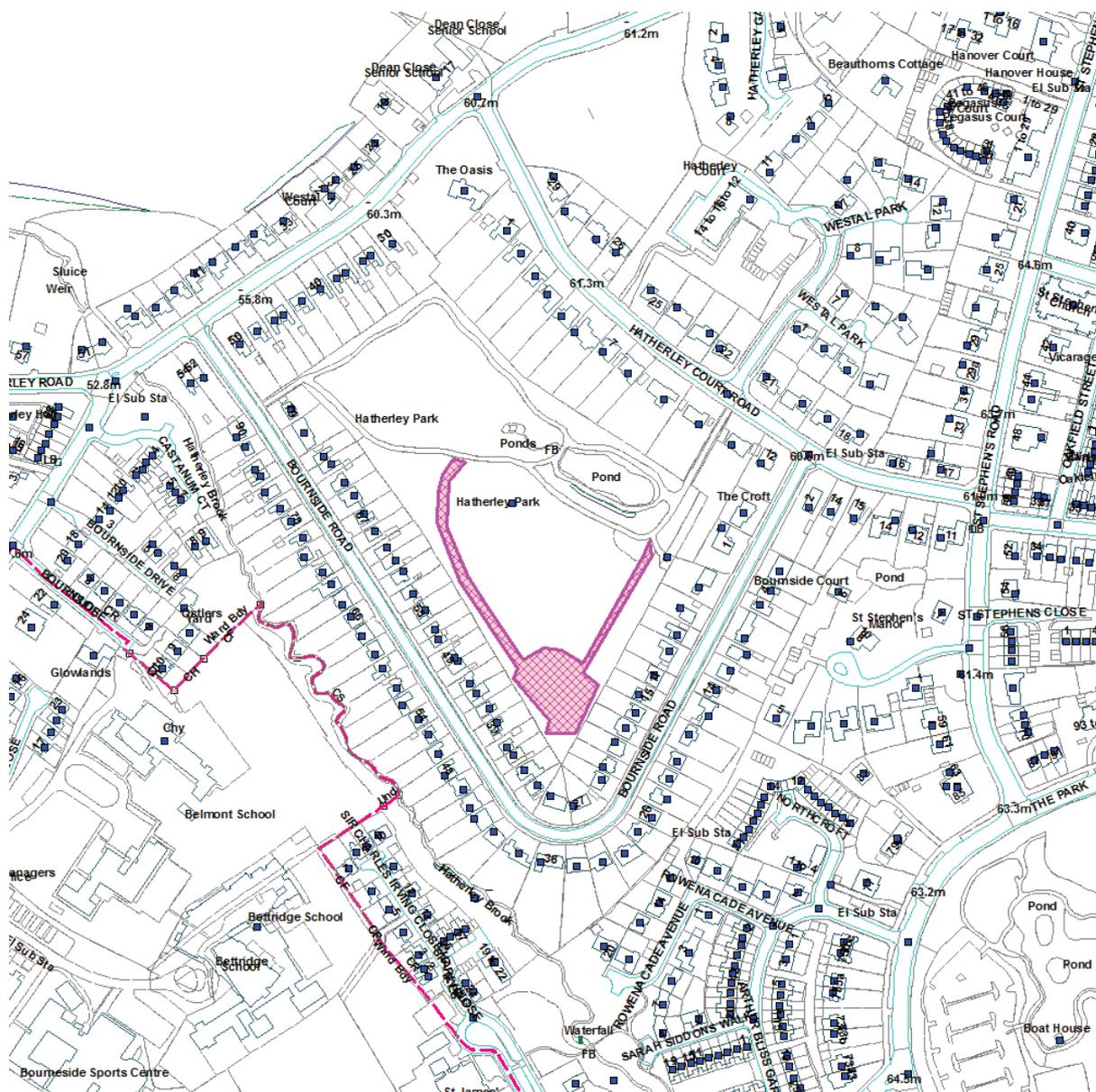
Page 358

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.

APPLICATION NO: 15/02082/FUL		OFFICER: Mr Ben Hawkes	
DATE REGISTERED: 27th November 2015		DATE OF EXPIRY: 22nd January 2016	
WARD: Park		PARISH:	
APPLICANT:	Tony McNamara		
AGENT:			
LOCATION:	Hatherley Park, Hatherley Court Road, Cheltenham		
PROPOSAL:	Construction of a gravel path		

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to part of the land associated with Hatherley Park located to the rear of properties on Bournside Road and Hatherley Court Road.
- 1.2 The applicant seeks planning permission for the construction of a gravel path.
- 1.3 The application is to be considered at planning committee as Cheltenham Borough Council is the applicant.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Residents Associations

Relevant Planning History:

89/01571/PF 18th January 1990 PER
Re-siting of Children's Play Area And Replacement Of Equipment

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Landscape Architect

8th December 2015

The proposal is acceptable

Gloucestershire Centre For Environmental Records

14th December 2015

Report available to view on-line.

Tree Officer

15th December 2015

The Tree Section supports this application.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	0
Total comments received	1
Number of objections	0
Number of supporting	1
General comment	0

- 5.1 Two site notices were displayed at the application site; one letter of support has been received from a local resident (attached).

6. OFFICER COMMENTS

- 6.1 The proposal to add a gravel footpath in/around Hatherley Park is considered by officers to be a positive addition to the space. The path would provide better access for members of the public and in particular improved accessibility for those who have limited mobility.
- 6.2 The proposal is not considered by officers to have any harmful impact on the character of the existing park. The path is of an acceptable width and the proposed materials will allow for suitable surface water drainage.
- 6.3 The landscape architect and tree officer were consulted on this application and raise no objection to the proposal.
- 6.4 The introduction of a path is not considered to have a harmful impact on neighbouring amenity.
- 6.5 Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed small scale development will have any impact on these species.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposal is considered to be compliant with local plan policy CP7 and CP4 in terms of protecting the amenity of local land users and being of an acceptable design.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
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 development hereby permitted 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.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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.

APPLICATION NO: 15/02082/FUL		OFFICER: Mr Ben Hawkes	
DATE REGISTERED: 27th November 2015		DATE OF EXPIRY : 22nd January 2016	
WARD: Park		PARISH:	
APPLICANT:	Tony McNamara		
LOCATION:	Hatherley Park, Hatherley Court Road, Cheltenham		
PROPOSAL:	Construction of a gravel path		

REPRESENTATIONS

Number of contributors	1
Number of objections	0
Number of representations	0
Number of supporting	1

1 Bournside Road
 Cheltenham
 Gloucestershire
 GL51 3AL

Comments: 6th January 2016

I support this application to lay a path in Hatherley Park . It will offer a hard surface path to give park users a safe route across the grassed area during the autumn and winter when the field is very slippy underfoot.

It will enable park users who have mobility difficulties, the chance to take an alternative route and enjoy the wild flower border and different views of the park.

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APPLICATION NO: 15/02082/FUL	OFFICER: Mr Ben Hawkes
DATE REGISTERED: 27th November 2015	DATE OF EXPIRY : 22nd January 2016
WARD: Park	PARISH:
APPLICANT:	Tony McNamara
LOCATION:	Hatherley Park, Hatherley Court Road, Cheltenham
PROPOSAL:	Construction of a gravel path

ADDITIONAL REPRESENTATION

2 Langton Gate
London Road
93 The Park
Cheltenham
GL52 6HD

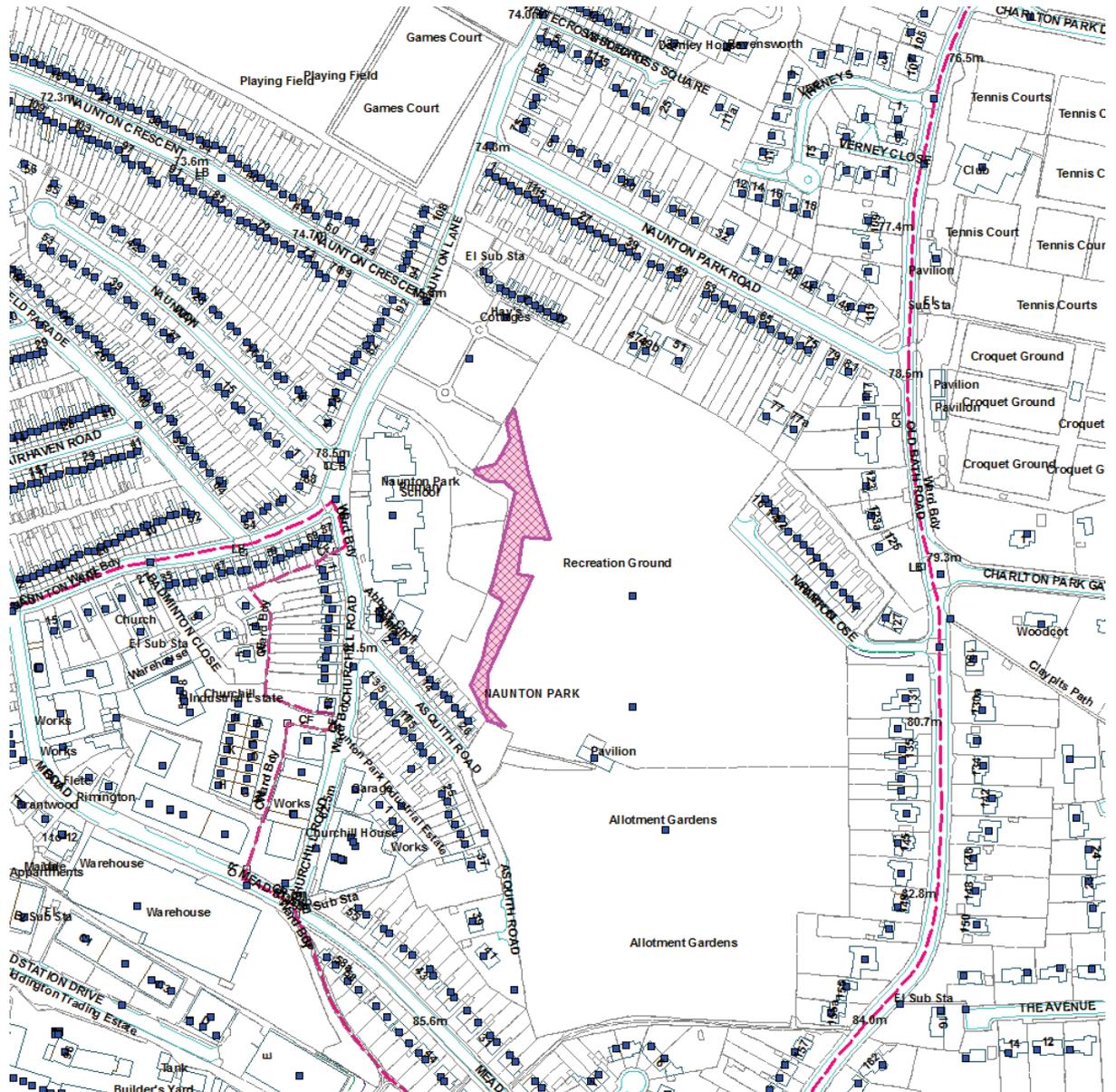
Comments: 14th January 2016
I support this application.

The gravel path will improve the accessibility of the park for people with poor mobility.

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APPLICATION NO: 15/02097/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 28th November 2015		DATE OF EXPIRY: 23rd January 2016
WARD: College		PARISH:
APPLICANT:	Mr Malcolm Walls	
AGENT:	n/a	
LOCATION:	Naunton Park, Naunton Lane, Cheltenham	
PROPOSAL:	Construction of a gravel path to formalise desire lines to existing park facilities	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to part of the land associated with Naunton Park located to the rear of Naunton Park Primary School.
- 1.2 The applicant seeks planning permission for the construction of a gravel path leading from the car park at Asquith Road to the existing play area, Multi-Use-Games-Area and gardens.
- 1.3 The application is to be considered at planning committee as Cheltenham Borough Council is the applicant.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

Relevant Planning History:

98/00489/OZ 25th June 1998 PER

Erection Of Railings, Metal Columns To Support Roses And Sculpture At Focal Point

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Tree Officer

14th December 2015

The Tree Section does not object to this application.

However, please could the proposed tree planting species be changed from birch + rowan to eg Birch + wild (or some other species of) cherry. Cherry will have a bigger visual impact on the area as it matures, is quicker to establish, grows larger and lets through dappled light rather than cast dense shade.

The tree to be planted in the middle of the meeting of two pathways near to the car park should be planted and formally protected by an appropriate grille and guard framework.

These 2 requests can be negotiated/agreed on site between Parks Technical Officers + Trees Officers.

Tree Officer

16th December 2015

CBC Tree Section recommends this application.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	0
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 Two site notices were displayed at the application site; no letters of objection have been received.

6. OFFICER COMMENTS

- 6.1 The proposal is to introduce a gravel footpath to formalise pedestrian desire lines from the car park at Asquith Road to the facilities within Naunton Park which include the children's play area, the Multi-Use-Games-Area and the gardens. The proposal is considered by officers to provide better and more usable access for members of the public and would offer greater accessibility for people with limited mobility.
- 6.2 The proposal is not considered by officers to have any harmful impact on the character of the existing park. The path is of an acceptable width and the proposed materials will allow for suitable surface water drainage.
- 6.3 The landscape architect was consulted on this application and raised no objection to the proposal.
- 6.4 The trees department were consulted on this application, their full comments can be read above. Revised plans to address the tree officers concerns which related to the species of trees to be planted were received on 15th December and the tree officer considers the proposal to be acceptable.
- 6.5 The introduction of a path is not considered to have a harmful impact on neighbouring amenity.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposal is considered to be compliant with local plan policy CP7 and CP4 in terms of protecting the amenity of local land users and being of an acceptable design.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
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 development hereby permitted 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.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 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.