



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Thursday, 21 February 2019
6.00 pm
Council Chamber - Municipal Offices

Membership	
Councillors:	Garth Barnes (Chair), Paul Baker (Vice-Chair), Stephen Cooke, Diggory Seacome, Victoria Atherstone, Bernard Fisher, Dilys Barrell, Mike Collins, Alex Hegenbarth, Karl Hobley, Paul McCloskey, Tony Oliver, Simon Wheeler, John Payne and Rowena Hay

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 - 14)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **18/02171/OUT Land adjacent to Oakhurst Rise** (Pages 15 - 304)
 - b) **18/02337/CONDIT 48 Suffolk Road** (Pages 305 - 314)
 - c) **18/02466/CONDIT Granville, Church Walk** (Pages 315 - 324)
 - d) **18/02560/FUL Tree Tops, Southam Road** (Pages 325 - 346)
 - e) **18/02630/FUL 14 Regency House** (Pages 347 - 356)

f) 19/00051/FUL 33 Gloucester Road (Pages 357 - 360)

g) 19/00056/FUL 66 Beeches Road (Pages 361 - 366)

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

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
Email: builtenvironment@cheltenham.gov.uk

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Planning Committee

17th January 2019

Present:

Members (13)

Councillors Barnes, Chair (GB); Baker, Vice-Chair (PB); Atherstone (VA); Barrell (DB); Collins (MC); Cooke (SC); Fisher (BF); Hobley (KH); McCloskey (PM); Oliver (TO); Payne (JP); Wheeler (SW).

Substitutes: Councillor Rowena Hay (RH)

Officers

Joe Seymour, Senior Planning Officer (JS)
Cheryl Lester, Legal Officer (CL)
Mike Holmes, Interim Head of Planning (MH)

At the start of the meeting, Councillor Barnes introduced Mike Holmes (Interim Head of Planning), and Daniel O'Neill, who has recently joined the planning team. He also welcomed back Cheryl Lester, legal officer, who is covering this month's meeting in Nick Jonathan's absence.

1. Apologies

Councillors Seacome, Hegenbarth and Flynn.

2. Declarations of interest

18/01796/FUL 61 Whaddon Road

Councillor Hay – requested the application be brought to Committee and is speaking in objection – will not take part in the debate.

18/02297/FUL 59 Cirencester Road

Councillor McCloskey – knows the applicant – will leave the Chamber.

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 20th December 2018 be approved and signed as a correct record *with the following corrections:*

i. 18/01973/FUL Dowty House

Page 17

PB: ... At the Axiom development, 42 no spaces are provided and ~~none are used~~ – people living there don't use cars, and anyone buying town-centre properties will appreciate that they cannot keep a car...

ii. 18/2137/FUL 3 Harvest Street

Page 21

PB: ...Went to the urban design presentation ~~on this nice little development~~ expounding good- quality design, and it is disappointing that now, before completion of this nice little development, these changes will detract from the overall effect of the street scene...

iii. 18/02097/FUL, 252 Bath Road

Page 11

MC: ...The application has no sympathy with the additional traffic it will create; Bath Road is already a nightmare...

6. Planning applications

Application Number:	18/01796/FUL		
Location:	61 Whaddon Road		
Proposal:	Demolition of existing bungalow and erection of 6 no. apartments		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	3	Update Report:	None

Councillor Hay left the member seating area for the duration of this item

Officer introduction

JS introduced the application as above, at Committee at the request of Councillor Hay. The officer recommendation is to permit, in line with the reasons set out in the report.

Mr Deeley, of the applicant, in support

In response to the ward member’s comments and those of some of the neighbours, is highlighting a couple of points re. building heights. There are a number of three-storey residential properties on Whaddon Road - Thames House, 49 Whaddon Road, and the neighbouring 16-apartment complex. Since the officer report, has re-surveyed the building heights, confirming the proposal is 2.2m shorter than neighbouring apartments, and will therefore not appear overly dominant in the streetscene. It is also set a further 4.5m back in the site, which will further diminish its visibility.

The design of the scheme mirrors 49 Whaddon Road, and the applicants have worked closely with officers at both pre-app and application stages to deliver a scheme that maximised its contribution to sustainable development. The scheme represents a positive investment to this part of Cheltenham and is a significant improvement on the dilapidated bungalow currently on the site.

There are concerns about the bin store and emptying the bins, but the proposed store is adjacent to the bin store for Robins Close – these bins are removed without issue, so does not imagine any problems with emptying the proposed bins.

Residents are also concerned with parking, but one space will be provided for each flat, which is better than the existing arrangements; the existing two-bedroomed property has no private off-street parking, thus requiring residents to park on the street – which this proposal will remove. The officer proposes a condition requiring parking to be installed prior to occupation, to ensure no on-street parking as a result of this development. By locating the apartments one mile from the town centre and providing bike storage for each apartment, it is hoped that future occupants will use sustainable transport. In addition, there are local shops and a bus stop opposite.

Ultimately, the hope is to regenerate this brownfield site and bring it back into a beneficial use.

Councillor Hay, in objection

Originally asked for this application to come to Committee, and although several revisions made since have addressed concerns regarding trees and lights, there are still some concerns remaining. Firstly, the accessibility of the bin store for UBICO vans and workers – there is a maximum distance they will walk to collect the bins. Access for two of the car-parking spaces is

through Robins Close, which is owned by a housing association – will permission be given for the new residents to use this private road to reach their parking spaces? Who will be responsible for the maintenance of the road? The three-storey building is out of keeping; Thames House on the corner creates a solid mass, which stands out in the streetscene. Four flats over two storeys would fit in better. The Cat and Fiddle was sympathetically done, and 49 Whaddon Road is a bigger site, which stands alone in open space – this site is more prominent.

The Civic Society is not supportive, and notes that neighbours have valid concerns. Six one-bedroomed flats could mean 12 occupants; a 2006 application for four flats and a bungalow was refused, as the site was not considered sufficient size for buildings and a car park. The same number of bedrooms is now proposed as was previously refused.

Welcomes more housing – but this is overdevelopment, and not in keeping with the grain of the street.

Member debate

BF: has a couple of questions for officers: firstly, regarding the location of the bin store, do we have a protocol as to how far from the main highway this can be, and does this proposal comply? Secondly, the size of the apartments – cannot recall if building regulations require a standard minimum size, but if so, do these comply? They look very small.

SW: shares BF's concern over access via Robins Close. Is it a private road or simply not adopted? Six car-parking spaces are provided, but is this sufficient? Two of these will be accessed via Robins Close, so drivers will have to reach them via a road that doesn't belong to them – there could be objections, or could they even be banned from using their parking spaces? Also shudders at the size of these one-bedroomed flats. Realises we need units like this, but it gives some cause for concern.

DB: has the impression that these are very small but knows we are in desperate need of more housing and some people would appreciate them. Would welcome clarification about the accessibility of the bin store, and also whether the Robins Close car parking spaces will be accessible.

MC: echoes DB's concerns about accessibility, and feels there is uncertainty about who is responsible for the road. Considers six one-bedded units a good thing, as is the resolution of the trees issue, but looking at the drawings, at the bottom left corner, there appears to be a bin store but there is nothing there apart from concrete paving – this is where the bins for Robins Close are stored. It is not a true reflection of what is on site. Is unclear about how the bins will be taken out onto Robins Close to be emptied.

JS, in response:

- Bromford Housing are the managers of the Robins Close properties, and if the scheme is permitted, residents will be able to access the two parking spaces – the applicant will purchase these from Bromford;
- To MC, the bin store shown on the plan is indicative, and shows where the bin store on Robins Close would be. The concrete slabs area is quite wide; some of the space will be used for two parking spaces, with the residual area as a bin store for Robins Close;
- Regarding the status of Robins Close, the main entrance to the site off Whaddon Road is not adopted; Robins Close is an unclassified highway, but part of the network. Residents would have right of access across it to the parking spaces
- Regarding the size of the flats, this is covered at paragraph 6.10 of the report. They are 45 sq. metres, which is 8 sq. metres larger than the minimum size.

SC: is still confused about the bin store and car parking area – it appears space for two parked cars will be taken from the housing association, and if so, how will the bin store be accessed. If

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cars are parked in the spaces, UBICO won't be able to access the bin store. This doesn't seem very practical. They could go down the side of the house, but this is a long way to go and won't happen – which could lead to difficulties on a long-term basis.

JS, in response:

- Their access isn't confined to the red line parking spaces; it's possible to walk between the bin store for Robins Close and the flats. The bin store shown is where it could be situated for Robins Close, but not part of the proposal.

SC: so there will be no wall between the bin store at the back of the flats?

GB: what will happen if Bromford don't agree to the sale of the land?

JS, in response:

- To SC yes, and to GB in planning terms it will be what is known as a ransom strip, and make the application unviable. But the scheme is still acceptable, in planning terms.

CL, in response:

- There is a planning condition providing that the new dwellings are not to be occupied until the vehicular parking is provided.

Vote on officer recommendation to permit

11 in support

1 in objection

0 abstention

PERMIT

Application Number:	18/02297/FUL		
Location:	59 Cirencester Road		
Proposal:	Replacement dwelling		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	5	Update Report:	None

Councillor McCloskey left the Chamber for the duration of this item

Officer introduction

JS introduced the application as above, at Committee at the request of Councillor McCloskey. The recommendation is to permit, in line with the reasons set out in the officer report.

Public speaking

Mr May, in objection

Is speaking on behalf of his sister, who lives next door. On Planning View, Members will have seen the Rear terrace behind No. 57, which enjoys a special open aspect, making it an important part of the residential amenity of No. 57. Information provided by the applicant's agent earlier this week states that there will be no problems re. loss of direct sunlight, but the proposed two-storey house would protrude the full length of the terrace and the roof apex would be 7 metres above terrace level. The real issue will be its unneighbourly, overbearing impact on the terrace. In 1995, Planning Committee refused permission for a two-storey extension to the rear of No. 59, which

would have been 300mm lower than the building now proposed. It will be most hurtful and irrational if the Committee were now to grant permission for this overbearing development, when planning policies haven't materially changed since 1995. The overbearing effect is unneighbourly, and contrary to policies.

Members will also have noted that there will be a loss of daylight to the dining room, which should be assessed in planning terms, using the 25° rule, as the proposed building directly faces the window. The dining room is already shaded by the existing house, but the large box dormer proposed on the northern side of the house would further reduce this daylight, causing further unacceptable loss of daylight detrimental to residential amenity and contrary to policies.

Also objects to the prolonged noise and vibration nuisance for 5-7 weeks whilst installing auger piling now proposed to a depth of 5 metres on the site boundaries, and further noise when excavating the large pit to contain the foundations of the house.

Urges Members to be consistent in their decision-making and refuse permission for this overbearing, unneighbourly development.

Mr Northup, on behalf of the applicant, in support

Is speaking as son-in-law of applicant, having moved with his family into No 59 at Christmas 2016 to support his mother-in-law who has lived there for 43 years. Has approached the need to update with sensitivity and fondness, as long-term and active residents of Charlton Kings. Built a garden annexe in 2016 as the start of the process, and it is now time to upgrade the main property and bring it up to the standards of the eco-annexe. Has a large family, is part of a wider local family which visits frequently, and also needs home offices as both he and his wife work from home. Have explored all options adapting and modernising the existing property, but these have thrown up many issues, the main one being the need to underpin the whole property in order to adapt it, though there are many other issues.

Have finally concluded that the demolish and rebuild would be the far less disruptive and quickest route for everyone concerned, aiming to drastically cut the build time and complete in 9 months rather than multiple phases of work over 18 months. The proposal maximises the elevated position at the front of the site, adding a lower ground floor as a discreet option for additional accommodation. Will not use steel sheet piling, but more the more costly and considerate auger piling. Want to create a home fit for purpose in the long term, where possible exceeding building regs and ecological requirements, aiming for a Code 5 ecological build.

A new-build house will mean a different internal layout in view of the neighbour's large overlooking dormer, and that the children will not need to share reception rooms as bedrooms. The design reflects the existing property and the row of similar houses, matches closely the footprint of the existing house, and maintains the visual appearance from the streetscene. It ensures no overlooking of the neighbours. It is a new, very different scheme from the one proposed 25 years ago, with better access, more floor space, warm, bright, sustainable and aesthetically pleasing. It will use state of the art technologies and materials to ensure the best possible results for the family, the neighbours, the wider area, and the neighbours.

JS:

- Forgot to mention in the introduction that there is an error in Paragraph 6.10 in the report – the replacement dwelling is in fact 450mm higher than the existing, not 300mm. The recommendation remains unchanged.

Member debate

DB: can officers clarify the height of the building in relation to other buildings? Thinks she has read that there has been a change in planning regulations since the 1995 refusal, regarding the line of the back of the houses. Can officers clarify?

PB: to DB, this is discussed at Paragraph 6.17 on the report – there have been changes to policy since that refusal; policies evolve over time. Congratulates both speakers on their presentations; it is particularly difficult to make a decision on this, when hearing both sides. Viewed the application site on Planning View, and could see that there will be an impact on No. 57, but the question is whether this is enough to refuse the application. It is a well thought-out scheme, a great design, fit for purpose. It will impact neighbours, but in this day and age, people want to improve their homes. The applicant has done as much as possible to take on board all the recommendations and advice to make this a good design. Is happy therefore to support the application.

JP: agrees with PB. This is a really difficult application. On the positive side, the design reflects a modern version of the buildings in the area; it is imaginative, and although the basement may be a bit risky and challenging, it will provide the required extra space. On the negative side, there is concern about the impact on the neighbouring properties, and the need to pile because of the sandy nature of the soil. Would be grateful if the planning officer would confirm whether the 25° and 45° light tests have proved to be satisfactory.

SC: also echoes PB. This is a very good quality design, but has every sympathy with the neighbours. Has some concern about the issue of piling – are there any building regulations examples of this? Understands that the sandy soil could be an issue, and the works could cause a lot of disturbance. What impact might this have, and what mitigation measures can be taken to minimise the threat to neighbours?

JS, in response:

- PB answered DB’s question re changes in the policy since the previous decision. There is no prescription that the rear building line must be the same, which was one of the concerns in the 1995 refusal.
- Regarding the light test, the ground floor side dining room window which faces the property fails the light test at the moment, and the 450mm increase won’t make it worse. The scheme passes all other tests;
- Regarding the pile foundations, previous applications have used this method to avoid tree roots – it is quite common, but doesn’t know the details of the process or building regulations.

SW: if auger piling is used, this will involve drilling with a corkscrew-shaped drill, inserting a cardboard tube and then the concrete – it will not be hammered down. There will be noise from the machinery, but it will not be disturbing the ground as much.

BF: confirmed SW’s comments re. auger drilling.

Vote on officer recommendation to permit

12 in support – unanimous

PERMIT

Application Number:	18/02278/FUL
Location:	Cheltenham Cemetery and Crematorium
Proposal:	Retention of single track roadway to the west of Prior’s Farm recreation ground, security gated and leading from the recreation ground car park off Imjin Road (retrospective)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit

Letters of Rep:	2	Update Report:	None
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JS introduced the application as above. It is at Committee because CBC is the applicant. The recommendation is to permit.

Public speaking:

None.

Member debate:

BF: was on Planning Committee when the works were first approved, and couldn't understand then why this was only a temporary access – to cope with the bigger machinery, possible vehicle breakdown, and act as an emergency exit. To retain it is common sense; fully supports the application.

MC: was also on Committee when this scheme was originally considered, and remembers the challenge to get parking on the site during the construction of the buildings. If people are going in and out of the cemetery to attend funerals, tend graves etc, would rather have a separate access for service vehicles etc. The objectors state that this access was always intended to be permanent, but can't see that this is such a bad idea. Would ask how it will be controlled? It is for service access now, but on Planning View noticed a lot of damage to the existing grass area on Imjin Road. Will this be made good when the construction is complete? It currently looks a mess.

SC: to clarify, the purple strip on the drawing represents the proposed road, and the blue road at the top the existing cemetery access road. From the drawings on the wall, it looks like there are two access roads to the cemetery, the blue to Bouncers Lane, the purple to Imjin Road. What is the difference? Is one used more than the other?

JS, in response:

- The purple access is controlled by a gate from the Imjin Road side – the owners (CBC) of the site will have control;
- The other access is permanent as part of the previous permission, which is why it isn't being considered in this application.
-

RH: for clarity, the gate is the only thing people will see from Kimberley Walk; what is the height of the gate? The existing gate is as high as the fence. There are some objections, but a number of residents have asked if they can keep the road, or get it across to the top to allow disabled access. The gate is proposed; is there pedestrian access?

JP: with reference to SC's point, the blue road is part of the exit road from crematorium, which operates a one-way system. The exit road eventually joins gates at Bouncers Lane and is used by mourners and hearses.

JS, in response:

- To RH, the gates don't need planning permission because they are less than 1m high, and will be maintained at this height;
- Doesn't know about any links to pedestrian access at the top.

RH: pedestrian access would be beneficial here – at the moment, there is a kissing gate or chicane and no way through. A footpath up from back of the changing rooms to the top of Priors Field would be useful, and it is a shame that it isn't included. Raised this with officers early on, and is disappointed it hasn't been taken forward, to keep the road open and give additional access.

GB: as Members know, we are not here to redesign applications, and have to consider what we have before us. Takes RH's point, however, and suggests it can be taken up with officers later.

SC: endorses RH's comments – access for pedestrians with prams, bikes etc would be a great public benefit.

GB: this can be included as an informative to the applicant.

Vote on officer recommendation to permit

12 in support

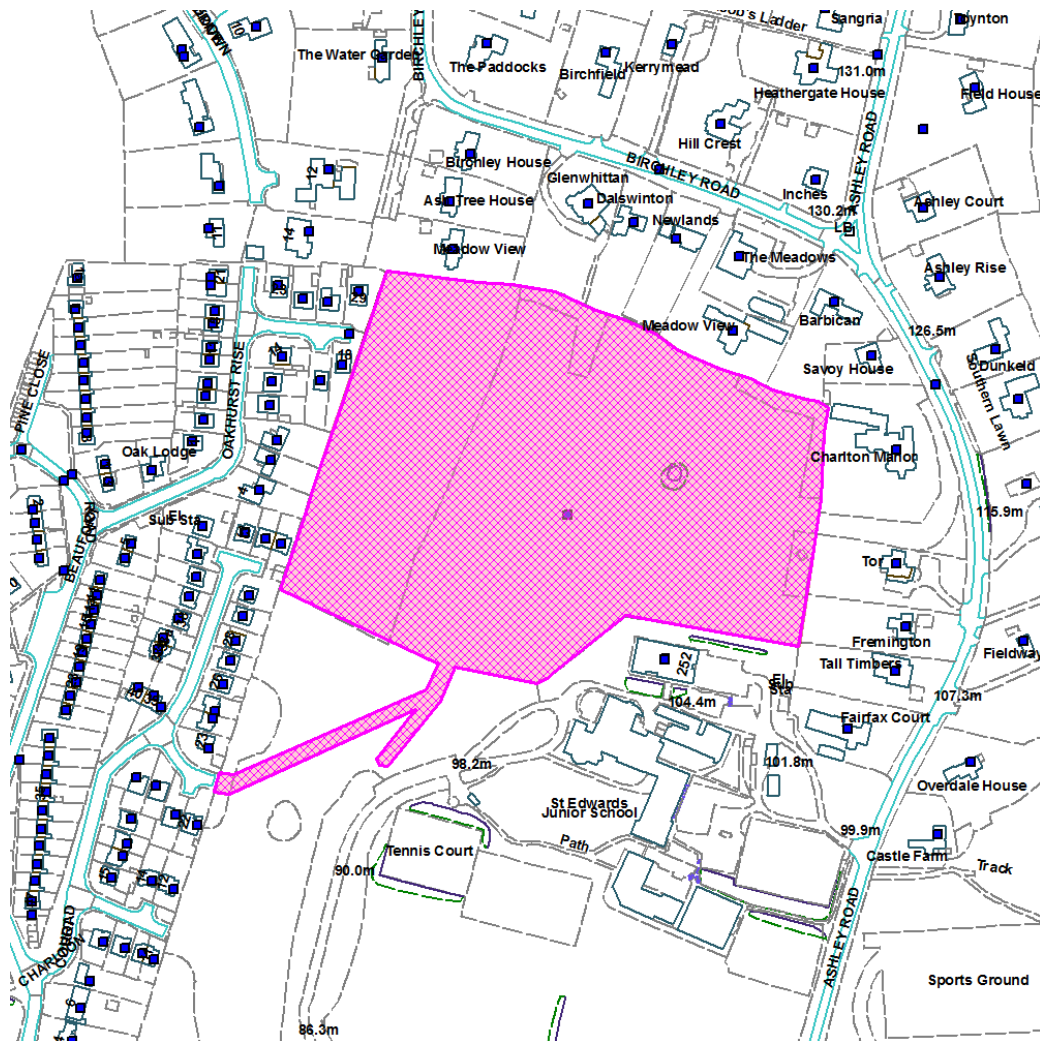
1 in objection

PERMIT

The meeting ended at 7.00pm

APPLICATION NO: 18/02171/OUT	OFFICER: Michelle Payne
DATE REGISTERED: 27th October 2018	DATE OF EXPIRY: 26th January 2019 (extended until 29th March 2019 by agreement with the applicant)
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	William Morrison (Cheltenham) Ltd & Trustees of the Carmelite Charitable Trust
AGENT:	SF Planning Limited
LOCATION:	Land Adjacent To Oakhurst Rise, Cheltenham
PROPOSAL:	Outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration (revised scheme following refusal of application ref. 17/00710/OUT)

RECOMMENDATION: Permit subject to S106 agreement



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1. INTRODUCTION

- 1.1 The application site is a large, undeveloped parcel of land, approximately 4.3 hectares, located to the east of the borough within the Principal Urban Area (PUA), in an elevated position above the town. The site comprises two fields of grassland separated by a mature hedge and trees, and is largely bound by hedging and trees. Members will revisit the site on planning view.
- 1.2 Residential properties in Birchley Road and Ashley Road are located to the north and east of the site, and Oakhurst Rise to the west; St Edward's Preparatory School is located to the south.
- 1.3 The site is heavily constrained due to the presence of a number of protected trees; the sloping nature of the site; the presence of protected wildlife species; the presence of an historic Ice House; and its close proximity to listed buildings.
- 1.4 Currently, the site forms part of the wider St Edward's Preparatory School site but is owned by The Carmelite Charitable Trust who lease the land to the school.
- 1.5 Members will recall a previous outline application for the erection of 90 dwellings on the site (application ref. 17/00710/OUT) was refused by the Planning Committee in July 2018 for the following reasons:

- 1 *The proposed development would result in the loss of a significant number of trees within the application site, including a number of important TPO'd and veteran trees; the loss of which would fail to be outweighed by wholly exceptional reasons. The proposed layout would also fail to achieve the greater Root Protection Area (RPA) distances recommended by The Woodland Trust for the retained ancient and veteran trees.*

The development would therefore be contrary to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017), and paragraph 175(c) of the National Planning Policy Framework (2018).

- 2 *The proposed development would have a significant impact on the setting of nearby listed buildings, particularly Ashley Manor, an important grade II* listed villa of more than special interest. The resultant 'less than substantial' harm to these designated heritage assets must be afforded significant weight, and this harm would fail to be outweighed by the public benefits arising from the proposal in the overall planning balance.*

The development would therefore be in conflict with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, adopted policy SD8 of the Joint Core Strategy (2017), and paragraphs 193, 194 and 196 of the National Planning Policy Framework (2018).

- 3 *The proposed access via Oakhurst Rise would have an unacceptable impact on the local highway network, and the amenity of local residents. Additionally, the steep incline within the cul-de-sac would fail to encourage the use of sustainable modes of transport and would likely result in a reliance on the use of private motor vehicles. Alternative potential vehicular access routes do not appear to have been fully explored.*

The access would therefore be at odds with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 - 110 of the National Planning Policy Framework (2018).

- 4 *The application site is host to a number of protected species which would be affected by the proposed development. Most notably, a large badger sett is located to the north of the site which the application proposes to be relocated as part of the development. Paragraph 175(a) of the NPPF and Natural England's standing advice sets out a three stage approach to addressing impacts on biodiversity, and that compensation measures such as replacing setts that would be destroyed should be employed as a last resort. Alternative measures to avoid or mitigate harm to the badger sett do not appear to have been fully explored. Additionally, insufficient information has been submitted to demonstrate the future success of the related sett. Generally, the development would have a negative impact upon biodiversity across the site.*

The proposed development would therefore be contrary to adopted policy SD9 of the Joint Core Strategy (2017), paragraph 175(a) of the National Planning Policy Framework (2018) and Natural England's Standing Advice.

- 5 *The application site is located in an elevated position above the town, outside of, but in close proximity to, the Cotswolds Area of Outstanding Natural Beauty (AONB). The scale of the proposed development in this tranquil location would have a negative impact on existing landscape character, and on views into and out of the AONB.*

The proposal would therefore be contrary to saved policy CP3 of the Cheltenham Borough Local Plan (2006), and adopted policy SD6 of the Joint Core Strategy (2017).

- 1.6 This application is now seeking outline planning permission for a revised scheme which proposes the erection of 69 houses (40% affordable); again with access provided from Oakhurst Rise. As before, the application is seeking approval for the access, layout, and scale; with matters relating to appearance and landscaping reserved for future consideration, should the principle of developing the site be considered acceptable. The proposed housing mix comprises:

- 6no. one bed flats
- 14no. two bed flats
- 4no. three bed flats
- 4no. two bed houses
- 10no. three bed houses
- 24no. four bed houses
- 6no. five bed houses
- 1no.six bed house

- 1.7 The principal changes between the 2017 application and the current proposal are:

- A significant (23%) reduction in the number of houses proposed;
- The retention of all but one of the large Veteran/TPO'd trees and a significant portion of the hedgerow which crosses the site;
- Additional provision of green space throughout the site;
- The omission of the three storey apartment block in the southwestern corner of the site.

- 1.8 In addition to drawings, the application has been accompanied by a number of detailed reports and statements, all of which have been available to view on the Council's website.

- 1.9 The application is the subject of an objection from the Parish Council and Historic England.

CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 7 Design
BE 20 Archaeological remains of local importance
GE 2 Private green space
GE 3 Development within extensive grounds
GE 5 Protection and replacement of trees
GE 6 Trees and development
GE 7 Accommodation and protection of natural features
RC 2 Youth and adult outdoor playing facilities
RC 5 Development of amenity space
RC 6 Play space in residential development
RC 7 Amenity space in housing developments

Adopted Joint Core Strategy Policies

SP1 The Need for New Development
SP2 Distribution of New Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD6 Landscape
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD11 Housing Mix and Standards
SD12 Affordable Housing
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management
INF3 Green

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Flooding and sustainable drainage systems (2003)
Landscaping in new development (2004)
Planning obligations (2003)
Planning obligations: transport (2004)
Play space in residential development (2003)
Public art (2004)
Security and crime prevention (2003)
Sustainable buildings (2003)
Sustainable developments (2003)
Travel plans (2003)

4. CONSULTATION RESPONSES

GCC Highways Development Management

13th December 2018

See Appendix 1.

Joint Waste Team

6th November 2018

These properties will all be individual dwellings, so there will be a requirement on each homeowner to present their waste and recycling on the kerbside of the nearest adopted

highway. Therefore the pavements have to be wide enough to accommodate these receptacles and for them to be in situ for one out of every 10 days, not posing an obstruction to pedestrians including wheelchairs and pushchairs.

All brick shaded roads would likely be block paving and therefore they would either have to be built to withstand up to 26 tonnes or those residents would be required to present their receptacles at the adopted highway which would likely be the grey internal roadways. There is likely to be a great deal of on-street parking and so the roads themselves have to be wide enough to allow a 26 tonne refuse vehicle to gain the necessary access at all times of the day without the need to mount pavements.

Finally, with this many properties being built, there will be a phased approach and so the developer has to take account of the need for waste and recycling collections from residents having moved onto the site to take place whilst building is still underway. Ubico therefore must be able to gain access and also be completely indemnified from any damage caused to unfinished roads etc.

Architects Panel

14th December 2018

Design Concept

The panel had stated when reviewing the previous Outline Application on 27th September 2018 that there was no objection to the principle of a housing development on this site. This new application is for less dwellings (69) and for a different layout which claims to be in response to the reasons for refusal of the previous scheme. Although only an Outline Application, approval is sought for matters relating to access, layout and scale.

The suitability of the site access off Oakhurst Rise was not considered in detail by the panel as this is more of a matter for comment by County Highways.

The layout and scale of the development was debated at some length and the panel concluded that, given the sensitivity of the site, further information should be submitted to explain the design approach to the layout, the mix and how the development would appear in three dimensions - views looking in and out of the site would greatly assist a design appraisal of the impact of the development on surrounding buildings and landscape features.

Design Detail

The panel acknowledged the reduced density was an improvement on the previous scheme but questioned if other site layout options had been considered - the plan submitted appears to give prominence to the access road and extensive car parking provisions required for the number of dwellings. Public amenity spaces are welcome but appear to be of secondary importance and do not appear to be linked in any way. Connectivity of these spaces and an understanding of how they are managed and maintained would be helpful.

The development mix and scale of the buildings needs to be reviewed when further three dimensional views of the site are available. Views from surrounding areas showing the relationship of houses to neighbouring properties, and in particular the Grade II* listed building, will be helpful.

Recommendation

Submit further details to justify the design approach.

Parish Council

20th November 2018

Further to the CKPC Planning Committee Meeting of 5/11/18, we object to the above application with the following comments:

This application does little to address the Committee's concerns to the previous application for this site (17/00710/OUT), copied below for reference, except the reduction in numbers of dwellings.

With the limited time to assess the revised layout it has not been possible to corroborate the claimed reduced impact on the existing trees and hedges and the Committee would defer to the CBC Tree Officer's view on this.

With reference to drainage and flooding we again have found no reference as to how the attenuation system is to be maintained and managed. While the Committee is not qualified to check the adequacy of the proposed design, without such a management strategy in place the attenuation will not be effective in the long term.

As before, the Residential Travel Plan is simply not credible. The severity and length of the slope of Oakhurst Rise means that local amenities and services are not practically accessible on foot or by bicycle. Therefore, the vast majority of movements to and from the development, even to local amenities, will be by car. The Committee notes the plan to offer a grant towards the cost of one e-bicycle per dwelling, but would comment that the dwellings will have multiple occupants of varying age / size and that this is hardly a long-term plan. For example: what would happen when properties change hands? This e-bike promotion is little more than a gimmick and merely shows that the developer accepts that the site is not practically accessible on foot or by bike via Oakhurst Rise. Such isolation from the surrounding amenities is a poor design and will hinder the integration of residents of these new dwellings into the surrounding community.

We note the increase in open / wild spaces but would still comment that even if the relocation of the badgers to a new artificial sett was successful, the fact remains that the bulk of the area that the badgers now forage in will now be private gardens or open public spaces or roads and car parking. This can only bring the badgers in to conflict with people both in terms of damage to private and public landscaping and the likelihood of collisions with cars at night. The Committee would wish to see evidence / proof that such sett relocations, in close proximity to new housing, is sustainable and does not bring about conflict with people.

Lastly, as before, we reiterate our objection on the grounds that the impact on the quality of life for the existing residents of Oakhurst Rise is unacceptable. While the reduction to 69 dwellings would reduce the impact on these existing residents compared to the previous application, it would still transform the area from a quiet cul-de-sac to a busy through route. Sustainable Development is meant to have a positive impact on peoples' quality of life. This proposed development, while less damaging than the previous scheme due to the reduced number of dwellings, would again, beyond any reasonable doubt, have the opposite effect. The proposed access to the site remains unsuitable.

17th July 2018

Further to the CKPC Planning Committee meeting of 9/07/18, we object to the above application with the following comments:

The revisions to the Application in documents published on 2nd & 3rd July do not appear to make any material difference to what is only an outline application and do not address any of our previously stated objections as listed below.

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We also note with some surprise that the Case Officer has published her report, recommending permit, on 12th July, even though the Statutory Consultation period expires 17th July.

Previous Comments:

In addition to those previous comments we note that the Barton Hyett Associates Arboricultural Review of the proposals suggests that the proposed development substantially under-estimates the impact on the trees on the site, including trees with TPO's, with the locations of trees being mis-recorded, their size under-measured and the required Root Protection Zones under-calculated. While the Committee is not qualified to assess which approach to the classification of trees and calculation of their Root Protection Areas is correct, this report does support and reinforce concerns previously raised by the public.

With respect to flooding concerns we also note the further objections from the Cheltenham Flood & Drainage Panel. The proposal does contain an attenuation system, but we have not found details of how it would be managed & maintained in the future. While the Committee is not qualified to check the adequacy of the proposed design, without such a management strategy in place it will not be effective in the long term.

The Residential Travel Plan is based on the premise that "The local accessibility of the site meets the bottom tier of the pyramid as it is accessible by walking and cycling, and is within close proximity to a range of local services and amenities". Since this is patently incorrect, the document's conclusions are similarly incorrect. The Committee understands that it has been suggested that the CBC Planning Committee site visit is organised so that the members of the Committee walk the route to assess the viability of pedestrian access at first hand. CKPC Planning Committee whole-heartedly support this call and would suggest that walking from the Sixways public car park, adjacent to the Doctor's Surgery, would be a good assessment of the viability of pedestrian or bicycle use to and from the site.

Lastly, we reiterate our objection on the grounds that the impact on the quality of life for the existing residents of Oakhurst Rise is quite simply unacceptable. Sustainable Development is meant to have a positive impact on peoples' quality of life. This application would, beyond any reasonable doubt, have the opposite effect.

Comments from 14/9/17:

Environmental:

Members of the public have raised concerns over the environmental impact of the proposed development with concerns raised over the many mature trees, including large oaks, on the site and how many of them are protected or not protected. There are long established hedgerows on the site and the low intensity of use and cultivation has made the site a haven for wildlife including a well-established badger sett.

Heritage:

The development would have a significant impact of the setting of the listed buildings of the St. Edward's site

Drainage & Flood Risk:

A member of the public reported that a previous application in 1984 for this site for a three-acre scheme was objected to by Severn Trent on the grounds that the existing sewer system in the area had inadequate capacity for the additional volumes that would be generated. It was unclear whether this objection related to foul or surface water.

The geotechnical report in the application confirms that the underlying ground is impervious and will allow for no infiltration of surface water, ie that surface water cannot

be managed by soakaways and that all surface water will have to be attenuated to prevent exacerbating downstream flood risk from the existing surface water system.

Local facilities:

Local public services are already under strain. All the local primary schools in the Parish and both Balcarras (in the Parish) and Pittville (the next nearest secondary outside the Parish) Schools are oversubscribed. The GP Surgeries at Sixways and Berkeley Place are reported as already having substantial waiting times. This development should not proceed without sufficient developer contribution to ameliorate the impact of increased demand on these services from the resultant population increase. Failure to provide sufficient additional capacity in these local services would make this Application detrimental to the quality of life of the existing residents of the Parish and make severely limit the availability of the services to the residents of this proposed development.

Transport & Access:

The access to the area via Oakhurst Rise is not suitable. The Committee would urge Officers and Members of the CBC Planning Committee to assess for themselves the length and severity of the slope to the top of Oakhurst Rise. This climb to the site would greatly limit the proportion of journeys that would be undertaken to or from the site by foot or bicycle, even to local facilities, preventing meaningful levels of sustainable transport. Concerns were raised that the figures stated in the application documents for distances to local amenities such as Holy Apostles School are incorrect.

It is reported that during icy weather and snow the residents of Oakhurst Rise have to leave their cars parked at the bottom of Oakhurst Rise and around the Ewens Farm estate due to the severe risk of slipping and causing injury and / or damage. Such arrangements would clearly be impractical for the cars from a further 100 dwellings.

The forecast volumes of traffic to be generated by the development forecast are unrealistically low. A common-sense estimate of volumes may be an average of two cars per household each morning and evening. The Committee would suggest that CBC commission an independent forecast / modelling of potential traffic flows to and from the site to better assess the impact on existing residents and the road network (particularly the flows through Ewens Farm and the junctions onto London Road and Hales Road.

Lastly, and most significantly, the impact on the quality of life of the existing residents of Oakhurst Rise would be quite simply unreasonable. Those residents currently live in a quiet cul-de-sac. Their relatively narrow street will be transformed into a through route for all the movements of the residents of another one hundred dwellings and all associated deliveries to those properties. The National Planning Policy Framework clearly lays out a presumption in favour of Sustainable Development. Cl. 9 of the NPPF states:

"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- improving the conditions in which people live, work, travel and take leisure."

This application can in no way improve the conditions in which the existing residents of Oakhurst Rise live, and fails to provide any realistic access to sustainable transport for residents of the proposed development.

Tree Officer

30th November 2018

The CBC Tree Section considers this application more sympathetic to trees than the previous application to develop at this location.

All but one of the large/major trees are intended for retention and the north south hedge line within the middle of this site is to be mostly retained. Of the large veteran/TPO'd trees for retention, perhaps this one could be considered the least significant due to its inherent characteristics. However, nevertheless, it is still an important TPO-protected tree. Given the improved, more sympathetic layout of this scheme compared to the previous one, as well as the proposed retention of other trees of significant arboricultural value combined with the outline extensive planting plans, CBC Tree Section do not object to this application subject to the following modifications/clarifications:

- 1) There are various conflicts between the identification of veteran and ancient trees as described by Arb consultant Julian Forbes Laird (of FLAC) and as described by The Woodland Trust and the Ancient Tree Forum (WT/ATF). Similarly, CBC Trees Officers also have a view which lies somewhere between FLAC and the WT/ATF perspectives. FLAC describes confirmation of veteran status by Sylvan. It would be useful to see how such veteran status results were achieved. Similarly, it would be helpful to understand how the WT/ATF arrived at their Ancient/Veteran tree status designations.
- 2) There are several instances where proposed root protection distances are cut into by the proposed development. At such locations, there can be differences of opinion as to whether such trees are veteran trees or not. If they are veteran/ancient trees, the 15X the stem diameter or 5metres from the edge of the canopy if greater (standing advice from Natural England) has been infringed. In the main, such infringement is not considered overly significant and there may be ways of further reducing the impact through the use of no-dig solutions Specifically such tree designation and incursion applies to trees (as numbered by FLAC) T3015, 3010, 3008, 3018, 3021, 3030 and 3031. The uses of pile and beam foundation types as well as no dig solutions where roadways skirt the protection areas are recommended.
- 3) There appears to be an alleyway to the rear of plots 49-51. This too should also be removed or it's construction method modified.
- 4) There is an intention to remove a part of TG3021. There are several small more unusual trees/shrubs within this copse which could be moved elsewhere on this site-eg to fortify the retained hedge. Such species include yew and broom.
- 5) The part of the hedgerow north of T3021 is shown retained but is not protected during the course of construction. Please could this drawing 38-1036.03 be amended and resubmitted taking account of this.
- 6) Proposed new tree planting along the southern boundary should not affect nearby properties as such properties are set quite far back. However there is a large line of cypress towards the south east of the site but situated within school grounds which would likely hinder prompt growth rate (shade, water demand etc) of new trees planted to the north of this line of evergreens. It is strongly recommended that such trees are removed or made considerably smaller.
- 7) Offsite tree group T3002 has quite low branch work which is likely to take up 7-8 metres of the rear of plot T32. As such any inhabitants are likely to want these branches pruned off to make the garden more useable. It may be preferable to prune such branch work off at the time of other tree works within this site.

- 8) A shade analysis of trees to be retained and the potential impact on adjacent properties at different times of day and at different times of year should be submitted. This should demonstrate that the degree of shade cast should be broadly acceptable. Proposed retained trees are of such a height and such a distance from proposed properties that there should not be unreasonable requests to prune or fell as a result of safety related concerns of tree or limbs falling onto buildings (though they could fall within garden land space). However retained trees are subject to a Tree Preservation Orders and as such pruning/removal can be controlled.
- 9) Tree retention of T3028 and the proposed protection is welcome. Please could proposed shrub/hedge planting of the outside of the adjacent (plots 1-5) be planted so as to soften the appearance of any close board rear garden fence when enjoying this tree.
- 10) Thrust boring for drainage within RPA of T3031 and 3032 should be moved away from 3031 (veteran tree). Confirmation that such thrust-boring is possible for such surface and foul water sewers in such soil must be agreed.
- 11) Given the shrinkable clay nature of soil, all property foundations must take account of potential subsidence as a result of tree root desiccation.
- 12) It would be preferable if the whole of the proposed open space around T3015 is protected permanently during construction. This will not only increase the protection area of this valuable tree but will also help ensure that the site/soil profile is suitable for the planting of new trees. This may make any construction site difficult to manage/store materials due to a lack of available working space. Construction managers must be aware of such potential working space related difficulties. Should this application be permitted, reserved matters discharged etc and construction begins, it will not be possible to reach compromise regarding the positioning of tree protective measures.
- 13) It is noted that whilst a break in the hedge line to accommodate a road will break the overall linear habitat, it is recognised that this section of hedge line appears to be mainly composed of self-set plum trees and blackthorn scrub. Similarly, there is an existing natural break in the hedge south of T3021 where a footpath is proposed.
- 14) A Veteran tree management plan is to be submitted as a part of any Reserved Matters. Similarly, any proposed open space landscape plan should also be submitted as a part of reserved matters. It is noted and welcome that native trees to be planted in open spaces will be ultimately large. Hedging species are also suitable. Proposed trees in rear gardens are more exotic. Given the nature of soil, it is recommended that a wider palette of street trees is planted. Planting tree pit details should include the incorporation of fresh topsoil and planting practice should conform to BS8545 2014-Trees:from nursery to independence in the landscape-Recommendations..
- 15) A landscape and bio-diversity management plan to provide for existing ash trees (overwhelmingly of an uncertain future as a result of Chalara) and other species within the central hedge is proposed. It is not clear what role this hedge is to take within this proposed development. Whilst it is perceived as a valuable asset in its own right from an ecological and bio-diversity perspective, and indeed it has an aesthetic function, it has not been actively managed and (with exception) has low arboricultural value. Whilst the hedge contains an understory of plum/blackthorn and contains several trees of merit, it is not clear how such a hedge is to be managed into the future. Its relationship with end users (adjacent inhabitants/children) etc must be taken account of and described.

- 16) All new planting (trees, hedges, hedgerows etc) must have deer proof fencing. It is known that deer inhabit this area and they could decimate new unprotected tree/woody plant planting.

There is no doubt that should this proposal be built, it will change the local nature of the landscape from its current light touch/unmanaged position to the construction of 69 dwellings and all associated construction. However, generous provision of open space and 'buffer planting' is proposed in line with the NPPF. Similarly, long term tree protection (through the use of permanent knee rails and the encouragement of bramble etc) to deter potential negative impact should result in large/old/important trees which can continue to grow on this site.

Currently there is no formal public access within the site. Should this status change following any planning permission, such valuable landscape assets (veteran/ancient/valuable) trees could be enjoyed by more people. There is little/no new tree succession outside established hedgerows. The proposed development will incorporate a generous tree planting proposal package. It is important that new trees are planted for the future. It is not clear how this succession would happen if the land were left in situ.

Tree Officer – revised / additional comments

29th January 2019

Following receipt of response to many of the above further CBC requests for updated information, clarification, adjustment of tree protection, working methods, the CBC Tree Section has the following response:

For ease of understanding, the above points are addressed as per their previous order:

- 1) The systematic appraisal of the ancient/veteran/notable/heritage status of the trees has been assessed using the RAVEN system in an attempt to make a systematic value judgement of their status. Clear demarcation lines of a tree's veteran status is not a succinct, quantifiable matter. Value judgements are required. Previous surveying of their status by the applicant's well qualified and experienced arboriculturist produced different results. However, the current FLAC designations are reasonable and there is no significant objection of the findings/designations. However tree T3014, whilst of comparatively small girth does have several characteristics synonymous with veteran status and certainly is an "old" tree with charm and significant amenity value. It is proposed to remove this tree. Whilst this is regrettable, this is the only tree which has such value which is proposed to be removed.
- 2) There are locations where the Root Protection Area (RPA) and the Veteran Tree Buffer (VTB) are to be marginally infringed by development. However such infringements are not considered significant and in most instances, the RPA/VTB has afforded significant extra protection of land/rooting area around other parts of the trees. Indeed in such cases, adjusted working practices are to be adopted and design amended to help further reduce impact.
- 3) Alleyway to rear plot 49-51 is one such example of adjusted design and consequential insignificant impact.
- 4) Recommendation of CBC trees has been incorporated into Landscape Strategy drawing no 18125.101.
- 5) Land has now been protected during the course of construction as requested.

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- 6) Removal/pruning of off-site cypress hedge has not yet been confirmed. However such detail could be agreed as a part of any request for approval of reserved matters or through private agreement. It is important that such pruning/removal is undertaken to reduce shade into the site as well as enable new and improved growing environment of proposed new trees.
- 7) Pruning not yet agreed. This could be undertaken by future owners through execution of common law right to prune and the need for permission to prune from this council.
- 8) Shade analysis has been submitted. There would be significant (but not apparently unreasonable) shade on plots 1-5, 6-9 and plot 31. All such significant shade would be when the trees are in leaf. There are differing degrees of shade which would be cast on the rear gardens of plots 1-5 at different times of day. Plots 6-9 would have differing degrees of shade cast on the rear of the building at different times of day. Plot 31 would have significant shade on the property during the early morning only. To summarise, it appears to be acceptable. Some potential future occupants may specifically desire degrees of shade within their properties.
- 9) Suggestion adopted as per MHP Landscape Strategy drawing.
- 10) Thrust boring conditions have been considered suitable where appropriate.
- 11) Foundation design details would be agreed as a part of any reserved matters application.
- 12) The proposed public open space around T3015 is to be protected during construction as requested. However whilst most welcome from an arboricultural perspective, such protection will reduce storage space during the construction phase of this proposal. It must be noted that the proposed tree protection fence lines would be sacrosanct and no negotiation of these areas is considered likely should permission be granted and construction commence. The proposed arb supervision and monitoring should ensure that protection of all retained trees, hedges, spaces etc. is maintained throughout.
- 13) No response necessary.
- 14) An outline arboricultural management plan has been described on FLAC Tree Protection Plan (drawing no 38-1036.03-A of 19.12.18. Such management of existing and new trees (whether they be veteran, notable or whatever) should ensure their retention into the future.
- 15) There is aspirational protection of the majority of the existing hedge which bisects the site through the use of deterrent planting, as well as new alternative species planting in anticipation the demise of the existing ash trees within this hedge. This is acceptable in principle. However Trees officer concerns remain regarding the management of such a hedge within what is to be a residential site. It is anticipated that desire lines will be created into this hedge. Parts of this hedge could be vulnerable to damage and degradation leading to calls for what would now be considered inappropriate safety related pruning or tree removal which could reduce the function of the hedge in the first instance.
- 16) Deer proof fencing is proposed around new tree planting as requested.

To summarise, as previously stated, the current proposal will completely change the rural character of this site forever. However, significant assurances have been made regarding the proposed protection of trees and hedges to be retained during the construction phase and beyond. Proposed new tree and hedge planting has been broadly described which will help continue the arboricultural fabric into the future. It is hoped and expected that the

special status of the veteran oaks can be retained and indeed new public access should increase their appreciation. Similarly, it is hoped that existing large notable oaks will continue into veteran status. The overwhelming majority of these trees are to be located within public open space thus giving a special sense of public ownership. Much of the future success of this site is occupants' "buy-in" of the current most valuable arboricultural assets. Active short and long term management of the public areas will be essential so as to help ensure the intended green nature of the site is retained.

GCC Lead Local Flood Authority (LLFA)

31st October 2018

Information supplied with this application, in the document C21505 Oakhurst Rise, Charlton Kings / FRA Rev K Oct 2018, adequately describes a feasible strategy for the management of surface water on and from the development site.

The strategy described will require further detail before development commences including a description of the maintenance strategy during and following construction for the lifetime of the development and a schedule for the implementation of the drainage scheme relative to the rest of the development.

Should permission be granted for this development it should be conditioned as follows:

Condition:

No building works hereby permitted shall be commenced until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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 for the lifetime of the development.

NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2: 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 LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

CBC Housing Strategy and Enabling

7th November 2018

Level of Affordable Housing Provision

The Joint Core Strategy Policy (SD12) states that 'on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000 sqm; a minimum of 40% affordable housing will be sought with the borough of Cheltenham'

This application will comprise of 69 residential units. Therefore at 40% we will be seeking 28 affordable housing units.

The latest SHMA that has been commissioned also requires a mix of 75:25 rented to intermediate housing.

Dwelling Mix

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

40%	Affordable Rented	Intermediate (s/o)	Total	%
1 Bedroom 2P Apartments	6	0	6	21 %
2 Bedroom 4P House	6	4	10	36 %
3 Bedroom 5P House	6	4	10	36 %
3 Bedroom 6P House	0	0	0	0 %
4 Bedroom 7P House	2	0	2	7 %
Total	20	8	28	100 %

Viability

The Joint Core Strategy states that where there is an issue relating to the viability of development that impacts on delivery of the full affordable housing requirement, developers should consider:

- Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan, particularly Policy SD4, and the objective of creating a balanced housing market.
- Securing public subsidy or other commuted sums to assist delivery of affordable housing

If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF6 will be required. Viability assessments will be published in full prior to determination for all non-policy compliant schemes except in exceptional circumstances when it can be proven that publication of certain specific information would harm the commercial confidentiality of the developer to no public benefit. Where necessary CBC will then arrange for them to be independently appraised at the expense of the applicant.

The council considers that information submitted as a part of, and in support of a viability assessment should be treated transparently and be available for wider scrutiny. In submitting information, applicants should do so in the knowledge that this will be made publicly available alongside other application documents.

The council will allow for exceptions to this in very limited circumstances and only in the event that there is a convincing case that disclosure of an element of a viability assessment would cause harm to the public interest to an extent that is not outweighed by the benefits of disclosure. Given the significant benefits associated with the availability of information to the public as part of the decision making process, and the other factors identified above, the councils anticipate that there would be very few exceptions.

If an applicant wishes to make a case for an exceptional circumstance in relation to an element of their assessment, they should provide a full justification as to the extent to which disclosure of a specific piece of information would cause an 'adverse effect' and harm to the public interest that is not outweighed by the benefits of disclosure. The council will consider this carefully, with reference to the 'adverse effect' and overriding 'public interest' tests in the EIR, as well as the specific circumstances of the case.

The viability of a site may enable additional levels of affordable housing to be delivered above the requirements set out in the Joint core Strategy. In this case the authority will negotiate with developers to find an appropriate balance to deliver affordable housing and infrastructure needs.

Dwelling Mix/Tenure

The intermediate housing should be shared ownership and we have proposed this as a mix of dwelling types as this best meets local needs.

Where possible affordable housing should be provided on-site and should be seamlessly integrated and distributed throughout the development scheme.

The design of affordable housing should meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.

Rents

Affordable Rents must not exceed the Local Housing Allowance rate (the rents need to be set at 80% market rent or 100% LHA if this is less than 80% market rent).

Service Charges

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

Service charges should be kept minimal this can be achieved through the design and we would be happy to refer you to RP's for further input if necessary.

Shared Ownership

The intermediate housing should be shared ownership and we would expect that the shared ownership units will be let at a level that is affordable, having regard to local incomes and house prices.

Provision should be made, where possible to ensure that housing will remain at an affordable price for future eligible households, or that subsidy will be recycled for alternative housing provision.

Car Parking

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

Affordable Housing Standards

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 took 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.

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.

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 and will be marketed by Help to Buy South. This will assist the Local Authority in meeting its statutory housing duties under the Housing and Homelessness legislation.

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

Friends of Charlton Kings

20th November 2018

Given the conflicting and often erroneous nature of the documentation associated with this latest application, we have only reviewed the application against our understanding of the latest NPPF guidance. We would note however that the overall quality of the documentation provided is low, with routine errors (quoting e.g. multiple access routes - there is only one, 'routine mowing of the grass preventing any ecological value to the site' - except no routine has been in place for at least 20 years, the 'empheral pond' - which has been in situ 12 months a year, since 1842, according to local maps. And the location and size of both ancient and veteran trees, which are inaccurately recorded and if properly mapped, would demonstrate that the site plan is not viable under currently planning guidance.

NPPF para 11: sites should be developed in accordance with the local plan, and otherwise permission cannot be granted, if the adverse impacts of doing so significantly and demonstrably outweigh the benefits. It remains our position that over or ill-considered

development of this unique site, particularly the adverse impact on 2 designated heritage assets and the unique ecological habitat and veteran and ancient trees, breaches this policy. That is the reason by the local plan stipulates a maximum of 25 homes in this location and we request that CBC uphold that position, as a minimum.

NPPF para 12: the development plan is the starting point for decision making. When a planning application conflicts with an up to date development plan, permission should NOT usually be granted. In an April appeal hearing, the planning inspector (ref APP/B1605/W/17/3178952) ruled that Cheltenham both had an adequate 5 year housing supply and that the JCS and emerging Cheltenham Local Plan was sufficiently mature to be given weight in decision making. He stated that "Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the JCS and the CLP." The local development plan is in final consultation and will be completed before this development is able to start; it limits this site to 25 homes, not 69.

NPPF para 43 notes that the right information is crucial to good decision making, particularly for example in habitat regulations. In this application, an accredited ecologist has been brought in 2 years into the process, and has fortunately identified some of the key protected features such as the Hedgerows Act designated important hedge down the centre of the site. However, they were only employed in September 2018 (i.e. after the time of year when any credible ecological evaluation could take place) and note that they are relying on the inaccurate and CIEEM unaccredited work that supported a previous (rejected) application. Given bats, reptiles, rare breed birds, badgers, protected orchids and protected grasses feature on this agricultural quality land (organic grassland untouched by pesticides or other chemical treatments in at least 20 years), we ask that CBC require their own independent and thorough ecological assessment to support decision making on this site.

Secondly, the transport data associated with the site has been demonstrated to be wrong over the last two years. We have previously provided our own detailed mapping and tracking data to demonstrate just how inaccurate the CTP data is (between 25% and 45% wrong, in every regard). We ask that CBC require their own independent transport and traffic surveying particularly of the Hales Road and London Road links to this proposed site, in order to get an accurate view of the impact of the proposed build.

Thirdly, it is notable that much of the information in 18/02171/OUT directly contradicts that in 17/00710/OUT (rejected) although there are also repeated references to previous reports from the old application, and some references to 100 or 91 homes in the current supporting documentation for this application; in many cases the linkage is so confused that it is impossible to provide comment.

NPPF para 62 notes that the type of affordable housing required should be identified to be met on site; this application claims it will provide affordable housing but is silent on what type and lacking in credibility in the distribution of said homes across the site (they appear to be entirely random). Given both primary and secondary schools and doctors surgeries in Charlton Kings are over capacity, without more information on the 'affordable housing' (low income / families / elderly / student accommodation), it is impossible to comment as to whether this application could be viewed favourably by local residents, or by CBC. It is also noted that the 20% below market rate headmark for 'affordable homes', if costed according to a Battledown postcode, could legitimately result in properties being priced in the multi million pound bracket. That is patently not what Cheltenham requires.

NPPF para 97: existing sports and recreational ground should not be built on (supported by local policy RE1, which protects local recreational facilities, and RC1, which prohibits development of land which serves a community purpose).

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This land provides the district and county cross country course to Gloucestershire's primary school children, and has done so since at least 1960. There is nothing in national policy that limits sports or recreational grounds to playing fields, nor that cares about private ownership of the land. The recreational benefit is to the county, to school children and to local residents. Both Cheltenham's athletics clubs have provided strong objections to the loss of this facility, as has the headteacher of Balcarras school. The core of the NPPF is the production of a strong and healthy society - is there anything more foundational than a primary school cross country course that has been used by an estimated 40,000 children over the years?

The Cheltenham Local Plan documents the significant shortfall of sporting facilities in the borough - so why is there a plan to develop over an existing facility that is subject to such extensive county use? [We also contest the St Edwards School trustee statements that being allowed to build on their recreational land would provide more sporting facilities to the wider community; those cited in their letter of October 2018 already exist, and if St Edwards is to retain its charitable status as an independent school, they are obliged to make these existing facilities available to the wider community in the way they cite as offering future benefit only. It is self evidently untrue that community benefit will only derive from enrichment of the school trust, via the Carmelite Trust)

NPPF paras 102 and 103 cannot be met given the excessive gradient of Oakhurst Rise (used locally for mountain bike training). The transport plan isn't credible. Does an eBike convey with a property? What does a 3 year old do? What does an 80 year old do? This is a car only development and as such will place an exceptionally heavy traffic burden on the local communities and streets.

NPPF para 155 requires that development should be made safe for its lifetime without increasing flood risk elsewhere. That is not possible on this site given the proposed removal of trees and green landscaping in an area that actively manages surface water run off towards the Charlton Kings flood zone. There is no long term water management strategy, and some 'design features' such as the long "rill" down a 15* hill towards a primary school playground would be distinctly dangerous if not properly maintained. Is CBC able to assure residents and school parents that they will actively manage this site once it is sold on?

Once again desk based assessments are being used to overrule local expertise on a site that has already been rejected 3 times on the basis that it will increase flood risk in the local area. Springs and ponds at the top of the site have been ignored, even though they are documented from the first builds in the locale back to the late 1800s.

NPPF para 170 requires that planning decisions should enhance the natural environment. This site is unique not just to the local area but also to Gloucestershire; a preponderance of rare mammals, birds, butterflies and plant life exist in an organic meadow. While there are claims that adding a 69 home estate will 'enhance' the biodiversity of the site there is no explanation as to why there will be more biodiversity than exists today; badgers are relocated close to farm animals and children, and there is no land management strategy for the retained green areas. Again, are CBC going to take on long term liability for this land, or will it become unkempt wasteland suitable only for further development?

NPPF para 170e requires prevention of existing development being put at unacceptable risk of water and noise pollution and land instability. All three tests fail; as documented extensively by local residents, development of this site fails to protect existing spring water, will dramatically change the noise landscape, and will exacerbate subsidence across Ewens Farm, Ashley Road and potentially the wider Battledown hill.

NPPF para 175e requires that development that results in the loss or deterioration of ancient or veteran trees should be refused. Despite claims to the contrary, the trees have been inaccurately mapped (in location and scale) in this application and at least one veteran tree is placed in a back garden, from where no future protection can be assured.

ALL veteran and ancient trees will be compromised under this design as there is road or building work within the designated crown perimeter and root protection areas of oak, ash and sycamore specimen trees.

NPPF para 180 requires development to mitigate and reduce to a minimum potential adverse impacts resulting from noise (this site will result in a transformed environment for primary school children who currently play and sleep in close proximity to the proposed building site, and have zero background noise during the school day). It requires CBC to identify and protect tranquil areas that have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; each and every child at St Edwards highlights this point as precious to them in their schooling - that's 400 children a year enjoying the privilege of silence - as identified in the on line leavers' video each year. And it requires that CBC limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation. The reason this site is so densely populated by nature is exactly that - it is dark, and it is silent.

NPPF para 190 requires that CBC avoid or minimize conflict between heritage assets' conservation and any aspect of the proposal. In addition to the harm to the setting of the Grade II* Ashley Manor, the proposed development affects the water supply to, sustainability of (through impact on solar panel efficiency) and setting of the Grade II listed Charlton Manor. In addition the linkage between the ice house and Charlton Manor is severed despite the historical connection (from 1864) between these two heritage assets.

NPPF para 193 requires that great weight should be given to the conservation of heritage assets. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.

NPPF para 194 requires that any harm to, or loss of, the significant of a designated heritage asset, including development within its setting, should require clear and convincing justification. Harm to grade II* listed buildings should be wholly exceptional; Historic England have already stated in their commentary that the heritage harm is unacceptable.

The Friends of Charlton Kings position remains as before; that this is a special site to local residents, school children and, given its ecological sensitivity and heritage assets, to future generations. The concerns raised in the rejection of a previous application (which built on three previous rejections, including one by the Secretary of State for the Environment) have not been overcome by a change from 91 homes to 69, in 4 short months.

Assuming that it is not normal to be able to identify so much of the National Planning Policy Framework that is not met in one a single development proposal, we would ask that this is sent back to the drawing board for a more considered, technically accurate and locally advised review before being allowed to proceed.

Otherwise we would ask that Cheltenham Borough Council once again reject the application as having limited merits and local benefits, and causing very considerable harms.

Sport England

31st October 2018

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed

response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:
www.sportengland.org/planningapplications

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:
<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

Historic England

13th November 2018

Thank you for your letter of 30 October 2018 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

Historic England maintains their objection to the principle of development on this parcel of land. We consider the open green space to contribute significantly to the setting of the Grade II* listed Ashley Manor.

Historic England Advice

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This application is a revised scheme following the refusal of application ref. 17/00710/OUT. Of the five refusal reasons was the 'significant impact on the setting of nearby listed buildings, particularly Ashley Manor, an important grade II* listed villa of more than special interest'. The less than substantial harm was afforded great weight in the planning balance as prescribed by paragraph 132 of the NPPF (the National Planning Policy Framework has since been revised and paragraph numbers have altered).

This resubmitted proposal has a reduced density but nevertheless remains a substantial housing development on grounds which contribute positively to the setting of Ashley Manor. It therefore does not alter or address our concerns as set out in our previous responses, and as such we maintain our objection to the principle of development on this parcel of land.

We remind the authority that Ashley Manor is Grade II* listed, making it a heritage asset of the highest significance (as set out in the revised NPPF, 194). In line with NPPF policy 193, the asset's II* listed status must be given great weight in the planning balance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

We attach our initial response to application 17/00710/OUT, dated 30 October 2017, for clarification.

Recommendation

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 193, 196 and 200.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity. Please contact me if we can be of further assistance.

Comments on 17/00710/OUT, dated 30th October 2017

Thank you for your letter of 28 September 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

Historic England does not support the principle of development on this parcel of land. We consider the open green space to contribute significantly to the setting of the Grade II* listed Ashley Manor.

Historic England Advice

The villa at St Edwards School, known most recently as Ashley Manor, was built for Nathaniel Hartland (the single most important lender of money to builders in the Pittville development in Cheltenham). Its list description describes it as 'One of the finest villas in the Cheltenham area, its internal plasterwork is a particular feature for its diversity, depth and quality of composition.' The original approach to the house is from London Road to the south; the sinuous tree-lined drive remains largely unaltered. The Grade II listed boundary walls and gate piers (marking the entrance from London Road), and further into the grounds, the Grade II summerhouse and drive piers to the surviving carriage sweep are all remnants of this high-status, grandiose villa-house ensconced within its generous parkland

setting. Indeed, the topography of the site is significant; the land rises markedly from south to north, which would have been a conscious motive for siting this 'villa' style dwelling overlooking the town. This 19th century revisiting of ancient Classical-inspired villas was heavily influenced by Andrea Palladio's work of the 16th century. Palladio's villa suburbana (country houses purely for residential or leisure as opposed to agriculture), in particular the Villa Rotunda, gave rise to a vast tradition in villa architecture; these formative dwellings were conceived with a close relationship to their location. Of Villa Rotunda, Palladio wrote 'the site is as pleasant and delightful as can be found; because it is upon a small hill...it is encompassed by the most pleasant risings...and therefore...enjoys the most beautiful views from all sides'. The building rises out of the landscape and so does Ashley Manor in this very nature. So, whilst the principal elevation faces southwards, the siting of this villa, within its extensive, rising grounds is of, arguably, equal significance.

The outline application is for a residential development of up to 100 dwellings in the parcel of grassland to the north of Ashley Manor. The site forms an important green backdrop to the principal villa, rising northwards, and contains ancient trees, deer, and, as corroborated by the Archaeological Statement, the presence of a former ice house, taking the form of a tree-covered mound, undoubtedly ancillary to Ashley Manor. The site is therefore clearly associated, historically, with the villa - grounds of this extent would be expected with a high-status property.

Having visited the site, we are aware that significant modern additions (large school-related buildings, as well as landscape features such as the blue-topped playing surfaces) have eroded the historically isolated setting of Ashley Manor. Notwithstanding, the house (and associated school buildings) remains positioned within the extent of its historical grounds and the application site forms a key green buffer between the villa and later development to the north.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". In line with the National Planning Policy Framework 2012, planning authorities should look for opportunities for proposals within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Significance can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm to their setting should require clear and convincing justification (para. 132). Only proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (para. 137). Additionally, the desirability of sustaining and enhancing the significance of heritage assets is paramount when determining this application, whilst new development must make a positive contribution to local character recognising the positive contribution that the conservation of heritage assets can make to communities (paras. 131). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para. 134).

As we have acknowledged, recent school additions to the site have eroded the villa's setting to a degree. Nevertheless, the proposal will push development uncomfortably close to Ashley Manor. When approaching the house from its historical drive, the experience of the house set upon the slope of Battledown Hill remains appreciable, with this unspoilt land rising visibly beyond. Replacing this parkland behind with development will completely eradicate and undermine the significance and appreciation of the villa's historical relationship and siting within its conspicuous topographical setting and wider grounds. We therefore do not agree with the Heritage Statement (4.2.2) that the 'significance of the asset is principally derived from the architectural and special interest of the building...rather than from the wider setting and indeed the Site.' Loss of half of the villa's grounds - which form an important contribution to the original architectural and aesthetic design conception - will

adversely affect the significance of the heritage asset. As such, we do not support the application.

Recommendation

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 131, 134 and 137. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Gloucestershire Centre for Environmental Records

28th November 2018

Biodiversity report received.

Battledown Trustees

20th November 2018

On 30th October, you kindly advised me that you would be pleased to receive comments concerning the above planning application from the Trustees of the Battledown Estate, having officially designated us as 'Consultees' on the subject.

As all involved with this matter are well aware, this application is a re-hash of the 2017 application 17/00710/OUT for the construction of 100 homes, subsequently reduced to 90 homes. This new application is for 69 homes, some 21 homes (23%) fewer than the previous application.

From the voluminous documentation produced relating to the previous application and the already considerable documentation submitted for this re-hash, it is abundantly clear that none of the grounds on which the Trustees previously objected have been adequately addressed. Therefore, for good order's sake, we repeat them herewith:

The Land directly adjoins almost the entire length of the Estate's southern boundary and so any development thereon would directly affect a significant number of properties on the Estate. The Trustees make the following observations and objections to the proposed development:

1. Access: It is important that all parties are aware that no access to this Land is, or will be, permitted from Battledown Estate land and that the use of the Estate Roads is prohibited for the purpose of gaining access to the Land by any party connected with the proposed development, or any putative residents thereat, either before, during or after the completion of any such proposed development. It is necessary for the Trustees to make this clear to CBC, since various attempts to access the Land via the use of Estate Roads have been made in the past by parties associated with the Applicants and these attempts were made using misleading and inaccurate documentation issued by the Applicants solicitors.

2. The Trustees object to this application for the following primary reasons:

- a) Considerable loss of privacy would be suffered by a substantial number of Estate properties and residents, owing to the proposed positioning and height of the dwellings on the Land adjoining the Estate boundary.
- b) There would be noticeable degradation to the environment of the Estate owing to the significant increase in 'noise pollution' which would be generated by the proposed 69 dwellings, once completed.
- c) There would be a material and dangerous increase in the risk of flooding for a number of Estate properties located in Ashley Road. In 2007, several Estate houses including some adjoining the proposed development land, were badly flooded; this situation can only be exacerbated by the proposal to cover such a large proportion of this Land with concrete, tarmac and buildings.
- d) In common with many other residents in this area of Charlton Kings, all residents on the Battledown Estate would be affected by the massive and unacceptable increase in traffic which would inevitably result from the building of these proposed 69 homes, as such an increase in traffic would affect many roads in the area, including Sixways Junction, Hales Road, London Road, King Alfred Way and Athelney Way, as well as those narrow roads immediately adjacent to the proposed development site --- and the 'knock-on' effects would severely affect and inconvenience many hundreds of local residents in Charlton Kings and the eastern part of Cheltenham. In a nutshell, the local infrastructure and road system is already choked at peak periods and is simply inadequate for the existing number of dwellings, let alone the critical increase in traffic consequent upon the construction of a further 69 homes.

Furthermore, the Planning Officers and elected members of the Planning Committee will, no doubt, all have seen the other detailed objections already submitted which demonstrate that this application directly contravenes a multitude of the Borough Council's own Planning Policies as well as Gloucestershire's specifications for new streets. It would create severe and permanent dangers for both cyclists and pedestrians. Quite apart from the unacceptable gradients and road widths on the residential streets which are designated as Access to the Land, one should also appreciate that the application necessitates severe street gradients within the proposed development site itself. Nowhere in the Applicant's documentation is this highlighted as it should be; this appears to be yet another attempt (to add to all those perpetrated in 2017 and earlier in 2018) to pull the wool over the eyes of the Planning Committee members.

We also object on the grounds that the views of this area of Battledown as seen from the nearby AONB will be permanently blighted, in contravention of national planning regulations and, in this context, we support the strong objections made by Historic England on similar grounds.

From the very important perspective of Amenity, we object owing to the permanent and irretrievable destruction of a valuable outdoor sporting facility used regularly by children from all over Cheltenham and, indeed, Gloucestershire, together with the unacceptable additional strain that such a development would place on local GP surgeries and school places -- neither of which are able to meet the demand consequential upon such a dramatic increase in local housing.

Finally, it is also worth noting that this application directly contravenes the provisions contained within the Local Housing Development Plan for Cheltenham, approved by the Borough Council itself within the last few months. For this reason alone, it seems extraordinary that the Applicants have not already been advised that it would be unwise to pursue this re-hash of 17/00710/OUT.

There are many reasons to approve housing development schemes; however, the Trustees believe that any Planning Committee which might approve a scheme which does massive and irreparable harm to the local community and blights the environment of the existing electorate, whilst simultaneously satisfying the avaricious desires of a tiny group of wealthy developers, would be misguided in the extreme.

A significant majority of Borough Councillors on the Planning Committee rejected application 17/00710/OUT on 19th July 2018 for a large number of very good reasons. This latest re-hashed application singularly fails to address in a substantive manner any of the grounds for the previous application's refusal and, even worse, perpetuates much of the inaccurate and false information previously submitted by the developer's consultants.

Exactly the same multitude of planning considerations apply to this new application and therefore the Trustees anticipate and request that the same judgements will be made once again, to the clear benefit of the existing local communities in both Charlton Kings and the wider borough of Cheltenham.

Natural England

26th November 2018

Thank you for your consultation on the above dated 30 October 2018 which was received by Natural England on the same day. We are grateful for the extra time to respond.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - HABITATS REGULATIONS ASSESSMENT (HRA) REQUIRED

Our advice in relation to the previous scheme applies (1). As submitted, the application could have potential significant effects on the Cotswold Beechwoods Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A mitigation strategy to avoid recreation impacts upon the SAC.

NB This should take account of our advice letter dated 22.8.18 (2) to the Joint Core Strategy planning authorities regarding information to inform HRA of such development proposals.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Natural England's advice on other issues is set out below.

(1) Natural England advice letter reference 243652 (26.4.18)

(2) Natural England advice letter 22.8.18 - 'Gloucester City, Cheltenham and Tewkesbury LPA areas - Evidence gathering in relation to recreation pressure on European Sites - Information to inform an interim approach to Habitats Regulations Assessment of planning applications'

ADDITIONAL INFORMATION REQUIRED

Internationally and nationally designated sites

The application site is within a zone of influence around a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is within a zone of influence around the Cotswold Beechwoods Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as the Cotswold Commons & Beechwoods Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have (3). The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Following the recent 'People over Wind & Sweetman - v- Coillte Teoranta' case law (CJEU ref C-323-17) we advise that the Council takes account of the following advice in carrying out its HRA and proceeds to the 'appropriate assessment' (stage 2) of the HRA process.

Our advice letter dated 22.8.18 provides context in terms of up to date information to inform your approach to HRA regarding recreation pressure on European Sites in the three Joint Core Strategy authorities' area.

Considerations include:

- Distance between application site and nearest boundary of SAC
- Route to SAC/mode of transport
- Type of development (E.g. use class C3)
- Alternative recreation resources available - on site and off site
- Education and awareness raising measures e.g. inclusion within homeowner information packs of suitable information about the recreation 'offer' in the locality. This should include simple do's and don'ts regarding the sensitivities of local designated sites so that new residents can enjoy these resources while helping to conserve them for future generations.

(3) Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially

affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website.

<http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

Your appropriate assessment should also take account of:

- Adopted Joint Core Strategy policies
 - Policies SD9 Biodiversity & geodiversity, INF3: Green infrastructure and INF7

Developer contributions.

- Cheltenham Borough Plan policies
 - Emerging policies on Open Space and Green Infrastructure

Sites of Special Scientific Interest (SSSI) - further information required

The following SSSI lie within easy reach by car of the proposed development

- o Leckhampton Hill & Charlton Kings Common
- o Crickley Hill & Barrow Wake
- o Cleeve Common
- o Puckham Woods
- o Lineover Wood

Our advice above in relation to the Cotswold Beechwoods SAC applies similarly to these SSSIs. Provided that suitable safeguarding, education and awareness raising measures are incorporated into the proposed scheme we would not anticipate damaging effects on the notified features of these SSSIs. JCS policy SD9 and your emerging borough plan supporting text paras 10.27-10.29 refer.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

In addition, Natural England would advise on the following issues.

Protected Landscapes

The proposed development is for a site within the setting of a nationally designated landscape namely the Cotswolds AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the Cotswolds Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on 020 802 60939.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above, has been provided.

Annex A - Additional advice

Natural England offers the following additional advice:

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Protected Species

Natural England has produced standing advice (4) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance [Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website](#). If you consider the proposal has significant implications for further

loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geo-conservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here (5). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

(4) <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

(5)

<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- o Providing a new footpath through the new development to link into existing rights of way.
- o Restoring a neglected hedgerow.

- o Creating a new pond as an attractive feature on the site.
- o Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- o Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- o Incorporating swift boxes or bat boxes into the design of new buildings.
- o Designing lighting to encourage wildlife.
- o Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- o Links to existing greenspace and/or opportunities to enhance and improve access.
- o Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- o Planting additional street trees.
- o Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- o Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 91 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Natural England - revised / additional comments

23rd January 2019

Thank you for your consultation on the above dated 12 December 2018 which was received by Natural England on the same day. We are sorry for the delay replying.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER MITIGATION REQUIRED TO SUPPORT THE COUNCIL'S CONCLUSION OF NO ADVERSE EFFECT ON THE INTEGRITY OF THE COTSWOLD BEECHWOODS SAC
The proposed mitigation could allow potential significant effects on the Cotswolds Beechwoods Special Area of Conservation (SAC)¹ when considered in combination with other residential development, as described in our advice letter dated 22.8.181 to the Joint

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Core Strategy authorities. Natural England advises some further mitigation in order to conclude no adverse effect on the integrity of the SAC.

We welcome the Council's 'appropriate assessment' but advise that the proposed mitigation measures also include:

- The provision of suitable information about recreation opportunities in the area and the sensitivities of designated sites - to be included in a suitable new homeowner information pack.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the relevant measures. Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Further information regarding required mitigation

The Cotswolds Beechwoods SAC is currently being affected by increased recreation, partly due to housing growth across a number of districts. There is growing awareness of the potential for growth across Stroud District, Tewkesbury Borough, Gloucester City and the Cotswolds Borough to result in additional recreational pressures on the Cotswold Beechwoods Special Area of Conservation (SAC). This is reflected in the joint 'statement of co-operation' between the Joint Core Strategy LPAs and Natural England dated 2014. Our advice letter of 22.8.18 to the Joint Core Strategy local planning authorities refers.

Next steps

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the SAC. It concludes this on the basis of the development proposal's distance from the SAC, its modest scale, the provision of on-site open space and proximity to alternative recreational resources.

Having considered the assessment, and the measures proposed to mitigate for the identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that in addition to the proposed on site open space a suitable 'homeowner's information pack' resource is secured providing information on recreation resources in the locality. This information need not be long or onerous. Pending agreement between the relevant LPAs on suitable content we propose the pack should reference:

- Alternative local recreation opportunities (off site). E.g. website information for Cotswolds AONB and recreation 'offer'
 - <https://www.cotswoldsaonb.org.uk/visiting-and-exploring/>
- Relevant adopted Cheltenham, Gloucester and Tewkesbury JCS policy (e.g. INF3 green infrastructure) and supporting text (e.g. 5.4.6 re Green Infrastructure strategy 'vision').

These mitigation measures should be appropriately secured in any permission given.

Environmental Health

20th November 2018

After considering the documentation submitted as part of this proposal there are only very minor issues of concern from an Environmental Health perspective. As such I would recommend approval subject to the following condition being attached to any approved permission:

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- Arrangements for liaison with the Council's Pollution Control Team.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Method of prevention of mud being carried onto highway.
- Waste and material storage.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

GCC Section 106 Officer

28th November 2018

Thank you for consulting on the above planning application. The application was assessed initially on the original scheme (17/00710/OUT) and various contributions were sought. The revised scheme is smaller, and the re-assessment accounts for this. The full assessment is provided below.

Based on current pupil product ratios, the scheme is likely to generate the following number of places:

Pre-school/nursery: 3.67. There is a need to expand provision within the local area, including throughout the Charlton Kings area of Cheltenham. The contribution required is **£53,316**

Primary School: 12.51 places. The nearest primary school is Holy Apostles which is at and forecast to remain over capacity. The contribution required is **£181,881**

Secondary School: 6.37 places. The nearest secondary school is Balcarras School which is also at and forecast to remain over capacity. The contribution required is **£141,229**

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The nearest library is Charlton Kings Library. The Local Developer Guide (extracts attached) explains the reason and circumstances in which a library contribution is required. The contribution will be used to ensure that a level of provision at the library is sustained in the face of increased pressure from increased population and use. The contribution required is **£12,348**

Oakhurst Rise, Cheltenham

GL52 6JU

Planning Area 916	Estab	School Name	Distance (Miles/Walking route)	Building Capacity	Current NOR	Forecast					
						2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
1830	3316	Holy Apostles CofE Primary School	0.7	210	210	210	210	209			
2500	5408	Balcarras School *	1.2	1341	1406	1405	1407	1405	1384	1387	1386

Community Infrastructure Requirements (Gloucestershire County Council)

Summary

Planning Application 18/02171/OUT
Site Oakhurst Rise
Proposal 69 units incl 6 x 1 bed

Thank you for consulting GCC Infrastructure on the above application.

The scheme has been assessed for impact on various GCC infrastructure in accordance with the "Local Developer Guide" adopted 2014.

The Developer Guide is considered as a material consideration in determination of the impact of development schemes on infrastructure.

The assessment also takes account of CIL Regulations 2010 (as amended).

The scheme comprises the following number of dwellings:

Of these: Houses: 45
 Flats: 18

The scheme will generate the need for **3.67** additional pre-school places. There is no additional capacity. Therefore a contribution is required: **£53,316**

The scheme will generate the need for **12.51** additional primary school places. There is no additional forecast capacity. Therefore a contribution is required: **£181,881**

The scheme will generate the need for **6.37** additional secondary school places. This includes Sixth Form. There is no additional forecast capacity. Therefore a contribution is required: **£141,229**

The scheme will generate additional need for library resources. A contribution is therefore required, in accordance with the GCC Local Developer Guide. The Library Contribution required is: **£12,348**

Education Contribution: Justification

A full explanation is provided within the GCC publication "Local Developer Guide".

Paragraphs 65-78 provide further detail (available from www.gloucestershire.gov.uk)

Pupil yields are calculated in accordance with research published by GCC in "Child Yields in New Developments".

The cost per place (from 2016) is as follows:

Pre-school and Primary places:	£14,541.00
Secondary 11-16:	£18,779.00
Secondary 11-18:	£22,173.00

Multipliers are reviewed annually.

Where there is no identified surplus capacity in the forecast, a contribution is sought.

Where there is an identified surplus of places within the forecast this will reduce the contribution, or remove the need for a contribution entirely.

Pre-school Contributions:

The assessment identified no capacity in the sector available. In accordance with the GCC Local Developer Guide, a contribution is justified as outlined above.

Specific Infrastructure: Provision within Battledown/Charlton Kings

Purpose(s): Towards additional pre-school places arising from the impact of the development.

Primary School Contributions:

The assessment identified no capacity in the sector available. In accordance with the GCC Local Developer Guide, a contribution is justified.

Specific Infrastructure: Holy Apostles Primary School and/or the provision of a new primary school

Purpose(s): Towards the provision of additional places at the named school(s).

Secondary School Contributions:

The assessment identified no capacity in the sector available. In accordance with the GCC Local Developer Guide, a contribution is justified.

Specific Infrastructure: Balcarras or new secondary

Purpose(s): Towards provision of additional places at the named school(s).

Library Contribution: Justification

A full explanation is provided within the GCC publication "Local Developer Guide".

Paragraphs 93 to 97 explain the principles for securing contributions towards libraries, and the specific purposes to which they will be put.

In this case, the proposed development and increase in population will have an impact on resources at the local library, as explained in the GCC Local Developer Guide.

Specific Infrastructure: Charlton Kings

Purpose(s): Towards additional library resources at the named library(ies)

Notes

1. Where the resulting number of dwellings varies from the number assessed, the contribution will be increased or decreased to reflect this:

Pre School	Per house	£984.00	Per flat	£301.00
Primary School	Per house	£3,622.00	Per flat	£367.00
Secondary School	Per house	£2,889.00	Per flat	£94.00

Libraries	Per house	£196.00	Per flat	£196.00
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2. The total expected child yield from this scheme is

Pre School	12.2
Primary School	13.4
Secondary School	6.2
16-17	2.0
Total	33.8

3. Age-restricted dwellings are not included in calculations (e.g. developments for people aged 55+)

4. Pupil Yields reflect the total child yield, and are adjusted downwards to take account of:

- a proportion of children will not attend the local school (e.g. due to private school attendance)
- a proportion of students will not stay on to 6th Form (staying on rates)
- take up of nursery places is based on local data.

5. The infrastructure items identified are those which are most likely to serve the development. In the case of schools, these are the nearest schools within reasonable distance. Library services contributions will relate to the nearest local library.

6. Phasing of payments will be by agreement. It will be expected to be paid in advance of the impact arising, to allow sufficient time for expenditure.

Payments will relate to identifiable triggers. The number of triggers/phases will depend on the scale of the development.

OTHER INFORMATIVES IF APPLICABLE:

Further information is available from the GCC Community Infrastructure Team

The Woodland Trust

27th November 2018

The Woodland Trust is the UK's leading woodland conservation charity. The Trust aims to protect native woods, trees and their wildlife for the future. We own over 1,000 sites across the UK, covering around 24,000 hectares (59,000 acres) and we have 500,000 members and supporters.

The Ancient Tree Forum (ATF) is a charity which has pioneered the conservation of ancient and veteran trees and is the main UK organisation concerned solely with their conservation. The ATF seeks to secure the long-term future of ancient trees through advocacy of no further avoidable loss, good management, the development of a succession of future ancient trees, and seeking to raise awareness and understanding of their value and importance.

The Trust and ATF object to this application on the basis of deterioration, and in some cases loss, of a substantial number of ancient and veteran trees. It is of particular concern that a number of veteran trees within this site that are listed on the Ancient Tree Inventory (ATI) have not been considered by the applicants and have therefore not been afforded suitable protection.

Ancient and veteran trees are a vital and treasured part of the UK's natural and cultural landscape, representing a resource of great international significance. The number of

ancient and veteran trees on this relatively small site, including those forming part of a hedgerow, makes the site especially valuable for wildlife. The existing values will not be able to be sustained if the site is developed to this intensity as we consider that existing ancient and veteran trees will deteriorate and it will not be possible to provide for the continuity of appropriate trees that could become veterans of the future.

Natural England's standing advice for ancient woodland, ancient trees and veteran trees [1] states: "Ancient and veteran trees can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are irreplaceable habitats with some or all of the following characteristics."

[1] <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

"An ancient tree is exceptionally valuable for its: great age, size, condition, biodiversity value as a result of significant wood decay habitat created from the ageing process, and cultural and heritage value." It states further: "All ancient trees are veteran trees, but not all veteran trees are ancient. A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value."

While the size or girth of a tree can be used as an indicator for it being a veteran specimen, such criteria should not be used as the sole determinant in its categorisation. Rather it is the tree's condition and the features that it displays, such as the presence of significant deadwood and hollowing, which should be considered in its determination as a veteran tree.

Planning policy

National Planning Policy Framework (NPPF), paragraph 175 states: "When determining planning applications, local planning authorities should apply the following principles:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;"

Exceptional reasons are defined in Footnote 58 as follows: "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."

The proposed development does not fit these criteria and as such should be refused on the grounds it does not comply with national planning policy.

Paragraph 5.4.12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 supports paragraph 175c of the NPPF stating: "Ancient woodland and veteran trees will be protected in accordance with the NPPF."

Cheltenham Borough Council has recently submitted the new Local Plan for inspection to the Planning Inspectorate. Within the Cheltenham Plan 'Policy GI3: Trees and Development' states the following: "Development which would cause permanent damage to trees of high value (Note 1) will not be permitted." Note 1 is defined in the following manner: "'High value' means a sound and healthy tree with at least 10 years of safe and useful life remaining, which makes a significant contribution to the character or appearance of a site or locality." Clearly, the ancient and veteran trees on this site fall within the Note 1 category.

Impact on ancient and veteran trees

The Trust has significant concerns in relation to the direct and indirect impact of the proposals on the population of ancient and other veteran trees within the development site. A distinctive feature of the site is the significant population of mature and large-girthed trees with distinctive habitat features important for wildlife. Many of these are listed on the Ancient Tree Inventory (ATI) as veteran trees, with two identified as ancient specimens, as detailed in the table below.

Tree no.	ATI no.	Species	ATI Categorisation	Grid reference
3007	167739	Oak	Veteran	SO9662021646
3008	167740	Oak	Veteran	SO9660521648
3010	167742	Oak	Veteran	SO9658821654
3014	167746	Oak	Veteran	SO9652021628
3015	167745	Oak	Veteran	SO9653121639
3018	167747	Oak	Veteran	SO9650321690
3021	167757	Ash	Ancient	SO9646021598
3022	167756	Oak	Veteran	SO9644021558
3023	167755	Oak	Veteran	SO9638221532
3025	167753	Oak	Veteran	SO9638121563
3026	167752	Oak	Veteran	SO9640321585
3027	167751	Oak	Veteran	SO9639621605
3028	167749	Oak	Ancient	SO9642421638
3030	167748	Oak	Veteran	SO9644521702
3031	167759	Oak	Veteran	SO9644921510

Trees can be vulnerable to the changes caused by nearby construction/development activity.

Development within the RPAs and/or canopy of ancient and veteran trees can result in adverse impacts as the tree's root system is adversely affected by soil compaction and direct root damage. The potential direct and indirect impacts of development on ancient and veteran trees are clarified in Natural England's standing advice, including:

- damaging roots and understorey (all the vegetation under the taller trees)
- damaging or compacting soil around the tree roots
- polluting the ground around them
- changing the water table or drainage of woodland or individual trees
- increasing the amount of pollution, including dust
- increasing disturbance to wildlife from additional traffic and visitors

Furthermore, new development close to such trees increases the targets and risks associated with people and property in proximity to them, thereby compromising their long-term retention.

The British Standards guidelines 'Trees in relation to design, demolition and construction (BS5837:2012)' clarify that construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction works. Root systems, stems and canopies, all need allowance for future growth and movement, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard. However, it is important to also consider the guidance within Natural England's standing advice when specifically taking the protection of ancient and veteran trees into consideration. This standing advice identifies mitigation measures that can be implemented where nearby development may result in impacts on ancient and veteran trees, including:

- putting up screening barriers to protect woodland or veteran trees from dust and pollution

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- a buffer zone at least 15 times larger than the diameter of the tree, or 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter
- protecting veteran trees by designing open space around them
- identifying and protecting trees that could become veteran trees in the future

Standing advice also recommends that where possible, a buffer zone should:

- contribute to wider ecological networks
- be part of the green infrastructure of the area

It is also stated that including gardens in buffer zones should be avoided. Gardens of residential development are uncontrolled areas where permitted development such as sheds and patio areas will likely be incorporated. Therefore, the root systems of trees are likely to be affected where their buffer zones fall within garden areas. Many of the buffer zones of trees identified as veterans fall within gardens, contrary to this advice.

The need to ensure that ancient and veteran trees are afforded appropriate space for their long-term health is supported by the BS5837 guidelines which states in paragraph 5.2.4 that "particular care is needed regarding the retention of large, mature, over-mature or veteran trees which become enclosed within the new development" and that "adequate space should be allowed for their long-term physical retention and future maintenance". We note that although a number of veteran trees are shown retained in areas of open space, one such open space has also been identified as a site for the relocation of a badger sett. We do not consider that locating a badger sett in close proximity to veteran trees would be compatible with avoiding damage to the root systems of these trees.

Veteran trees typically feature significant deadwood habitat of great value for biodiversity, e.g. retained deadwood in the crown, broken/fractured branches and trunk cavities/wounds.

The level and type of usage of such a high density residential development will increase the health and safety risks associated with these trees leading to a requirement to manage them more intensively resulting in loss of habitat and/or consequential decline or removal.

Our concerns regarding increasing the risk that such trees pose is also supported by the guidance within David Lonsdale's 'Ancient and other Veteran Trees: Further Guidance on Management' (2013), which states in paragraph 3.5.2.1 "...avoid creating new or increased targets: as happens for example following the construction of facilities (e.g. car parks or buildings) which will bring people or property into a high risk zone. Not only does this create targets, it also harms trees and therefore makes them more hazardous".

The trees that we have highlighted in the table above are all listed on the ATI as ancient or veteran specimens. However, the following trees have not been recognised by the applicant as being veterans, numbers: 3008, 3010, 3014, 3015, 3022, 3023 and 3025. Of these it is proposed that number 3014 will be removed in order to facilitate the development. As the remainder of these trees have not been recognised as veterans they have not been afforded buffers/root protection areas (RPAs) in line with the recommendation in Natural England's standing advice, which states 15 times the stem diameter or 5m beyond the crown, whichever is greater. Therefore, it is apparent that numerous elements of the development, such as buildings, parking areas, pathways, roads and gardens will encroach on their RPAs. While a significant number of trees have not been recognised as veteran specimens, it is apparent that the trees that have been recognised as veterans by the applicant will still be subject to RPA encroachment by various elements of the proposed development.

The Trust requests that the council's tree officer takes both our comments and government guidance into consideration and ensures that the applicant applies a suitable buffer around the veteran trees identified on the ATI. Where development encroaches on the RPAs of

these trees the layout of the development should be altered to prevent such impacts. If this is not possible then the proposals should be refused planning permission as the encroachment and subsequent impact of the development on the trees' root systems would directly contravene local and national planning policy and government guidance.

It is essential that no ancient or veteran trees are damaged or lost on account of this development. The significant concentration of ancient/veteran trees within the development site means that loss or damage to any ancient or veteran trees would result in a reduction of available habitat for species reliant on dead and decaying wood habitat, i.e. saproxylic invertebrates, bats and certain species of birds. Ideally, notable trees should also be identified, retained and afforded significant buffers; while they may not represent the same level of value as ancient/veteran trees, they are likely to become veteran specimens if afforded appropriate space to grow and develop. In its current form the development would result in damage and loss to the ancient and veteran trees on the site, which would be highly deleterious to the wider environment of mature and veteran trees that may harbour rare and important species.

Conclusion

Ancient and veteran trees are irreplaceable; the habitat that they provided cannot be re-created. Any development resulting in loss or damage resulting in the deterioration of ancient and veteran trees is unacceptable and every possible measure must be explored to ensure that such impacts are avoided as advised in Natural England's standing advice.

In summary, the Woodland Trust and the Ancient Tree Forum object to this application on the basis of potential damage, loss and deterioration of 15 ancient and veteran trees, as well as impacts on their long-term retention. While the applicant has recognised some of these trees as veteran we do not consider that they have fully recognised the qualities and importance of all the trees on site and appropriately categorised them as veterans. As such, a number of trees have not been afforded the suitable RPA that their veteran status warrants, leaving them vulnerable to adverse impacts.

As such, we consider that the application in its current form is unacceptable and directly contravenes both local and national planning policy and government guidance in relation to ancient and veteran trees.

We hope you find our comments to be of use to you. If you are concerned about any of the comments raised please do not hesitate to get in contact with us.

County Archaeology

30th October 2018

Thank you for consulting me concerning the above planning application. I wish to make the following observations regarding the archaeological implications of this scheme.

I advise that in connection with a previous development proposal on this site a programme of archaeological desk-based assessment, geophysical survey and trial-trenching was undertaken. I note that reports on the results of these investigations are submitted in support of the current application.

No significant archaeological remains were observed during these investigations, and on that evidence it is my view that the application site has low potential to contain such remains.

In addition, I note that this planning application is supported by an assessment of an historic ice-house located in the eastern portion of the proposed development area. I note

from the current application details that the ice-house will be preserved within open ground, and will remain in situ and undisturbed should the development proceed.

Therefore, I confirm that in my view the proposed development will have no impact on archaeological remains, and I recommend that no further archaeological investigation or recording should be required in connection with this scheme.

I have no further observations.

Minerals and Waste Policy Gloucestershire

5th December 2018

Please accept this correspondence as the initial view of the Minerals & Waste Planning Authority (M&WPA) for Gloucestershire concerning the aforementioned planning application(s).

All major planning applications (10 or more dwellings, residential sites of 0.5ha or more and other development in excess of 1,000m² or over 1ha) should be accompanied by an appropriately detailed Waste Minimisation Statement (WMS).

The production of a WMS is a specific requirement of the development plan for Gloucestershire as set out under WCS Core Policy 02 - Waste Reduction. It is needed to show how waste arising during the demolition (including site preparation), construction and occupation of development will be minimised and managed, and how recycling during the occupational life of the development will be provided for.

Full policy text and supporting information for WCS Core Policy 02 - Waste Reduction can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-waste-core-strategy/>.

To support applicants preparing planning applications and assist decision makers in their consideration of waste minimisation matters, local guidance has been published - Gloucestershire Supplementary Planning Document: Waste Minimisation in Development Projects (WM-SPD).

The WM-SPD can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/waste-minimisation-in-development-projects-spd/>.

Please note that a WMS is not the same as a voluntary Site Waste Management Plan (SWMP), although much of the information required for both is very similar. A significant difference of a WMS is the need to consider waste minimisation commitments, which go beyond the construction phase.

Where decision makers are satisfied that the waste minimisation matters of a particular proposal have and / or will be sufficiently addressed in accordance with WCS Core Policy 02 - Waste Reduction, the advice of the M&WPA is to attach relevant conditions to any subsequent planning approval that may materialise. Examples of conditions for outline, full and reserved matters applications can be found in Appendix F of the WM-SPD.

Not engaging or providing insufficient information in respect of waste minimisation matters could put at risk the acceptability of proposed development. The failure to address waste minimisation may be a reasonable ground for a decision maker to refuse planning permission.

The M&WPA for Gloucestershire reserves the right to submit an additional response(s) to that contained in this correspondence with respect of the aforementioned planning application(s).

If you have any further queries regarding this consultation response, please do not hesitate to contact the M&WPA for Gloucestershire via: - m&wplans@gloucestershire.gov.uk.

County Ecologist

12th December 2018

1. Summary of recommendation

No observations and/or minor observations	
No objections, subject to conditions and/or informatives	✓
Further information and/or clarification required	✓ (HRA only)
Refusal (for the reasons set out below)	
Consider enforcement or other action	

2. Advice by topic

Item (Topic)	Coverage	General Observations
<p>Main relevant submissions:</p> <ul style="list-style-type: none"> • Ecological Appraisal by Aspect Ecology dated October 2018 • Bat Activity Surveys, revision 3 by All Ecology dated June 2018 • Tree Assessment & Inspection Survey for Bat Roost Potential (Dusk Emergence & Pre-dawn Re-entry Surveys, Revision 4 by All Ecology dated June 2018 • Planning Submission (Arboriculture) by FLAC dated October 2018 • Landscape Strategy – Drawing 18125.101 Rev. D dated 16-10-18 • Proposed Site Layout – Drawing PL005 dated 	Probably sufficient for an outline application	Suite of documents addressing ecological and related matters. The Ecological Appraisal usefully brings together all previous ecological work and clearly sets out mitigation and enhancement measures in Section 6.

<p>October 2018</p>		
<p>Designated Sites</p>	<p>Cotswold Beechwoods Special Area of Conservation (SAC)</p>	<p>This is about 8km away to the south west and there is potential for increased recreational disturbance to occur on this European Site. Given the recent ruling of 'People over Wind' and that mitigation measures are required to make sure this development is not harmful the Appropriate Assessment stage of HRA should be triggered. Air quality should not be an issue but may as well be considered within the Appropriate Assessment. The conservation objectives and draft supplementary advice for the SAC will need to be consulted by the LPA in its Appropriate Assessment. Latest but interim guidance from Natural England advises using the most up to date visitor surveys available. The Appropriate Assessment must consider the following:</p> <ul style="list-style-type: none"> • Distance between application site and the nearest boundary of the SAC • Type of development – amount of new residents who might use the SAC for recreation • Alternative recreation resources available - on site and off site • Other residential developments <p>The developer has submitted a document entitled 'Information to inform a Habitats Regulations Assessment' dated November 2018 from Aspect Ecology. This is relevant to the Appropriate Assessment that the LPA needs to carry out. In summary the developer's ecologist conclusions</p>

		<p>are that the development is unlikely to have an adverse effect on the integrity of the SAC.</p> <p>If the LPA after consulting Natural England is unable to conclude in its Appropriate Assessment that there would be no adverse effect on the integrity of the SAC then planning permission must be refused.</p>
	Cotswold Commons and Beechwoods Site of Special Scientific Interest (SSSI)	See above. It is Natural England's general view (and mine) that if potential significant effects on the SAC can be avoided then they would be on the SSSI too.
	Key Wildlife Site (KWS)	<p>Nearest is KWS is Glenfall Wood (almost 1km away to the east). Further distant is Ashgrove Meadow and Charlton Kings Railway Line to the south west and south.</p> <p>Development unlikely to significantly affect these KWSs if European Site (SAC) also deemed to be materially unaffected (see above).</p>
	Local or National Nature Reserve (LNR or NNR)	<p>Nearest LNR is Griffiths Avenue (about 4km to the west). Part of the Cotswold Commons & Beechwoods is an NNR (so above comments apply).</p> <p>Development unlikely to significantly affect these sites if European Site (SAC) also deemed to be materially unaffected. (see above).</p>
	Regionally Important Geological Site (RIGS)	Development unlikely to significantly affect such sites. None are nearby.
Conservation Road Verges (CRVs)	As in current version of the Highways Authority's register	<p>Nearest CRV is Colegate Farm, Dowdeswell.</p> <p>Development unlikely to significantly affect it.</p>
Priority Habitats	Hedgerows	Hedge 1 is confirmed as being important if the Hedgerows Regulations methodology is used [as All Ecology] has

		<p>done. A section of this corner (up to 25%) will be lost to provide an access road and some housing. Hedge 2 is similarly affected in the NW corner of the site but not considered to meet the importance test under the Hedgerow Regulations. The retained substantive sections of these hedges will be retained as will much of the boundary hedging elsewhere. This is less impact than the previous 2017 scheme but still is a negative impact to consider. The landscape strategy drawing 18125.101 Rev D shows together with the ecological enhancements drawing 5487/ECO3 (Oct 2018) that there will be new planting to bolster what is a thin boundary in places and also add new tree/shrub planting within open space and around some of the buildings/gardens proposed.</p> <p>The development proposed will affect hedges of biodiversity value to birds, bats, badgers, possibly reptiles and a range of invertebrates. This will be a negative but quite short-term impact. The hedgerow breaks may cause some disruption for bats but looking at the proposed landscaping proposed and ecological enhancements this should not be significant given also control of unnecessary lighting. The negative impact can be considerably reduced further to a reasonably acceptable level if the boundary tree/shrub planting is implemented at or before the commencement of the development.</p>
Trees	Many	<p>Trees (including aged or veteran ones) on site.</p> <p>It is stated that all veteran trees and the majority of</p>

	<p>mature trees will be retained. At 4.6.3 of the Ecological Appraisal it is stated that appropriate buffer zones are to be used. This is 'at least 15 times the diameter of the trunk or 5m beyond the edge of the crown, depending on which is larger'. This accords with the most recent on-line government guidance. This is a crucial matter as retained trees could be vulnerable to impact on root zones and canopies.</p> <p>Comparing the proposals to aerial photography, Woodland Trust data and the submitted surveys (trees and ecology) there will be a negative impact but again as with hedgerows is smaller than with the 2017 scheme. Taking an ecological viewpoint the landscape proposals if implemented as soon as possible (especially with early bolstering of the boundaries with new planting) could mitigate the impact on trees as a habitat in the medium to longterm.</p> <p>It is crucial that the retained trees (the vast majority on site) are properly protected during the construction and occupation phases along the lines of government advice and British Standard 'BS 5837, Trees in relation to design, demolition and construction'. It is noted that in the latest Arboriculture submission (FLAC dated October 2018) the initial tree protection drawing at the back has not incorporated the latest landscape strategy proposals. However the drawing at the back of the arboriculture submission (38-1036.03 dated 23.10.18) does reflect the landscape strategy correctly (or so it seems).</p> <p>Conditions are needed to</p>
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		<p>successfully implement the landscape strategy, tree protection and the arboricultural method statement. The latter will be challenging but seems achievable. Please note that this is from an ecological standpoint only and the LPA should also consult its tree advisor.</p>
<p>Other habitats / features of interest</p>	<p>Several</p>	<p>Scrub, semi-improved grassland, ruderal vegetation & standing water (temporary) occur in places. These will be lost or significantly affected but compensation for the biodiversity value (which is not especially high) is possible through the Promised landscaping / green infrastructure which is an improvement on the 2017 scheme.</p>
<p>European Protected Species (EPS)</p>	<p>Bats – Some common pipistrelles but a few soprano pipistrelles, noctules, serotines, <i>Myotis</i> species and lesser horseshoe recorded in the vicinity/nearby</p>	<p>A variety of species have been recorded on site and in the general area - which is to be expected given the location and habitat features on site. The surveys do not reveal a high bat value but certainly of some value. This conclusion should be treated with caution given the quality of habitats and habitat features present including large numbers of trees (including aged & veteran) plus hedgerow connectivity. Not all roosting features present in the good number of the trees present were safe to fully inspect although no obvious entry into or out of tree roosts was indicated by activity surveys. Tree 6 is considered as an occasional minor roost of low conservation significance. This tree is to be retained. All trees to be removed (not that many) should be re-inspected for bat roosting evidence before felling (condition). The site certainly has value for commuting and foraging bats and there is some (low) possibility of roosts being</p>

		<p>discovered in trees affected by the development. The proposals will sever hedgerow connections (see above) but the existing boundaries will be enhanced plus additional habitat created that will provide foraging habitats for bats.</p> <p>A sensitively designed lighting scheme (is however essential to ensure commuting routes around the boundaries and much of the new habitat is not compromised by illumination which will probably be needed for the residential development type proposed (although not absolutely essential). Designing a good lighting (or no lighting) scheme will be challenging but not impossible to achieve as a reserved matter. The scheme must ensure that the majority of the new landscaping/habitats areas and the existing boundary are available for bats to use.</p> <p>It is noted that additionally some bat boxes (tubes) will also be provided so that roosting opportunities will be as good if not better than the current situation (see ecological enhancements drawing 5487/ECO3 dated Oct. 2018). Overall a small short-term negative impact on bats is the worst case scenario but in the long-term a positive outcome is likely.</p> <p>Measures MM1, MM2, MM3, MM4, MM5, MM6, EE1, EE2, EE3, EE4 & EE8 are appropriate and relevant here.</p>
	Dormouse	Unlikely to be present and the development is unlikely to significantly affect them.
	Great crested newt	Unlikely to be present and the development is unlikely to significantly affect them.
	Otter	Unlikely to be present and the development is unlikely to

<p>EPS Licensing & the 3 derogation tests [Habitats Regs 2017]</p>	<p>Although quite unlikely given the revised proposals the need for a bat licence cannot be completely ruled. There is only a low risk of an unknown roosts being discovered just prior to or during felling works.</p>	<p>significantly affect them. If the assertions of the ecological assessments are correct then the 3 derogation tests in the Habitats Regulation do not need to be considered. See 'Bats' above.</p>
<p>Other Protected Species</p>	<p>Water vole</p>	<p>Unlikely to be present and the development is unlikely to significantly affect them.</p>
	<p>Badger</p>	<p>Activity is currently present on this proposed development site and is detailed in a separate confidential appendix (Aspect Ecology October 2018) that has been submitted to the LPA. The revised proposals for badgers are now more favourable for this species. A package of monitoring with an ability to remedy ineffective mitigation could be effective on this site with the given layout density and footprint is required. A licence from Natural England will be required to authorise the intended mitigation strategy for badgers. Additionally mitigation measures MM7 plus the proposed enhancement measures EE1 and EE2 (in Ecological Appraisal) as part of a landscaping and after-care management scheme should be sufficient to make the development acceptable.</p>
	<p>Reptiles</p>	<p>Reptiles such as slow worms or common lizard are likely to only be present in low numbers on this site. Given the area that would be temporarily impacted then it is good to see the production of a precautionary mitigation</p>

		measure (MM8) plus enhancements (EE2, EE6 & EE7) proposed. There is likely to be a positive benefit to reptiles in the long-term.
	Nesting birds	A good variety of birds are present in the general area and on site mainly utilising the boundary trees and hedgerows. There are much potential nesting sites present but much of this will be retained. Measures MM1 MM2, MM9, EE1, EE2, EE3, EE5 are protective and beneficial for birds. In the long term the development would likely to have a short term small adverse impact but in the long-term a positive outcome is likely.
	Invertebrates	A number of species have been recorded in the vicinity but none are rare. A reasonable invertebrate assemblage is likely to be associated with the trees, scrub and hedgerows. The presence of old trees with some rotting wood is an important feature for some not common invertebrates. Compensation for lost habitat and enhancement for invertebrates is offered. Measures MM1, MM2, MM6, EE1, EE2, EE3, EE6, EE7 and EE8 are appropriate and relevant for invertebrates. Overall the development is likely to be beneficial for invertebrates.
Priority Species	Hedgehog	Likely to use hedgerows and nearby gardens. Overall with the mitigation measures MM1, MM2, MM7 and enhancement measures EE1, EE2 and EE7 the proposed development is unlikely to affect the local population which is likely to be conserved or possibly enhanced given there will be gardens also which may have additional accessible habitat.
Mitigation/Compensation/Enhancement included?	Yes	The mitigation/compensation and enhancement proposals

		are set out as measures in Section 6 of the Ecological Appraisal. Mitigation measures MM1 to MM9 and enhancement measures EE1 to EE8 are appropriate and relevant to the site and development. Enhancements include extensive native tree/shrub planting, new wildflower grassland, creation of wetland habitat, bat and bird boxes, and also features for reptiles, amphibians and invertebrates.
Further information/action including survey work required before determination?	Yes	Cheltenham Borough Council needs to complete an Appropriate Assessment of this development proposal.
Planning conditions?	Yes	See below
Informatives (Advice Notes)?	Yes	See below

3. Additional Comments

If this development is allowed and does not commence before the end of September 2019 then there is a need to repeat some of the ecological surveys of the site. This is in accordance with British Standard BS 42020:2013. This requirement is included in one of the recommended conditions below.

On the previous development proposal for this site (17/00710/OUT) I advised that fewer units across the site, more retention of trees and hedgerows and a different footprint might be less adverse to biodiversity. This was because it could be more confidently mitigated as well as provide definite net gains. The proposal provides overall a much improved quantity of green space.

4. Assessment against Legislation, Policy and Guidance Considerations

All relevant legislation, policy and guidance considerations have been taken into account as part of this response, including as relevant the following:

- *Wildlife and Countryside Act 1981 (as amended)*
- *The Conservation of Habitats and Species Regulations 2017*
- *Countryside and Rights of Way Act 2000 (as amended)*
- *Natural Environment and Rural Communities Act 2006*
- *Protection of Badgers Act 1992*
- *Hedgerow Regulations 1997*
- *ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System*
- *National Planning Policy Framework*
- *Planning Practice Guidance*
<http://planningguidance.communities.gov.uk/blog/guidance/>
- *Natural England's Standing Advice*
- *Biodiversity – Code of practice for planning and development BS 42020:2013*

Recommended Action

A. Before this application can be determined the LPA must complete an Appropriate Assessment which is Stage 2 of Habitats Regulations Assessment (HRA). This must be sent to Natural England to see if they agree with its conclusions before it is confirmed. A conclusion of no adverse effect on a European Site's integrity would have to be confirmed to make the development acceptable in law.

If given consideration of all matters the LPA is minded to grant consent for this outline development then the reserved items such as the following below are recommended:

1. The development shall be implemented in accordance with the Tree Protection Plan incorporating an Arboricultural Method Statement which is drawing 38-1036.03 dated 23.10.18. All protective structures installed shall be maintained until construction work has been completed. No materials, soils, or equipment shall be stored under the canopy of any retained tree or hedgerow within the application site.

Reason: To prevent unnecessary loss of amenity and biodiversity value of trees and shrubs to be retained in accordance with Local Plan Policy X, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 17, 109 and 118.

2. No development shall take place until a Lighting Scheme is submitted to the Planning Authority for approval. The Scheme is to be based on mitigation measure MM6 (Sensitive Lighting) within the Ecological Appraisal by Aspect Ecology dated October 2018. The scheme shall include the following details:

- (a) the position, height and type of all lighting;*
- (b) the intensity of lighting and spread of light as a lux contour plan;*
- (c) the measures proposed must demonstrate no significant effect of the lighting on the environment including preventing disturbance to bats so that light falling on vegetated areas and features used by bats will be below or not exceed 2.0 lux;*
- (d) the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.*

The approved scheme shall be implemented for the duration of the development and maintained in accordance with the manufacturer's recommendations and scheme details.

Reason: To ensure that foraging and commuting of bats is not discouraged at this location and in accordance with Local Plan Policy X, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109, 118 and 125 and Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

3. Prior to the commencement of the development hereby permitted including ground works and vegetation clearance a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Any modifications to the approved details for example as a result of requirements of a protected species license must be submitted to and agreed in writing by the Planning Authority. The CEMP shall include final details of the following items:

Ecology

(i) Badger Mitigation Strategy based on Section 4.6 of the Confidential Badger Appendix by Aspect Ecology dated October 2018.

(i) Mitigation measures MM1 (Hedgerow & Tree Protection), MM2 (Veteran Trees), MM4 (Soft-felling of Trees), MM5 (Re-installation of any affected existing Bat Boxes), MM7 (Wild Mammal Safeguards), MM8 (Reptile & Amphibian Safeguards) and MM9 (Timing of Works to avoid Nesting Birds) based on the Ecological Appraisal by Aspect Ecology dated October 2018.

(ii) Mitigation measure MM3 (Updated Surveys) based on the Ecological Appraisal by Aspect Ecology dated October 2018.

(iii) A plan to identify all vegetation including trees to be retained on site and details of their protection as shown on or based on the Tree Protection Plan incorporating an Arboricultural Method Statement which is drawing 38-1036.03 dated 23.10.18.

Other Items

xvi) [insert relevant text here for other items as deemed necessary, e.g. hours of working, visual impact, dust, noise, water management, travel plan, management of hazardous substances]

Reason: To protect the local environment including its landscape and biodiversity value in accordance with Local Plan Policy X and paragraphs 8, 170, 175 and 180 of the National Planning Policy Framework. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

4. No later than 3 months following the commencement of the development a Landscape and Ecological Management Scheme based on the Landscape Strategy drawing 18125.101 revision D dated 16-10-18 shall be submitted to and approved by the Planning Authority. The scheme shall comprise of a drawing and document that covers:

- (a) Aims and objectives of the scheme including conservation of protected and priority species and a net gain for biodiversity appropriate green infrastructure;
- (b) A plan with annotations showing the soft landscape, hard landscape, habitat, vegetation and artificial features to be retained, created and/or managed;
- (c) Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;
- (d) Provision for and control of some public access;
- (e) A work and maintenance schedule for 5 years and arrangements for beyond this time;
- (f) Monitoring and remedial or contingency measures;
- (g) Organisation or personnel responsible for implementation of the scheme.

The Scheme shall also include details of the legal and funding mechanisms by which the long-term implementation of the scheme will be secured by the developer with the management body responsible for its delivery. The scheme shall be implemented as approved by the Planning Authority.

Reason: To conserve and enhance the landscape and biodiversity value of the land and in accordance with Local Plan Policy X, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 8, 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

5. A Planning Obligation (S106) [Linked to recommended condition above] – Funding needs to be put in place to ensure the long-term conservation of landscaping and other installed features so that important biodiversity is conserved and enhanced. The funding arrangement must adequately cover the maintenance of habitats, trees, hedgerows and artificial biodiversity features.

6. Advice Note - *In relation to the County Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [if not already] to the Gloucestershire Centre for Environmental Records (GCER).*

Conservation and Heritage

8th February 2019

One of the core principles of the National Planning Policy Framework 2018 (NPPF) is heritage assets should be conserved in a manner appropriate to their significance. Chapter 16, paragraph 192 of the NPPF requires local planning authority to identify and assess the particular significance of any heritage asset... taking into account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 193 of the NPPF states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." Paragraphs 193-196 set out the framework for decision making in applications relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs.

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that "In considering whether to grant listed building consent for any works the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The current application 18/02171/OUT is an outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration. The current application is an amendment of refused application 17/00710/OUT, an outline application for residential development of 90 dwellings including access, layout and scale, with all other matters reserved for future consideration.

There are a number of heritage assets that need to be considered within and around the proposal site. For clarity, due to the number of name changes reference to St. Edward's within these comments is intended refer to the Regency villa directly to the south of the site, now used as an administration building. It is grade II* and described in its list description as one of the finest villas in the Cheltenham area. It forms a group with a number of other heritage assets on the school site including, boundary walls and gate to St. Edwards facing on to London Road, Summerhouse to the southwest of St. Edward's, a pair of piers at the carriage sweep of the southwest of St. Edward's, which are all grade II listed. The curtilage listed buildings of note are the icehouse to the north of the St. Edward's. Another notable heritage asset is Charlton Manor, a grade II listed building on the Battledown estate whose rear boundary directly abuts the site. An important consideration with this application is its impact on the setting of these heritage assets, particularly St. Edward's.

The heritage concerns previously raised over refused outline application 17/00710/OUT are not considered to have been adequately addressed by the current application, as the proposal has not meaningfully changed to address these concerns. Much of the previous heritage advice given on refused outline application 17/00710/OUT is reproduced here for reference as the concerns raised are still relevant.

Impact on St. Edward's

It was previously stated in the conservation comments for outline application 17/00710/OUT that historically the setting of St. Edwards was a planned parkland within a wider rural landscape with the main access to it from London Road along an informal, winding driveway. It was recognised the way in which the heritage assets are experienced today has changed. The parkland setting has become compromised by the school use through modern additions to the rear, modern planting, sports facilities and other school related paraphernalia. The slow growth of the Battledown estate since the Victorian period to the north and east and the modern suburban development to the west has eroded the rural setting of St. Edward's by crowding it. This suburban development has a notable presence and often unwelcome visual intrusion around the edge of the existing curtilage of St. Edward's. The former wider rural setting has become significantly diminished as a result of this suburban development. However, it was previously noted in the conservation comments for outline application 17/00710/OUT that the St. Edward's retains an openness and its wider rural backdrop is still present to the north of St. Edward's, the location of the proposal site.

The conservation comments for outline application 17/00710/OUT noted the proposal site affects how the villa and its immediate parkland setting is experienced in its wider context. It was recognised the land to the north does not form part of the planned landscape of the villa but is important as incidental wider rural context to the planned parkland, its importance to the setting exaggerated by the topography, there being a notable slope where the application site is at a higher than St. Edward's. This rural setting is now almost lost due to the existing suburban development so it is considered important to protect what remains of it.

A concern was raised the proposed development would remove the last area of land that has a rural character and would notably further reduce the distance between suburban development and St. Edward's, appearing incongruously within its setting, made more prominent by the rising topography, a concern that remains over the amended outline application 18/02171/OUT.

The unacceptable impact of the proposed development on important views while travelling along the sloping driveway from beyond the entrance to St. Edward's raised within the previous application remain in the amended proposal. From the driveway the proposed development would form a conspicuous element, visible through the vegetation on the boundary, in an elevated position to the north, encroaching on how listed building and its parkland setting is experienced.

The current outline application 18/02171/OUT has amended the scheme to show a less dense form of development, most notably within the western side of the site and along the south-western boundary of the site. However, these amendments are not considered to adequately address the concerns previously raised. St. Edward's is still considered to be unacceptably crowded by the proposed development and key views within the site and outside the site are significantly compromised. There is still considered to be an unacceptably harmful impact on the setting of this grade II* listed building.

Impact on Icehouse

The conservation comments for outline application 17/00710/OUT stated, the icehouse to the north of St. Edward's is located below ground, above ground it is a mound with a number of trees growing on it, likely structurally compromising it. The icehouse appears to have been a functional structure set away from the villa within open fields, rather than being part of the planned landscape. However, this lower hierarchical status does not mean it has no historic interest. The icehouse is considered curtilage listed through its historic ancillary functional relationship with St. Edward's. It is therefore important to consider the impact of the proposed works on this curtilage listed building, its setting and its relationship with St. Edward's. The icehouse would have historically been accessed from the service side of the

villa and can be seen obliquely from the windows on the northern elevation of St. Edward's. Although its relationship with St. Edward's has to a degree been undermined by a modern single storey outbuilding and planting to its immediate north, their connection is not considered so significantly harmed that the relationship is severed.

The icehouse is still proposed to be retained within the current proposal. The current proposal is similar in terms of housing development to the previous scheme for outline application 17/00710/OUT. The amended proposal shows a slightly less dense form of development but with larger houses around the icehouse, creating a more spacious character to its setting, most notably to the south of the icehouse. However, while an attempt has been made to make a feature of the icehouse within the development the proposal is still considered to harm the relationship between it and St. Edward's.

Concern is raised over the impact of the proposed development on the immediate setting of the curtilage listed icehouse and on the separation this creates between it and the principal listed building. The separation of the curtilage listed building from St. Edward's as a result of the encroachment of dwelling houses, access roads and additional planting is still considered to nearly sever their connection and unacceptably compromise their rural setting. This impact is considered to harm the significance of these heritage assets.

Impact on Charlton Manor

The conservation comments for outline application 17/00710/OUT stated, Charlton Manor, Ashley Road is a grade II listed building located to the northeast of the site within the Battledown estate. Battledown was laid out in 1858 with Charlton Manor the first property to be built there in 1864. While the estate grew slowly into the late 20th century the area is typically characterised by large houses set back from the road on large plots.

As existing there are open fields and trees beyond the rear garden of Charlton Manor to the west and southwest. A concern was previously raised over outline application 17/00710/OUT for dense housing development to the immediate rear of Charlton Manor. The proposal was considered to result in the loss of views from the listed building and the proposed density of development was not in keeping with the generous plot and house sizes found within the Battledown estate. The proposal would result in excessive enclosure to the rear of Charlton Manor, adversely affecting the setting of the listed building.

Current outline application 18/02171/OUT has amended the scheme to show a less dense form of development around proposed house no. 35, which has a more generous garden size and denser vegetation on its rear boundary with Charlton Manor. However, while the impact of the proposed works will be somewhat diminished any benefit is superficial, there is still considered an unacceptably harmful impact on the setting of this grade II listed building. As the amended proposal does not sufficiently address the previous concerns.

Less than Substantial Harm

Due to the above concerns the proposal is considered to neither sustain nor enhance the affected heritage assets as required by paragraph 192 of the NPPF. It is therefore considered the proposed works would cause less than substantial harm to the significance of the affected designated heritage assets. Paragraph 194 of the NPPF states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

Paragraph 196 of the NPPF states, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." It should be noted less than substantial harm is still unacceptable harm. Justification for the proposed development through a balancing exercise is therefore required to justify the proposal.

While it is considered there are notable public benefits to the proposal it is not considered these outweigh the harm caused to the significance of the affected heritage assets. The Planning Officer will need to carry out the exercise of weighing the public benefits of the proposal against the great weight that needs to be given to the affected heritage assets conservation, as required by paragraph 193 of the NPPF.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of the application, 335 letters of notification were sent out to individual addresses. In addition, a site notice was posted at the entrance to Oakhurst Rise and an advert was published in the Gloucestershire Echo. In response to the publicity, 158 representations have been received; 112 of which are in objection to the proposals. This is in contrast to the 309 objections received in response to the previous application.
- 5.2 All of the representations received during the course of the application have been made available to Members separately. The main objections raised in response to the proposed development reflect those raised in response to the previous application and include, but are not limited to:
- Site not currently allocated for housing
 - Overdevelopment / density
 - Inadequate access / increase in traffic / safety of pedestrians and cyclists
 - Loss of existing green space / cross country running facility
 - Impact on local community
 - Impact on wide variety of wildlife / protected species
 - Impact on local infrastructure – schools and GP surgeries already oversubscribed
 - Flooding and drainage / increase in surface water run-off
 - Adverse visual impact on AONB / reduction in landscape quality
 - Removal of trees and hedgerows
 - Noise and pollution during and after construction
 - Increased air pollution
 - Impact on setting of nearby Grade II and Grade II* listed buildings
 - Overlooking / loss of privacy to neighbouring properties
 - Proximity to St Edward's Preparatory School
 - Contrary to Charlton Kings Parish Plan
- 5.3 The 43 representations received in support of the application mainly relate to the provision of much needed homes, including affordable housing; and the benefits to St Edwards School.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application for outline planning permission relate to the principle of developing the site for housing; access and highway safety; impact on the historic environment; removal of trees and hedgerows; landscape and visual impact; wildlife and biodiversity; design and layout; drainage and flooding; affordable housing and other planning obligations; and impact on neighbouring amenity.

6.2 Policy background / principle of development

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the

development plan unless material considerations indicate otherwise. This is reiterated in paragraph 47 of the National Planning Policy Framework (NPPF) which also highlights that decisions on applications should be made as quickly as possible.

6.2.2 Paragraph 11 of the NPPF sets out a “*presumption in favour of sustainable development*” which in decision making means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *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.*

6.2.3 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (LP) wherein those policies are consistent with the NPPF; and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).

6.2.4 Material considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), and the emerging Cheltenham Plan (eCP) which was submitted to the Secretary of State for examination in October 2018.

6.2.5 Adopted JCS policy SD10 advises that in Cheltenham housing development will be permitted at sites allocated for housing through the development plan; and on previously developed land within the Principal Urban Area (PUA). Elsewhere, housing development will only be permitted where it is infilling within the PUA.

6.2.6 In this case, the site is not currently allocated for housing within the development plan nor previously developed land; however, the site is wholly located within the PUA of Cheltenham, outside of the Green Belt and Cotswolds Area of Outstanding Natural Beauty (AONB). The site is not the subject of any other designation that would rule out residential development in principle.

6.2.7 Furthermore, a Five Year Housing Land Supply Position Statement published by the Council in August 2018 confirmed that the Council is currently unable to demonstrate a five year housing land supply; the current five year housing land supply for Cheltenham is calculated at 4.6 years. As such, the housing supply policies in the development plan are out-of-date and the ‘tilted balance’ in favour of granting planning permission is triggered. The shortfall position in housing land supply is a significant material change in circumstance since the previous refusal of planning permission in July.

6.2.8 Officers acknowledge that the eCP which includes the application site as a potential land allocation for housing development is currently under examination, and that the timing of the determination of this application has been questioned. However, paragraph 49 of the NPPF states:

in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely

to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

6.2.9 In this case, these circumstances do not apply and therefore a timely decision on the application must be made.

6.2.10 Additionally, it should be noted that the officer recommendation in respect of this particular application, taking into account all of the material considerations, would be to grant planning permission irrespective of the site being identified in the emerging plan or not.

6.2.11 It is also important to note that the 2018 refusal of planning permission did not relate to the principle of developing this site for housing, or suggest that development should be limited to any particular part of the site.

6.3 Removal of trees and hedgerows

6.3.1 Local plan policy GE5 (protection and replacement of trees) seeks to resist the unnecessary felling of trees on private land. In addition, policy GE6 (trees and development) advises that the planting of new trees and measures adequate to ensure the protection of trees during construction works may be required in conjunction with development. The policies are consistent with the aims and objectives of JCS policy INF3 which provides additional advice in respect of green infrastructure.

6.3.2 Paragraph 175(c) of the NPPF advises that planning permission should be refused for development resulting in the loss of ancient or veteran trees “*unless there are wholly exceptional reasons and a suitable compensation strategy exists*”.

6.3.3 Veteran trees are considered irreplaceable. The application site contains a number of private veteran trees together with a lesser number of ancient and notable trees, as identified on the Woodland Trust Ancient Tree Inventory. Many of the best quality trees within the site are protected by a Tree Preservation Order (TPO).

6.3.4 The first reason for refusal on planning decision 17/00710/OUT states:

The proposed development would result in the loss of a significant number of trees within the application site, including a number of important TPO'd and veteran trees; the loss of which would fail to be outweighed by wholly exceptional reasons. The proposed layout would also fail to achieve the greater Root Protection Area (RPA) distances recommended by The Woodland Trust for the retained ancient and veteran trees.

6.3.5 Standing advice published by Natural England and The Forestry Commission provides guidance in making decision on planning applications. The standing advice guides the LPA and developer to identify ways to avoid negative effects on veteran trees, such as redesigning a scheme.

6.3.6 The layout within this revised scheme has been significantly amended and now proposes to retain all but one of the large Veteran/TPO'd trees, together with much of the hedge line which crosses the site from north to south. The Tree Officer considers this

revised scheme to be more sympathetic than the previously refused scheme, and does not object to the development in principle; the detailed comments can be read in full at Section 4. Whilst the tree that is shown to be removed has some valuable characteristics and features of a Veteran tree, the Tree Officer considers this tree to be the least visually significant of the important trees on site.

6.3.7 Standing advice sets out that the weight given to ancient and veteran trees in planning decisions should be determined on a case-by-case basis, taking account of the NPPF and relevant development plan policies. If the decision is made to grant planning permission, planning conditions or obligations should be imposed to ensure the developer avoids damage, mitigates against damage or, as a last resort, compensates for any loss or damage. There are various mitigation and compensation measures set out in the standing advice which can be implemented in the construction of new development; and these could be secured by way of condition should members resolve to grant planning permission.

6.3.8 Although 'landscaping' is a reserved matter, the application is accompanied by a detailed Landscape Strategy which indicates the provision of high quality landscaping and new tree planting throughout the site.

6.3.9 Officers therefore consider that this revised scheme sufficiently overcomes the concerns previously raised in relation to the loss of trees.

6.4 Historic environment

6.4.1 JCS policy SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 192 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

6.4.2 Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA), in considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this case, it is the setting of the listed buildings that must be considered.

6.4.3 There are two listed buildings in close proximity to the application site; Charlton Manor, a grade II listed building located to the northeast of the site within the Battledown estate, and Ashley Manor, a grade II* listed villa within the school grounds to the southeast. Additionally, an historic icehouse is also located within the application site itself. Whilst the site is physically separated from these listed buildings, there are clear views into the site from these heritage assets.

6.4.4 The proposed development would undoubtedly impact on the setting of these adjacent listed buildings, particularly Ashley Manor; albeit the setting of this building has already been significantly compromised by development within the school grounds.

6.4.5 During the course of the previous application, it was agreed by the Committee that any such harm would be 'less than substantial'. Where development proposals would lead to less than substantial harm to the significance of a designed heritage asset, paragraph 196 of the NPPF states that "*this harm should be weighed against the public benefits of the proposal*"; whilst also acknowledging the statutory duty to consider the desirability of preserving the setting of the heritage assets, as set out at paragraph 6.4.2.

6.4.6 PPG paragraph 020 (Reference ID: 18a-020-20140306) sets out that public benefits can be "*anything that delivers economic, social or environmental progress*" and should "*flow from the proposed development*" and "*be of a nature or scale to be of benefit to the public at large*".

6.4.7 Members, at the July committee meeting, did not agree with officers that the 'less than substantial' harm would have been outweighed by the public benefits arising from the previous scheme, and this is reflected in refusal reason 2 on decision 17/00710/OUT, which states:

The proposed development would have a significant impact on the setting of nearby listed buildings, particularly Ashley Manor, an important grade II listed villa of more than special interest. The resultant 'less than substantial' harm to these designated heritage assets must be afforded significant weight, and this harm would fail to be outweighed by the public benefits arising from the proposal in the overall planning balance.*

6.4.8 Given the reduction in density and the omission of the large, three storey apartment block in the southwestern corner of the site, together with the retention of the Veteran trees, it must be acknowledged that the development now proposed would have a lesser, albeit still harmful, impact on the setting of the adjacent heritage assets.

6.4.9 The comments from the Conservation Officer in respect of this revised scheme have been duly noted but officers do not share their view that the proposal has "*not meaningfully changed*", or their conclusion in relation to the 'public benefit' balancing exercise. Officers consider that, even if affording significant weight to the 'less than substantial' harm to the setting of adjacent heritage assets, that the notable public benefits arising from this development would clearly outweigh that harm; namely:

- the contribution to the supply of housing within the borough to include the provision of 40% affordable housing (28 units); and
- the economic benefits that would result from development through the creation of construction jobs, and wider economic benefits to the Borough as a whole.

6.4.10 Members will therefore need to consider whether the harm arising from this revised proposal would now be outweighed by the public benefits, particularly given the material change in circumstance given the identified shortfall in housing land supply.

6.4.11 From an archaeological perspective, paragraph 189 of the NPPF advises that where a development site has the potential to include heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

6.4.12 The County Archaeologist previously advised that the wider locality surrounding the application site is known to contain extensive archaeological remains relating to settlement and activity of the prehistoric and Roman periods. As a result, the previous application was supported by an archaeological desk-based assessment, an archaeological statement regarding the 19th century ice house located in the eastern part of the application site, and the results of a geophysical survey. Subsequently, an archaeological field evaluation was also carried out on the site which comprised the

excavation of five trial-trenches. No significant archaeological remains were observed during the evaluation and, consequently, it was considered that the site has low potential to contain any remains.

6.4.13 The same reports have been submitted in support of the current application and the County Archaeologist has again confirmed that no further archaeological investigation or recording is required; acknowledging that the historic ice-house would be preserved within open ground, and would remain in situ and undisturbed should the development proceed.

6.5 Access and highway safety

6.5.1 The proposed access is one of the 'fixed' elements of this outline planning application.

6.5.2 Adopted JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks, where appropriate. The policy reflects the advice set out within Section 9 of the NPPF.

6.5.3 The suitability of the single access into the site via Oakhurst Rise was discussed in some detail at the July committee meeting and, as previously noted, was one of the reasons for refusal, which read:

The proposed access via Oakhurst Rise would have an unacceptable impact on the local highway network, and the amenity of local residents. Additionally, the steep incline within the cul-de-sac would fail to encourage the use of sustainable modes of transport and would likely result in a reliance on the use of private motor vehicles. Alternative potential vehicular access routes do not appear to have been fully explored.

6.5.4 This revised scheme has again been subject to a very thorough assessment by the County Council as the Local Highway Authority (LHA), in their role as a statutory consultee, and the full response can be found at Appendix 1. The application continues to propose access to the site via Oakhurst Rise as it is the most obvious route into the site. Whilst it was suggested by some members at the July committee meeting that an access through the school grounds from the London Road seemed feasible; officers do not consider that such an access would be achievable, not least because of the additional impact that would be caused to the setting of the grade II* Ashley Manor. In any case, members must make a decision on the scheme that is before them.

6.5.5 Officers acknowledge the steep incline within Oakhurst Rise and have some sympathy for residents; however, as the LHA state, the cul-de-sac has safely served some 30+ residential dwellings for a number of years. It must also be recognised that the site is located within Cheltenham's PUA and, as such, must be considered to be a sustainable location; residential development surrounds the site to the north, east and west, with a large number of houses located uphill of the site.

6.5.6 The desire within the NPPF, and JCS policy INF1, to promote and encourage opportunities for sustainable modes of transport in new development, is clear but paragraph 103 of the NPPF identifies that opportunities to maximise sustainable transport solutions will vary depending on the site's location and that this should be taken into account in decision-making.

6.5.7 There is no clear guidance or advice as to what is a 'reasonable' walking distance. Planning Policy Guidance 13 (Transport), which has now been deleted, suggests that

“Walking...offers the greatest potential to replace short car trips, particularly under two kilometres”; however, the JCS, at paragraph 5.2.8, suggests a greater distance, stating that, where feasible, proposals should encourage individuals to walk or cycle for short distance trips of up to three miles (4.8 kilometres). The Sixways neighbourhood shopping centre is approximately 0.9 kilometres miles from Oakhurst Rise, with the Church Piece neighbouring shopping centre which provides additional facilities approximately two kilometres away; and whilst these distances don't take into account the topography of the route, the distances are within the reasonable walking distances set out above.

6.5.8 The LHA's response makes reference to a non-motorised user's assessment, which was undertaken to identify any shortfalls in pedestrian facilities and whether it would be reasonable to secure off site mitigation of the routes. Although the report identifies deficiencies in the surrounding walking/cycling network, only a small number of pedestrian crossing improvements are noted as being required, and these improvements could be secured by way of a suitably worded condition.

6.5.9 In light of the consistent advice from the LHA, despite the contrary views in representations, officers remain satisfied that the proposed access via Oakhurst Rise would be suitable to serve the development.

6.6 Wildlife and biodiversity

6.6.1 JCS policy SD9 and advice set out within the NPPF at Section 15 seeks to ensure that development contributes to, and enhances, the natural and local environment; and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development.

Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)

6.6.2 It is known that residential developments, alone or in combination with other developments, have the potential to result in increased recreational pressures. Natural England's (NE) initial response to the revised proposals advised that, as submitted, the proposed development could have potential significant effects on the Cotswolds Beechwoods SAC, and that a mitigation strategy to avoid recreation impacts upon the SAC would be required. They advised that the Council proceed to the Appropriate Assessment stage (stage 2) of the Habitats Regulations Assessment (HRA) process.

6.6.3 Subsequently, an Appropriate Assessment (AA) of the proposal was undertaken, and forwarded to NE who are a statutory consultee. The AA concluded that, either alone or in combination with other plans and projects, the proposed development would not adversely affect the integrity of the SAC subject to conditions requiring the implementation of further precautionary measures.

6.6.4 In response, NE advised that they concur with the Council's conclusions within the AA providing that, in addition to the proposed on-site open space, a suitable 'homeowner's information pack' resource is secured providing information on recreation resources in the locality and the sensitivities of designated sites. This could be adequately dealt with by way of an appropriately worded condition.

Protected species

6.6.5 The site is noted to host a variety of protected species. A report submitted by Gloucestershire Centre for Environmental Records (GCER) identifies that bats and badgers, amongst other species, have been recently sighted on or near the site. Additionally, the Ecological Appraisal (EA) that accompanies the application acknowledges the presence of these species.

6.6.6 Refusal reason 4 on the previous application states:

The application site is host to a number of protected species which would be affected by the proposed development. Most notably, a large badger sett is located to the north of the site which the application proposes to be relocated as part of the development. Paragraph 175(a) of the NPPF and Natural England's standing advice sets out a three stage approach to addressing impacts on biodiversity, and that compensation measures such as replacing setts that would be destroyed should be employed as a last resort. Alternative measures to avoid or mitigate harm to the badger sett do not appear to have been fully explored. Additionally, insufficient information has been submitted to demonstrate the future success of the related sett. Generally, the development would have a negative impact upon biodiversity across the site.

Badgers

6.6.7 Badgers and their setts are protected under the Protection of Badgers Act 1992. An updated Badger Survey undertaken in October 2018 that confirmed significant badger activity on site; with one active sett, and two inactive setts found within the site.

6.6.8 The active sett and one of the inactive setts would be directly impacted by the proposed development; and, as such, it is proposed that both setts are permanently closed. In order to compensate for the loss of the active sett, which is likely to be of high importance to the local badger population, it would be necessary to construct at least one artificial sett elsewhere within the site. Badgers would need to be excluded from the existing sett prior to its closure, and these works would require a licence from NE.

6.6.9 NE in their standing advice acknowledges that replacement setts, whilst a last resort, can be a suitable compensation measure where setts would be destroyed; in addition to implementing mitigation measures for reduce the impacts.

6.6.10 CE consider the revised proposals in relation to badgers to be more favourable to the species than those previously proposed, and that the mitigation measures and ecological enhancements set out within the EA should be sufficient to make the development acceptable.

6.6.11 Although the future success of the artificial sett cannot be guaranteed, there are a number of cases where artificial setts have been successfully populated by relocated badger clans. The precise location and specific design of the artificial sett would need to be determined by a competent ecologist.

6.6.12 With the CE advice in mind, officers are therefore satisfied that the creation of an artificial sett within the site, together with maintained links to foraging grounds and other setts, and access to enhanced foraging resources, continues to be an appropriate compensation measure for the loss of the existing active sett. Further details in relation to the artificial sett, the phasing of the works, and a comprehensive package of mitigation measures could be secured as part of the reserved matters application.

Bats

6.6.13 All bat species, their breeding sites and resting places are protected by law as they are European Protected Species. A variety of bat species have been recorded on site and within the wider area. CE concludes that "Overall a small short-term negative impact on bats is the worst case scenario but in the long-term a positive outcome is likely" and that

the mitigation measures and ecological enhancements set out within the EA are appropriate. A sensitively designed lighting scheme, secured by condition, would be required to ensure that commuting routes are not compromised by illumination.

Birds

6.6.14 Nesting birds are protected by The Wildlife and Countryside Act 1981, and vegetation clearance should take place outside of the bird nesting season March to August, or the vegetation should be surveyed for nesting birds by a suitably qualified ecologist prior to works commencing.

6.6.15 The revised proposals would result in some loss of potential nesting sites but many of them would now be retained; mitigation measures and ecological enhancements set out within the EA are protective and beneficial to birds, and whilst the development is expected to have a small short-term impact, in the long-term, CE suggest a positive outcome is likely.

Reptiles

6.6.16 Grass snakes and slow worms are protected by UK law. The GCER report identifies that a small number of grass snakes and, most recently, a slow worm have been recorded near the application site; the last recorded sighting was in 2016 in an adjacent garden in Oakhurst Rise. The submitted EA and CE consider the site to have a low potential for reptiles to be present; with CE suggesting that there is likely to be a positive benefit to reptiles in the long-term.

6.7 Landscape and visual impact

6.7.1 JCS policy SD6 advises that all development proposals must consider the landscape and visual sensitivity of the area in which they are located or which they may affect. As previously noted, the application site is not located within the Green Belt or Cotswold Area of Outstanding Natural Beauty, but does sit in an elevated position above the town.

6.7.2 At pre-application stage, an independent landscape appraisal was undertaken by a chartered landscape architect at the request of the LPA. In their appraisal, the landscape architect identified the site's topography and notable slope as a key landscape feature, and highlighted that, whilst it is not designated landscape, its elevated position affords views out across the town and provides the backdrop to a number of large properties within the Battledown Estate. Based on the information available to him at that time, the landscape consultant did not consider the site to be 'valued landscape' in terms of paragraph 170 of the NPPF which seeks to protect and enhance valued landscapes.

6.7.3 The NPPF does not define what is meant by 'valued landscape' but there is relevant case law on this subject. In this instance, officers do not consider that the site should be considered 'valued landscape' for the purposes of paragraph 170. Whilst the landscape clearly has a value attached to it, particularly by local residents, it is not considered to have any intrinsic features that specifically set it aside from other areas of non-designated landscape.

6.7.4 The final reason for refusal in July on the previous scheme reads:

The application site is located in an elevated position above the town, outside of, but in close proximity to, the Cotswolds Area of Outstanding Natural Beauty (AONB). The scale of the proposed development in this tranquil location would have a negative impact on existing landscape character, and on views into and out of the AONB.

6.7.5 Officers consider that the scale of development now proposed would have a far lesser impact on landscape character. The 23% reduction in the number of houses proposed in combination with the more informal layout, retention of a greater number of trees, increased levels of green space, and the indicative landscaping proposals, would ensure that the development would sit well within its context and integrate seamlessly into the existing landscape.

6.8 Design and layout

6.8.1 Layout and scale, together with the proposed access arrangements, are 'fixed' elements of the scheme; however, appearance is reserved for future consideration.

6.8.2 JCS policies SD3 and SD4 set out the design requirements for new development proposals. These policies seek to ensure that development proposals are designed and constructed so as to maximise the principles of sustainability, and to ensure that all new development responds positively to, and respects the character of, the site and its surroundings. The policies are consistent with advice set out within Section 12 of the NPPF which emphasizes at paragraph 124 that *"Good design is a key aspect of sustainable development..."*

6.8.3 Additionally, JCS policy SD11 highlights the need to ensure that new housing developments provide an appropriate mix of housing to meet the local needs.

6.8.4 The site layout now proposed has been redesigned to better address the constraints of the site, which has in turn reduced the number of houses from 90 to 69. The housing density across the site is now just 16 dwellings per hectare, with a lower density and larger plot sizes in the eastern part of the site to respond to the larger plot sizes and detached houses within the Battledown Estate and provide for an improved relationship with these properties.

6.8.5 Although paragraph 123 of the NPPF states that planning decisions should avoid homes being built at low densities, this site does not lend itself to high density housing due to the identified constraints; additionally, there are no minimum density standards set out within the development plan. As proposed, officers consider the layout and mix of housing would make the optimal use of the land whilst taking into account the identified constraints.

6.8.6 As previously noted, officers also consider the revised layout would improve its relationship with the nearby heritage assets. The only three storey building, which comprises apartments, is now located centrally within the site. The majority of the housing is two storeys, albeit some building heights increase to two and a half storeys to include loft accommodation.

6.8.7 The appearance of the housing is not a 'fixed' element of the scheme and has been reserved for future consideration; however, indicative house types and street scene drawings have been submitted which indicate a contemporary design approach across the site with high quality external finishes.

6.9 Drainage and flooding

6.9.1 Adopted JCS policy INF2 and Section 14 of the NPPF seeks to ensure that new development is not inappropriately located in areas at high risk of flooding, and to ensure that development does not increase flood risk elsewhere and, where possible, contributes to a reduction in existing flood risk.

6.9.2 The application site located in Flood Zone 1 and is therefore assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). Additionally, the Environment Agency's Flood Risk Map below identifies the entire site as being at a 'very

low' flood risk from surface water flooding, although it does identify some areas in close proximity to the site that are at a higher risk of surface water flooding. The LLFA also acknowledge that there are significant surface water accumulations, and recorded incidents of flooding in the lower reaches of this catchment. It is therefore important to ensure that appropriate measures are provided to safely manage the flood risks arising from the increased run off from the development.

6.9.3 The application has been accompanied by a detailed Flood Risk Assessment (FRA) and drainage strategy which have been reviewed by the County Council, as the Lead Local Flood Authority (LLFA) responsible for managing the risk of flooding from surface water, groundwater and ordinary watercourses. The level of detail submitted to date is appropriate for an outline planning application.

6.9.4 The LLFA are satisfied that the information which accompanies this outline application "*adequately describes a feasible strategy for the management of surface water on and from the development site*" and raises no objection subject to a condition which requires additional detail, including a description of the maintenance strategy during and following construction for the lifetime of the development and a schedule for the implementation of the drainage scheme relative to the rest of the development, to be submitted and agreed at a later stage.

6.10 CIL and S106 obligations

6.10.1 Cheltenham Borough Council, together with the other JCS authorities, adopted the Community Infrastructure Levy (CIL) in October 2018, and introduced charging on 1st January 2019. This development would be liable for CIL.

6.10.2 CIL is now the tool to help local authorities to deliver infrastructure to support new development in the area, and is a tariff-style charge which is calculated per square metre of new development. In Cheltenham, the CIL rate for residential developments of between 11 and 449 dwellings is £200 per m²; however, there are some exceptions, for example, those parts of a development which are to be used as social housing, and self-build housing.

6.10.3 CIL sits alongside S106 agreements, which are still used to secure site-specific obligations which are needed to make a development acceptable in planning terms, particularly affordable housing.

6.10.4 Adopted JCS policy SD12 is the relevant policy for the provision of affordable housing in new developments. In Cheltenham, outside of Strategic Allocation sites, a minimum of 40% affordable housing is sought on sites of 11 dwellings or more. Where possible, the policy requires the affordable housing to seamlessly integrated and distributed throughout the development. The proposed scheme is compliant with the requirements of the policy.

6.10.5 As previously noted, the application now proposes 69 dwellings, 28 of which (40%) would be affordable. Having regard to local needs, the Housing Enabling Officer is seeking the following mix of affordable dwellings on the site:

40%	Affordable Rented	Intermediate (s/o)	Total	%
1 Bedroom 2P Apartments	6	0	6	21 %
2 Bedroom 4P House	6	4	10	36 %
3 Bedroom 5P House	6	4	10	36 %
3 Bedroom 6P House	0	0	0	0 %

4 Bedroom 7P House	2	0	2	7 %
Total	20	8	28	100 %

6.10.6 The above mix of housing would provide much needed affordable accommodation in this area. The Housing Enabling Officer previously identified that as of June 2018 there were 2,365 households on Homeseeker Plus of which 1,066 households are in need of family accommodation, and 391 of these have specifically selected an area of preference to Charlton Kings; however there is currently very limited availability and a low turnover of social housing properties within the Charlton Kings area.

6.10.7 The affordable housing provision would be secured through a S106 agreement.

6.11 Impact on neighbouring amenity

6.11.1 Saved LP policy CP4 and adopted JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality. In addition, one of the core planning principles set out within paragraph 17 of the NPPF is to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

6.11.2 Whilst it is acknowledged that outlook from some neighbouring properties would undoubtedly be altered by the development, officers are satisfied that the proposed layout would not result in any overbearing effect, nor loss of privacy or outlook; all properties achieve the minimum 10.5 metres distance to site boundaries. Additionally, the topography of the site, distances to boundaries, and general arrangement of the housing would not result in any significant impact on daylight or sunlight.

6.12 Other matters

Environmental Impact Assessment (EIA)

6.12.1 The Local Planning Authority was originally requested, in August 2017, to adopt a screening opinion to determine whether the proposed development on this site would constitute ‘EIA’ development, under Part 2, Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017; i.e. determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the Regulations.

6.12.2 The proposed development is not Schedule 1 development. Additionally, whilst the development is listed in column 1 of Schedule 2 of the 2017 Regulations (Part 10 Infrastructure Projects, (b) Urban development projects), the proposed development does not exceed the following thresholds set out in column 2 of the Schedule:

(i) the development does not include more than 1 hectare of urban development which is not residential development;

(ii) the development does not include more than 150 dwellings;

(iii) the overall area of the development does not exceed 5 hectares.

6.12.3 Additionally, the site is not located within a “sensitive area” as defined by Regulation 2(1). Therefore, the proposed development is not Schedule 2 development and an EIA is not required.

Loss of existing green space / cross country running facility

6.12.4 Although the development would result in the loss of the existing green space which is used by the school for an annual firework display and for cross country running, it

is important to remember that this is private land; it is not a playing field or public green space. Additionally, the site does not accommodate a playing pitch or built sports facility. Sport England were consulted on the application did not wish to provide a detailed response as the development does not fall within their statutory or non-statutory remit.

7. CONCLUSION AND RECOMMENDATION

- 7.1 NPPF paragraph 38 advises that *“local planning authorities should approach decisions on proposed development in a positive and creative way...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”*.
- 7.2 Paragraph 11 sets out a presumption in favour of sustainable development and directs that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole, or specific policies in the Framework indicate development should be refused. Given the current lack of a five year housing land supply, paragraph 11 provides a ‘tilted balance’ in favour of granting permission; and, as previously noted, this is a significant material change in circumstance since the previous refusal of permission last year.
- 7.3 The principal changes between the 2017 application and the current proposal are:
- A significant (23%) reduction in the number of houses proposed;
 - The retention of all but one of the large/Veteran trees and a significant portion of the hedgerow which crosses the site;
 - Additional provision of green space throughout the site;
 - The omission of the three storey apartment block in the southwestern corner of the site.
- 7.4 The adverse impacts that would arise from the development now proposed and the weight that officers have afforded them are as follows:
- Harm to the setting of designated heritage assets - moderate harm
 - Effect on the character and appearance of the landscape, which whilst not considered ‘valued landscape’, is of value nonetheless – limited harm
 - Relocation of badger sett – limited harm
- 7.5 It is therefore necessary to carry out a balancing exercise, to see if the adverse impacts identified above, would significantly and demonstrably outweigh the following benefits, taking into account the ‘tilted balance’ in favour of development.
- 7.6 The public benefits resulting from the development would be:
- A contribution to the supply of housing within the borough to include the provision of 40% affordable housing (28 units) – in light of the lack of a five year housing supply and the acute need for affordable housing in the local area, this must be afforded very significant weight.
 - The provision of employment within the construction industry for the duration of the development – only moderate weight can be afforded given the temporary nature of the development, albeit it would likely be for a reasonable time period.

- Potential land allocation for housing development in the emerging Cheltenham Plan – limited weight
 - School letter of support – limited weight
- 7.7 Having considered all of the material considerations, and carried out the necessary balancing exercise, officers are of the view that the benefits of this revised scheme clearly tip the balance in favour of granting planning permission.
- 7.8 The recommendation therefore is to grant planning permission subject to a signed S106 agreement to secure the affordable housing provision, and the following schedule of conditions:

8. CONDITIONS / INFORMATIVES

- 1 The outline planning permission hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of Section 92 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 (appearance and landscaping) must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.
- 4 Prior to the commencement of any works on site, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall:
 - a. specify the type and number of vehicles;
 - b. provide for the parking of vehicles of site operatives and visitors;
 - c. provide for the loading and unloading of plant and materials;
 - d. provide for the storage of plant and materials used in constructing the development;
 - e. provide for wheel washing facilities; and
 - f. identify routes for construction traffic.
Reason: To minimise disruption on the public highway and adjacent land users and to accommodate the efficient delivery of goods and supplies during the course of the construction works in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework. Approval is required upfront because without proper mitigation the construction works could have an unacceptable highway impact.
- 5 Prior to the commencement of development, including ground works and vegetation clearance, a Construction Environmental Management Plan (CEMP) shall be submitted

to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Any modifications to the approved details for example as a result of requirements of a protected species license must be submitted to and agreed in writing by the Planning Authority. The CEMP shall include the following details:

Ecology

- (i) Badger Mitigation Strategy based on Section 4.6 of the Confidential Badger Appendix by Aspect Ecology dated October 2018.
- (ii) Mitigation measures MM1 (Hedgerow & Tree Protection), MM2 (Veteran Trees, MM4 (Soft-felling of Trees), MM5 (Re-installation of any affected existing Bat Boxes), MM7 (Wild Mammal Safeguards), MM8 (Reptile & Amphibian Safeguards) and MM9 (Timing of Works to avoid Nesting Birds) based on the Ecological Appraisal by Aspect Ecology dated October 2018.
- (iii) Mitigation measure MM3 (Updated Surveys) based on the Ecological Appraisal by Aspect Ecology dated October 2018.

Other

- (iv) Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- (v) Arrangements for liaison with the Council's Pollution Control Team.
- (vi) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites which shall be used to minimise noise disturbance from construction works.
- (vii) Procedures for emergency deviation of the agreed working hours.
- (viii) Waste and material storage.
- (ix) Control measures for dust and other air-borne pollutants.

Reason: To protect the local environment including its landscape and biodiversity value, to ensure that adequate mitigation/compensation measures are provided in order to safeguard protected species, and to reduce any potential impact on local residents, in accordance with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policies SD9 and SD14 of the Joint Core Strategy (2017) and paragraphs 8, 170, 175 and 180 of the National Planning Policy Framework. This information is required up front because without proper mitigation the construction works could have an unacceptable impact on protected species and the amenity of adjoining land users at the beginning of construction.

- 6 Prior to the commencement of any building works above ground level, surface water drainage works shall be implemented in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure 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 for the lifetime of the development, in accordance with adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront as any works on site could have implications for drainage, flood risk and water quality in the locality.

- 7 Notwithstanding previously submitted details, prior to the commencement of development, drainage plans for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage shall be implemented in accordance with the approved details prior to first occupation of the development

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront as any works on site could have implications for drainage, flood risk and water quality in the locality.

- 8 Prior to the commencement of development, a Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on mitigation measure MM6 (Sensitive Lighting) within the Ecological Appraisal by Aspect Ecology dated October 2018, and shall include the following details:
 - (a) the position, height and type of all lighting;
 - (b) the intensity of lighting and spread of light as a lux contour plan;
 - (c) the measures proposed must demonstrate no significant effect of the lighting on the environment including preventing disturbance to bats so that light falling on vegetated areas and features used by bats will be below or not exceed 2.0 lux; and
 - (d) the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

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

Reason: To provide adequate safeguards for protected species on the site, and to ensure that foraging and commuting of bats is not discouraged at this location, in accordance with adopted policy SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, paragraphs 109, 118 and 125 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 9 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 between the proposed development and adjacent buildings and land, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD14 of the

Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 10 Prior to the commencement of development, a method statement for the building foundation design, which takes account of existing soil types and adjacent trees so as to prevent future subsidence to new buildings and demands for the removal or heavy pruning of retained trees, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 11 No later than 3 months following the commencement of the development, a Landscape and Ecological Management Scheme, based on Landscape Strategy drawing no. 18125.101 D dated 16th October 2019, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a drawing and document that covers:

- (a) Aims and objectives of the scheme including conservation of protected and priority species and a net gain for biodiversity appropriate green infrastructure;
- (b) A plan with annotations showing the soft landscape, hard landscape, habitat, vegetation and artificial features to be retained, created and/or managed;
- (c) Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;
- (d) Provision for and control of some public access;
- (e) A work and maintenance schedule for 5 years and arrangements for beyond this time;
- (f) Monitoring and remedial or contingency measures;
- (g) Organisation or personnel responsible for implementation of the scheme.

Reason: To conserve and enhance the landscape and biodiversity value of the land and in accordance with adopted policies SD6 and SD9 of the Joint Core Strategy (2017), paragraphs 8, 170 and 175 of the National Planning Policy Framework, and ODPM Circular 06/2005.

- 12 Prior to the commencement of any above ground works, a scheme for the provision of fire hydrants (served by mains water supply) shall submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the hydrant serving that property has been provided.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with adopted policy INF6 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

- 13 Notwithstanding the submitted details, prior to the commencement of any building works above ground level, details of a scheme for the provision and future maintenance of multi-functional green infrastructure to include areas of informal play shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

Reason: To ensure that the development makes a positive contribution towards green infrastructure and provides opportunities for play and recreation in accordance with

adopted policies INF3 and INF6 of the Joint Core Strategy (2017) and paragraphs 69 and 109 of the National Planning Policy Framework.

- 14 Notwithstanding previously submitted details, prior to the commencement of any building works above ground level, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number and location of all new trees and hedges to be planted; their species, size, spacing/density of hedges, root types, tree pit details (including details of introduced soil amelioration plans); and protection from deer and other predators as well as protection for the street trees from vehicles etc.

The scheme shall also include:

- a. a short, medium and long term management for all trees to be planted;
- b. details of the restoration and remedial surgery to parts of the existing hedge to be retained;
- c. details of the proposed pond in the communal open space to the south of the site; and
- d. wild flower strips in the public open spaces.

All hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

All soft landscaping shall be carried out in the first planting and seeding season following completion of the development or first occupation of the development (whichever is sooner). Any trees which within a period of 5 years, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size or species unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area in accordance with saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 15 All details of protection, working methods and practices etc. within the submitted FLAC report (Instruction Ref: SC38-1036) must be adhered to for the duration of the development. A retained arboriculturalist must be employed to oversee tree protection and workings in accordance with an Arboricultural Monitoring programme which shall include details of (i) person(s) to conduct the monitoring; (ii) the methodology and programme for reporting; and (iii) a timetable for inspections which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 16 Any works taking place within the root protection area of trees or adjacent to the site, shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturist or without the prior written permission from the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint

Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 17 No trees, shrubs or hedges within the site which are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed, without the prior written permission from the Local Planning Authority. Any retained trees, shrubs or hedges removed without such permission, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted, shall be replaced with trees, shrubs or hedge plants of a similar size and species during the next planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework.

- 18 All paths, parking areas and other forms of hard landscaping that fall within Root Protection Areas (RPAs) of the retained trees shall be constructed using a no-dig method as per the submitted drawings. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented strictly in accordance with the details so approved.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 19 No tree and/or hedge clearance shall be carried out during bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has first been submitted to and approved in writing by the Local Planning Authority. Any such scheme shall be implemented in accordance with the approved details.

Reason: To provide adequate safeguards for protected species on the site in accordance with adopted policy SD9 of the Joint Core Strategy (2017) and paragraph 118 of the National Planning Policy Framework.

- 20 No construction works and/or ancillary operations which are audible at the site boundary shall be carried out on site outside the following hours:

Monday to Friday - 8am to 6pm
Saturday – 8am to 1pm

There shall be no working on Sundays or Public or Bank Holidays.

Deliveries to, and removal of plant, equipment, machinery and waste from, the site shall only take place within the permitted hours detailed above.

Reason: To ensure that any impact on the amenity of the occupiers of adjacent dwellings is minimised and controlled in accordance with saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 21 No external facing or roofing materials shall be applied unless in accordance with:

- a) a detailed written specification of the materials; and
- b) physical samples of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with saved policy CP7 of the Cheltenham Borough Local Plan (2006), adopted policy SD4 of the Joint Core Strategy (2017) and guidance set out within Section 12 of the National Planning Policy Framework.

- 22 No boundary treatments, including boundary walls, fences or other means of enclosure shall be constructed unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with saved policy CP7 of the Cheltenham Borough Local Plan (2006), adopted policy SD4 of the Joint Core Strategy (2017) and guidance set out within Section 12 of the National Planning Policy Framework.

- 23 Prior to first occupation of the development, the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 24 Prior to first occupation of the development, details of a Homeowner's Information Pack resource providing information on recreation resources in the locality shall be submitted to and approved in writing by the Local Planning Authority. The pack should reference:

- Alternative local recreation opportunities (off site), e.g. website information for Cotswolds AONB and recreation 'offer'
 - <https://www.cotswoldsaonb.org.uk/visiting-and-exploring/>
- Relevant adopted Cheltenham, Gloucester and Tewkesbury JCS policy (e.g. INF3 green infrastructure) and supporting text (e.g. 5.4.6 re. Green Infrastructure strategy 'vision').

Each dwelling shall be provided with an approved Homeowner Information Pack on occupation.

Reason: To ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the proposal, are suitably addressed in accordance with adopted policy SD9 of the Joint Core Strategy (2017) and paragraphs 175, 176 and 180 of the National Planning Policy Framework.

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

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

- 26 Prior to first occupation of the development, leaf guards for the guttering and down pipes of the dwellings shall be installed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority, and shall be maintained as such thereafter.

Reason: To reduce levels of tree-related inconvenience experienced by residents during the occupancy of the development.

- 27 Prior to first occupation of the development, the car parking associated with each building within the development (including garages and car ports where proposed) has been provided in accordance with Drawing No. 16.20.034 PL005 A, and those facilities shall be maintained available for that purpose thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between pedestrians, cyclists and vehicles is provided in accordance with policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 28 Notwithstanding the submitted details, the development hereby permitted shall not be occupied until a delineated at grade pedestrian corridor with a minimum width of 1.2m from parking bays 16-19 and 60-69 linking to the associated dwelling entrances have been made available for use for the duration of the development.

Reason: To ensure safe and suitable access to the site can be achieved for all users; to give priority to pedestrians and to address the needs of people with disabilities in accordance with policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 29 Notwithstanding the submitted details, the development hereby permitted shall not be occupied until signing and lining has been provided adjacent to 19 Oakhurst Rise creating a T-junction ensuring that is clear for drivers where the major flow is to/from.

Reason: To avoid an unacceptable impact on highway safety by ensuring that it is clear for drivers where the major flow is to/from minimising the scope for conflicts between pedestrians, cyclists and vehicles in accordance with policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 30 Notwithstanding the submitted details, the construction of the car parking associated with each building within the development (including garages and car ports where proposed) shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

- 31 Prior to first occupation of the development, secure and covered cycle storage facilities for a minimum of one bicycle per dwelling shall be provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To give priority to cycle movements by ensuring 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 adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 32 Prior to first occupation of the development, 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 shall be completed to at least binder course level and the footway(s) to surface course level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained, and to ensure that a safe, secure and attractive layout which minimises the scope for conflicts between pedestrians, cyclists and vehicles, is provided in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 33 Prior to first occupation of the development, details of the proposed arrangements for the future management and maintenance of the proposed streets within the development shall 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 scope for conflict between traffic and cyclists and pedestrians, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108, 110 and 127 of the National Planning Policy Framework.

- 34 Notwithstanding the submitted details, prior to first occupation of the development, pedestrian improvements for the installation of a connecting section of footway (2m wide) with tactile dropped crossing between Beaufort Road and Ewens Road (north side) and an extension to the footway (2m wide) and dropped kerb tactile crossing point across the Charlton Court Road cul-de-sac junction shall be carried out and made available for public use.

Reason: To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and secondly, so far as possible, to facilitating access to high quality public transport, in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 35 Prior to first occupation of the development, the pedestrian dropped tactile crossing to the west of plots 1 & 69 shall be constructed in accordance with drawing ref. 16.20.034 PL005 A and made available for public use.

Reason: To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and secondly, so far as possible, to facilitating access to high quality public transport, in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 36 Prior to first occupation of the development, the widening of the approach lane widths on the westbound A40 arm, adjustments to the kerb radius on the southbound Hales Road entrance link and the signal controller intervention (adding a UG405 / Mova unit to the existing ST900 controller and upgrading the connection to ADSL) shall be constructed in accordance with the approved plans.

Reason: To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 37 Notwithstanding the submitted details, prior to first occupation of the development, a bus shelter shall be provided, and made available for public use, for Bus Stop ID: glodtwmt located on Beaufort Road.

Reason: To ensure that appropriate opportunities to promote sustainable transport modes have been taken up in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 38 Means of vehicular access to the development hereby granted shall be from Oakhurst Rise only.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 39 The forward visibility splays as demonstrated on Drawing No. CTP-16-332-SK22-B shall include no vertical features over 600mm high. These areas shall be kept clear of vertical features over 600mm high for the duration of the development.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, secure and attractive layout which minimises the scope for conflicts between pedestrians, cyclists and vehicles is provided in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 40 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: The development will generate a significant amount of movement; and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 111 of the National Planning Policy Framework.

INFORMATIVES

- 1 The applicant/developer is advised that to discharge condition 33 the local planning authority will require a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a private managements and maintenance company confirming funding, management and maintenance regimes.

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- 2 The proposed development will require the provision of a footway/verge crossing and the applicant/developer is required to obtain the permission of the County Council before commencing any works on the highway.
- 3 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 works agreement (including the appropriate bond) with the County Council before commencing those works.
- 4 The applicant/developer is advised to contact Amey Gloucestershire on 08000 514 514 to discuss whether the development will require traffic management measures on the public highway.
- 5 The developer will be expected to meet the full costs of supplying and installing the associated infrastructure.
- 6 The applicant/developer will require a badger licence from Natural England before carrying out works on site under the Protection of Badgers Act 1992.

Appendix 1

18/02171/FUL

Land adjacent to Oakhurst Rise

Highways Comments



Highways Development Management

Shire Hall
Gloucester
GL1 2TH

Michelle Payne
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham Glos
GL50 1PP

email: lucas.arinze@gloucestershire.gov.uk

Please ask for: Lucas Arinze

Our Ref: B/2018/041670

Your Ref: 18/02171/OUT

Date: 13 December 2018

Dear Michelle Payne,

TOWN AND COUNTRY PLANNING ACT 1990 HIGHWAY RECOMMENDATION

LOCATION: Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire

PROPOSED: Outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration (revised scheme following refusal of application ref. 17/00710/OUT)

I refer to the above planning outline planning application with access and layout to be considered received on the 5th November 2018, submitted with application form, Design & Access Statement, Transport Assessment, Technical Note, Travel Plan, NMU Context Report, Stage 1 RSA report & Mobility Audit, Designers Response and Auditors Letter and drawing refs. PL005 Rev A, SP03 Revision: C, SP04 Revision: C, SP05, SP06 Revision: A, SK20 Revision: E, SK21 Revision: C, SK22 Revision: C, SK23, SK24 and SK25 Revision: A.

History

A recent planning application for 90 residential dwellings at the same site (ref. 17/00710/OUT) was refused planning permission in July 2018; however the Highway Authority recommended that no highway objection be raised subject to conditions.

Local Transport Network

The site is located to the east of Cheltenham town centre within Charlton Kings. The site is bound to the north, east and west by existing residential development and to the south by St. Edward's Preparatory

School. The proposed development site will be accessed directly from Oakhurst Rise. Oakhurst Rise is a publicly maintainable historic cul-de-sac that has safely served some 30+ residential dwellings for a number of years, connecting to Ewens Road and Beaufort Road at its southern extent in the form of a simple priority junction. Oakhurst Rise and all of the other roads in the locality have pedestrian footways to both sides of the highway and feature street lighting.

Existing & Proposed Land Uses

The site is currently 4.29 hectares of pasture. The proposed land use will change to occupy 69 residential dwellings comprising of:

- 6 1 bedroomed apartments;
- 14 2 bedroomed apartments;
- 4 3 bedroomed apartments;
- 4 2 bedroomed houses;
- 10 3 bedroomed houses;
- 24 4 bedroomed houses;
- 6 5 bedroomed houses; and
- 1 6 bedroomed house.

Accessibility – Public Transport, Walking & Cycling

The site is sustainably located and is deemed to be within acceptable walking distance of local amenities. In addition the site is also accessible to high quality public transport facilities located nearby with the nearest bus stops located on Beaufort Road to the south-west and slightly further afield on the A40 to the south. The bus serving the stop on the A40 London Road operates regularly at peak hours with services connecting to centre of Cheltenham Town.

Access

Vehicular access to the site will be provided from Oakhurst Rise, via a continuation of the existing cul-de-sac. Oakhurst Rise is a class 4 highway with a carriageway width of approximately 5.5m and is subject to the sign posted 20mph speed limit. The continuation of carriageway into the site will remain at a width of 5.5m with 2m wide footways on both sides of the carriageway.

Layout

The proposed internal layout will primarily be 5.5m wide carriageways with 2m footways on either side throughout the layout which is sufficient width to accommodate the passing of two private estate vehicles and ensures that conflict with vulnerable users is minimised in accordance with Paragraph 110 of the NPPF. The remaining areas within the site will be shared surface and vary in width between 6.8m

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- 7.5m; full height kerbed footways are tapered transitioning pedestrians into these shared areas with transitional rumble strips / ramps indicating drivers that they are entering a change in highway.

As two private estate cars can pass one another simultaneously throughout the site forward visibility is only required for larger vehicles (such as a refuse vehicle) and a car where they cannot safely pass simultaneously. As drivers of larger vehicles typically sit further forward than in a car due to the bonnet length being reduced this provides them with enhanced forward visibility. Therefore with the aforementioned and the infrequency of two such vehicles meeting it is deemed that speeds and the required visibility in this location will be low.

Refuse vehicle tracking as shown on drawing refs. SK23, SP03 Revision: C and SP06 Revision: A demonstrates that an 11.2m 3-axle refuse vehicle can enter, manoeuvre through and egress the site in forward gear without conflict. The tracking has demonstrated that where a car is unable to pass a refuse vehicle adequate levels of driver to driver inter-visibility can be achieved to allow one another to give way. The refuse vehicle can also get within 25m of all refuse storage points and would have not come any closer than 500mm from any vertical kerb-line structure, tree or formal car parking space.

Forward visibility of 25m commensurate with the design speed of 20mph has been provided (drawing ref. SK22 Revision: C) around all bends throughout the main estate layout. In some locations these forward visibility splays cross over/ are within very close proximity to amenity space and it is therefore recommended that a planning condition is attached to ensure that all planting and/or boundary features within the forward visibility splays are no greater than 600mm.

As the site has a gradient, when a planning application is submitted the developer will have to bear in mind how they propose to construct the carriageways to an acceptable gradient. There are many ways that the required gradients can be achieved through various earthwork techniques. However at planning stage technical details such as carriageway gradients are not assessed as this will take place once planning permission has been established through the technical approval process.

Gloucestershire County Council's Manual for Gloucestershire Streets guidance provides guidelines for adoptable gradients and geometries and these must be achieved if the roads are to be adopted. Even if the developer does not want the carriageways and footways within the site to be adopted they must still be constructed to an adoptable standard.

Parking

As there are currently no local car parking standards in Gloucestershire, the suitability of the parking provision will instead be assessed against the methodology set out in the NPPF. A further Ministerial statement published in March 2015 stated that Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that it is necessary to manage their local road network.

Parking provision should be compliant with Paragraph 105 of the NPPF, a part of that methodology looks at local car ownership levels based upon the 2011 census data, with further consideration given to documents such as the DCLG Residential Car Parking Research Document. I have undertaken a study of the local car ownership levels for the area surrounding the proposed development site.

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In total the proposed development will provide a total of 159 parking spaces for the 69 dwellings with a mix of garages, driveway car parking spaces and 17 visitor car parking spaces. This equates to an average of 2.3 parking spaces per dwelling, which is in excess of the local car ownership Census data levels. The 2011 local car ownership Census data identified an average car ownership within area E01022104:Cheltenham O12B of approximately 1.20 cars per dwelling.

Car / Van	Number	%
All categories: Car or van availability	721	100.0
No cars or vans in household	122	16.9
1 car or van in household	349	48.4
2 cars or vans in household	200	27.7
3 cars or vans in household	37	5.1
4 or more cars or vans in household	13	1.8

The DCLG's Residential Car Parking Research Document (RCPR) states that allocated spaces can generate additional parking demand. The additional parking demand can be calculated using the census data and the following equation;

$(1 \times 0.28) + (2 \times 0.05) + (3 \times 0.02) = 0.44$ additional demand, creating an overall parking demand of 1.64 spaces per dwelling. The RCPR also states that those living in affordable housing often own on average 0.5 fewer vehicles than those living in similar owner occupied dwellings.

In addition to the above 0.2 parking spaces per dwelling required by Manual for Gloucestershire Streets (MfGS) for visitor parking, a total of 17 visitor spaces for the development would also be required. When combining the expected car ownership levels and GCC's visitor space requirement (based on MfGS), the proposed site would be expected to provide at least 130 car parking spaces. Therefore based upon the local car ownership levels, the proposed parking provision being higher than the recorded average car ownership figures in the 2011 census data and the findings of the RCPR, the proposed provision would be regarded as acceptable in accordance with Paragraph 105 of the NPPF and will reduce the likelihood of parking displacement on the surrounding highway network.

Each parking space complies with the recommended design guidance of 9.13 and 9.14 Manual for Gloucestershire Streets with each space measuring 2.4m x 4.8m in length with 6.0m of drivable surface

in front of them for ease of access. The private garages also comply with the recommended design guidance of 9.22 Manual for Gloucestershire Streets with each single garage measuring a minimum of 6m x 3m, with minimum door width of 2.4m and each double garage measuring 6m x 6m, with minimum door width of 2.4m.

In addition the site will provide a minimum of 1 secure cycle storage space per dwelling. Cycle storage provision will encourage an active lifestyle and can act as a suitable substitute to the private car over short distances. A 3 mile utility cycle is a convenient distance for cyclists of all abilities whilst longer journeys of 5 miles or more according to LTN 2/08 allows experience cyclists to commute to work as well as provide scope to combine with alternative modes of sustainable transport to create longer environmentally friendly journeys. Cycling does have the ability to create a modal shift away from the private motor car.

Cycle storage for the dwelling houses can be accommodated within a rear garden shed, the shed should have a stand secured to the foundations and fixed lockable door. They should be positioned as such to allow for overlooking from a habitable room, this will allow for passive surveillance and help to reduce potential crime. The cycle storage serving the apartments can be provided by way of an appropriately positioned external store located close to pedestrian entrances and accesses. The store must be safe, secure and covered. Cycle storage facilities will be secured by way of planning condition.

Road Safety Audit

A stage 1 Road Safety Audit (RSA) was undertaken for the site layout in accordance with HD19/15. All issues raised within the audit have been agreed to within the designer's response and demonstrated on drawing refs. SK22 Revision: C, SK23 and SK24 which have addressed the road safety issues raised and have been approved by the auditor.

Non-Motorised Users

A non-motorised user's assessment was undertaken with an aim to identify any shortfalls in pedestrian facilities and whether it would be reasonable to secure off site mitigation of the routes identified within the report. The report identifies deficiencies in the surrounding walking/cycling network and routes to destinations which should be improved for non-motorised user's accessibility, safety, comfort and convenience.

Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and Planning Policy Statement 13 Transportation and Land Use document states that walking offers the greatest potential to replace short car trips, particularly those under 2km. Manual for Streets encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents.

The overall outcome identified that the existing routes were of a good standard with only a small number of pedestrian crossing improvements required. These have been secured by way of suitably worded planning condition.

Vehicle Trip Generation

During scoping discussions, the Highway Authority stated that the TRICS trip rate and trip generation data presented by the applicants transport consultant (Cotswold Transport Planning) was not comparable to the proposed development site. The Highway Authority requested a local validation survey should be undertaken to determine the forecast trip generation. It was agreed that an Automatic Traffic Count (ATC) survey could be undertaken on Charlton Court Road, as this was considered to provide a typical trip rate for the area which could be used to forecast vehicular trips at the proposed site. As Charlton Court Road is of a similar geometry it is considered to be robust for the purposes of estimating the trip generation from the proposed development.

The use of the donor site (Charlton Court Road) is considered to be robust for the purposes of estimating the trip generation from the proposed development. The daily trip generation from the local donor site is approximately 25% higher than the daily trip generation presented in the scoping report presented by the applicants transport consultant, derived from the Trip Rate Information Computer System (TRICS) database.

The donor site recorded a two-way AM peak hour trip generation of 0.44 trips per dwelling consisting of 0.11 arrivals and 0.33 departures and a two-way PM peak hour trip generation 0.48 trips consisting of 0.31 arrivals and 0.17 departures per dwelling (based on 35 dwellings). For a 69 dwelling development, based on the donor site figures, the development would generate 30 AM peak hour trips consisting of 7 arrivals and 23 departures and 33 PM peak hour trips consisting of 21 arrivals and 12 departures.

Distribution & Traffic Impact

Based on census journey to work data (2011), the proposed vehicle distribution can be determined. 51.8% of development traffic will be distributed left out of Oakhurst Rise onto Beaufort Road and Charlton Court Road, travel west along the A40 towards Cheltenham, 22.1% will be distributed right out of Oakhurst Rise, travel west along Ewens Road towards the B4075 Hales Road, 11.7% will turn left out of Oakhurst Rise onto Beaufort Road and Charlton Court Road, travel west along the A40 towards Cheltenham and turn left onto the A435 and the remainder will turn left out of Oakhurst Rise onto Beaufort Road and Charlton Court Road, travel east along the A40 towards Charlton Kings, based on the 2011 Census Journey to Work Travel data.

Four broad route choices have been identified as use of a “quickest” route choice for traffic travelling to/from the development site and each Middle Layer Super Output Area (MSOA), noting the small variations between AM and PM routes to account for one-way and banned turning movements in Cheltenham.

1. A40 W (London Road) and A40 S (Old Bath Road / Sandford Mill Road) – to access MSOA locations to the south and west of the site including Cheltenham town centre;
2. Ewens Road and residential streets surrounding the site – to access MSOA locations to the north;
3. A435 S (Cirencester Road) – to access MSOAs to the south and east of the site; and
4. A40 E (London Road) – to access MSOAs to the east of the site.

Due the development traffic passing through sensitive junctions it was requested by the Highway Authority that capacity assessments be undertaken where there will be a material impact on local keys junctions. This may be relatively low where congestion occurs on the local highway network. It was identified through the assignment and distribution of the development traffic that the following junctions required capacity assessments:

- Charlton Court Road/London Road A40;
- Sixways;
- London Road A40/Cirencester Road A435; and
- Hales Road B4075/ London Road A40/ High Street A435

On the basis that the this planning application is for 69 dwellings, and therefore 21 dwellings less than sought previously, it was not deemed necessary to revisit the off-site junction modelling assessments, which have previously been accepted by the Highway Authority (albeit subject to mitigation that is still required to make this development acceptable), which in reality would show improvements in future scenarios due to the reduction in dwelling numbers and associated traffic generation.

The LPA have confirmed that there is no committed development that would need to be taken into account when assessing the junctions in question. Committed development is considered to be anything 10 houses and above. Developments include allocated or permitted sites that are likely to come forward within the next 3 years and/or developments that might affect the traffic within the site study area.

Charlton Court Road/London Road A40

Scenario	Modeller Comments
2017 Base AM	Results for current assessment show junction operating below practical capacity levels, with queues less than 1pcu.
2017 Base PM	Results for current assessment show junction operating below practical capacity levels, with queues less than 1pcu.
2022 Base AM	Results for current assessment show junction operating below practical capacity levels, with queues less than 1pcu.
2022 Base PM	Results for current assessment show junction operating below practical capacity levels, with queues less than 1pcu.
2017 Base + Development AM	Results for current assessment show junction operating below practical capacity levels, with queues less than 1pcu. The impact from the development does worsen junction performance; however this is not considered to be a significant impact and therefore is acceptable at this stage.
2017 Base + Development PM	Results for current assessment show junction operating below practical capacity levels, with queues less than 1pcu. The impact from the development does worsen junction performance; however this is not considered to be a significant impact and therefore is acceptable at this stage.
2022 Base + Development AM	Results for current assessment show junction operating below practical capacity levels, with queues less than 1pcu. The impact from the development does worsen junction performance; however this is not considered to be a significant impact and therefore is acceptable at this

	stage.
2022 Base + Development PM	Results for current assessment show junction operating below practical capacity levels, with queues less than 1pcu. The impact from the development does worsen junction performance; however this is not considered to be a significant impact and therefore is acceptable at this stage.

Summary

The results of the Charlton Court Road/London Road A40 junction assessment shows that the junction operates well below practical capacity levels in current and future year scenarios (2022) with and without development traffic.

All of the other junctions above were subject to a LINSIG assessments, these outcomes are as follows:

Sixways

Results: File 1 (MOVA Set-up)	Modeller Comments
2017 Base	In the AM scenario, the A40 WB is operating well over absolute capacity levels with a MMQ length of 173.4pcus. All other lane are shown to exceed absolute capacity levels (DoS = ~101%) with the expectation of the A40 EB which is shown to be just over practical capacity (DoS = 90%). In the PM scenario, both A40 arms are shown to operate well in excess of practical capacity and all other arms are below or at practical capacity levels. Therefore, the junction is shown to operate over absolute capacity in the AM scenario and over practical capacity levels in the PM scenario.
2022 Base	In the AM scenario, all arms are shown to be operating with DoS values in excess of 100%, with the A40 WB shown to have an MMQ length of 245pcus. In the PM scenario, both A40 arms are again shown to be operating in excess of 100% DoS, as is Greenway Lane. All other arms are below practical capacity. Therefore, this model shows that the junction is operating

	<p>over absolute capacity limits in both AM and PM scenarios.</p>
<p>2017 Base + Development</p>	<p>In the AM scenario, the junction continues to operate well over capacity. The increases in DoS and MMQ length from the introduction of development traffic are minimal, with the A40 EB increasing by 0.9% DoS and the A40 WB increasing by 0.6% DoS and 1.3 PCU MMQ length. There is a similarly minor worsening of performance in the PM, with the A40 EB shown to increase by 0.4% DoS and the A40 WB increasing by 0.1% DoS. Greenway Lane, Ryeworth Road and Copt Elm Road do not deteriorate in performance in either the AM or PM scenario. Therefore whilst junction performance is shown to be poor, the introduction of development traffic does not cause a significant deterioration in performance from the 2017 Baseline.</p>
<p>2022 Base + Development</p>	<p>In the AM scenario, the junction continues to operate well over capacity. The increases in DoS and MMQ from the introduction of development traffic are shown to be minimal, with the A40 EB increasing by 0.9% DoS and 2.6pcu MMQ length and the A40 WB increasing by 0.4% Dos and 1.3 PCU MMQ length. There is a similar minor worsening of performance in the PM, with the A40 EB shown to increase by 0.4% DoS and the A40 WB increasing by 0.9% DoS. Greenway Lane, Ryeworth Road and Copt Elm Road do not deteriorate in performance in either the AM or PM scenario. Therefore whilst junction performance is shown to be poor the introduction of</p>

	<p>development traffic does not cause a significant deterioration in performance from the 2022 Baseline.</p>
<p>Other comments</p>	<p>The File 1 model is reported within the accompanying Technical Note not to be validated particularly well compared to the supplied queue length data. The TN states that this is likely to be due to local variation in traffic conditions between the survey and modeller observation dates. The Highway Authority agrees with this conclusion in principle, and accepts that the use of MOVA data provides a suitably validated base model.</p>
<p>Results: File 2 (as per File 1, with optimised signal times)</p>	<p>Modeller Comments</p>
<p>2017 Base</p>	<p>The results of the 2017 Base scenario (with the optimisation of signal timings) show an improvement of A40 capacity, but a worsening of capacity on the minor arms compared to File 1. In the AM scenario, the A40 EB improves by 8.8% DoS and 9pcus MMQ length and the A40 WB improves by 23.4% DoS and 55pcu MMQ length compared to the File 1 2017 Base. However Greenway Lane increases in DoS (MMQ length) by 17.2% (11.1pcus), Ryeworth Road by 10.2% (1.2pcus) and Copt Elm Rd by 18.4% (16.7pcus). There are similar changes in the PM scenario. Having said this, PRC values in the AM and PM scenarios indicate overall improvement in junction performance. The junction is considered to operate over absolute capacity with the optimisation of signal timings, but agree that an overall benefit to junction</p>

	<p>performance can be achieved though revalidation of signal set up.</p>
<p>2022 Base</p>	<p>As per the 2017 Base scenarios, the 2022 Base scenarios in File 2 result in improvement in capacity on the A40 arms, but a deterioration in performance on the minor arms. In the AM scenario, the A40 EB improves by 10.1% Dos (18.2pcu MMQ length) and the A40 WB improved by 29.9% Dos (58.9pcu MMQ length) from the 2022 Base, whereas the Greenway Lane deteriorates by 19.8% DoS (14.1pcus), Ryeworth Rd by 11.9% (4.0pcus) and Colt Elm Rd by 21.2% (20.0pcus). There are similar changes in the PM scenario. PRC values indicate overall improvement in junction performance, although the junction is still considered to operate over absolute capacity with the optimisation of signal timings. The Highway Authority agree that an overall benefit to junction performance can be achieved through revalidation of signal set up.</p>
<p>2017 Base + Development</p>	<p>In both the AM and PM scenarios, there are minor increases in DoS and MMQ length values across all arms with the introduction of development traffic. For example, at the worst performing arm in the AM (A40 WB), there is an increase in DoS by 0.3% DoS and in MMQ length by 1.3pcus. For the worst performing arm in the PM (A40 EB) there is an increase by 0.3% Dos and in MMQ length by 1.1pcus. This is considered to be a minor worsening in junction performance from the 2017 Base scenarios, and therefore</p>

	<p>the development impact is not considered to be severe at this location. The Highway Authority agree that an overall benefit to junction performance can be achieved through revalidation of signal set up</p>
<p>2022 Base + Development</p>	<p>In both the AM and PM scenarios, there are minor increases in DoS and MMQ length values across all arms. For example for the worst performing arm in the AM (A40 WB), there is an increase in DoS by 0.3% DoS and in MMQ length by 1.2pcus. For the worst performing arm in the PM (A40 EB), there is an increase by 0.3% Dos and in MMQ length by 1.2pcus. This is considered to be a minor worsening in junction performance from the 2022 Base scenarios, and therefore the development impact is not considered to be severe at this location. Again, the Highway Authority agree that an overall benefit to junction performance can be achieved through revalidation of signal set up.</p>

Summary

The results of this junction assessment show that the junction is operating well over absolute capacity levels in all scenarios, however the introduction of development traffic does not result in an unacceptable or severe impact.

London Road A40/Cirencester Road A435

<p>Results File 1 (unconstrained saturation flow)</p>	<p>Modeller Comments</p>
<p>2016 Base</p>	<p>In the AM and PM scenarios, the junction operates just under practical capacity levels on all arms (DoS < 90%), with MMQ lengths not exceeding 14.5pcus in the AM Peak (MMQ length on the A40 E) and 17.9pcus in the PM peak (MMQ length on A40 W). The junction is therefore shown to be</p>

	<p>operating below practical capacity levels in this scenario, without consideration for exit blocking.</p>
<p>2017 Base</p>	<p>In both the AM and PM scenarios, the junction continues to operate just under practical capacity levels on all arms (DoS < 90%), with MMQ lengths not exceeding 15.3pcus across the AM or PM peak period. The junction is therefore shown to be operating below practical capacity levels, without consideration for exit blocking.</p>
<p>2022 Base</p>	<p>In the AM scenario, the junction operates just over practical capacity levels on Haywards Road, A40 E and A40 W; although with DoS values of around 95% they are still considered to operate below absolute capacity levels. Cirencester Road operates at a DoS value of 77% in the AM peak. In the PM scenario performance is slightly worse across all arms with the worst performing arm (A40 WB) operating at 97.0% DoS and 28.3pcu MMQ length. The junction is therefore shown to be operating below absolute capacity levels in both scenarios, although without consideration for exit blocking.</p>
<p>2022 + Development</p>	<p>In both the AM and PM scenarios, the junction continues to operate below absolute capacity levels, with Haywards Road, A40 E and A40 W having DoS values in excess of 94% and 11pcu MMQ lengths. PRC values are less than 0% in both scenarios indicating that the junction is very nearly at absolute capacity. Comparing these results with the 2022 Base however shows that in the AM peak, Haywards Road worsens in performance with DoS increasing by 1.4% (and MMQ length increases by less than 1pcu), for A40 E increases by 3.1% (2.9pcus), for A40 W by 0.3% (0.4pcus). There is a nominal increase in values for Cirencester Road. In the PM, there is a similar deterioration in performance. Therefore, whilst junction performance is considered to be approaching absolute capacity limits, the impact of the development is not considered severe.</p>

File 2	Modeller Comments
2016 Base	<p>In the AM scenario, all arms of the junction operate with DoS in excess of 90%, maximum 94%, and MMQ lengths between 10 and 19pcus. In the PM, there only the A40 is operating with DoS in excess of 90% with Haywards Road operating with 22.7%. The junction is shown to be operating below capacity limits, but with some performance issues.</p>
2017 Base	<p>The results for the AM and PM scenarios appear to be exactly the same. Furthermore the pattern of capacity constraints in the PM scenario is significantly different to the pattern shown in the 2016 and 2022 Base scenarios.</p>
2022 Base	<p>In the AM scenario, all arms of the junction operate with DoS in excess of 90%, with the A40 arms operating in excess of absolute capacity limits. MMQ lengths are between 13 and 36pcus. In the PM, there only the A40 is operating with DoS in excess of 90% with 104% DoS for the A40 E and 103% DoS for the A40 W. Haywards Road operating with a DoS of 24.6%. This junction is shown to be operating over absolute capacity on the A40 arms.</p>
2022 + Development	<p>In the AM scenario, all arms are operating just below or just over absolute capacity limits with the A40 W operating at 102% DoS with 36pcu MMQ lengths. In the PM scenario the A40 continues to be the main capacity constraint (with similar DoS and MMQ values) with excess capacity available on Cirencester Road and Haywards Road. Compared to the 2022 Base Scenarios, there are minor increases in DoS and MMQ. For example the AM peak period, A40 E is shown to be the most constrained increasing by 3.2% DoS and 6.3pcus MMQ length and in the PM peak period, the A40 W is shown to be the most constrained increasing by 2.7% DoS and 11.7pcu MMQ lengths. Whilst junction performance is considered to be poor in this scenario, the introduction of development traffic does not cause a significant worsening of conditions.</p>

Scenario	Modeller Comments
2016 Base	The junction is shown to perform below practical capacity limits in both the AM and PM scenarios. In the AM, DoS does not exceed 84.3% and MMQ lengths are no greater than 14pcus. In the PM, DoS values do not exceed 85.9% or MMQ lengths of 15pcus.
2017 Base	The junction is shown to perform below practical capacity limits in both the AM and PM scenarios. In the AM, DoS does not exceed 87.1% and MMQ lengths are no greater than 15pcus. In the PM, DoS values do not exceed 85.9% or MMQ lengths of 15.8pcus.
2022 Base	In both the AM and PM scenarios, both A40 Arms are shown to have DoS Values in excess of 90% and MMQ lengths of around 17pcus (AM) and 20pcus (PM). The junction is still shown to operate below absolute capacity limits in these scenarios.
2022 Base	In both the AM and PM scenarios, both A40 Arms are shown to have DoS Values in excess of 90% and MMQ lengths of around 17pcus (AM) and 20pcus (PM). The junction is still shown to operate below absolute capacity limits in these scenarios.
2022 + Development	In the AM scenario, the junction exceeds practical capacity limits, but continues to perform under absolute capacity, with the A40 arms showing DoS values in excess of 90% (around 92-93%) and MMQ lengths of around 10-17pcus. Compared to the 2022 Base scenario, Haywards Road experiences an increase of 7.6% DoS (and increase in MMQ lengths of 1.3pcus); A40 W experiences an increase of 0.4 DoS (0.2pcus). Cirencester Road experiences a very minor increase, and the A40 E shows a decrease in DoS by 0.5%. In the PM scenario, the junction also performs under absolute capacity, with the A40 W arms showing a DoS of 94.1% (24.0 MMQ). Compared to the 2022 Base scenario, Haywards Road experiences an increase of 1.2% DoS (and no MMQ length increase), A40 W increases by 2.6% (3.1pcus) and Cirencester Road increases by 1.8%

(0.4pcus). A40 E, as per the AM scenario, shows a decrease in DoS. These results show that the proposed development will not have a significant impact on junction performance compared to the 2022 Base.

Summary

In this assessment, the operation of the junction is shown to deteriorate to above absolute capacity levels, the actual impact of the proposed development is shown to be minor, and therefore the results of the assessment are agreed. It has been illustrated that benefits to this junction can be achieved through downstream improvements at the A40 / Hales Road junction, which have been proposed as part of the off-site highway mitigation for the proposed development.

Hales Road B4075/ London Road A40/ High Street A435

File 1 (informal 2 lane arrangement with reduced sat flow)	Modeller Comments
2017 Base	The AM and PM periods shows the London Road SE, Hales Rd and Old Bath Rd ahead and left lanes operating in excess of absolute capacity limits with DoS values over 100%. The maximum DoS value is 104.7 in the AM and 102.0% in the PM which occur on London Road SE. MMQ lengths range from 30-52pcus in the AM and around 30pcus in the PM. Old Bath Road right turns operate under capacity in the AM period, with greater than 90% DoS in the PM. The junction model therefore shows that when modelled with an informal narrow two lane approach to the junction on London Rd SE, performance is over absolute capacity limits in the AM period and at absolute capacity in the PM.
2022 Base	In the AM and PM periods Hales Road, London Road SE and Old Bath Road lanes operate in excess of 100%

	<p>DoS, with London Rd SE reaching 120.7% DoS and 110.5pcu MMQ length in the AM and 116.9% (87.2pcus) in the PM. London Road NW ahead movements are in excess of 90% DoS in the PM period and is approaching absolute capacity limits. The junction model therefore shows that when modelled with an informal narrow two lane approach to the junction on London Rd SE, performance is considerably over absolute capacity limits in the AM and PM.</p>
<p>2017 + Development</p>	<p>In both the AM and PM scenarios, development traffic is not shown to have a meaningful impact. In the AM scenario, the junction is shown to be operating just over absolute capacity levels, with maximum DoS occurring on Hales Road (106.9%) and maximum queuing occurring on London Rd SE (56.2pcus). In the PM scenario, the junction is shown to be operating significantly over absolute capacity levels with all lanes (with the expectation of London Road NW) operating in excess of 100% DoS. Compared to the 2017 Base assessment, there are minor worsening and improvements to both DoS and MMQ across the junction in both the AM and PM period, resulting in maximum increases in DoS of 3% and MMQ increases of around 4pcus. London Road SE experiences a 1% increase in DoS and 3.9pcu increase in MMQ length in the AM and experiences a minor</p>

	<p>improvement in the PM period (0.3% and 0.2pcus). The junction model therefore shows that when modelled with an informal narrow two lane approach to the junction on London Rd SE, performance is considerably over absolute capacity limits in the AM and PM periods, but is not significantly worsened by the introduction of development traffic.</p>
<p>2022 + Development</p>	<p>In both the AM and PM period, the junction continues to operate in excess of absolute capacity limits on all lanes with the expectation of London Road NW (in the AM period). Comparing the results to the 2022 Base, there is a minimal worsening of junction performance. In the AM period, Hales Road experiences an increase of 3% DoS and 7pcus MMQ length. In the PM period, the impact is slightly more severe, with increases in DoS of around 10.2% and MMQ increases of 18.48pcus. The PM scenarios are therefore considered to be a material impact, especially on Hales Road. The development is therefore considered to negatively impact the operation of this junction when modelled with an informal narrow two lane approach to the junction on London Rd SE.</p>
<p>File 2 (single lane arrangement, with non-blocking storage)</p>	<p>Modeller Comments</p>
<p>2017 Base</p>	<p>The AM scenario shows Hales Road and London Road SE operating in excess of absolute capacity limits and Old Bath Road operating just</p>

	<p>above practical capacity limits, with MMQ lengths up to 60pcus and around 30pcus on average. The PM scenario shows that the junction is operating at around absolute capacity. London Road SE shows a DoS value of 108.8% and MMQ length of 63.8 in the AM and 98.0% DoS and 33.3pcu MMQ length in the PM. The junction model therefore shows that when modelled as a single carriageway approach to the junction on London Rd SE, performance is over absolute capacity limits in the AM and just under absolute capacity in the PM period.</p>
<p>2022 Base</p>	<p>The AM scenario shows that this junction is operating well over absolute capacity level in both the AM and PM periods. DoS values are as high as 126.9% in the AM period with maximum MMQ lengths at 130pcus. The junction model therefore shows that when modelled as a single carriageway approach to the junction on London Rd SE, performance is over absolute capacity limits in the AM and PM periods.</p>
<p>2017 + Development</p>	<p>Comparing the results of this scenario to the 2017 Base Scenario shows a minor increase in impact as a result of the development. The main increase in the AM period is experienced on Old Bath Road with a DoS increase of around 4%. The main increase in the PM period occurs on London Road SE with DoS increase of around 2%. The operation of the junction during the AM</p>

	<p>period is considered to be well in excess of absolute capacity limits, with the actual increase as a result of the proposed development considered to be minor. The operation of the junction during the PM period is considered to remain at capacity levels, with the development making very little difference to the operation of the junction. The junction model therefore shows that when modelled as a single carriageway approach to the junction on London Rd SE, performance is over absolute capacity limits in the AM and PM periods, with the impact from the proposed development expected to be minor.</p>
<p>2022 + Development</p>	<p>The introduction of development traffic to the 2022 Base scenario does not result in significant impact during the AM peak period, with small increases in DoS values and the maximum increase in queue length occurring on London Road SE. During the PM period however, there is a greater increase in DoS and MMQ values across most lanes at the junction. The average increase in DoS is 5.46% (max. 7.2%) and MMQ length is 15.12 (maximum 31.7pcus). The junction model therefore shows that when modelled as a single carriageway approach to the junction on London Rd SE, performance is over absolute capacity limits in the AM and PM periods, with the impact from the proposed development expected to be</p>

	material in the PM.
Scenario	Modeller Comments
2017 Base	<p>In the AM peak period, the junction is shown to be operating above practical capacity levels but below absolute levels on Hales Road, London Rd SE and Old Bath Road. DoS is at 95.4% on the London Road SE, and MMQ lengths reach up to 32.0pcus. In the PM peak period, the junction continues to operate below absolute capacity. The London Rd SE is shown to be operating at 87.2% DoS with an MMQ length of around 24pcus. Therefore, with the introduction of a formal two lane approach to the junction on the London Rd SE the junction is shown to be operating below absolute capacity limits.</p>
2022 Base	<p>In the 2022 Base scenario, the junction operates above absolute capacity limits, but with DoS values reaching around 110% (10% less than File 1 and File 2) in the AM peak, and around 100% in the PM peak. In the AM peak, London Road SE is shown to be operating with a DoS value of 111.8% and MMQ length of 92.6pcus. In the PM peak, London Road SE is shown to be operating with DoS values of 103.3% and MMQ lengths of 41.6pcus. Therefore, the introduction of a formal two lane approach to the junction on London Road SE does improve performance, but the junction continues to operate over absolute capacity levels in the AM</p>

	peak and at absolute capacity levels during the PM peak.
2017 + Development	<p>The introduction of development traffic to the 2017 baseline shows a minor impact from the proposed development. In the AM peak, the maximum increase in DoS is 2.5% and the maximum increase in MMQ length is 1.7pcus which both occur on Hales Road. London Road SE experiences a 0.6% increase in DoS and a 1.4pcu increase in MMQ length. In the PM peak, the maximum increase in DoS is 2.7% and the maximum increase in MMQ length is 2.8pcus which both occur on London Road NW. London Road SE experiences a 1.3% increase in DoS and a 0.7pcu increase in MMQ length. Whilst the junction continues to operate above practical capacity levels, the introduction of development traffic (with the introduction of a formal two lane approach on London Road SE) does not constitute a severe impact.</p>
2022 + Development	<p>In this scenario, the junction is shown to be operating in excess of absolute capacity limits in the AM and PM hours, with all arms operating in excess of 100% DoS (maximum 114.6% in AM, 116.8 in PM) with MMQ lengths up to 94.7pcus in the AM, 102.pcus in the PM with the exception of London Road NW left turn movements. Compared to the File 1 2022 Base scenario (i.e. no development traffic or improvements), there is a benefit to the capacity</p>

operation of the junction in both the AM and PM periods. In the AM peak the average benefit is 2.63% DoS (maximum 8.8% on London Road SE) and 3.3pcus less MMQ length (maximum reduction of 15.8pcus). In the PM peak the average benefit is 1.6% DoS (maximum reduction of 11.2% DoS on London Road SE) and average 10pcus less MMQ length (maximum reduction 26.8pcus MMQ). In both the AM and PM peak however, there are arms which worsen with the introduction of development traffic and mitigation. This is a similar case when compared to File 2; however the benefit is considered to be much greater as the File 2 assessment is more robust in terms of capacity assessment. This scenario (File 3 2022 + Development), when compared to the File 1 2022 + Development scenario again shows that the introduction of highway mitigation has benefits to the junction. In the AM period, all arms with the exception of the London Road NW experience a decrease in DoS and MMQ lengths as a result of the improvements. The average decrease is 3.1% DoS and 5.7pcus MMQ length, with the maximum benefits shown to be on London Road SE. This is the same in the PM, again all arms experiencing a decrease in DoS and MMQ lengths as a result of the improvements. This is also the case when compared to

File 2, which experiences benefits in the AM and PM periods, an average of -15.8% DoS and 28.3pcus MMQ length in the AM and -5.8% DoS and -7.6pcus MMQ lengths in the PM. London Road SE gains the most benefit. In summary, the junction continues to operate above absolute capacity levels with the introduction of development traffic and highway improvements; however meaningful improvements in capacity are shown to be achievable.

Summary

On-site observations indicated that vehicles queue abreast in the single lane around half the time. Therefore modelling the London Road south east approach as a single lane with the potential for non-blocking storage is considered to be an acceptable approach. Using current traffic flows and this approach shows that the development is unlikely to have a significant impact in the AM peak hour, but this will be more meaningful in the PM peak hour. The assessment of a formal designation of two approach lanes shows that whilst the junction will continue to operate in excess of absolute capacity limits, there is the opportunity for a significant improvement in junction operation from the non-mitigation scenarios.

Mitigation

As the existing A40 highway network suffers from intermittent congestion investigations have taken place to identify whether any improvements could be implemented at the A40 / Hales Road signal controlled junction, which is deemed to be most critical in terms of local traffic congestion, primarily due to the exit blocking it causes to other signal junctions on the network (e.g. A40 / Cirencester Road traffic signals).

Upon assessing the investigations the Highway Authority has deemed the following improvements acceptable in terms of mitigating the impact generated by the development:

1. Engineering intervention to increase approach lane widths on the westbound A40 arm, and minor adjustments to the kerb radius on the southbound Hales Road entrance link.
2. Signal controller intervention - adding a UG405 / Mova unit to the existing ST900 controller and upgrading the connection to ADSL.

Whilst observations at the A40/Hales Road junction show that traffic queues side by side on the London Road south east arm approximately half the time, depending on multiple factors. It is considered that

there would be a capacity benefit in the proposal to widen the carriageway to formalise this occurrence every cycle. This capacity benefit would be sufficient to mitigate the impact of the proposed development at the A40 / Hales Road junction, and improve capacity issues at the A40 / Haywards Road junction, so that the residual cumulative impact is not severe.

Personal Injury Collisions

Personal injury collision statistics have been presented for a study area which covers the A40 London Road to the east, A435 to the south and Old Bath Road to the west.

Six collisions were recorded within the study area over the 5 year period with one recorded as serious. These collisions are considered to have occurred as a result of driver, pedestrian or cyclist error rather than being attributable to the geometry of the local highway network.

There has been no personal injury collisions recorded on Oakhurst Rise and therefore nothing to suggest that this highway is unsafe nor anything to suggest that the traffic generated by additional dwellings would make this section of highway unsafe. Overall it is reasonable to conclude that there is not an excessive amount of personal injury collisions on the wider network and those collisions that do occur are spread. Therefore it is reasonable to conclude that the additional traffic generated by the development will not have a material impact on general road safety in the area.

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 can not be avoided, however a condition ensuring that all construction vehicles and materials can be contained within the site during the construction phase, 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.

Residential Travel Plan

The NPPF Paragraph 111 states that developments that will generate significant amounts of movement should be required to provide a Travel Plan. The Travel Plan should be formulated in accordance with the GCC Travel Plan Guidance for developers.

The Department for Transport (DfT) defines a travel plan as “a long term management strategy that seeks to deliver sustainable transport objectives through positive action”. Such plans could include; car sharing schemes, commitment to improving cycle facilities, dedicated bus services or restricted parking allocations. A successful Travel Plan should offer users whether they are employees, residents or visitors a choice of travel modes from sites or premises.

The submitted Travel Plan for this application aims to reduce the dependence upon single occupancy private car travel when accessing the site and in order to do so the Travel Plan aspires to;

- Reduce the percentage of residents travelling by single occupancy private car to and from the site.
- Generate increase in the percentage of residents utilising active modes (walking/cycling), public transport and car sharing.

In order for the Travel Plan to achieve these aims a number of actions and measures will need to be implemented. The applicant will appoint a Travel Plan Coordinator, whose duty it is to oversee the implementation and monitoring of the Travel Plan. The Coordinator will be appointed prior to the dwellings being occupied.

The Travel Plan will obtain the base survey data once 30% of the dwellings have been occupied, with initial targets set at a 10% reduction in single occupancy car journeys based on Census travel to work data in the interim. Targets can then be updated once the baseline travel survey has been undertaken. Once base survey data has been obtained at 30% occupancy the Travel Plan Coordinator will review the Travel Plan annually associated targets and measures adjusted accordingly. The Travel Plan aims to reduce single occupancy private car use year on year. A 5 year period is acceptable for this type and size of development. The Travel Plan can be secured by way of planning condition.

Recommendation

The National Planning Policy Framework (NPPF) states at paragraph 109 that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. The Highway Authority considers that this development will not have a severe impact on the local highway network. The NPPF also states that “safe and suitable access to the site can be achieved for all users”, “appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location”, and that “any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”. It is considered that the development proposals will meet these criteria. The Highway Authority recommends that no highway objection be raised subject to the following conditions being attached to any permission granted:

Condition #1 Vehicle Access Location

Means of vehicular access to the development hereby permitted shall be from Oakhurst Rise only.

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

Condition #2 Junction Completion

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

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

Condition #3 Parking & Turning

The development hereby permitted shall not be occupied until the car parking associated with each building within the development (including garages and car ports where proposed) has been provided in accordance with the submitted drawing ref. PL005 Rev A, and shall be maintained available for that purpose thereafter.

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

Condition #4 Electric Charging Points

Notwithstanding the submitted details, the construction of the car parking associated with each building within the development (including garages and car ports where proposed) shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: - To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

Condition #5 Pedestrian Segregation

Notwithstanding the submitted details, the development hereby permitted shall not be occupied until a delineated at grade pedestrian corridor with a minimum width of 1.2m from parking bays 16-19 and 60-69 linking to the associated dwelling entrances have been made available for use for the duration of the development.

Reason: - To ensure safe and suitable access to the site can be achieved for all users; to give priority to pedestrians and to address the needs of people with disabilities in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Condition #6 Cycle Storage

The development hereby permitted shall not be occupied until a minimum of 1 no. cycle storage facility per dwelling has been provided and those facilities shall be maintained for the duration of the development.

Reason: - To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

Condition #7 Forward Visibility

The forward visibility splays as demonstrated on drawing ref. SK22 Revision: B shall include no vertical features over 600mm. These areas shall be kept clear of vertical features over 600mm for the duration of the development.

Reason: - To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained and to ensure that a safe, secure and attractive layout – which minimises the scope for conflicts between pedestrians, cyclists and vehicles, is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Condition #8 Estate Roads

The development hereby permitted shall not be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: - To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained and to ensure that a safe, secure and attractive layout – which minimises the scope for conflicts between pedestrians, cyclists and vehicles, is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Condition #9 Estate Road Maintenance

The development hereby permitted shall not be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: - To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

Condition #10 Fire Hydrants

No above ground works shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

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

Condition #11 Non-Motorised User Improvements

Notwithstanding the submitted details, the development hereby permitted shall not be occupied until pedestrian improvements consisting of the installation of a connecting section of footway (2m wide) with tactile dropped crossing between Beaufort Road and Ewens Road (north side) and an extension to the footway (2m wide) and dropped kerb tactile crossing point across the Charlton Court Road cul-de-sac have been constructed and made available for public use.

Reason: - To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Condition #12 Pedestrian Crossing

The development hereby permitted shall not be occupied until a pedestrian dropped tactile crossing to the west of plots 1 & 69 has been constructed in accordance with drawing ref. PL005 Rev A and made available for public use.

Reason: - To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Condition #13 Highway Alterations

Notwithstanding the submitted details, the development hereby permitted shall not be occupied until signing and lining has been provided adjacent to 19 Oakhurst Rise creating a T-junction ensuring that is clear for drivers where the major flow is to/from.

Reason: - To avoid an unacceptable impact on highway safety by ensuring that it is clear for drivers where the major flow is to/from minimising the scope for conflicts between pedestrians, cyclists and vehicles in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Condition #14 Highway Improvements

The development hereby permitted shall not be occupied until the widening of the approach lane widths on the westbound A40 arm, adjustments to the kerb radius on the southbound Hales Road entrance link and the signal controller intervention (adding a UG405 / Mova unit to the existing ST900 controller and upgrading the connection to ADSL) has been constructed in accordance with the approved plans.

Reason: - To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with paragraph 108 of the National Planning Policy Framework.

Condition #15 Public Transport Facility Improvements

Notwithstanding the submitted details, the development hereby permitted shall not be occupied until a bus shelter has been provided for Bus Stop ID: glodtwmt located on Beaufort Road and has been made available for public use.

Reason: - To ensure that appropriate opportunities to promote sustainable transport modes can be taken up in accordance with paragraph 108 of the National Planning Policy Framework.

Condition #16 Construction Method Statement

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

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

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

Condition #17 Travel Plan

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: - The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework.

Informatives:

Note I: *The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.*

Note II: *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 works agreement (including appropriate bond) with the County Council before commencing those works.*

Note III: *You are advised to contact Amey Gloucestershire 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.*

Note IV: *The developer will be expected to meet the full costs of supplying and installing the associated infrastructure.*

Note V: *The applicant is advised that to discharge condition #9 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 managements and maintenance company confirming funding, management and maintenance regimes.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Yours sincerely,

Lucas Arinze

Development Co-ordinator

APPLICATION NO: 18/02171/OUT		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 27th October 2018		DATE OF EXPIRY : 26th January 2019	
WARD: Battledown		PARISH: CHARLK	
APPLICANT:	William Morrison (Cheltenham) Ltd & Trustees Of		
LOCATION:	Land Adjacent To Oakhurst Rise, Cheltenham		
PROPOSAL:	Outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration (revised scheme following refusal of application ref. 17/00710/OUT)		

REPRESENTATIONS

Number of contributors	156
Number of objections	113
Number of representations	0
Number of supporting	43

4 Charlton Park Drive
Cheltenham
Gloucestershire
GL53 7RX

Comments: 19th November 2018

This application provides much needed homes, in particular 28 critically needed affordable homes in a sustainable location.

St Edwards School will also be gifted the school and some 30 acres the land, which will enable them to improve the schools sporting facilities which are available to the wider community.

The development also retains and protects all but one of the veteran trees and will provide an additional 170 plus new trees.

17 Churchill Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JN

Comments: 28th November 2018

Traffic in this area is already bad, the schools and doctors are over subscribed and there is an increased risk of flooding.

I also feel the underhand approach of the applicants is completely unacceptable.

I am happy to comment further or be contacted if required.

Outwoods
Ashley Road
Cheltenham
Gloucestershire
GL52 6QJ

Comments: 2nd December 2018

As a local resident I am very concerned about the environmental impact of the Oakhurst Rise 69 house application

Cheltenham has enough affordable housing to meet need until 2031. This is an important green field site which is home to protected species such as bats, slow worms and adds not to mention our declining bird population. This development will: increase the flood risk; negatively impact on an area already suffering from traffic congestion; and add yet more pressure to our public services especially local schools and primary care.

Hilcot
Stanley Road
Cheltenham
Gloucestershire
GL52 6PF

Comments: 5th December 2018

We object to the proposal for many reasons, firstly due to the area being of historical importance. The site is of invaluable local historical interest. Building houses would destroy potential historical finds in the area. Secondly, as you approach the area the hill is clearly visible and is of particular geographical interest. Each area of green destroyed ruins Cheltenham`s image. Building houses would obliterate this geographical feature. Thirdly, for environmental reasons due to the grass area being important for rainwater run off to prevent flooding to the area. Fourthly, the local infrastructure in particular the roads are already congested and dangerous and this would further exacerbate the dangers for local residents. Fifthly, the area is especially important for biodiversity as the area is home to many animals such as rabbits, foxes, badgers, barn owls, sparrows, sparrow hawks and many more smaller important elements in the food chain. I object to the proposal and urge you not to approve this scheme that would be disastrous for the reasons given.

Castle Farm
Ashley Rd
Cheltenham
GL52 6NU

Comments: 24th December 2018

I am writing to object to these plans. Firstly this is an area of green space on a hilltop clearly visible from several sides, and building on this will damage the visual aesthetics of this area of Cheltenham. Cheltenham is a pleasant and popular place to live, and the views of the surrounding hills from the town is one of its greatest assets. Secondly, flooding. There have been flooding issues in the surrounding area, and building on the top of a hill is removing a key soak-away, that can only increase the flooding risks. Thirdly, the effect on wildlife. This a green space used extensively by local wildlife, and as it is surrounded by housing, there is no obvious alternative. Finally, traffic and congestion. This plot of land is in the centre of other highly populated areas, and access to it is therefore extremely problematic. It would cause further congestion and potentially dangerous situations for pedestrians and road users alike.

Flat 4
Stanmer House
Lypiatt Road Cheltenham
Gloucestershire
GL50 2QJ

Comments: 19th November 2018

As an ex-pupil of St. Edward's School, I whole heartedly support this application as it will safeguard the school's future at no cost. In addition, the proposed development will provide a number of urgently required affordable homes for younger people together with 41 much needed homes in Cheltenham, going some way to assist in the council's shortfall in the provision of affordable and private housing stock. A win win.

5 Roosevelt Avenue
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JL

Comments: 10th January 2019

I object to the proposed development on the following grounds:

- 1) Access issues with the proposed site: Regardless of the number of houses being proposed (I believe that this is the 3rd revision??), there is still no other access plan apart from that in Oakhurst Rise. This will have a knock on effect with congestion in an already congested area. The surrounding areas are already heavily trafficked which is an issue for families throughout the area with children and families. This, in turn, highlights safety concerns that I would have during and post-construction.
- 2) School places: The strain once again on local schooling will be too much. I cannot imagine the disruption with the addition of 69 homes (with potentially 120+ children) would have on an area that is already struggling on school placements and spaces
- 3) Overall infrastructure: It is taking sometimes 4 weeks to get an appointment in this area, is the local practice going to be able to cope and cater for additional appointments without further investment?
- 4) Local wildlife and environment: We can't simply ignore the fact that this will affect the local habitat. Just because there is land available locally does not mean that it should be necessarily developed. There are no doubt hundreds of better sites throughout Gloucestershire, the Cotswolds and surrounding areas that have better overall infrastructure opportunities and potential for development, rather than this which is being proposed. Just by reducing the number of houses each time does not make it necessarily right or ethical. From 100 to 69 on the same plot? It just goes to show how much profiteering that some people are prepared to do on a site which should be maintained in its current form.
- 5) Traffic: There is insufficient road infrastructure in the area to cope with the additional volume of traffic and pollution that this additional traffic could potentially bring. Time for local journeys are getting worse each year (Sixways junction, London Rd and Ewens Farm area in general) and this addition would make it worse in an already saturated area.

8A Linden Avenue
Prestbury
Cheltenham
Gloucestershire
GL52 3DP

Comments: 20th November 2018

I wish to support this application. I feel that the plans are sympathetic in relation to the area and will provide additional much needed housing. I understand that the plans have been scaled back considerably in terms of the number of houses planned to fit in with concerns raised. I would ask the planning department to therefore approve the scheme.

11A Churchill Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JH

Comments: 6th January 2019

I object to the proposed development for the following reasons:

Local roads are not appropriate in the slightest for construction traffic and housing access

Extra car use caused by development will seriously degrade local roads and environment of the local housing and inhabitants

Local Road junctions will not be able to support more vehicles, traffic is already a huge problem locally for example at the six ways junction.

The proposed housing is not necessary, local needs have proved to be met by existing council plans

During the previous planning meeting the pros and cons were argued by both sides, and I don't see any evidence that the fundamental facets have changed.

22 Beaufort Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JT

Comments: 11th January 2019

I object to the building of houses at Oakhurst Rise as it would make the traffic unbearable in this area, we already have a lot of vehicles on the road by Tim Fry's land rover and the challenge garage, as well as it is well known that Ewens Road and Beaufort Road are used as a cut through for traffic from the Hales Road to the London Road, also there are young children to whom the heavily increased traffic could pose a danger.

1 Southfield Manor Park
Sandy Lane
Charlton Kings Cheltenham
Gloucestershire
GL53 9DJ

Comments: 7th December 2018

This all looks like far too much development for housing where car usage will be high, in too tight a space linking into already over busy access roads. The road from the school already gets very congested at the entrance to the GP surgery car park. People are already parking on the grass here and driving over the grass as they pass each other coming in and out.

Many of the houses on the plan look like they will be luxury houses which may have 2 to 4 cars each.

This could work as an exclusively affordable housing development, where car ownership might be judged to be significantly lower, with it's within walking distance public transport and walkable access to GP surgery, chemist and shops including a small supermarket.

In such a built up area it would be better to leave this as quiet space for wildlife and people, mixed with exclusively affordable housing.

10 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 19th November 2018

I object strongly to the proposed development. As a resident of Oakhurst Rise, my main concern is the proposal to use this narrow cul de sac as the sole means of access to a large new development.

The impact of traffic associated with this development will have a life changing impact on the existing residents of this small, well established and compact community. This will start during construction with no doubt hundreds of lorry movements. Then later there will be, I guess, up to 150 or 200 daily car journeys from the 79 houses.

The roads are very steep and narrow and are regularly at almost bottle neck with on road parked cars which makes it totally unsuitable as a major thoroughfare to this development.

Another issue is that the road is regularly impassable in winter due to snow and the steepness of the first section up from Ewen's Farm. This happened on four occasions during the 2017 / 2018 winter. The few residents who commute daily leave their cars at the bottom of the hill and walk up and down. That's workable with 25 houses mostly with non-working families but what will the residents of the 79 new houses do with their two cars each?

I urge the interested parties to visit Oakhurst Rise and see for themselves how unsuitable it is as the sole means of access to this huge new development.

Coversdown
Birchley Road
Cheltenham
GL526NY

Comments: 20th November 2018

As a resident of Battledown my house, Coversdown, joins the northern boundary of the proposed development. I strongly object to this application. Not only is it in breach of national and local planning policy, which should be promoting healthy communities, it would mean the loss of valued open space which is used as a recreational area. It is of great value to those who live in this community. It threatens an area of beautiful green space.

The current plan also ignores the National Planning Policy Framework (NPPF) plan that is currently going before parliament. This plan quiet clearly identifies the land in this application, for a maximum development of 25 Houses.

Furthermore, I do not see any evidence that the reason the previous Outline plan 17/00710/OUT, which the Council turned down in August 2017, have been addressed. In the council's letter dated 16th August 2017, 5 reasons were listed and a mention was made of the NPPF. None of these reasons have been adequately addressed so this application should also be rejected.

In point of fact, I fail to see how this has been accepted as new application, as even the applicant is using the same supporting documents as they did for the previous plan that was turned down. I therefore believe that as the applicant is the same company as the previously rejected plan and they have used a number of the same original documents, that all the objections for 17/00710/OUT should still be considered by the planning committee.

Once again, the current application is riddled with inaccuracies, even down to the "Tree assessment and inspection survey for bat roost potential" using the incorrect layout in Plan 3 - Proposed Mitigation!! (Plan 3 is of the previously rejected layout! The references to the TPO trees in the various reports do not correlate with the Tree Preservation order Ref MHP 16087! TPO Tree T13 is actually an ancient oak yet in Arboriculture report done by Flac, the map on page 18 it is listed as an Ash Tree!

Perhaps this has been done deliberately to confuse CBC??

How can CBC and the surrounding residents rely on any of the supporting documentation as submitted by the applicant. The application should be rejected out of hand simply on the numerous inaccuracies.

My list of objections to the current Plan are as below:

1. Charlton Kings Parish Plan published April 2017

This plan was published by the parish council to provide guidance for the next 5 - 10 years. It was produced by a public questionnaire and parish meetings. Page 8 states "a clear consensus emerged that development on open land and green spaces should not be allowed.". Page 9 states "There was preference to avoid building on 'green' sites of any description, favouring future development on brownfield/waste or infill land;"

Therefore this development is contrary to the conclusions drawn by the Parish Council and the residents of Charlton Kings.

2. Right to Privacy

The conclusions of the developers report state that following the process of consultation, the application has been changed in a number of "significant ways". I strongly dispute this statement. At best, there has been some minor changes, but fundamentally the proposed development still has

- 69 houses
- only one inadequate transport access point,
- is still destroying natural habitat
- still gives significant flood risk
- still built on a steeply sloping site of clay
- still highly visible from offsite locations and
- still destroying an environment used by the St Edwards school for environmental and sporting activities.

The report states that the density of the houses was reduced on the boundaries that border Battledown. This is certainly not the case with the northern border of the proposed development. The plan shows double storey and 2½ story houses right on our boundary. In addition, the 2½ storey houses/flats will be on a higher elevation than our house and will therefore look directly down into 4 of our bedrooms, let alone our drawing room and conservatory. This is a gross infringement on rights to privacy.

The Landscape and Visual Aspect Report, makes general mention of the impact the development will have on residents of Birchley Road, though it specifically avoids any mention of the most impacted properties such as Coversdown, Meadow View and Charlton Manor. This is a major oversight in the analysis, creating a clearly biased document.

In addition, as these houses are directly south of our house they will most definitely block light and direct sunlight into our property. In winter, we would not see any sunlight whatsoever.

We purchased in Battledown specifically because of its privacy and quietness. This proposed development will totally undermine our right to privacy and quiet enjoyment.

3. TPO Trees and Hedgerows

On our boundary with the proposed development, there is are magnificent specimen of an oak tree (T17 & T18), which I have been led to be believe is over 350 years old. There are also a number of other mature trees. Up until 2 years ago the St Edwards school ensured that T13 was well maintained and dead branches were removed by their tree surgeon. This practice has meant that this tree has up flourished and is in excellent condition. It is quiet noticeable that since the applicant has lodged for planning that the maintenance of these trees have been neglected. The regular maintenance of such magnificent trees is a necessity for the wellbeing of the tree. In addition as the tree is south west of our house and the prevailing winds and storms would otherwise place our house at direct risk during storms.

Who is going to be responsible for the well-being of this tree and thus ensure our house remains out of danger should this development take place? The developers have already shown scant regard for us neighbours in that they accessed the currently site illegally over our properties. They also showed no regard to the TPO tree and hedgerow they removed. To date we are not aware whether this breach of the law has led to prosecution.

Secondly, I believe that the proposed houses would be built far too close to the root system of these magnificent tree. The consequences of this would most likely lead to the trees demise. This would then place the foundations of our house and our neighbour in 29 Oakhurst Rise in danger to subsidence and cracking. In addition, any houses built within its vicinity would also be subject to these issues.

The developer already plans to destroy several protected trees including ancient old oaks. The developer also plans to destroy 2 ancient protected hedgerows (seen on a map from 1825) that are BAP priority habitat and protected by law. The site has a large number of veteran trees. These need aging as some may be ancient. Many of these trees should be protected and there have been frequent requests that this is done as a matter of urgency. I believe that developer acted against the guidelines of the 1997 legislation on hedgerows when a large section close to my house was destroyed without the correct permission in the spring.

I feel that the developers survey into the biodiversity of the site is highly inaccurate and should be discarded and not relied upon. As our house overlooks part of the field we witness all the various wildlife that many other residents have already listed. Our CCTV cameras also regularly record the presence of all this wonderful wild life.

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Cheltenham Planning Policy GE 2; Private Green Space states "The development of private green areas, open spaces and gardens which make a significant townscape and environmental contribution to the town will not be permitted." So, does the proposed development site meet the requirements of significant townscape and environmental contribution? It clearly has a unique environmental impact with a wide range of flora and fauna, it is kept in semi-wild condition, with once per year grass cutting and occasional tree surgery. It is a unique site that it is surrounded by buildings on all 4 sides, it is visible from the AONB areas. It is a wonderful undeveloped area and forms part of the critical green space that goes to form Cheltenham. As such I contend that any normal person would agree the proposed development site does not meet these criteria - hence the application should be immediately rejected.

This new plan STILL does not address any on my previous objections and hence all my previous objections still stand. In particular as pertains to the houses on the North boundary that are in proximity of T13 & T18. (Note: I am using the TPO Order 96 Ref MHP 16087 as the tree references, as the applicant regularly has used the wrong references for identifying these trees.)

I have a copy of a report by Barton Hyett Arboricultural Consultants (BH), in response to the original Arboriculture report of the developers consultants (TKC).

The documents presented by TKC with regard to the TPO's and RPA's are based on guidance of BS5837 (4.6.1) whereby the maximum of 15m radius from the tree stem is being used. In fact, the Natural England and the Forestry Commission published in January 2018 that recommends that "for veteran trees a buffer zone of at least 15 times larger than the stem diameter or 5m beyond the crown edge if that is greater" should be used.

In addition, the councils own Tree Officer stated on 8 Mar 2018

"Veteran trees have not been classified as per BS5837 (2012) recommendation where veteran trees should have an automatic A3 classification. Similarly, the Root Protection Areas do not conform to the Woodland Trust and Ancient Tree Forum recommended areas equivalent to an area described as a circle of 15 (as opposed to 12 in BS5837 (2012)) times the diameter of a tree or 5 metres from the edge of the canopy. Indeed, such recommendation of no hard surfacing within BS 5837 (2012) para 7.4 recommends that no construction occurs within a RPA."

This has a significant impact on the developments in the proximity of T13 & T18 to mention just a few. Even the new report by Flac has errors in it!

Using the diameter of "T13" in the report as 1505mm (Which I believe is incorrect and should be closer to 1700mm), then the RPA from the T13, that should be excluded from development, should be a radius of 22,5m and NOT 15m as per the Table. Flac also lists T13 as 22m high. This is also quite clearly inaccurate.

Even based on their own drawings of the layout as submitted by the Everitt Architects, Property 66-68 falls within this "incorrect excluded area" of the radius of 15m of the Oak Tree let alone of the correct radius of 22,5m. When the correct diameter figure is applied of 1760mm diameter, this exclusion radius should be increased to 26,4m and hence the whole of this property contravenes the RPA regulations.

In addition to the above, we object strongly to the fact that Flac recommend that a number of the "Veteran Trees" have been demarcated to have their crowns reduced in size by 5m in height and diameter - is this to allow the tree to conform with the development. These trees are hundreds of years old and should not be subject to the risk of being endangered in the name of housing. It is the housing that is encroaching on the trees, not the other way around.

4. Density

According to the Battledown Estate site <http://www.battledown.co.uk/covenant.asp>, in the Deed of Covenants and Regulations , number 5 states "No person is to build on the Original Lots of

Estate land more houses than in proportion of one house to each half acre of land". Battledown Estate is adjacent to the proposed site on it's North and East Boundaries where the density of the site is +-20 units per hectare which equates to +-4 units per half acre of land. This is considerably more than the allowed adjacent density of 1 unit per half acre of land. As such we believe that the proposed development is not in keeping with the developments that surround the site to the North and East.

5. Increase Flood risk.

Historically there have always been significant issues with surface run off and groundwater flooding around the site. I believe a full and proper impact study needs to be done investigating the impact of the scheme on the River Chelt through Cox's Meadow onto Bath Road and Neptune's fountain. Some proper flood modelling is called for. Even with all the modelling done for the Cox's meadow flood barrier, the first time this barrier was put to the test, it failed, with large scale flooding of properties down-stream from the barrier.

I am not at all satisfied that routing all foul and rain water under Charlton Court Road will be an adequate solution at all. The ageing lower sections of the sewage system are already vulnerable to blockages and collapses according to a helpful local expert on drainage.

The consultant does not seem to recognise that there is any existing flood risk, I believe residents will tell a different story from their personal experiences.

In addition, the flood zone map created 26 March 2008 shows on page 4 a preponderance of incidents of "Recorded Flooding" in both the categories of "Artificial Drainage" and "Unknown" following the line of Oak Avenue. Anyone who has dug their garden or who remembers the old brick works will know this is an area of clay soil, which is always damp.

This is further borne out in the fact that we already have a continual spring, that starts in the field and runs through part of our property, nearly all year round. If the spring runs at present with all the natural protection that the field currently affords it, what is going to happen once this water has nowhere to go due to the impermeable surfaces that will cover the proposed site.

6. Access to site

Oakhurst Rise is a small, narrow and steep cul-de-sac. Many residents park on the road as the driveways are so steep and narrow with often dangerous drop offs due to the gradient. The gradient is 1 in 5 at the top and narrowness of the road make sole 2-way access to 69 houses from this site totally inadequate.

In snow and icy weather the road is immediately cut off as residents prioritise the grit for the lower part of the Rise and the busy and dangerous bend and slope near Pine Close. I wonder where snow bound cars will park on congested Beaufort and Ewen's Road. How will emergency vehicles access the development in snow? The Rise is accessed via the very narrow and congested streets of Ewen's Farm; one of the worst streets being Oak Avenue. Blind bends already make these roads that are occasionally 2-way in sections dangerous.

7. Change to Cheltenham skyline

The site is a very visible green part of the visual landscape. It adjoins Battledown, which is one of the highest points in Cheltenham. As the 2½ storey building and 2 storey house are going to be built on the crest of the development the skyline of Cheltenham will forever be blighted. Particularly from Leckhampton Hill, the A435 and the popular Cotswold Way at Lineover Wood where the path emerges from the trees. There is no dense housing at this elevation at present and the new estate will have a very significant impact on visual amenity. It will be a scar on the tree dense and greenfield nature of the landscape at this height on the hill line as currently afforded by the

properties on Battledown. This will further erode the character of Cheltenham as a scenic spa town.

8. Loss of a community recreation area

The field is used by the wider community and it is a well-regarded venue for county cross-country competitions hosted by the school, as well as being a huge draw on bonfire night when the school PTA run their fund-raiser. Children from the school benefit from the access to the field to get closer to nature, such as the popular "welly walks" from the pre-school section.

9. Damage to biodiversity.

The developers' environmental consultant claims that the majority of the site is "poor semi improved grassland" which is "regularly mown". They claim it is "short grassland" that is of "low conservation significance". I completely contest this. The developers study was done at an inappropriate time of year. I believe that other expert opinion has been obtained who believes that the site is actually species rich grassland which requires a detailed grass species survey, ideally done May-July. I understand the developers' nature survey was done in early September 2016 soon after the farmer had cut the grass down and driven over it with a tractor. Like most wildflower meadows throughout history the grass is cut once a year, contrary to the developers' claims this does not constitute regular mowing or cultivation. I must insist that a proper survey is done to establish the true status of the meadow.

10. Amenities in the area

Already the amenities in the form of schools, hospital places and Sixways surgery are under extreme pressure. It is fairly common for current residents to have to wait 3 weeks to see a GP. This proposed development will further exacerbate the problem. Simple financial contributions/penalties as appear to be the norm when these issues arise in other planning applications (eg Tim Fry brown field development) will not solve the problem of residents being able to see a GP or getting places in schools.

11. Conflicts with the NPPF plan

In particular this application conflicts with the NPPF plan in the following sections:-

Para 11, 12, 43, 97,102,103, 155, 170, 170e, 175e, 190, 193, 194

12. Conflicts with the Local plan

I would like to point out that when reading the Cheltenham Borough Local Plan Second Review Adopted July 2006, it would appear that this application falls foul of the following objectives as set out in the above document. :-

General

O3 to protect public safety and amenity

O6 to create more sustainable patterns of development, with priority use of previously-developed land

O7 to make best use of development land

O8 to meet the needs of the elderly and people with disabilities

Environment

O9 to conserve and enhance the setting of Cheltenham

O10 to conserve the natural beauty of the Cotswold Hills

O11 to conserve and improve Cheltenham's architectural, townscape and Historical heritage

O12 to conserve and improve Cheltenham's landscape character and green environment

O13 to safeguard the countryside from encroachment and inappropriate development

O16 to protect and improve the quality of land, air and water

O18 to maintain and encourage biodiversity

Housing

O23 to secure a high standard of residential amenity

Utilities infrastructure

O30 to reduce the risk of flooding and flood damage

O31 to make adequate provision in development for the satisfactory supply and treatment of water

Transport

O32 to promote sustainable transport

O33 to safeguard the potential for the future provision of transport infrastructure

O34 to ensure infrastructure in development is provided to a satisfactory standard

O35 to safeguard or improve personal safety in the transport system

O36 to contribute to road traffic reduction and improve traffic flow

It would therefore appear that this application fails in so many of the prescribed principles as laid out in the Local Plan.

In conclusion, whilst the developers supporting documents appear to be comprehensive and all encompassing, they are far from this. They are at best extremely biased and in many cases inaccurate. They are at worst lacking in substance for a development of this scale which has far reaching implications not only to the residents of the immediate vicinity of the development but also to the greater community of Cheltenham.

We therefore implore the council to reject these plans outright.

Comments: 21st November 2018

Letter attached.

16 Naunton Park Road
Cheltenham
Gloucestershire
GL53 7DQ

Comments: 20th November 2018

With the ongoing shortage of property within the Cheltenham and Gloucestershire area why this wouldn't be passed I have no idea.

Wadleys Farm
Ham Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NJ

Comments: 23rd November 2018

Letter attached.

21 Cakebridge Road
Cheltenham
Gloucestershire
GL52 3HL

Comments: 19th November 2018

Cheltenham needs 'affordable' homes for younger people.

23 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DF

Comments: 19th November 2018

As a former pupil of the school I too agree that the application is one that is very beneficial to them with regards to expanding and improving their facilities. Also with regards to the wildlife aspect of the planning there is going to be a habitat created to conserve wildlife and also 30 acres are to be transferred to the school.

In addition to this I too agree that the town is in need of affordable housing due to the inflation of housing prices especially in this region, by creating homes for those that need this type of housing is a step in the right direction.

Tor
Ashley Road
Cheltenham
Gloucestershire
GL52 6NS

Comments: 16th November 2018

I strongly object to the application on a number of grounds

The new application other than reduce the proposed number of houses has not addressed the fundamental issues raised during the planning hearing and by previous objections the main issues being,

1. The access issues from Oakhurst rise, an extremely narrow and steep road, its not about the number of cars but the completely inappropriate and dangerous access
2. My property borders the school and the proposal is for 2 houses to be built bordering my property which will reduce my privacy and natural lighting
3. The loss of wild life, the badger set, the wild deer and other creatures
4. I do not accept that the flood risk will not increase and my property has previously flooded without the increased number of houses
5. Loss of green space
6. loss of ancient trees and hedgerows
7. local amenities cannot cope with additional pupils for schools, doctors surgeries etc
8. Increased road traffic around sixways junction and from sixways towards Cheltenham town centre

14 Greenway Lane
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LB

Comments: 17th November 2018

We wish to register our strong objection to this application.

First and foremost, as per the JCS and local plan, there is sufficient supply of housing already identified for Cheltenham and development at this level, significantly beyond what the local plan targets on this site, is simply not required.

Beyond that, we feel the access available to the site is grossly inadequate to support the significant volume of road traffic that would be generated by so many houses in such a location. The transport assessments in the application are disingenuous - the physical reality of access to the site means far more car journeys will be generated than suggested, and Oakhurst Rise is not suitable to support that. Beyond the immediate site access issues, the existing traffic issues on the busy London Road junctions would be exacerbated.

We are concerned about the increased run-off and flood risks for neighbouring areas likely to result from such extensive loss of vegetation and permeable surface area. Our locality is already prone to flash flooding; increased run-off down the hill will not improve this.

The loss of valuable habitat for wildlife is a further concern, both in conservation terms and for residential amenity - the very regular presence of deer and owls, in particular, on the site provides a real contribution to the well-being of my family and neighbours.

We do not believe the local social infrastructure (schools and doctors in particular) have anywhere near the capacity to absorb this significant additional demand. In addition the site provides valuable community space, for cross county running and fireworks, that would be lost and not easily substituted.

In summary, we do not believe the proposal is remotely appropriate or in accordance with a number of aspects of local planning policy.

10 Beaufort Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JT

Comments: 7th November 2018

I would like to object to the above planning application.

If this went ahead there would be increased traffic on a road that is already very busy. Also it would be increased danger from traffic for local children.

There is also not enough local amenities - school places, drs appointments etc. This would put increased pressures on these.

We would lose a lovely green open space and the wildlife that goes with that. This would be a terrible loss to our local community.

There are concerns regarding drainage and flooding for the surrounding houses and area.

Having such a large number of houses and flats would mean less privacy for current local residents and also more noise and disturbance.

There is also concerns regarding access to this housing estate - the main access round is a small quiet road and the increased traffic and footfall would be very distributive and dangerous for pedestrians particularly children and young people.

This planning application should be refused.

10 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 18th November 2018

I strongly object to this proposal for all the same reasons that the Planning Committee cited for it's refusal of the previous application.

I fail to understand why the amended proposal is even being contemplated, as one of the main issues under the original application, was the steepness/narrowness of the only access to the site, namely along Oakhurst Rise AND THIS HASN'T CHANGED??!! I believe members of the Planning Committee visited Oakhurst Rise in the summer, to be amazed that access using this road was even being considered. I trust they will feel the same under this amended proposal. I believe it is therefore essential that this application goes before the same Planning Committee, as they appeared to understand the issues at stake last time.

Likewise, access to local amenities hasn't improved since the previous proposal, for example, it is still extremely difficult to get GP appointments at Sixways Clinic. A new development will make things like this even harder.

The loss of the open space and the wildlife it supports would be unacceptable, as it was under the previous application. During 2018 we have had squirrels, foxes and deer in our back garden (photographic evidence is available) and I would happily put up with the deer eating all my peas and beans every summer to stop this development!

I trust the Planning Committee will see sense, as they did before, and refuse this application.

38 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 19th November 2018

I have already commented on the planning portal for the previous application but will comment again as I understand this is considered a new application.

- veteran and ancient trees are not protected
- heritage assets are harmed
- traffic and transport plans are not credible - it is so busy on the hailes road/a40 intersection - stretching all the way back to the old bath road at times. 2 cars per household are required for such a steep slope there is no viable route across cheltenham - pollution will be atrocious.
- the lives of those in Ewens Farm and Oakhurst Rise will be badly affected as a fit and healthy person can't walk that slope in the time listed so it will be car based
- the "social / affordable" housing claims are not credible

- Charlton Kings schools and doctors surgeries are already over capacity
- Gloucestershire loses a cross country course that has been used by primary school children since 1957
- badgers, bats, reptiles and rare birds all lose an organic meadow habitat
- springs and ponds are affected on a steep clay bank; currently this field protects the whole of the downstream area from flooding. Building on it will introduce flood and subsidence risk for 100s of homes - look at merestones drive development - it is going to have to be walled to protect collapse into hatherley brook.

The local plan says a maximum of 26 homes should be built on this land. A 69 house estate is being proposed in a completely unsuitable location.

Overdale House
Ashley Road
Cheltenham
Gloucestershire
GL52 6NU

Comments: 14th November 2018

The following comments are requested to be considered by the officials and Councilor's when making the decision whether this outline application for residential development should proceed.

1. The provisional plans are quite attractive, but not in this geographical situation which has been an open space for over 2000 years. Currently in an overall urban situation this green space is a welcome refuge for wildlife and brings a feeling of living close to the countryside to those who live in Charlton Kings. As briefly covered in the Design and Access statement (2.1/2.4) the field is visible from approaches into Cheltenham. However, it rather glosses over the extent to which it can be seen from all parts of the surrounding escarpment and within Charlton Kings i.e. Copt Elm Road, Cirencester Road, and Sixways. Those visiting Regency Cheltenham for recreation or a shopping experience are influenced to come by the town's architecture and the extent of its parks and open spaces - as they descend from the escarpment this area is highly visible and greatly adds to that ambiance.
2. The proposal to issue vouchers for 750 pounds to each dwelling or apartment is interesting and perhaps CBC Planning Department might make this a mandatory inclusion in all new builds - perhaps an option for all the retirement building. The Travel Plan however does state that London Road is only suitable for 'experienced cyclists', so these bicycles may have a reduced usage for commuting as with no secure cycle storage at Six Ways they cannot be safely left when using public transport. In paragraph (3.4) times for moving on/off the estate are somewhat speculative and would seem to be based upon 'downhill' times rather than the steep upward walk through Ewan's Farm and Oakfield Rise. At aged 80; together with people in their 50's we have walked the route from Oakfield Rise to Six Ways and return, at no time could we get near the times quoted.
3. Although the provisional numbers of dwellings have been reduced the Oakfield Rise narrow and steep road cannot realistically and safely take the amount of traffic associated with those coming and going from their homes and the commercial support vehicle units required to service normal postal/refuse/shop deliveries and 'net' deliveries. Realistically upwards of 200+plus vehicle movements/day. During initial construction heavy delivery vehicles and contractors 'white vans' will need to park off site until the entrance and hardcore on site parking has been laid - all passing through the existing associated one way system with traffic

calming and green space for the Ewan's Farm children. This places the existing residents of Oakfield Rise and the surrounding area in a potentially dangerous situation.

4. The loss of this rare open ground used by wild-life over many centuries would be a disaster for all types of nature. Currently deer, rabbits, foxes and badgers roam freely and use the field as an urban through route. The Department of the Environment recommends such routes should be preserved. I note that the Badger set is to be relocated, an admirable theoretical concept but one that has been a failure in other areas. The Badger Societies do not recommend such movement. The whole biodiversity of this open space is likely to be destroyed however well intentioned the developer and his supporting professionals appear to be.
5. At the Planning meeting which refused the first application, after the decision had been made, the Chair commented that the JCS had already identified sufficient land to meet the perceived requirements into the future thus this land was not needed to meet any immediate needs.
6. Concerning amenities. Currently the land is an open space used by St Edwards for nature studies and cross-country and has been either farmland or meadow so since before the founding of Whitefriars. The current Trustees have been offered the freehold by the Carmelite Order if the field receives outline planning permission. The thrust of the supporting planning letter from the Trustees implies that the freehold will mean that money currently paid to the Carmelite Order for the lease will be used to provide additional amenities, primarily to the Charlton Park site. An admirable intention by a fee paying Christian school but leaving the field as an open urban space would allow religions of all faiths to enjoy the views. A better amenity might be to open the existing field for public controlled recreational use. If the Trustees have the freehold of both sites that might bring further planning pressure on the Charlton Kings Council as other current school land could be offered to developers. In recent years the Junior School has invested in an animal farm stocked with unusual animals which are feed during the school week by the children. This amenity is on the southern boundary of the proposed new development and would be at risk from construction noise. I see no major improvement in long term amenities to the general public of Cheltenham and district beyond the existing school/local societies relationship.
7. Given the above I am against any planning being granted by CBC.

Comments: 15th December 2018

The Planning Officers and Members of the Planning Committee are reminded of a previous planning application relating to the grounds of St Edwards Junior School and the comments of the Planning Inspector at the appeal which are highly pertinent to the current Planning Application.

Namely:

Para 230: The Council attached great importance to protecting the appearance of Battledown Hill. In recent years there had been intense pressure for development in this area. However, a firm restraint policy had been imposed, and this had regularly been supported by the Secretary of State on appeal. Policy 94 had been introduced into the Local Plan in recognition of the threat which large scale development might pose to Battledown Hill's unique environment.

Para 231: In essence, the Battledown Hill Policy Area covered a substantial spur which extends westwards towards Cheltenham from the main Cotswold escarpment. When viewed from the west, the hill appeared to be part of the main Cotswold Escarpment. However when seen from the south, it stood out as an independent landscape feature. The western and south-western flanks of the hill were prominent in a number of distant views. These slopes had a rural or semi-rural appearance, which contributed to the attractive character of the area.

Para 233: In contrast to this wooded character (para 322 had related to the northern area), the southern slopes of the hill consisted of open parkland and fields forming the grounds of a Whitefriars School (St Edwards Junior School). The school buildings stood in the centre of these grounds. To the north of the buildings the fields were used for grazing, and which were defined by strong hedgerows. Below the school buildings, there was a more formal parkland and playing fields. This parkland dated from the 19th century. It had been laid out in association with 'The Oaklands', a grand house built in 1837 (Predated Battledown Estates). The 'Oaklands' was a Grade II Listed building.

Para 234: In the draft Local Plan the lower slopes had been excluded from the Battledown Hill Policy Area. The council's principal concern had been to protect the views of the more elevated ground from the town and the surrounding countryside. But, following the publication of the draft plan, a number of comments had been received expressing concern at the exclusion of the lower part of the School grounds from the protected area. On reappraising the position, the council came to the view that the lower slopes formed an integral part of the landscape, and that it was irrational to exclude them from the scope of Policy 94. Accordingly, in the deposited plan, they were included within the Battledown Hill Policy Area. Xxxxx The inclusion of the whole of the Whitefriars (St Edwards Junior School) site was appropriate and in no way excessive.

Para 235: Policy 94 allowed for some development within the Battledown Policy Area. There was scope for some limited residential development by infilling; and essential educational development connected with the existing school might be permitted xxxx But more expansive or intensive development projects would be inconsistent with the need to conserve the agreeable visual quality of this locality.

Para 236: The council's approach to Battledown Hill was in accord with the Structure Plan Policy L5. This stated special attention should be given to the protection of the landscape in especially sensitive areas. The advice from Government Circulars echoed these sentiments.

Para 237: As to Policy 103, following discussions with objectors, the council had agreed to the following amendment: The Development of green areas, open spaces and gardens, which make a significant environmental contribution to the town, will not normally be permitted. Xxxxx in line with Structure Plan Policy BHE1.

Para 239: The grounds of Whitefriars School (St Edwards Junior School) came within the ambit of Policy 103. They make a significant environmental contribution to the town in a number of different ways.

Para 241: Thirdly, the school grounds were an important feature in the local landscape. They provide contrast and relief to the busy urban area of Charlton Kings. Fourthly, this open land was an important and agreeable feature in the distant views of Battledown Hill.

Para 242: In view of these considerations there was no doubt that, even in its amended form, Policy 103 should apply to the whole of the grounds of Whitefriars School (St Edwards Junior School).

Para 251: There is no doubt in my mind that the special provisions for the protection of Battledown Hill, contained in Policy No 94 are fully justified. This hill is a particularly attractive landscape feature, which is visible across a wide area. In distant views it has a distinctly rural appearance, dominated by trees and open fields. The residential estate on the northern part of the hill is characterized by good quality detached houses set in ample grounds with abundant planting. It is quite different from Cheltenham's other residential areas and plainly warrants protection from over-intensive development.

Para 252: There is no doubt that the open fields above the school buildings should be included in the Battledown Hill Policy Area. These are prominent in distant views of the hill and clearly contribute much to its rural appearance.

Para 254: For the foregoing reasons, I think that the Battledown Hill Policy Area should cover the lower slopes of the hill, as shown in the Local Plan. Taken as a whole, the grounds of Whitefriars School (St Edwards Junior School) have a particular charm, without which Cheltenham would be poorer. Their environmental significance is such that I believe they must come within the compass of Policy 103 of the Local Plan. That policy reflects the important role which open spaces play in making Cheltenham such an attractive place.

Given the above if Planning Permission is given it will reverse a Planning Inspectors previous rulings and recommendations.

Southern Lawn
Ashley Road
Cheltenham
Gloucestershire
GL52 6NU

Comments: 20th November 2018

I am a little confused that a planning application, despite being explicitly linked to a previous one, appears to have a completely new reference number. It is unclear whether previous concerns expressed in relation to the previous application are still being taken into account.

Lest our comments cannot be "brought forward", I wish to repeat the following:

This is an excessively complex application, made more confusing by inconsistencies of fact and detail. The high level of objection to the scheme is sufficient to demonstrate its sensitivity. As a green field development in a highly visible area, it will - if approved - have an everlasting impact upon the environment and landscape as seen from the AONB and the village of Charlton Kings (stand outside Smith and Mann by the bus stop on the little roundabout and look up at the hill).

A full application would allow better assessment and more detailed conditions to be applied, and as such may allay some of the anxieties expressed. Once outline permission is granted, our Councillors have lost their ability to fully manage the situation, so:

Please could you consider requesting a full planning application, not an outline one, so the impact can be fully assessed before determining this matter?

The impact of a development can be mitigated by the choice of materials. Given the sensitivity of the site, materials which would mellow might be suitable - and ideally these would be natural, environmentally friendly materials. This might help to limit the impact of any building on such a visible and sensitive site. For example, the use of timber cladding or sedum roofing, rather than geometric shapes, masses of glass and render. The housing next to Sainsbury on Hales Road is a sad example of builders who use convenient and cheap materials which look pretty initially but fail to stand the test of time. So:

If a full application is requested, please could there be very careful consideration of materials and their visual and other impact on the local environment?

There is often a shortage of affordable housing in Cheltenham. When there is housing eligible for government schemes, such as Help to Buy, it is often in the form of apartments. Apartments are notorious for management charges and on-going high costs, and they are small with no gardens. With people buying their first home later in life (most are 30 or older now), an alternative form of affordable housing would be very welcome.

A terrace of 2 and 3 bedroom houses would be ideal, with gardens and parking, so that those who have scraped together a deposit can plan to stay there for a few years. Given the disruption

to all the people who will have extra traffic going past their houses, having genuine and desirable affordable housing on the site might slightly mitigate their objections.

Sadly, developers frequently back out of the affordable housing liability on the grounds of cost. Is there any way to secure it, so this does not happen?

I hope that our elected representatives will continue to resist this unsuitable development on our behalf, and many thanks for all your help.

Ash Tree House
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 23rd November 2018

I wish to reiterate my strong objection to this 'new' planning application having reviewed the latest documentation with regards potential development on this site.

Furthermore, I do not see any evidence that the rationale regards the previous planning application - 17/00710/OUT, which the Council recently turned down, have since been addressed. This application is merely a minor amendment to the previous application by the developers which was comprehensively rejected by CBC. From the council's refusal decision letter, five key reasons were recorded and a mention was made of the NPPF. None of these reasons have been adequately addressed by the latest application so this application should also be rejected.

11 Battledown Drive
Cheltenham
Gloucestershire
GL52 6RX

Comments: 2nd November 2018

I strongly object to the planning because of the heavy traffic on the Hales road and London road during the peak time at the moment. Such high density development will inevitably make the situation worse.

21 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 26th November 2018

As a resident of Oakhurst Rise, I am very disappointed and extremely concerned that there is yet another planning application by the developer so soon after the last refusal.

There are many concerns regarding this development and I personally feel that once again there has not been adequate time for people to air their views.

This proposed development affects not only the residents of Oakhurst Rise but Ewens Farm and surrounding areas.

The only access route through Oakhurst Rise is a major concern, particularly the steep entrance road as cars are regularly parked at the junction.

Last winter with the snow and ice the steep hill was impossible to negotiate by car, it was difficult enough on foot!

The volume of traffic through Oakhurst Rise and Ewens Farm would increase significantly, this area is still used as a 'rat run' even though there are speed ramps, there will also be a knock on effect with an increased volume of traffic onto the already busy London Road.

There will be a significant increase/demand for the already overstretched doctors surgery at Sixways and other facilities and services.

I appreciate the demand for houses, but there should also be consideration for the abundance of wildlife that already inhabit this site, and the many ancient trees and green space that would be lost forever.

I do sincerely hope that these concerns are taken into consideration.

17 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 20th November 2018

Reference the planning application to develop land adjacent to Oakhurst Rise.

I have several objections to a development for 69 houses.

Firstly, the infrastructure of the estate not just Oakhurst Rise, is beyond capacity. The estate is used as a traffic run to avoid the busy London Road and Six Ways traffic. This has increased recently with the increased traffic diverted from the closure of the town centre. The increased traffic from a new development would only exacerbate this.

Secondly, the access of Oakhurst Rise is not suitable for the additional volume of traffic. The two steep inclines are unsuitable for pedestrians and dangerous in adverse conditions, the increased traffic would only increase the risk of damage to people and property.

15 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 21st November 2018

We would like to express our objection to the developers building 69 dwellings on the land adjacent to Oakhurst Rise.

As the new application has changed only by a reduced number of homes, the reasons of objection obviously stay the same as before.

The traffic in this area is already high volume for the area, therefore affecting local residents if it increases with more homes being built.

Charlton Kings doctors and schools are already full to capacity, where are the people of 69 new homes supposed to go?

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Flooding is also a large concern as the gradient is so steep in Oakhurst Rise, our bungalow is in the lower row facing the entrance of the proposed estate. At the moment the field naturally takes the rain water as there are beautiful large trees and hedgerows to absorb it.

Our lives will be badly affected by this development, one of the reasons being a privacy factor, this is a quiet cul de sac, the location is completely unsuitable for building such a large amount of new homes.

11 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 26th November 2018

I would like to object to the planning of 69 houses to be built on the fields adjacent to Oakhurst Rise. The reasons the original plans for 100 homes was rejected still remain.

Firstly the road that would be used for access to the site is far too narrow and steep for any more traffic and is completely inadequate. Also the other roads close by will be badly affected.

We will be at risk of flooding when it rains heavily as the run off will come straight into our homes. Please remember the houses on Oakhurst Rise are bungalows so, if flooding occurs, we would have no way of saving any of our possessions. Any flood prevention put in place will never be as good as nature. Subsidence is a concern as well.

There are a lot of wildlife who will loose there habitats if the built goes ahead. Also there are ancient trees that would lost.

The doctors surgery and schools in Charlton Kings are already over capacity and will be unable to cope with extra demand.

Please reject this application as we are very concerned about the issues mentioned.

5 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 19th November 2018

As long term residents of Oakhurst Rise, we strongly object to the above planning application. A letter written by the Borough Architect and Planning Officer In Oct 1984 states various reasons why planning permission was refused, most of which are still relevant today.

We moved in to Oakhurst Rise in 1982 and at that time no household had more than one vehicle and some residents had no transport at all. Since then most households have two cars and some three, which necessitates them parking on the road as some drives are too steep to safely hold more than one car. The roads are still narrow and steep and the amount traffic to just 22 bungalows has vastly increased, particularly since the emergence of internet shopping and the resultant daily deliveries by ever larger vehicles. The additional traffic generated by a further 69 houses would create an impossible situation for residents old and new.

The veteran trees must be protected as they in turn are protecting areas further down the hill from flooding.

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The resident wildlife i.e. badgers, deer, and bats etc. would all lose their organic site and their habitat must be saved.

School children (and not only St Edwards) would lose a rare and valuable open space for Cross Country work, nature study and recreation.

The local amenities of Schools and Doctors Surgeries are at full capacity now, and the addition of possibly several hundred new residents would be catastrophic for them and the area.

3 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 22nd November 2018

Letter attached.

1 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 11th November 2018

Loss of Privacy - our Bungalows will be OVERLOOKED from Houses above and BLOCKS OF FLATS. Also passing traffic for much of the day will impact on our Bungalows.

TRAFFIC Oakhurst Rise is a development of Bungalows which are on ROAD LEVEL traffic noise is already a problem as there is no way of getting away from it especially if you have windows open.

ACCESS this was an issue at the last public meeting IT HAS NOT CHANGED steep narrow road

VISUAL IMPACT Loss of many mature Trees - and replaced with cheap nasty Laurel which is of no benefit to the local wildlife or our Beautiful View

WE NEED MORE GREEN SPACES not LESS in our Towns and Cities to combat Global Warming

34 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 6th January 2019

I object to this Application due to the effect of the proposed connection of the storm water drainage system to Charlton Court Road.

The proposed connection point is above the storm water balancing tank which is located under Charlton Court Road to reduce the effect of storm water in the River Chelt. The effect of this connection upon this balancing tank has NOT been taken account of in the letter from Severn Trent Water of 28th November 2016 in Annex F on Page 40 of the Flood Risk Assessment.

Presumably the size of the balancing tank was calculated in the 1970's to meet the demands of the existing estate and not to have the greater demands placed upon it at a rate restricted to 4.6 litres/second, the effect of a 100 year event and a 40% allowance for climate change.

Disregarding this matter COULD RESULT IN SIGNIFICANT FLOODING OF CHARLTON COURT ROAD.

Furthermore, the drawings in Appendix E on Page 37 of the Flood Risk Assessment show that the proposed exit from the development of the storm water and foul water drains are amongst trees. From the drawings it is unclear whether these are existing trees or proposed new ones. If they are existing trees the digging of trenches for the drains COULD HAVE A SIGNIFICANT IMPACT UPON THEIR ROOT SYSTEMS.

39 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 11th January 2019

As a resident of Charlton Court Road, I am writing to you with a degree of disbelief and serious concern at the prospect of the proposed new housing development on the fields adjacent to the top of our close.

There have been repeated issues with the drainage and sewerage system, which have required Severn Trent to come and carry out emergency work involving diggers, pneumatic drills, etc in my back garden late into the evening, in their attempts to unblock and free up the current antiquated drainage system.

It has become evident to me that the present system is already struggling to cope with our existing sewerage and waste, so when I heard that there are now plans to link up a proposed 69 new properties to the existing drainage system in the close, I was incredulous.

THERE IS NO WAY THE EXISTING DRAINAGE SYSTEM IN CHARLTON COURT ROAD COULD SERVICE SUCH A LARGE SCALE INCREASE IN SEWERAGE AND WASTE AND IT UNDOUBTEDLY WOULD CREATE SIGNIFICANT DISRUPTION, PRESENTING A VERY REAL HEALTH HAZARD TO ALL THOSE HOME OWNERS CURRENTLY AND POTENTIALLY RELYING UPON IT.

In addition to the existing issues of inappropriate road access via Oakhurst Rise, damaging the existing ecology of the site and the interfering with balance of the already high water table, I sincerely hope the committee gives this issue of drainage into Charlton Court Road, some very serious consideration.

Thank you for reading and registering this new information. I trust that it will be added to the other letters of complaint visible on the council planning website. Please can you inform me when I can check for myself on the council website, that this letter has been successfully added to the other 100 or so complaints, as a previous email I sent regarding former plans by the developer, appears to have not been successfully added. Thank you. I look forward to hearing from you imminently.

15 Beaufort Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JS

Comments: 19th November 2018

I am writing to you as a very concerned resident of Ewens Farm regarding the planned Oakhurst Rise development which I believed had been turned down.

I have been a resident of this estate for my entire life and I have watched over the years as traffic has increased year on year to very high levels during rush hour and is getting progressively worse both from a safety and environmental standpoint year on year.

I fail to see how anyone with any sense thinks that a further 69 house estate with only one access road isn't going to have a massive impact on Ewens Farm? That's likely a further 100 + cars minimum impacting on quality of life and environment and directly impacting negatively on us! Who actually thinks this is ok??

Local services such as Doctors are so over stretched that I often book appointments months in advance as waiting times are so high due to increased population. The schools are at breaking point capacity wise and the local transport system struggle to offer a reliable service now!

From a historic viewpoint the school has provided cross country for the community since 1957,. Also for as many years as I can remember the firework display is looked forward to year after year, in fact I now take my Grandchildren to an event my grandparents used to take me to. Aren't we allowed to retain any of our local character?

Having suffered extensive damage from flooding myself back in 2007 I don't think that flood risks have been adequately taken in to account nor researched, the large clay bank, streams and ponds currently afford some protection but these would be removed. It is at the top of a hill and water only runs one way.

As someone who worked at a wildlife hospital I have first hand experience of the affect house building has on our local wildlife. The local badger population, bats and amphibian would be severely impacted.

What about the ancient trees and hedgerows that will need to be removed?

I have lost complete faith in what we are doing to the environment and this is being echoed on a local scale to help the rich get rich and not give a damn about the already upset populace.

I believe this has been turned down a number of times already for many of the reasons mentioned above.

It is a well known strategy to come in with plans well over what is likely to be approved eventually reducing it to a lower number more liely to be accepted.

This is plain wrong!

Please take into account our opinions.

54 King William Drive
Cheltenham
Gloucestershire
GL53 7RP

Comments: 2nd November 2018

I wish to object to this further application for housing at Oakhurst Rise which I consider to be on the borderline of vexatious.

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Admittedly, some work has been done to address some of the concerns about harm to some of the ancient trees and fewer houses are proposed.

This lower number will still nevertheless generate a likely 140 cars and the service vehicles and delivery associated with the 69 dwellings, all grinding up and down a 1:11 hill on a narrow road in all weathers vastly impacting on the existing small community of residents - as will the heavy construction traffic necessary over an extended period for the construction work should the application be approved.

I note that the Pre-Submission Cheltenham Plan which has now been submitted to the Inspectorate for Examination has included an allocation of 26 houses at Oakhurst Rise as feasible. A higher number is therefore not included in the Plan.

I also note that on 31st October, the Inspector Mrs Burden included in her initial letter to CBC the following statement under Allocation and Omission Sites:

"I will not ... consider the merits of any proposals for alternative or additional locations which are not put forward in the Plan as it has been submitted."

As the Plan is now so far forward, I would suggest that, as this application in contrary to the draft plan, it should not be considered for approval.

7 St Judes Walk
Cheltenham
Gloucestershire
GL53 7RU

Comments: 7th November 2018

As a householder whose gardens were badly flooded by the Lilley Brook in 2007 threatening my house, after the flash flood, I am always concerned about any upstream development which reduces the natural flood plain. Therefore, I fully endorse the points made by the LLFA in their response dated 31/10/2018.

5 Coronation Flats
Oak Avenue
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JF

Comments: 3rd November 2018

This development proposal is similar to the one rejected in July 218, namely 17/00710/OUT which was for 90 dwellings. This proposal is for 69 dwellings which is a reduction of merely 21 dwellings and the objections I raised for 17/0070/OUT still stand. As someone who would be adversely affected by the extra traffic caused I strongly object to this plan. I will concentrate on some of the main objections:

(1) Contrary to Cheltenham Plan

The new "Cheltenham Plan Pre-Submission Version (Regulation 19) February 2018" states under policy HD4 that the site for land off Oakhurst Drive would only be suitable for 25 dwellings. The proposed development represents 276 % of the Cheltenham Plan number.

(2) Increased Traffic effect on existing residents in the area

The small reduction in the number of proposed homes does little to change the fact that given 1 to 2 cars per family there will be significant extra traffic along the narrow residential approach

roads. Furthermore there will be traffic for the inevitable deliveries to those properties, not to mention the difficulties of larger vehicles such as refuse collection, emergency vehicles, post office vans and so on negotiating the narrow and steep approaches.

It is absurd to suggest that most residents would go on foot or use public transport to get to Six Ways, because of the gradients (especially on the return journey carrying heavy shopping up Beaufort Road). The only bus going past Oakhurst Rise has a 2 hourly frequency, so it is unlikely that anyone "popping out" to Sixways for a pint of milk would wait 2 hours to come back - clearly most would take a car.

In the Residential Travel Plan. Table 4.1 in section 4.9 clearly shows that the developers consider there will be 410 extra trips to and from the site in a single day. There is just one road that allows cars to enter Oakhurst Rise and just two ways to exit from Oakhurst Rise, so the residents of the surrounding roads can expect a substantial increase in the number of cars going up and down their roads.

The residents of the proposed site will not, themselves, suffer this passing travel perched on top of the hill in their cul de sac, it will only be existing residents who have to put up with this extra noise, sound pollution, exhaust pollution, danger and more inconvenience generally.

The access would therefore be at odds with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 - 110 of the National Planning Policy Framework (2018).

(3) Landscape and Visual Impact Assessment

This document states (section 6.2.10, page 48) referring to Staff and Students of St Edwards School "Receptors will typically be engaged in other activities limiting the degree to which their attention is focused on the landscape. Views are low value due to their location within an area without landscape designation.

This statement is arrogant in the extreme, suggesting that pupils and teachers should not be distracted by the views outside during lessons. It also completely ignores the fact that the landscape and visual impact of the surrounding provides a valuable lesson to pupils even at playtime

This fact is clearly seen in this video from St Edwards school showing the pupils talking and playing in the fields and in particular one girl saying how valuable the surroundings are.:

<https://www.youtube.com/watch?sns=fb&v=UaZYwgi7GOY?p=desktop>

Thus the application site is located in an elevated position above the town, outside of, but in close proximity to, the Cotswolds Area of Outstanding Natural Beauty (AONB). The scale of the proposed development in this tranquil location would have a negative impact on existing landscape character, and on views into and out of the AONB. The proposal would therefore be contrary to saved policy CP3 of the Cheltenham Borough Local Plan (2006), and adopted policy SD6 of the Joint Core Strategy (2017).

(4) Proposed housing density

According to the Battledown Estate site <http://www.battledown.co.uk/covenant.asp>, in the Deed of Covenants and Regulations, number 5 states "No person is to build on the Original Lots of Estate land more houses than in proportion of one house to each half acre of land". This Estate is adjacent to the site and the proposed density of the site (shown in the Design and Access Statement) is 16 units per hectare which equates to 3.2 units per half acre of land. This is considerably more than the allowed adjacent density of 1 unit per half acre of land.

I urge you not to grant planning permission and to also withdraw this land from policy HD4 in the Cheltenham Plan under consideration

St Edwards Infants And Junior
School
252 London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NR

Comments: 5th November 2018
Letter attached.

Tall Timbers
Ashley Road
Cheltenham
Gloucestershire
GL52 6NS

Comments: 13th November 2018
Letter attached.

Comments: 8th January 2019

I wrote to you on 6th November 2018 detailing my objections to the development proposals for the 69 dwellings on land adjacent to Oakhurst rise. In my letter to you I detailed the various breaches in current design and safety standards relating to the junction between Oakhurst Rise and Ewens Road.

I note that a Stage 1 Road safety audit has now been published as part of the scheme documents. This audit does NOT address the issues that will arise at the Oakhurst Rise Ewens Road junction. I would urge you as Director of Planning and the Planning Committee members to ask why the developers have not sort to address the safety concerns that have been raised by many including the Planning Committee members at the July 2018 meeting.

Comments: 8th January 2019
Letter attached.

Fremington
Ashley Road
Cheltenham
Gloucestershire
GL52 6NS

Comments: 20th November 2018

This application is merely a minor amendment to the previous application by the developers which was comprehensively rejected by CBC on 31 Jul 18. As such my previous comments and the reasons given for rejection still hold.

Specifically, I would like to mention the following:

- the proposed access via Oakhurst Rise is unsuitable, unacceptable and contravenes several planning policies;

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- in addition to the difficult access, such a development would cause significant ongoing disruption to the local traffic situation which is already often choked at peak periods;
- the site hosts a number of protected species which would be negatively affected by the application contrary to further policies;
- the size of the development would have a negative impact on the existing landscape and views, also contrary to policy documents;
- the proposed development would have negative impact on nearby listed buildings, Ashley Manor and Charlton Manor, conflicting with several local and national planning policies;
- the proposed development would result in the loss of trees, including veteran and TPO'd examples.

As an example of inaccuracies in the application, mature trees shown in the field along the boundary with gardens of properties on Ashley Road do not exist. All the mature trees along this boundary are within the respective gardens;

- loss of amenity used regularly by local children and the local community;
- the local infrastructure (schools, GP surgeries, etc) is already overstretched and would not be able to cope with the additional demands of such a development;
- the application does not adequately address the significant flood risk that exists on this unique site with its sloping nature and natural springs;
- finally, the application contravenes the local housing development provisions in the recently approved Cheltenham Plan.

For the above reasons, many of which are explained in more detail by other 'objectors', I strongly object to this application, and would urge CBC to take note of the many objective, professional comments to reject it.

Charlton Manor
Ashley Road
Cheltenham
Gloucestershire
GL52 6NS

Comments: 19th November 2018
Letter attached.

Comments: 10th January 2019
Letter attached.

Comments: 21st January 2019
Letter attached.

Savoy House
Ashley Road
Cheltenham
Gloucestershire
GL52 6NS

Comments: 21st November 2018

I write to object to the above planning application as a local resident living in the area.

I am saddened that an area nurturing nature in her bare element, with protected species, hedgerows and more is being considered for a housing development of such a large scale.

I feel that it is important to understand the art of ergonomics when designing and structuring a town and it is a beautiful thing to have such an ancient meadow in a regenerating town.

Therefore :

I object to the demolition of nature and her heritage.

I object to an obstruction of view and I have sought legal advice on this matter. I am told that there is an argument for this.

I object to such a high concentration of homes being considered for build in an area that has no infrastructure to cope with such.

Meadow View
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 15th November 2018

The previous application for 99 houses was rejected, this application for 69 properties should be rejected under the same grounds, namely:

- loss of significant trees
- impact on nearby listed buildings
- access would have an unacceptable impact on the local highway network and the amenity of local residents
- the impact to a number of protected species (the suggestions to relocate the badger set is ridiculous) and the negative impact upon biodiversity across the site
- the application site is (still) located in an elevated position above the town. The scale of the proposed development (now 69 properties) in this tranquil location would have a negative impact on the existing landscape and on views into and out of the AONB.

My objections to 17/00710/OUT still stand, this site has recently been used for the annual firework display, enjoyed by the whole community and for cross country enjoyed by all of Gloucestershire school children.

Please reject this proposal.

Newlands
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 19th November 2018

I needed to send in my objection (again) for reference 18/02171.

I still do not understand how or why the developers have come back so quickly with another plan without addressing the crazy, access issues which was the over powering reason for it being refused last time. How Charlton kings will cope with the massive traffic increase I do not know. I currently sit in traffic, sometimes with engine off, just taking my children to school (CKJ) not to mention taking them to brownies, popping to the shops, doctors, etc etc. The infrastructure is already struggling and is asking for trouble if we allow many more cars in the area, especially squashed into a tiny access point like that. I think it's got to be obvious to anyone looking at the situation that this is a disaster waiting to happen if this is even considered - I can't in my wildest nightmares imagine that professionals would agree this is viable or sensible -so I'm praying that they don't otherwise my family and I should imagine many others would be looking to move as far away from the area as they can and would certainly have to rethink our children's schooling and whether this is the best place to be bringing them up. It would be a travesty and will totally ruin Charlton kings turning it into a circus- surrounded by accidents and angry, tired, miserable and fed up residents.

Glenwhittan
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 19th November 2018

I write to object to the above planning application, in line with comments submitted on 20th March 2017 to the Cheltenham Plan (part one) Public Consultation (copy attached); and for other reasons.

Landscape and Environment

The first objection is that the application would allow serious over-development of high ground forming a part of the Cotswold escarpment. Ground contour levels on the site rise from about 100m AOD at the south end of the site to about 125m adjacent the rear of Birchley Road properties (on the north side of the site); whereas almost all major development in Cheltenham over the last 100 years or so has been limited to ground levels of about 105 - 110m AOD. As proposed in the attachment (Cheltenham Plan: Public consultation), there should be no development on ground above 110m, in order to protect the escarpment; which, from south of Gloucester to the north of Cheltenham (past Prestbury, Bishops Cleeve, Woodmancote, Oxenton, Teddington), remains an almost undeveloped, unspoiled landscape of great natural beauty. The only major development on the escarpment on the east side of Cheltenham is Battledown, which was planned and laid out about 150 years ago; and which has the significant requirement that every property should be sited on an half acre plot: this allowed most of the properties built to be planted with major trees, so that it is now visually a green tree-covered landscape with many properties part hidden when looking from the west (Gloucester, Staverton, Churchdown, Tewkesbury) eastwards. The properties proposed for the Oakhurst Rise development are generally on plots of limited size, which will not allow the planting of large trees (because of the disruptive effect they would have on the properties themselves).

In this sense, the proposed development is as undesirable and damaging to the landscape as development of the middle slopes of any hills, escarpment or coastline would be. It would also set a terrible precedent for higher level development of the south side of the existing village of Charlton Kings, below Daisybank Road.

This problem with the proposed development is compounded by the planned removal of parts of a major ancient hedgerow (which itself extends to an area of about 4,000m² - about 1 acre -

which as a consequence of its age and size currently shelters foxes, deer, bats, birds, especially owls and wood-peckers, and small mammals): the section between about contours 115 and 120 is removed to make way for the access road and housing; a second small wild hedgerow/wooded area (about 600m²) on high ground (levels 121-124) on the north side of an existing large badger sett is proposed to be removed entirely (including the badgers.)

There is really no planning or intellectual argument to justify this destruction, in the absence of confidence in the developer's willingness and determination to protect important features of the existing environment as it is now. In the developer's analysis, it is justified on the grounds that many of the individual trees are not of specimen value, not being individually planted and nurtured, i.e. being wild; overlooking the fact of the length and size of the hedgerow, that can be seen for miles around; and that for centuries it has been home to wild creatures in a natural environment without any human interference: the adjoining meadows are mown once a year, about a day's work with a tractor.

Though the main reason for the objection on these grounds is preservation of irreplaceable landscape undisturbed, (within a thriving community), the retention of natural habitat and ecology is also of great value, especially when available to a school, and through the school to other young people.

Access to site/Transport:

The road proposed for access to the site - Oakhurst Rise (OR)- is discussed in the transport assessment, paragraphs 2.6 and 2.7 (only); and its inadequacies are ignored in the discussion. In particular:

- the road gradients are too steep: almost 15% gradient for the upper length leading to the site entrance; and about 13.5% for the lower length joining Beaufort Road: both far in excess of the Glos. C. C. 'Highway requirements for development', which gives maximum gradients of 8% for access roads. The consequence is that the access road will be unusable by many vehicles after snowfalls, and will be hazardous in icy conditions; with a potential risk of accidents at the junctions, because of cars and lorries failing to stop in time, or sliding into or across the two T-junctions, one at the bottom of the upper slope opposite no. 17 OR, and the Beaufort Road/Oakhurst junction;
- the road may be too narrow (5.5m); the G.C.C. requirement is 5.5 or 6.0m (depending on classification);
- the pavements are too narrow: the G.C.C. requirement is 2.0m;
- it appears that OR could be classified as a minor access road (MiAR), but it does not comply with the physical requirements for a MiAR, and it would be serving nearly twice the number of dwellings for such a road (50 maximum);

The assessment of the effect of the development (i.e. 70 extra dwellings) on the local roads immediately affected is unconvincing. Aside from the unsuitability of OR as the access road to the site, a basis for considering the increase in traffic could be summarised as follows:

- number of current dwellings: Ewens Road 19
Pine Close, Oakhurst Rise say 40
Beaufort Road 41
- current total of dwellings 100;
which would increase to 170 dwellings after development:
- i.e. there would be a substantial increase in traffic on the two roads leading away from the site: Ewens and Beaufort Roads;

on-street parking on these roads and Haywards Road (the next affected road for traffic towards Cheltenham) is repeatedly described as 'sporadic': definition "occurring only here and there , separate, scattered"; but the on-street parking is nearer constant and widespread than

sporadic, and already severely restricts vehicle movement on these roads, and also on Oak Avenue;

- all of these roads are residential roads, not suitable as transitional roads, and certainly not as local distributor roads: (a through traffic route suitable for moving traffic between different parts of the town).

In discussing overall design concepts the G.C.C. 'Highway requirements for development' recommended:

"The creation of large cul-de-sac estate layouts, where a large number of houses rely on one access road, and pedestrian access is similarly restricted, must be avoided." (My italics)

Summary

As described above there are fundamental objections to the proposed development on grounds of access and transport.

There is no reasonable access to the site: the proposed access uses a pre-existing, very steep narrow road designed for about 25 dwellings, and the traffic generated by the development would feed into local residential roads which are also steep, narrow and are already congested.

Any standard risk assessment, which under CDM regulations 2015 is required to be carried out before any construction work and "as soon as designs which may be used in construction work in GB are started;" HSE guidance para 77: continues " it does not matter whether planning permission or funds have been secured;" would identify the proposed access as a serious hazard; both as an access for construction work and as a permanent access to about 100 houses (including those already in Oakhurst Rise), also to be adopted by the Council.

Comments: 19th November 2018

My objection to the proposed development is on the grounds that it involves the destruction of irreplaceable green space.

It benefits the environment to have green spaces close to town. As a Cheltenham family we have greatly appreciated the town's parks, and the sensitively landscaped areas around Cox's Meadow and between the town centre and Waitrose, for instance. Its visual and aesthetic qualities are what make Cheltenham special, so to develop an ancient green space that is visible for miles around, and especially across the valley, would be to disregard respect for the environment and create a dangerous precedent for the green swathe that surrounds Cheltenham at a certain height, to be lost forever.

This field, so close to town, yet with ancient hedgerows and mature trees, is an important and unusual natural sanctuary for wildlife. Over the decades we have observed birds and mammals raising their young without interference. It is densely populated by a wide range of creatures including foxes, badgers, different species of mice, shrews, voles, hedgehogs, newts, glow worms, bats, bees, owls, woodpeckers. This field is only mown once a year. It takes a tractor about half a day and it never cuts close to the hedgerows.

For so many children at the nearby school to be able to observe an uninterrupted natural habitat and to respect it and learn from it is of critical value in an increasingly urbanised country.

For this field to be concreted over to provide the maze of small roadways, paths, drives, parking lots to accommodate high density housing with, no doubt, double the number of cars to houses, is a proposal showing complete disregard for the current peaceful environment of, and beyond, the field. The noise of constant comings and goings of domestic and service vehicles and of hundreds of people in a relatively confined space on the hillside will, inevitably, detrimentally affect the quality of life of all nearby residents.

The impact of the increased number of vehicles, cyclists and pedestrians on fairly narrow existing residential roads with steep gradients where, because of street parking, vehicle movement is already of a weaving and halting nature, is obviously problematic, inevitably stressful and even dangerous.

Green spaces with mature trees protect the wider environment against pollution. This proposed development would contribute to the problem of pollution by destroying mature trees and hedgerows, and filling the field with buildings and cars.

Because the houses would have small gardens, large trees would never be able to grow for future benefit. Owing to gravelled/tarmac drives and low maintenance exterior spaces, rain- water run-off would be a problem on a hillside development.

Why plan to erect higher dwellings (flats? Townhouses?) at the high point of the site, exacerbating the loss of vista to existing residents and drawing attention to the development from the other side of the valley?

1: 69 dwellings remains far too many for the proposed access through Oakhurst Rise (OR); see comments in my letter of 13.09.17, which generally still apply: (the steep gradient of OR, and road dimensions, the single access, inadequate linking roads away from OR).

3: For retained trees, root protection areas should be established and observed in accordance with BS 5837: (in the case of T8 the protection area is a 15m radius circle).

4: See also objections on the grounds of Landscape and Environment in our letter of 13.09.17, which still apply.

29 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 17th November 2018

I object to the proposal for 69 dwellings on land adjacent to Oakhurst Rise. I objected to the previous proposal (00710) on this land for up to 100 houses, and my arguments and concerns are generally the same as before.

Access and traffic seemed to be top of the many concerns expressed by councilors at the July planning meeting. The developer has offered to buy one electric bicycle for each house to share to get to the local amenities. I hope it will be a powerful and robust bike, because the gradients on the return journey may burn out the motor! As a councilor so eloquently put it at the July meeting; "you can get yourself a haircut whilst waiting at the traffic lights at Sixways". Residents of the new estate will definitely be using lots of cars. The poor access roads make this proposal inappropriate.

Another very good point raised by the meeting chairman was the danger of granting outline planning permission for a scheme of such scale. Common sense tells us that this gives the developer carte blanche to subsequently do what he likes to increase his profit margins. There seems to be a critical loophole in the system.

I note that the badgers are still to be moved. Assuming they tolerate the move, they will then be fenced in. Are the developers not aware that badgers forage for food over a very wide area? They would quickly starve or most likely move on (perhaps down to St. Edwards School rugby field or into someone's garden?)

We do need more affordable housing in Charlton Kings, but this is not a suitable site. It is a site commercially suited to a few large, luxury houses as an extension to Battledown. The land is a floodwater sponge and a valuable haven for wildlife.

27 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 18th November 2018

As residents near the top of Oakhurst Rise, we strongly object to the proposed development.

1. Building on this land at the top of a hill will lead to more flash floods of the River Chelt and the brooks/streams that feed into it. One small pond will not catch all the water absorbed by 10 acres of green fields and dozens of oak trees.
2. The proposed access via Oakhurst Rise would have an unacceptable impact on the local highway network, and the amenity of local residents. The volume of traffic from the proposed development would overwhelm the existing infrastructure of the estate. All of the roads feeding Oakhurst Rise are narrow and congested with on-road parking. The existing traffic flow throughout the estate is already chaotic and dangerous at the best of times.

Oakhurst Rise is a small, narrow and steep cul-de-sac with a blind junction leading into Ewen's Road. Oakhurst Rise is inaccessible in snow and residents resort to parking their cars further down the hill. How will the extra 140+ cars cope with snow/ice? And how will emergency vehicles access the development in snow?

Additionally, the steep incline within the cul-de-sac would fail to encourage the use of sustainable modes of transport and would likely result in a reliance on the use of private motor vehicles. Alternative potential vehicular access routes do not appear to have been fully explored.

>>> Policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 - 110 of the National Planning Policy Framework (2018).

3. The proposed development would result in the loss of a significant number of trees within the application site, including a number of important TPO'd and veteran trees, the loss of which would fail to be outweighed by wholly exceptional reasons. The proposed layout would also fail to achieve the greater Root Protection Area (RPA) distances recommended by The Woodland Trust for the retained ancient and veteran trees. The site is also bordered by ancient hedgerows, protected by the Hedgerows Regulations 1997.

>>> Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017), paragraph 175(c) of the National Planning Policy Framework (2018) and the Hedgerows Regulations 1997.

4. The proposed site is a rare, organic wild flower meadow and should be protected as a matter of urgency - designation as a Local Green Space would be a good start. Protected species at risk include a large badger sett, 7 species of bat (of which 5 are designated as NERC Priority Species) and dozens of species of birds.

>>> The Natural Environment and Rural Communities (NERC) Act, 2006.

5. The application site is located in an elevated position above the town, outside of, but in close proximity to, the Cotswolds Area of Outstanding Natural Beauty (AONB). The scale of the

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proposed development in this tranquil location would have a negative impact on existing landscape character, and on views into and out of the AONB.

>>> Policy CP3 of the Cheltenham Borough Local Plan (2006), and adopted policy SD6 of the Joint Core Strategy (2017).

6. The proposed development would have a significant impact on the setting of nearby listed buildings, particularly Ashley Manor, an important grade II* listed villa of more than special interest. The resultant 'less than substantial' harm to these designated heritage assets must be afforded significant weight, and this harm would fail to be outweighed by the public benefits arising from the proposal in the overall planning balance.

>>> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, adopted policy SD8 of the Joint Core Strategy (2017), and paragraphs 193, 194 and 196 of the National Planning Policy Framework (2018).

25 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 11th November 2018

I object to the revised Planning Application 18/02171/OUT on the following grounds:

1. Traffic approach and congestion on local roads
2. Risk of flooding
3. Local schools and GP Surgery are already over subscribed
4. Oakhurst Rise is unsuitable as the only access road
5. Lose of natural habitat

Having sat with many other members of the public in the balcony at the Planning Committee meeting in July on the previous outline planning application 17/00710/OUT for up to 100 dwellings and listened to the for and against arguments, it was nearly unanimously rejected for several reasons.. One of which was the only access via Oakhurst Rise. Before the meeting many of the committee members walked the length of Oakhurst Rise and said that it was totally unacceptable. So I amazed that this new application, although with a reduced number of dwellings has been submitted with Oakhurst Rise as still the only access.

The Residential Travel Plan looks alright on paper but in reality is not practical as not many people will be walking or cycling to and from the site up a steep hill especially in bad weather and at the moment they are predicting over 400 journeys per day, so how many journeys will be made? At the present time from my home we get approx. 8 journeys past our house per day, with the exception of the odd delivery van and the ambulance to collect our neighbour. To go from 8 to 400 per day is totally unacceptable.

There will still be considerable disruption to the Wildlife with up to 69 dwellings being built on this site.

As this is only for Outline Planning Permission again, who is to say that it will end up anything like the proposed plans on this planning application.

23 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 19th November 2018

This application is just as detrimental as the last one it's still not taking into consideration all the same problems as before. Oakhurst Rise is a busy road now with some residents having to park on road cos their drives are too steep or they have two cars or more . The road is already jammed up now sending more cars up the road is ridiculous. Also some residents have to have special drop down bus for their wheel chair to be able come and go places and the bus needs to park in middle of the road whilst doing so why should these people be made to feel bad because cars are going to be queuing to get pass . The wild life and protected species is still there as are the natural beauty of the place . The local Dr surgery schools and other amenities are struggling without this adding to the problem .All the roads in and around this site is chaotic already everyday and weekends . Also where are they all going to park at the bottom of the hill when the snow and ice stops them getting up the hill .

16 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 17th November 2018

To whom it may concern,

I am writing to state my opposition to the proposed residential development of up to 69 dwellings on land adjacent to Oakhurst Rise, Cheltenham (application reference: 18/02171/OUT). I hold grave concern that the construction of and inevitable increase of traffic to the local infrastructure will create a health and safety risk to pedestrians and road users in the area. Access to road users is already severely restricted due to parked cars in the road network leading to Oakhurst Rise; Tight corners leading out of King Alfred Way; In effect due to the road markings leading out of the Churchill Drive one-way system, regular disruption due to vehicles facing in opposing directions on the available road; All of this is before vehicles enter Oakhurst Rise with its steep incline and two right-angle bends. With national average number of vehicles per household in the South-West of England in 2015 being 1.31 vehicles and historical trends only moving upward, the expected addition of 90 resident cars, plus service vehicles and the frankly frightening prospect of construction traffic accessing the site through Oakhurst Rise all contribute to a concerning prospect.

The housing proposed, will overshadow St. Edwards Preparatory School which in my view would be a concern for any prospective parent rationalising their choice of school for their child. This would put a school central to local community at risk.

Finally, and certainly not least the proposed development will destroy a widely valued green-space with an extensive and thriving wildlife eco-system.

I sincerely hope you will pay serious consideration to the fore mentioned genuine concerns when reviewing this inconsiderate application.

29 Oakhurst Rise
Cheltenham
GL52 6JU

Comments: 19th November 2018

Letter attached.

Little Orchard

Charlton Drive
Cheltenham
Gloucestershire
GL53 8ES

Comments: 18th November 2018

Planning for a scout hut at the end of Oakhurst Rise was quite rightly refused because of traffic issues. To therefore even considering access for 69 dwellings at the end of Oakhurst Rise is illogical and dangerous.

At the previous planning committee regarding this site, these issues were properly discussed and the planning application was comprehensively rejected. The same criteria should apply.

Traffic density in this part of Cheltenham is becoming critical. There is also the issue of upstream development. Statutory flash flood defences do not work. £20 million spent on the Chelt flood prevention scheme still did not work. Large upstream developments such as this, even with provisions, increase the risk of further punishingly expensive flash flooding to Cheltenham.

6 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 19th November 2018

I object to this development proposal.

It really passes all understanding that this persistent applicant should have the nerve to raise his voice yet again.

It is being argued that we are desperately short of 'affordable' housing, but reducing the number on this plot to 65, or thereabouts, is sheer nonsense since in this case the houses would each have a plot size (than the previous plan), thus becoming more costly and less 'affordable'.

At any rate: the traffic problem remains the same and ought to be the main obstacle to this bizarre scheme.

Also, as far as housing shortage is concerned: are we allowed to know just how many houses are at present standing empty and waiting to be bought in and around Cheltenham?

4 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 18th November 2018

Land at rear of my property.

Very concerned reference lack of privacy and disruption by excess traffic

32 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire

GL52 6JB

Comments: 19th November 2018

We strongly object to this planning application for the following reasons:-

- Loss of privacy - we will be overlooked by the development.
- Pressure of traffic throughout the Ewens farm estate and local access roads. These roads are already very busy and frankly dangerous at times, especially during rush hour. The 20mph limit is rarely observed by motorists using it as a rat run from London Road/Hales Road and many cars are parked on the roadsides. It is already hazardous and unpleasant to walk on these streets at busy times.
- The access road in Oakhurst Rise is highly inadequate. The approach is steep, narrow and with limited visibility. It would be dangerous to have an additional 100+ cars using it as an access road. Any attempt to make an access road from Charlton Court Road would also be unfeasible as it would remove essential parking spaces. Some houses have 2 or 3 vehicles. It would create insurmountable problems with parking and congestion. Also, with a very steep gradient, these roads are unusable during icy weather. They are not gritted and are equally unsafe and unusable in icy conditions.
- The density of the proposed development is not in keeping with the area.
- Risk of flooding - the present infrastructure will not cope with the additional runoff water from the site. There are springs and documented flood problems on the site and adjacent to the site. The application does not take into consideration the significant flooding in the surrounding area and downstream in central Cheltenham. Drains in the area already struggle to cope with heavy rain.
- Pressure on local services - doctors and schools. Schools in the area are already oversubscribed.
- Loss of wildlife habitat, hedgerows and trees. Badger sets may be extensive. Deer also inhabit the area, together with bats, woodpeckers and owls.
- Loss of a rich biodiverse site, green space, sports amenity and community amenity to Charlton Kings.
- The 1984 proposal was rejected on the grounds of drainage for considerably less acreage of development. More recently, Tim Fry had an application for development rejected on the grounds of volume of traffic. This is the very same route people would take to the proposed development
- Detrimental to the visual impact of the town and an unsightly blot on the landscape. The site is visible for miles around.
- Air pollution. The London Road is already cause for concern with high levels of pollution. Yet more cars using the road can only make things worse. There seems to be no plan for traffic impact. The traffic survey taken by the developers is flawed.
- The local plan says a maximum of 26 homes should be built on this land. A 69 house estate is being proposed in a completely unsuitable location. It has been rejected 4 times in 40 years

25 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 21st November 2018

I wish to register by objections yet again to the planning application referenced above. I cannot believe that this is still being considered after the meeting in July when the previous application was turned down on so many grounds

The access to the site is totally unacceptable The damage to the wildlife would be considerable The increased level of traffic both at London road and Ewans Farm will be unacceptable. The

results of the traffic tests in July did not take into consideration the change in demographics that The development will bring.

The local schools are oversubscribed already and although both Holy Apostles and Balcarras have offered to increase their numbers on role the access to those sites will also be unacceptable and dangerous this has not been mentioned in the application.

I live in Charlton Court Road so will be affected by this development.

I would also like to say that I have tried to register my objections on the planning portal but it is down this evening!

19 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 30th November 2018

This application should be rejected for the same reasons as the previous application.

The issues of traffic density, drainage, social infrastructure (GP's, schools etc) and environmental impact have not been addressed nor mitigated by the revised application.

Simply reducing the number of houses (outline proposal numbers) doesn't fix the problems.

Any further applications should be full and detailed not outline to protect our environment against developers "moving the goalposts" should this ever be approved.

I am very concerned that surface water run off is to be directed into existing Charlton Court Road drainage given previous issues with flooding further down the hill.

21 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 13th November 2018

Drawing title Drainage Strategy sheet 2 of 2

Drawing Number C21505-SKO2 Insert A.

The above drawing omits both the St Edwards School boundary line and the 5 houses within the Charlton Court Rd cul-de-sac, giving the incorrect impression of an open and undeveloped area. In the event of planning permission being granted, it is proposed to direct the surface water drain from the Oakhurst Drive development through this cul-de-sac. It is noted the proposed foul water drain connection is to be made within St Edwards School grounds. The most direct route for the surface water drain would be directly to the water course at the bottom of the incline within St Edwards School grounds. This would eliminate the unnecessary disruption and upheaval such a major undertaking would make within the Charlton Court Road cul-de-sac and the inevitable stress and anxiety such works would have on the health and well-being of the three households of senior citizens who live within this cul-de-sac.

22 Charlton Court Road

Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 12th November 2018
All my previous comments stand.

Access and transport for 'only 69' dwellings remains a huge problem with the access uphill through the relatively narrow Oakhurst Rise and associated roads.

The 1984 application for development of an adjacent part of the site was refused on grounds of access and increased vehicle activity. This far worse.

The 800m walking distance quoted seems to me to be 'as the crow flies'; most will not walk but drive. The developer's figures are highly optimistic !

The average width of footpath might well be 1.8 m but there are sections in Charlton Court Road of only 0.8 m.

Flood risk assessment para 9.4 - noted that Severn ~Trent recommend foul sewer connection to St Edward's system and NOT through Charlton Court Road, and to minimise work outside the site. Similar for storm water sewer. Planners please resist access to Charlton Court Road!

Local facilities - schools, doctors etc are stretched already. 69 houses would give more overload.

15 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 3rd November 2018

My objection is on the following grounds; Significant disruption of access for construction vehicles and associated noise. Approx 140 vehicles would occupy this development, if approved ,and this imposes immense pressure on all access roads and entry points to main roads. Wildlife suffer yet again (do developers really care!).

Doctors, schools,etc. do not have the capacity to cope with the size of the proposed development.

20 Churchill Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JJ

Comments: 17th November 2018

The access roads are not adequate and it will cause a lot of traffic and congestion, not to mention the added air pollution. Imagine the recycling lorries having to go up the steep hill. And what about when that hill becomes very icy in winter? I would not like to live at the bottom of that hill!

And what about the disruption and mess which will be caused during the building periods when construction vehicles will have to go up and down those narrow roads?

Loss of green land and wildlife habitat. Ancient trees will have to be cut down and it will take many decades for the new ones to recreate the current ecosystem.

The area is used for district cross country, fireworks, and many other school events which benefit the local area.

Sixways Surgery: it is already full and it already takes two weeks to make an appointment. Where are all the new patients going to fit?

36 Cudnall Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HG

Comments: 7th November 2018

Although the revised application is for up to 69 dwellings there is still the fundamental problem of access to the site from Oakhurst Drive. The traffic problems this would cause would be considerable with many of the vehicles trying to join the London Road and adding to the congestion. I therefore object to this application.

71 Southgate Drive
Cheltenham
Gloucestershire
GL53 7QR

Comments: 31st October 2018

I am very concerned about the above planning application. As a lifetime Cheltenham resident in this part of the town I object to the application on the following grounds

1. TRAFFIC

The traffic created by the occupants of 69 houses (working on the Office for National Statistics projection for 2021 of 2.7 vehicles per household) will be completely untenable at the bottlenecks of Hales Rd traffic lights and Sixways traffic lights. The traffic delays at both of these locations in the increasing number of busy periods are barely tolerable at the present time and a further 186 cars cannot be contemplated.

2. DRAINAGE

There are serious questions to be raised about the capacity of the existing (ageing) drainage systems coping with the increased runoff and effluent output of such a number of houses. Although I, personally, avoided flooding in 2007 I experienced problems insuring my house for several years following this disaster. Most meteorological predictions warn of increased numbers of extreme weather events in view of global warming.

3. HABITAT LOSS

This land boasts a unique habitat containing mature oak trees and ancient hedges, not to mention a number of rare and endangered species of animals - including bats, slow worms and newts. As a child I took a great interest in the natural history of this and adjoining areas and would urge a proper full survey as a matter of immediate necessity. Once species have been displaced or exterminated it is too late!

On these grounds I would ask you to refuse to consider the above application any further.

Oak Lodge

Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 21st November 2018

Im writing to object again the 69 dwellings on land adjacent to Oakhurst Rise as this is not the right place for that amount of houses to be built as this is going to create too much traffic up and around the area.

My mother in-law lives at Oak Lodge just in on the left and already has trouble with the cars that come fast up the road as the road just isn't wide enough its going to be mayhem if they have lorries and contractors up and down that road.

Highcroft
Oakley Road
Cheltenham
Gloucestershire
GL52 6NZ

Comments: 5th November 2018

I have considered this new application for a reduced in number (69) housing development on this site.

My previous objections are sustained , in particular on the following grounds :-

- 1) Adverse impact on AONB , resulting in a direct loss of more of our open local green space .
- 2) The loss of the veteran trees and irreplaceable well-established habitats on this site and the associated adverse impact on local biodiversity.
- 3) Adverse impact on the setting of nearby properties , including listed buildings being designated heritage assets.
- 4) Intolerable further strain on the already over-burdened local road network . The steepness of the narrow access proposed to this site , both during construction and once in beneficial use, is unacceptable on grounds of health and safety. This concern relates to not only the increased vehicular traffic (residents and visitors) which will be generated by this development but also to the extra cyclists and pedestrians which are being directly encouraged by this development proposal .
- 5) Adverse impact of the proposed development (notwithstanding the proposed attenuation measures) on the local drainage system with a real risk of increased flooding in surrounding areas given the natural gradients affecting this site.

Please ensure these points are all put before the Planning Committee when it makes its decision on this new planning application.

14 Pembridge Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6XY

Comments: 20th November 2018

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Development of field at St Edward's School Charlton Kings Planning application 18/02171/OUT
Regarding the latest planning application for 69 houses on the school's field I am against the proposal for the following reasons

1. It is the thin end of the wedge to be selling off land which belongs to the school for development. Any land used by Primary schools should be retained for the use of the pupils for their health and well being. It should be sacrosanct otherwise it will be regretted in later years when everything gets built up. Access to open land is beneficial for education.
2. This particular piece of land is in a very awkward position with poor access so that building so many houses will have an impact on the local area and traffic flow through Ewen's Farm which is difficult already especially getting out of it on to main roads.
3. The field has been a local amenity for many years with valuable trees and wildlife and is a safe place for local children to use without crossing busy roads. The freedom of local people will be curtailed by such a development and not enhanced.
4. Streams running through the land when diverted could be a source of flooding for homes nearby.

18 Beaufort Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JT

Comments: 3rd November 2018

I strongly object to the new updated planning application for the following reasons:

1. Increase traffic of surrounding areas,
2. Compromised road safety
3. Unsuitable road access
4. Increase risk of flooding
5. Loss of green area
6. GP oversubscribed
7. Schools already oversubscribed

18 Oakhurst Rise
Cheltenham
GL52 6JU

Comments: 19th November 2018

I wish to register my objections to this planning application.

The traffic plans are simply not viable.

The local infrastructure is unable to accommodate this development.

The considerable ecological and environmental benefits afforded by the site of the development will be permanently lost.

Faringdon
4 Langton Grove Road
Cheltenham
Gloucestershire
GL52 6JA

Comments: 4th November 2018

I would reiterate the comments I made in connection with the previous application for planning permission.

My main concern relates to the unacceptable increase in the level of traffic through the Ewans farm Estate on to the London Road opposite the Langton. The traffic levels on the London Road at this point are already at unacceptable levels and the increased traffic emanating from any new development within the area will undoubtedly result in increased traffic congestion. Increased traffic will also lead to increased noise levels pollution and disturbance to the residents within the existing residential areas.

The increased levels of residents resulting from 69 new dwellings will require increased numbers of pupil places at local schools which are already oversubscribed and also at the doctors' surgery once again where patient numbers are already at a higher than acceptable level.

35 St Georges Road
Cheltenham
Gloucestershire
GL50 3du

Comments: 21st November 2018

There are particular reasons to object to the approach that is being taken by the apparent PR campaign in support of 18/02171/OUT (the majority of the comments supporting the site have been generated in the last 24 hours, and through on line commentary):

1. The claims that there will be much needed social housing on this site. That's not credible to assess balance of harm and local benefit. There is no detail on what type of housing will be provided (elderly, student, low income, family housing or flats, social or affordable) in the application. And no indication of whether 'local' rates will be established against a baseline of Ewens Farm or Battledown - there is not an insignificant difference (of a couple of £m or so per property). So no-one can yet claim that this is a site that delivers to Cheltenham's suggested affordable housing deficit for first time buyers or those in rented accommodation (if indeed any such exists once the local plan is finalised). And it isn't obvious whether or not any development in Cheltenham in the last decade has delivered on the national criteria for affordable housing (this was lamented on in planning committee when the previous application was rejected) - is it credible that an expensive green field site on a steep clay bank next to the Battledown estate, given its potential vast profits as a luxury development, will be the exception to that rule?

2. The claims from the school trustees that they have a commitment to the freehold (once full planning permission has been granted - this is only outline, so anything is possible between now and then). That would of course be valuable to them in securing their financial future. But it cannot be credible grounds to assess balance of harm and local benefit, otherwise every charity and every independent school in the area has a free pass on planning - because of course it benefits them and helps with their financial future and therefore they are good local citizens in providing their considerable assets for public use. Except that is what they have to do under Charities Law. No other landowner can claim that improving their financial position is in the public benefit - it is arguably inappropriate and at least deeply regrettable that the various charities involved have been drawn into the debate in such an unbalanced way. To claim that the financial future of St Edwards school, and therefore its charitable support to the county and its provision of education services, will not be sustained unless the council supports a planning application is outrageous and shouldn't be permitted to influence the decision. No-one can explain how such a contract could be constructed before planning and finances around the site are finalised - so it is pure assertion that such a position will be concluded. Such a deal is subject to assessment by the Charities Commission given the conditionality around the original sale of the land to the Carmelites for the purposes of Catholic Education. We've asked the charities commission, who confirm that no such checks and balances have been forthcoming. Such a deal would need,

presumably, to be notified in writing to the parents of St Edwards School. As a parent in both schools, no such communication exists. So CBC are being told that a developer and a charity can gain financially and that is in the public interest - but there is absolutely nothing in that assertion that transfers, with any credibility, into assurance that the build will be as claimed, or with the benefit to the community that is necessary for the application to proceed.

Any decision to support this application in its current position will be turned over to judicial review given it is so comprehensively unsound; I presume that isn't the intent of CBC or the developers.

It is therefore in the interests of the whole community that this application goes forward with some credible, factual, evidentially based material. At the moment we do not have any of the above, and therefore further detailed comment doesn't appear to add value, on a wholly inadequate application that breaches national planning policy at every turn and fails to address the reasonable and considerable objections of the community and of CBC planning committee just 4 months ago. We concur with all the points raised in the community objection posted by the Friends of Charlton Kings.

It is perhaps unfair to be suspicious that despite nearly 3 years of debate, in just 24 hours a raft of personnel have mobilised in support of one site in Cheltenham (claiming to be parents, ex trustees of the school, arborists, social housing dependents - pretty much each and every tick box comment to counter existing points of objection). None of those addresses are to be found in support of social housing in any other application that has come to CBC in the last 5 years. If they really are so passionately committed to social housing in Cheltenham, why only this site? And why only as this application closes, not in support of e.g. 17/00710/OUT?

I hope CBC investigate the validity of the comments raised as this application closes. I presume it is possible to check the IP ranges and time stamps of the submissions. If any are found to be false, I would hope that this counts against the application as a fundamental abuse of the planning system by those pushing it forward, with commensurate consequences if and when this comes in front of the committee.

Ash Tree House
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 23rd November 2018

I strongly object to this planning application.

This development proposal is similar to the one rejected in July 218, namely 17/00710/OUT which was for 91 dwellings, and the objections I raised previously for 17/0070/OUT still stand.

In my view, the reduction to 69 dwellings does not constitute a material difference to the application. The scale of the planned development remains completely inappropriate for this site and very much out of character with the local area. The local plan states a maximum of 26 homes should be built on this land. Access to the proposed site is restrictive, with a very steep aspect to the approach and narrow roads that are in no way adequate for such a development. The site is located close to the AONB and is an extremely valuable resource for the school, local community and wildlife. The new documentation does not attempt to address or resolve any of the issues already recorded by the previous CBC refusal decision regards the previous application, nor in the many common comments submitted online.

Coversdown
Birchley Road
Cheltenham
Gloucestershire
GL526NY

Comments: 21st November 2018
Letter attached.

60 Bouncers Lane
Cheltenham
Gloucestershire
GL52 5JN

Comments: 12th November 2018
I strongly object to the new updated planning application for the following reasons:

1. Increase traffic of surrounding areas, the surrounding area is already struggling with the traffic and this will make things much worse
2. Compromised road safety
3. Unsuitable road access
4. Increase risk of flooding
5. Loss of green area and the wildlife
6. GP oversubscribed in the area
7. Schools already oversubscribed in the area
8. The loss of the sports facilities for school children

29 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 19th November 2018
Letter attached.

46 School Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BD

Comments: 21st November 2018
I would like to register my objection to the above planning application.

I do not believe this application is in keeping with planning guidance and in fact goes against many of the principles of current planning policy.

This site is a wonderful open space where the local community enjoys nature walks. It is also used for annual community fireworks and inter-school cross-country by many youngsters in the county. There are ancient trees in the location that need protecting for future generations. Badgers, foxes and other creatures live in this habitat and would be displaced by any proposed construction on this site to the detriment of this local amenity.

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If the site were to be built on, local roads that are already congested, would become grid-locked at peak times. The local schools and doctors surgeries are already over-subscribed and any building in this area would make the situation worse.

As an open space, this site soaks up rain helping protect houses below from flooding.

Building on this land is completely inappropriate for all the reasons stated here and should be refused completely and indefinitely.

26 Churchill Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JJ

Comments: 1st December 2018

I wish to object for the same reasons as per the previous application which are:

Access to the site - steep, dangerous, poor visibility, narrow. Oakhurst Rise was never designed to be an access road to a larger estate with potentially an 100 additional cars using it daily.

Ewans Farm is already used as a shortcut by people avoiding the traffic lights on the London Road. Drivers ignore the 20 mph speed limits and trying to get out onto the London Road or Hales Road takes ages currently at peak times. Any additional traffic will cause huge problems. The transport plan is not realistic, most households in the area have 2 cars, people generally need to drive to work, cycling or walking are not an option.

There will be a huge loss of wildlife.

Local schools, doctor's surgeries are already over-subscribed.

Potential flooding once roads and houses are built.

Meadow View
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 19th November 2018

Meadow View response to 18/02171/OUT related to 4th 17/00710/OUT

So yet again, the stakeholders and neighbours involved in the Oakhurst Rise proposed development need to respond to now the 1st submission of 18/02171/OUT, after the refusal of planning on July 19 of the 4th variation 17/00710/OUT - the developer's and the Carmelite Charitable Trust's ambition to destroy a natural habitat for their personal enrichment.

It is deeply disappointing that this is a new planning application and as such there has been no stakeholder engagement at all. The argument from the developer is that 18/0217/OUT is virtually the same as 17/00710/OUT, hence there is no need for any consultation. However, the developer is also arguing that this is fundamentally a different application now for 69 houses. This is inconsistent and illogical and probably a way of reducing developer costs for what is a now a project that has lost all credibility.

Where the proposal by the developer fails catastrophically is on the access route via Oakhurst Rise. At the Planning Committee Meeting in July, this point was discussed extensively and virtually all members of the Committee commented that the access was a major problem. The comment from the refusal letter stated.

The proposed access via Oakhurst Rise would have an unacceptable impact on the local highway network, and the amenity of local residents. Additionally, the steep incline within the cul-de-sac would fail to encourage the use of sustainable modes of transport and would likely result in a reliance on the use of private motor vehicles. Alternative potential vehicular access routes do not appear to have been fully explored. The access would therefore be at odds with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 - 110 of the National Planning Policy Framework (2018).

If we look at the latest proposal from the developer, he has not come up with an alternative access point or points, his only concession is a reduction in the number of dwellings from 90 to 69, or 23%. This is immaterial to the problem and as such the new application is still "at odds with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 - 110 of the National Planning Policy Framework (2018)."

I also see that due to extreme gradients on the site, the developer is going to "give" the first residents of the development an electric bike. This is one of the more ludicrous things I have heard. Is this really going to change the transportation habits of the residents? Absolutely not! As such if 17/00710/OUT was rejected, so to should 18/02171/OUT on this failure alone.

However, there are multiple other failures with this application, linked to the previous refusal notice.

- There is still the issue of the proximity of the development site to the Grade 2 listed Ashley Manor, the modification to the layout does not change this. Refusal point 2.
- The plans for the re-settlement of the wildlife are poorly considered and as likely to be effective as giving residents electric bikes. Refusal point 4.
- The site is still extensive and highly visible from the AONB. Refusal point 4.

There are other numerous failures in the application. As a simple example, on the land bordering my property, Meadow View, there is a pond. The ecologists have failed to understand or even question the function of this pond. I have stated in previous responses to 17/00710/OUT that this pond is a fundamental part of the drainage of Battledown, but the developers have refused to acknowledge the importance of this pond and it looks like it will sit in the back garden of one of the properties bordering my property. This will be a safety hazard if left alone. If it is filled in, will result in a change to the drainage of Battledown area with unknown consequences. Again an example of "experts" being paid to write what the developer wants.

I am also concerned about the professionalism and independence of Michelle Payne the Planning Officer responsible for this application and 17/00710/OUT. At the July Planning Committee meeting, it was obvious she was frustrated by the rejection of "her" application and her recommendation to accept was clearly rejected by the collective and majority view of the committee. If she remains involved in the assessment of 18/02171/OUT, I would hope that her recommendations are not as biased, illogical, inconsistent as previously and this time she follows the CBC saved policies.

Finally, I would yet again re-iterate my previous proposal that the application is rejected on numerous grounds and the site should be listed as a Local Green Space (see note below - a concept pioneered by Martin Horwood) for future generations to enjoy and for preservation of the flora and fauna.

60 Horsefair Street
Charlton Kings
Cheltenham
Gloucestershire
GL53 8JH

Comments: 19th November 2018

Access

The revised application, reducing the number of houses from 90 to 69 will make very little difference to the wholly inadequate proposed access along Oakhust Rise. This is narrow and steep, and already difficult for residents, let alone an additional burden of 100+ cars.

Traffic

The existing traffic situation throughout Ewens Farm, Hales Road and the London Road at Sixways is already appalling at peak times, with traffic often at a standstill. In addition, the roads at Ewens Farm are heavily parked, with poor visibility and are difficult to navigate for pedestrians. This situation will be exacerbated enormously by the addition of such a large number of new homes.

Flooding

The 10 acre development site is very steep, and the introduction of large areas of impermeable surface will increase the risk of flooding to surrounding areas.

Amenity

The development site is well used by children from ALL the local schools as the route of two of the four annual Cheltenham Schools cross country events, and the site of the Gloucestershire schools cross country championships. The idea that it isn't 'in use' is misleading.

Visual amenity

The proposed development is in an elevated position and will be clearly visible from many places around Cheltenham, including Leckhampton Hill and the Cotswold Way at Lineover Wood. There is insufficient existing vegetation to offer any significant concealment.

Ecology

The site currently is an attractive series of green fields with ancient hedgerows and a large number of mature and veteran trees. It is home to a variety of wildlife, including badgers, bats, deer and many species of bird, all of which will be forced out by the development and will be unlikely to re-settle on site. The ecology report relies very heavily on the idea that the type of habitat it provides is readily available elsewhere nearby, but this is inaccurate. Adjacent land is managed more intensively, for sport, or as mown parkland, horse grazing or allotments and is very largely bordered by roads, so lacks the peaceful setting that enables wildlife to thrive here.

Proposed mitigation measures - in particular the proposed badger re-location - move the animals right across the site, bringing them into close contact with small back gardens, mown parkland and the school, where they are likely to be seen as a problem. The replacement sett has no coherent green corridor to the animals' established feeding grounds within the upper part of the site. In addition, the hill top location of the sett has been replaced with a much wetter site at the bottom of the hill, designated for public open space and it seems possible this will affect the uptake of the replacement sett as well as again, making the presence of the animals unwelcome.

Local Plan

The proposed development is contrary to the policies set out in the Charlton Kings Parish Plan and many aspects of it are contrary to the Cheltenham Borough Local Plan and other Council policies.

Local facilities

Local schools at Charlton Kings, Holy Apostles and Balcarras School are already under huge pressure, with increasingly tight catchment areas. The local surgery at Sixways is also heavily over-subscribed, and the large additional number of houses would increase the pressure on waiting times.

For the above reasons, I object strongly to the proposed development.

12 Lyefield Road East
Charlton Kings
Cheltenham
Gloucestershire
GL53 8AY

Comments: 7th November 2018

I object to the planning application on several grounds.

- loss of local amenity - as previous objectors have stated, the loss of the field for both the benefit of the local community fireworks display which raises funds for the school, and for the numerous cross country races held for all local schools cannot be quantified. It is staggering that yet another publicly accessible green space is being swallowed up by financially motivated development to the detriment of our children.
- as a parent at the prep school, the planning document (section 6.2.10, page 48) refers to Staff and Students of St Edwards School "Receptors will typically be engaged in other activities limiting the degree to which their attention is focused on the landscape. " My choice of school was based partly on the outside space available for children, and to say that they are not aware enough to enjoy the views out of their classroom and playground is arrogant in the extreme.
- traffic - increased level of traffic on already congested access roads
- destruction of protected habitat
- noise and disturbance from the development

I strongly object to this development.

Glenwhittan
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 19th November 2018

I write to object to the above planning application. The land in question forms part of the Cotswold escarpment and, if developed, would set a worrying precedent for further development of other parts of the escarpment.

The impact of the development would have a detrimental effect on the landscape; the green band is visible for miles around and contributes to the beauty of the Cotswolds. The preservation of urban green space is important for protecting the local ecosystem, and the proposed site is also used as a cross country course for school children across Gloucestershire.

There is one approach road to the proposed development which is windy and very steep; you weave pass parked vehicles as it is, and any additional traffic would cause congestion and potentially be dangerous.

The William Morrison Residential travel plan refers to distances from the site to amenities, as being 'easily accessible by walking (and cycling)', but the reality is that the proposed access roads are very steep: the approach road is far too steep for most cyclists and especially children on bikes/scooters (difficult to go up and dangerous to cycle down), very hard for pedestrians with any shopping, mothers with buggies/prams or anyone infirm, and unsuitable for bus access.. Therefore there is poor availability of alternative modes of transport to and from the site, other than by car.

If weather conditions are poor, for instance icy, the access roads would become extremely treacherous. If it snows or is icy, 4x4s have difficulty accessing houses on Oakhurst Rise, and other vehicles have to park on Ewens Road and walk to their houses. As it is Ewens Road becomes extremely crowded, and would not cope with an increased number of vehicles.

"Large scale development may offer an opportunity to include sustainable measures to provide alternative means of travel other than travel by car." This site does not fulfil that, there are other more suitable sites that could.

In numerous documents I have read (for instance Vehicular Access Standards, Advice documents for the Planning Service) they refer to daily traffic volumes. "The volume of traffic requires particular consideration when total flow on the minor road exceeds 500 vehicles per day (i.e. serving more than 50 dwellings)." So 69 houses would dramatically increase the total flow on the small access roads, potentially to 1000 vehicles per day.

If, on average, c 32%of households have two or more cars, 69 dwellings would dramatically increase the number of vehicles using the small access roads.

Comments: 20th November 2018

In respect of access to the site there are fundamental objections to the proposed development;

- 1) in relation to planning, there is only one road access to the site. In addition it is an unsuitable access using a pre-existing, very steep and narrow road designed for about 25 dwellings, and the traffic generated for the development would feed into local residential roads (Ewens and Beaufort Roads) which are also steep, narrow and already congested.
- 2) In respect of safety, the whole development is subject to the CDM regulations 2015, which require the appointments by the client of a principal designer (and principal contractor), failing which the client must fulfil the duties required by the regulations. (the designers duties apply as soon as designs which may be used in construction works in Great Britain are started....it does not matter whether planning permission or funds have been secured...;HSE guidance para 77.

Because of the very significant variation of the actual road for amateurs of the proposed access, from the recommended parameters e.g. gradients, any risk assessment which has been carried out should identify the proposed access as a potentially serious hazard, both as an access for construction work and as a permanent access to about 100 houses.

- 3) therefore the applicant should clarify the measures they propose to take to control these risks, using the principles of prevention set out in the regulations.

High Grove Greenway Lane
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LA

Comments: 7th February 2019

I wish to object to this proposal on the grounds of adverse visual impact, as I have objected to its two predecessors. I would not be directly affected by this proposal as I am not an immediate neighbour and the site is not visible from my house. Nonetheless, I value enormously the sight of green Battledown Hill from various vantage points across the south-east of this town. This place is a uniquely beautiful feature of the town, and must not be covered and blighted by a dense housing project. Cheltenham's urban green open spaces are an invaluable asset for generations to come, and we should not be guilty in our time of wanton destruction of beautiful and irreplaceable townscape.

Should the Planning Committee approve this proposal to turn lovely Battledown Hill into a concrete and masonry staircase, looming grotesquely over St Edwards Prep School, they will be remembered by future generations for vandalism of an extreme order. This magnificent, prominent green slope can be seen and enjoyed for miles around and it is one of those several vital features which make Cheltenham such a beautiful town.

Cheltenham needs the same level of resolve now from our present Planning Committee as that shown when their predecessors in office were faced with horrendous proposals to erect enormous residential tower blocks in Charlton Park.

Battledown is far too important an asset to ruin for the sake of meeting housing targets, which can readily be met elsewhere.

25 Beaufort Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JS

Comments: 20th November 2018

I object to this planning application because:

1. Road access

Oakhurst Rise is not acceptable as an access road as it is a narrow, steep and is often lined with parked cars. The additional cars using this route will only exacerbate existing issues. This same argument applies to the other potential access road (Charlton Court Road).

2. Increased flooding risks

My understanding is that, due to the steepness of the site and the fact that the moisture absorbing field will be replaced by tarmac and other impermeable materials, this will simply mean that developments at the bottom of the hill could be subject to a greater flooding risk.

3. Traffic flows

The proposed development will clearly increase traffic along Ewens, Beaufort and Hales Roads. You only need to stand on any one of these roads during early morning rush hour to realise the impact this development will have on already busy and tight roads with parked cars.

4. Loss of green field site

My understanding is that this is a site that is home to a significant range of wildlife that will simply be lost to the area.

5. Access to public services

Without corresponding increases to GP and school funding/places surely this development will only add to existing challenges for the area.

For the above reasons, I strongly object to the proposed development.

41 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LG

Comments: 21st November 2018

I have coached a junior school cross country team for 8 years, and have been to many cross country competitions at St Edwards school. The sight of hundreds of children running this course is wonderful, and the benefits to their current and future physical and mental health as a result of training for, and participating in, this sport must be underestimated.

There is no course like this in Cheltenham, and the development of the site for housing would mean a loss to children of the town and county which cannot be replaced.

I urge the planning committee to refuse permission to develop the field, thus enabling future generations of children and young people to use the land for their benefit rather than letting a few individuals profit from destroying it.

Newlands
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 19th November 2018

I strongly object to this application.

The application was refused at the Council planning committee meeting in July, on the grounds that Oakhurst Rise is unsuitable as an access road to the site. This was referenced as falling short of Policy CP4, in accordance with Safe and Sustainable Living as part of the Cheltenham Borough Local Plan. This has not been addressed in the new plans; I, therefore, don't see how this proposal can be supported when the access road remains the same.

The councillors unanimously agreed that the development would detrimentally affect the environment (Policy CP 3: Sustainable environment). The development would only be permitted where it would not harm the landscape character. It was agreed that the loss of veteran trees, the harm to heritage assets, the badger set and character of the site would all be negatively affected and simply do not adhere to the criteria set out in this policy. In addition, Policy CP 3 clearly states that development will be permitted only where it would not harm the setting Cheltenham (note 1), including views into or out of areas of acknowledged importance. The space in question is directly visible from an acknowledged AONB, therefore, this development should be not be supported on this basis.

The same policy states that development would be permitted only where it would not harm landscape character and conserve or enhance the best of the built natural environments, and safeguard and promote biodiversity. Digging out badger sets, cutting down veteran trees, killing

wildlife and wiping out rare flora and fauna, to name a few, is again, justifiable rationale to not support this proposal.

Policy GE6 Trees and development. Causing permanent damage to trees of high value. Policy GE5 Protection and replacement of trees would be resisted. We will resist the unnecessary felling of valued trees on private land. It was stated that these trees are valued in their setting as they contribute to the natural setting of the area and should, therefore, be preserved.

Policy GB3 Mature trees to be retained and existing landscape to be retained and enhanced. Disturbance of significant habitats to be avoided.

Policy CP5 Sustainable transport. Sixways and Hales Road Traffic is a significant issue with both junctions under severe strain at rush hour and key periods of the day. The distance to the shops from the proposed development is 1100 meters, not the distance recorded by the developers and as a result, people will drive. Additional cars, plus the impact on local amenities will be devastating.

I vehemently oppose this development as it goes against a vast number of the clearly defined policies of the Cheltenham Borough Local Plan.

Tall Timbers
Ashley Road
Cheltenham
Gloucestershire
GL52 6NS

Comments: 14th November 2018

I strongly object to the application for a number of different reasons:

- 1) Unsuitable access and increased traffic: the roads surround ewens farm and oakhurst are already crowded and dangerous hence the 20mph speed limit. A higher volume of traffic through this area is not suitable or safe especially for the high number of cyclists and children who use the route to get to the local schools.
- 2) The effects to the environment. The area proposed for development is a large field which homes lots of wildlife including newts, bats and badgers and also contains protected trees.
- 3) The unfactual inaccurate documents supplied by the developers. There are many errors and manipulative inaccuracies among the papers supplied. I ask the council to fully investigate all documents at the cost of the developers and get an independent view on all documents supplied.
- 4) The increase in flood risk. As a local resident we were affected by the local flooding in Cheltenham. The field holds a huge quantity of water when there is heavy rain and helps reduce this risk.

29 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 19th November 2018

We are the owners of Dalswinton, Birchley Road, Battledown GL52 6NY and we strongly object to this application. The previous application for 90 houses was rejected by the Planning Committee and this application should be rejected for the same reasons:

1. Road access

Whether there are 90 or 69 houses, the proposed access along Oakhust Rise is still totally inadequate. This road is a narrow, steep cul-de-sac and the gradient and narrowness of this road make vehicular access to a further 69 houses completely unsuitable.

2. Increased traffic

The proposed development will considerably increase traffic along Ewens Road, Beaufort Road and Hales Road. Hales Road is often already at a standstill as is the London Road at Sixways.

3. Increased Flood Risk

The 10 acre development site will be largely covered in impermeable material leading to an increased flood risk. We have witnessed flash flood streams running down Birchley Road.

4. Loss of green field site

As stated in our previous objection, the site currently is an attractive green field area with ancient hedgerows and mature well established trees and is home to a variety of wildlife, including badgers, bats deer and many species of bird. All this will be lost if the development goes ahead.

5. The proposed development is contrary to the Charlton Kings Parish Plan and many aspects of it are contrary to the Cheltenham Borough Local Plan and other Council policies.

6. Visual Impact

The proposed development is in an elevated position and will be a blight on the landscape being visible from many places around Cheltenham, including Leckhampton Hill and the Cotswold Way at Lineover Wood.

7. Lack of amenities

There would still be a huge impact on the Balcarras School catchment area and other facilities such as Sixways Surgery. Both are already heavily over-subscribed,

For the above reasons, we strongly object to the proposed development.

Wadleys Farm
Ham Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6NJ

Comments: 23rd November 2018

Letter attached.

32 Copt Elm Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8AH

Comments: 21st November 2018

I object on the grounds that this site is unsuitable for 69 new homes. The access road to the site is totally unsuitable, too narrow and steep. The extra volume of traffic trying to use this road would be intolerable for residents already living in the area. The loss of Another area of Outstanding Beauty destroyed for profit. The wildlife that is within the area will be lost. More artificial street light spoiling the night skies. Where are the extra hospital beds coming from to

cater for all the new builds around Cheltenham. School places and doctors surgery appointments are already stretched with long waiting times.

I have also noticed that some support for this build has been entered twice from the same address, is that allowed?

Also the minority amount of support entries have only appeared since the previous application was turned down, funny that.

16 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 19th November 2018

I'm disappointed to learn that there is yet another planning application on the land adjacent to Oakhurst Rise - particularly so soon after a previous application was refused, on numerous grounds. Thus far, every application which has been proposed on this land has been refused, which surely illustrates that there are multiple factors of concern which make the area unsuitable for development.

Of primary concern are the following points:

The road transport infrastructure in the area is already struggling. It will not cope with additional vehicles. Already, it can be difficult to navigate access to and through Oakhurst Rise due to the number of vehicles; additional cars will make this issue worse. Additionally, we don't have the public transport services we used to have, which in turn pushes people to have their own vehicles, which perpetuates the issues above.

There are numerous veteran and ancient trees, many of which are not protected. It would be abhorrent for these trees not to be protected and allowed to flourish. Cheltenham prides itself on its vibrant and rich diversity of trees. Cheltenham Council's own website states that they are 'committed to maintaining' the legacy trees across the town.

And this is before mentioning the wildlife - two types of deer, badgers, foxes, bats, tawny and barn owls, two type of woodpeckers, numerous rare birds, reptiles - who have made their homes in those fields and will be displaced, or worse, culled.

The area is already saturated, with schools, doctors and dentists over subscribed.

The claims for social and affordable housing claims are not credible.

The residents in this area have been under a ridiculous amount of stress due to the ongoing debacle of previous applications. This is our home locale. We just want to live here peacefully and stress-free. All we ask is that common sense is applied to protect one of Cheltenham's vibrant green spaces. If this development goes ahead, the lives of those in Ewens Farm and Oakhurst Rise will be adversely affected on a protracted basis.

And finally, there's the imminent flood risk. Run-off in the area is already heavy, with storm drains pushed to maximum on rainy days. The field floods and clogs already and I'm doing so protects the whole of the downstream area from flooding. Building on it will introduce flood and subsidence risk for hundreds of homes in the Oakhurst / Ewens Farm area.

Given the extensive investigations which went into the recent application before it was declined, I put my faith in my local council that protecting our environment and common sense will prevail over short-term commercial gain.

32 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 19th November 2018

I object to these plans for the following reasons:-

- As before the proposed development has access only from Oakhurst Rise. This was one of the reasons for rejecting the previous planning application. There are no other obvious or viable alternatives for access. The access road in Oakhurst Rise has blind bends and a steep gradient. The approach is narrow and with limited visibility. These roads are not gritted and are unsafe and unusable in icy conditions. The gradient suggests that few people would walk to local shops, so creating yet more local traffic.
- The local plan says a maximum of 26 homes should be built on this land.
- The traffic and transport plans are also not credible. They do not reflect actual use of surrounding roads. There would be greatly increased pressure of traffic throughout the Ewens farm estate and local access roads. These roads are already very busy especially during rush hour. The 20mph limit is rarely observed by motorists using it as a rat run from London Road/Hales Road and many cars are parked on the roadsides. The lives of those in Ewens Farm and Oakhurst Rise will be badly affected by vastly increased traffic and construction vehicles.
- Badgers, bats, reptiles and rare birds all lose an organic meadow habitat
- Veteran and ancient trees are not protected
- Springs and ponds are affected on a steep clay bank; currently this field protects the whole of the downstream area from flooding. Building on it will introduce flood and subsidence risk for 100s of homes
- Charlton Kings schools and doctors' surgeries are already over capacity
- This development would also mean the loss of a rich biodiverse site, green space and sports amenity to the community Charlton Kings.

Woodlands
Oakley Road
Cheltenham
Gloucestershire
GL52 6PA

Comments: 5th December 2018

Please take into account my previous listed objections to the proposed (now revised) development on Oakhurst Road.

As previously stated I object strongly to this new attempt to cover our precious green spaces in yet more housing particularly when Cheltenham's future housing needs have now been met until 2031.

To re-emphasise Mike objections to the current application I am particularly concerned for the following items all of which have stated in previous objections:

1. Severe traffic impact
2. An outline planning application is not acceptable under the current circumstances particularly when planners have asked for detailed plans. I believe this is a Trojan horse to exploit planning laws.
3. I'm told that 40% affordable housing claim is fake news as there are issues currently under consideration and concern for our local councillors concerning this issue.

4. Again I raise the issue of our built environment and the impact on drainage and added flood risk.
5. It is a well-known fact that our schools, doctors et cetera are hopelessly oversubscribed, additional housing would further exacerbate this problem.
6. I appeal to our planning committee to take real consideration of Richard Attenborough's appeal to the international summit on climate change earlier this week. Civilisation, particularly our decision-makers in planning and consents, have a very real responsibility to think very carefully about the impact of such planning applications on our natural environment.
7. I understand that dozens of single sentence emails sent from development companies far and wide have been received in support of this planning application. Such use of our modern media should not be permitted. I appeal to the planning committee to consider the voice of the local people who along with future generations will have to live with the decisions made by our current planning committee.

Please do not let this valuable greenfield site become covered in concrete.

Field House
Ashley Road
Cheltenham
Gloucestershire
GL52 6PH

Comments: 22nd November 2018
Letter attached.

14 Ewens Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JP

Comments: 18th November 2018

This isn't complicated (& is not connected with the welfare of trees or otherwise); there is simply not enough space to accommodate more traffic piling through what would be a huge bottleneck at the entrance of Oakhurst. It is narrow, steep, and is proposed as the only entry to the new development, not to mention the already busy Ewens/Beaufort Rd.

It won't work.

1 Beaufort Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JS

Comments: 20th November 2018

As a resident of Beaufort Road at the junction with Oakhurst Rise I continue to strongly object to outline application that has been submitted and the shoddy evidence that supports it.

This site provides a valuable green field amenity for many local activities which would be lost if the development were to go ahead including the annual fireworks event at St Edwards School, enjoyed by thousands of visitors. The outline application does not see meet the conditions

outlined in paragraph 93 of the National Planning Policy Framework that would allow building on existing open space, sports and recreational buildings and land, including playing fields.

Paragraph 170 of the NPPF confirms that the planning system should contribute to and enhance the natural and local environment generally including protecting and enhancing "valued landscapes" while paragraph 175 c states "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;". There appear to be no exceptional reasons for the loss of veteran trees on this site nor a suitable compensation/offsetting strategy.

Access available to the site is grossly inadequate to support the significant volume of road traffic that would be generated by so many houses in this location. Oakhurst Rise is accessed by a sharp bend from Beaufort Road with a gradient steep enough to be impassable when icy. This road will not be able to handle the extra few hundred car movements every day. While HGV traffic will also find access very difficult during construction causing further disturbance and inconvenience to local residents.

Beaufort Road and Ewens Road are used as rat runs for commuter traffic travelling from Hales Road to London Road. Despite traffic calming measures, a 20mph speed limit and on street parking, cars still travel at great speed on these roads. Adding further traffic to these roads with sensitive junctions will affect the safety of school children and dog walkers. A recent planning application for new houses to be built on brownfield site in 'Tim Fry' area was rejected, one of the main reasons for this was due to impact on the local traffic.

The proposed development makes no contribution to local services with local doctors and schools already over capacity.

9 Ewens Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JW

Comments: 29th November 2018

I wish to once again object to this revised planning application.

The situation regarding increased traffic volume and associated pollution will still exist if this development goes ahead. The local roads are already too busy with traffic speeding through attempting to avoid the London Road congestion.

Six ways doctors surgery is already oversubscribed, it's now almost impossible to book an appointment to see a doctor. This will only add to the load.

Another reason for objecting is the loss of yet more precious green space, adding to the pressure on wildlife, not to mention the associated flooding risk from concreting over green space such as this.

24 Castlefields Avenue
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YR

Comments: 20th November 2018

The proposed access route is inappropriate given that it is unsuitable for the volume of cars involved and very steep. The site is well used by the local community for both an annual bonfire celebration and regular cross country competitions by local and county schools, as well as being part of the regular lessons for St Edwards' pupils. Losing this amenity would therefore be a great loss. There will be an unacceptable detrimental impact on the local environment, including habitat loss for wild animals such as badgers, bats, foxes and an increased flood risk. Local infrastructure (schools, doctors surgeries, roads) will be put under unreasonable strain. I strongly object to these proposals.

8 Pine Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JR

Comments: 15th November 2018
Letter attached.

8 Pine Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JR

Comments: 18th November 2018

I would like to object to this planning application on the grounds of public safety. I've been a firefighter for 30 years, working for Gloucestershire Fire and Rescue Service. I've also lived in Pine close for the last 17 years. Every year when there is snow on the ground, I watch from my window, the vehicles that struggle to get up ewens road and onto beaufort road, in fact quite often they are unable to get up the road, so have to slowly reverse back down to the bottom or even abandon the vehicle. I can confirm on days like that it would be impossible to get a 17 ton fire appliance up the road. I do worry and hope that on days like this that we don't have an house fire in pine close or oakhurst road. So to build even more houses at the top of oakhurst road would only increase the risk of having a house fire and therefore risk to life.

5 The Gables
Cheltenham
Gloucestershire
GL52 6TR

Comments: 19th November 2018

As a former pupil of St Edward's Preparatory School and Secondary School I am in support of this application as the school are being gifted the land meaning they are able to raise funds to improve their overall facilities.

Furthermore the planning includes affordable housing which Cheltenham needs especially for the younger residents wishing to be home owners.

263A Old Bath Road
Cheltenham
Gloucestershire
GL53 9EF

Comments: 19th November 2018

Assists Cheltenham Borough Council to fill the shortfall they currently have in the provision of both "Affordable" and "Private" housing stock.

17 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 20th November 2018

I once again wish to object to the above planning application, as per the last application I stress that the access is simply not suitable or safe. Most evenings Oakhurst Rise has around 10-15 parked cars on it, this would be most chaotic if there were to be through traffic and inaccessible to bin lorries and emergency services. Earlier in the year during the snow only those with 4x4 vehicles could get their cars off the road, the residents of the proposed development would be similarly stranded and faced with a skating rink to get out. The documents suggest the location to be within walking/cycling distance of the town centre, I challenge anyone to go shopping in town and walk/cycle back with their purchases to the top of Oakhurst Rise! There are plenty of accessible sites around Cheltenham far more suited than this prominent Greenfield site.

Many thanks for your consideration

Sisson Road
Gloucester
GL2 0RA

Comments: 20th November 2018

People have to live somewhere! and especially Affordable housing is needed in this location. I have realised this personally from having to move from the area due to no affordable housing.

133 New Barn Lane
Cheltenham
Gloucestershire
GL52 3LQ

Comments: 20th November 2018

This is one of the few remaining sites left within Cheltenham. The minimum benefit it currently offers is hugely outweighed to what it gives in terms of much needed housing - affordable homes for younger people together with 41 new homes desperately needed in Cheltenham. The site is perfectly sustainable, the scheme is very sympathetic and if housing doesn't go here we will just see the town continue to expand outwards. This scheme should be supported.

Nutfield Ridge
Stanley Road
Cheltenham
Gloucestershire
GL52 6PE

Comments: 20th November 2018

An amazing proposition for St Edwards. I fully support the application as it will secure the school's longevity at zero cost. The proposed development will provide a significant number of much needed affordable homes for younger people. Greater certainty over the retention and preservation of this attractive parkland area within Charlton Kings.

Ash Tree House
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 26th November 2018

I wish to strongly object to this 'new' planning application. This application is merely a minor amendment to the previous application - 17/00710/OUT, which was comprehensively rejected by CBC. None of the reasons for refusal contained within CBCs own decision letter, have been adequately addressed by the latest application so this application should also be rejected. This application also directly contravenes the provisions contained within the Local Housing Development Plan for Cheltenham, approved by CBC within the last few months.

In my opinion, the scale of the planned development with 69 dwellings remains completely inappropriate for this site and very much out of character with the local area. Access to the proposed site is restrictive, with a very steep aspect to the approach and narrow roads that are in no way suitable. Therefore, with regards to the above concerns and my comments submitted against the previous application - 17/00710/OUT, it is respectfully requested that planning permission for the above development be refused.

36 Suffolk Parade
Cheltenham
Gloucestershire
GL50 2AD

Comments: 17th November 2018

I have lived in Cheltenham for over 50 years and have seen the ability of the young people of this fine town struggle to rent and buy their own home become for and more of a struggle.

This application will provide many the opportunity to get on the property ladder in the rented and part ownership sector.

Cheltenham also has a shortfall in its housing land supply that this application will go some way to relieving that situation.

St Edwards school will benefit from the gifting of the freehold of the school and buildings to them that will secure the long term benefit of its pupils. I ask all Cheltonians to support this application.

40 Pilley Lane
Cheltenham
Gloucestershire
GL53 9ER

Comments: 20th November 2018

I see no reason for this to be rejected as my children have had to move away due to lack of affordable housing in the area.

Flat 4
Cameron House
Glencairn Park Road Cheltenham
Gloucestershire
GL50 2ND

Comments: 19th November 2018

I firmly object to the latest planning application for a housing development situated off Oakhurst Rise.

ACCESS

During the last planning application process, serious concerns were raised regarding the plans to use Oakhurst Rise as an access point for the new site - nothing has been done to address this issue.

As discussed heavily during the initial plan, the gradient of Oakhurst Rise makes it an incredibly difficult road to navigate with the situation as is. When entering the road by making a left, it is difficult to catch sight of any on-coming traffic. More often than not, visitors turning in too quickly fail to spot another car leaving the road. I have witnessed on many occasions fast-breaking and near misses. Add the many winding, narrow roads into the equation which surround the Ewen's farm area and you are asking for trouble - especially when tripling the number of vehicles that pass through these hazardous roads.

Residents often park along the junction leading to Oakhurst Rise which restricts access further. Again, this leads to several near-miss incidents as drivers turn into the road without awareness of the issues. During the winter, access is often impossible for residents and visitors alike. When visiting my parents in icy conditions, I am often forced to park at the bottom of the road so as not to put myself or others at risk.

Luckily, many of the existing residents of Oakhurst Rise are retired and may not require constant use of their cars - however, a major development like the one suggested - tripling the number of vehicles - would no doubt give rise to accidents along what can be a very treacherous road.

Clearly, Oakhurst Rise is an unsuitable access point and many residents are finding the persistence of the developers incredibly upsetting. The lives of those living in the Ewen's Farm area and Oakhurst Rise would be negatively affected should the development go ahead.

HABITAT AND OVER-SUBSCRIPTION

It is hard to ignore the huge environmental damage this development would undoubtedly result in.

Notably, 5 out of a possible 7 NERC Priority Species of bats were found on site. This is an area of outstanding beauty, where badgers, reptiles, rare birds and ancient trees can be found. Even deer can be found roaming around the area - something that the councillors can attest to as they were lucky enough to make a sighting on their last visit!

Acting humanely and destroying this wild habitat cannot run in tandem here.

Finally, Charlton Kings schools and doctor surgeries are already over-subscribed. It cannot be a responsible move to further increase the population of this neighbourhood. The additional housing is simply not required and neither the site nor the road can handle the proposed development.

Willoughby
1 Suffolk Square
Cheltenham
Gloucestershire
GL50 2DR

Comments: 11th December 2018

This development should proceed on the pure basis that it achieves so much in securing the Schools longevity and sustainability, along with much needed housing numbers including affordable homes for the younger generation desperately needed in the Cheltenham area. It also protects the surrounding wildlife habitat. This is surely a win win situation for all concerned and should be approved accordingly...

Flat 5
Cameron House
Glencairn Park Road Cheltenham
Gloucestershire
GL50 2ND

Comments: 19th November 2018

I wish to oppose the updated planning application for a housing development situated off Oakhurst Rise.

ACCESS

My primary objection is that the road network of the Ewans Farm estate are extremely narrow and winding. I've been stuck in traffic on many occasions due to the nature of the roads - with lots of cars parked on the road, it hazardous for road users during peak times.

The situation is worse during the winter months, parking is really risky when the roads are icy - the steep gradient and high number of cars keen I've seen a significant number of crashes between cars parking/leaving. I imagine it's even worse for the significant number of elderly residence that live in the area.

If this planning application is approved, it would make it extremely difficult for residents to use their cars/driveways in the winter. I imagine that over time, this could lead to a large number of accidents/insurance claims, pushing the cost of car insurance up for local residents.

HABITAT

I do also share the concerns raised regarding the permanent loss to the environment this development will cause. The important green space is much used by dog walkers and local children. I'm told that it is also a very ecologically diverse area, home to rare species of bats, birds and badgers. I find the destruction of defenseless animals habitats very upsetting.

SOCIAL HOUSING

I don't think that the allocation of affordable housing is creditable. I think the developers have shown a great deal of cynicism in the split between properties that could be affordable to low/middle income families, compared to executive homes that will only be in budget for the elite.

1 Prinbox Works
Saddlers Lane
Tivoli Walk
Cheltenham
Gloucestershire
GL50 2UX

Comments: 20th November 2018

As a former Trustee of the School I write in support of the application which secures the long term future with provision of the freehold of the site.

Brereton House
Stow Road
Andoversford, Cheltenham
GL54 4JN

Comments: 20th November 2018

As a former pupil of the school, this is a hugely beneficial application to support. It gives them their future. The added bonus is the housing which will also help the local Sixways area.

2 Imperial Square
Cheltenham
Gloucestershire
GL50 1QB

Comments: 20th November 2018

I would like to support this application. Cheltenham is in need of more affordable homes and this application provides a further 28 such houses. The development also generates employment opportunities for the town. The development site is within the town boundary and is suitable for development.

216 Leckhampton Road
Cheltenham
Gloucestershire
GL53 0AW

Comments: 21st November 2018

A long term habitat for the wildlife, trees, flora and fauna within the development itself but most importantly within the 30 acres of "Parkland" transferred to the School.

Southern Lawn
Ashley Road
Cheltenham
Gloucestershire
GL52 6NU

Comments: 7th December 2018

I travel to work very often going through the Ewens Farm Estate most mornings and evenings, via the Battledown Trading Estate. The traffic along the route that goes along King Alfred Way, Churchill Drive, Ewens Road, Beaufort Road and Charlton Court Road is already very congested, and can be dangerous with aggressive drivers trying to get through small gaps. The restricted

road access system and speed bumps, with traffic speeds already restricted to 20 mph, is already overcrowded at peak times.

Many house owners also park their vehicles on these roads on both sides, making driving along these roads very fraught when one has to weave in and out all the time. Battledown Trading Estate is already overcrowded with many workers' vehicles parked along both sides of the roads named above. Many are 'illegally' parked all day in the small playground car park at the far North Eastern end of Haywards Road, which means that vehicles taking small children to the Queen Elizabeth II Playground cannot park in the reserved area as intended, and have to park elsewhere causing more obstructions to be navigated. The fact that children are now having to get in and out of cars on these very busy roads simply to go to the park, will present a serious danger, again making driving very difficult, especially with the many vans and small lorries that take short cuts using this route.

The volume of houses proposed and the associated number of vehicles that will be making school runs as well, will cause unacceptable jams.

Air pollution will also dramatically increase as a result of the many vehicle stop / starts that will ensue.

Flat 4
35 St Georges Road
Cheltenham
Gloucestershire
GL50 3DU

Comments: 21st January 2019
Letter attached.

40 Pilley Lane
Cheltenham
Gloucestershire
GL53 9ER

Comments: 20th November 2018
I don't see why this application doesn't go through. Young people like me need to get a foot on the property ladder especially in Charlton Kings.

Comments: 4th December 2018
I fail to understand the objection from Outwards, Ashley Road referring to the point there is supposedly enough affordable housing until 2031. There is currently over 2500 people in Cheltenham on the list waiting for affordable housing. One of those waiting is myself.

14 Henry Crescent
Walton Cardiff
Tewkesbury
GL20 7TN

Comments: 20th November 2018
There is a real need for affordable housing in the local area to allow younger people to get a foot on the property ladder. There is a real shortage of affordable housing in the local area and this development will provide a significant amount of this much needed affordable housing.

Sunnyhill
Stanley Road
Cheltenham
Gloucestershire
GL52 6QD

Comments: 20th November 2018

I would like to support this application as it will help solve the problem Cheltenham faces regarding the lack of housing in the Charlton Kings area.

19 Glenfall Street
Cheltenham
Gloucestershire
GL52 2JA

Comments: 20th November 2018

Cheltenham has a greater need for more affordable housing for people like myself who are currently forced to rent and would like to be in the position whereby they can own a property within the area. This development would encourage younger people, people with families and single professionals, those in employment and seeking employment to be on the property ladder. The development in turn would increase employment within the area and encourage footfall for local businesses.

The development will provide protection to the badgers, preservation of the parkland and surrounding areas which is essential in benefitting the local area, community and sustaining the environment.

29 Galileo Gardens
Cheltenham
Gloucestershire
GL51 0GA

Comments: 19th November 2018

As a Cheltenham resident I would like to express my opposition to planning application 18/02171/OUT, for the following reasons:

- veteran and ancient trees are not protected
- heritage assets are harmed
- traffic and transport plans are not credible
- the lives of those in Ewens Farm and Oakhurst Rise will be badly affected
- the "social / affordable" housing claims are not credible
- Charlton Kings schools and doctors surgeries are already over capacity
- Gloucestershire loses a cross country course that has been used by primary school children since 1957
- badgers, bats, reptiles and rare birds all lose an organic meadow habitat
- springs and ponds are affected on a steep clay bank; currently this field protects the whole of the downstream area from flooding. Building on it will introduce flood and subsidence risk for 100s of homes (just ask those below the Oakley build what that looks like!!)

5 The Gables
Cheltenham
Gloucestershire
GL52 6TR

Comments: 19th November 2018

I fully support this development for several reasons:

As a former parent at St Edward's Prep and Senior Schools, I appreciate the incredible gift to the Prep School of the Freehold. This will free up school funds that can be used, amongst other things, to improve sporting facilities not just for St Edward's School but also for other local schools.

This development will provide desperately needed new homes in the area, to include 28 urgently needed affordable homes.

There are many small businesses in Charlton Kings and these businesses would benefit hugely from increased footfall.

Not only will all, bar one, of the veteran trees on the land remain, a further 170 will be provided.

I wholeheartedly believe that this development will benefit the whole area of Charlton Kings

12 Malleson Road
Gotherington
Cheltenham
Gloucestershire
GL52 4ER

Comments: 20th November 2018

I have been looking for property in the Charlton Kings area and having moved away from the area some 10 years ago I am surprised by the lack of availability and the high prices in the area. Surely some good quality new homes will only benefit the area and with the provision of some form of affordable homes this can only go to benefit the area as a whole. I would love to move in to a house in this area

65 Malleson Road, Gotherington
Cheltenham
GL52 9EX

Comments: 20th November 2018

I support this application. Firstly an area of 30 acres of parkland will remain therefore still allowing wildlife to flourish, not something that many developers do. More importantly though it provides 28 affordable homes. Being a mother of 2 young adults soon hoping to look at joining the housing ladder this may give them a chance to buy in their home town !!

Flat 3
67 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JG

Comments: 19th November 2018

I strongly object to this proposal mainly on the basis of significant increase in traffic in the area. Apart from using the A40 frequently, that area is on the traffic news on a daily basis. In addition to that, green spaces are very important for the eco-health of any area and in the Cheltenham area they are disappearing at a frightening speed.

Spinnaker House
Spinnaker Road
Gloucestershire
GL2 5FD

Comments: 20th November 2018

The scheme offer a balanced mix of housing on land that appears suitable for development and complies with policy which will assist the local community and Cheltenham in general.

The application should be considered, supported and permitted for those that work and need homes in the area that are the silent majority and not refused based on the views of the NIMBY (Not In My Back Yard) objectors.

153 Prestbury Road
Cheltenham
GL522du

Comments: 20th November 2018

It would be great to have the opportunity to get a foot on the ladder of such a desirable area to be nearer to my family, therefore, I believe that it should be approved.

31 Charlton Close
Cheltenham
Gloucestershire
GL53 8DH

Comments: 21st November 2018

I am writing to object to the above planning application for the following reasons:

- veteran and ancient trees are not protected and badgers, bats, reptiles, birds and other animals will lose valuable habitat
- traffic and transport will be significantly affected by the increase in cars accessing the site
- schools and doctors surgeries in Charlton Kings are already over subscribed
- Gloucestershire children lose a long established cross country course
- the local plan says a maximum of 26 homes should be built on this land. A 69 house estate is being proposed.

I have been unable to submit my objection via the online planning portal. Please do not make my name or email address public.

The Villa
Great Witcombe
GL3 4TS

Comments: 21st November 2018

Against the proposal

I strongly object to this proposal. I regularly visit Battledown and find the access to the area extremely difficult due to the current weight of traffic. I understand this application has been previously refused - not so long ago - and I wonder what has changed for it to be re-submitted. The amount of new building occurring in Cheltenham and the surrounding areas - particularly with the major access roads to the town is very concerning. The disappearance of remaining green recreational areas in built up areas is also a detriment to Cheltenham.

Pelham Lodge
Back Lane
Malvern
WR14 2HJ

Comments: 21st November 2018

I strongly support this application. Cheltenham desperately needs more 'mid-range' and affordable dwellings, not to mention further employment opportunities within the town itself.

22 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 21st November 2018

I am trying to submit a comment on the proposal by today's deadline. Your website is not responding. I will continue to attempt to access your website, but in case it is still not working by the time the deadline for submission passes, am copying my comments here, below:

It is utterly incomprehensible that it should be thought acceptable to foist this ill-thought out development on the local residents and unique environment in Battledown / Charlton Kings. There is already a serious problem with flooding, experienced in the last two years by residents of Charlton Court Road. This has not suitably addressed in the revised proposals. The facts need to be believed and dealt with appropriately, not swept aside because they are uncomfortable. Nobody has contacted residents of the road to enquire as to this, in spite of the reported problems. How then can an informed decision be taken, without having ascertained the facts from the people who already live there? Has it been taken on board that elderly residents have had to turn out in storms to dig trenches so as to avert flood waters pouring down St. Edward's field and in to Charlton Court Road? Development of land above this would only exacerbate this problem.

The noise and disturbance from this developed to both the natural environment and local residents would be such that the neighbourhood would be radically changed. The amount of increased traffic is unsuitable for the roads (Oakhurst Rise, Charlton Court Road, Ewens Road). The reduction of proposed dwellings from 90 to 69 appears to me to make no real difference to the problem of too much traffic and impact on the environment.

The visual impact would be a serious degradation of what is now a semi-rural environment. This inappropriate development would radically change the quality of the day-to-day lives of local residents, changing a quiet neighbourhood into busy thoroughfares.

It is laughable to suggest that the development will enhance the lives of the children at St. Edward's School. It will detract from what is now a beautiful, healthy and safe environment, changing the landscape irrevocably for the worse.

The initial proposal was rejected on the grounds of the lack of suitable access. This basic fact is still the case. Such a large development would put pressure on local doctors and schools. At

heart this is a proposal to make money for a few individuals, with no regard as to the impact on the environment or to the residents of Charlton Kings.

163 London Road
Cheltenham
Gloucestershire
GL52 6HN

Comments: 20th November 2018

As a Parent of two former pupils at St Edward's I totally support the scheme for the benefits it brings to the school, namely, the very generous gift of the freehold to the school (taking them away from the existing lease), which will greatly enhance the school and protect it's environment forever more.

According to the current government more houses no matter what are essential. Less NIMBY

1 Oakhurst Rise
Cheltenham
Gloucestershire
GL52 6JU

Comments: 18th November 2018

I strongly object to the application for a number of different reasons:

- 1) Extremely unsuitable access area and increased traffic which is not sustainable for the small roads, ageing and family populations: the roads surrounding Ewens Farm and Oakhurst Rise are already over-crowded and dangerous, especially the ascent up Oakhurst Rise off the one-way system, which is a blind corner, hence the 20mph speed limit. A higher volume of traffic through this area is not suitable or safe especially for the high number of cyclists and children who use the route to get to the local schools, which are all full at present, not to mention doctor's surgeries and lack of parking.
- 2) The effects to the environment. The area proposed for development is a large field which homes lots of wildlife including newts, bats and badgers and also contains protected trees. Pollution levels will also impact massively on surrounding populations, which include elderly people.
- 3) The documents supplied by the developers, I am given to understand, are more than a little un-factual: i.e. there are errors and manipulative inaccuracies among the papers supplied. I would urge the council to investigate all of these, at the cost of the developers, and maybe get an independent view on these.
- 4) The increased flood risk. Local residents were affected by the local flooding in 2007 and 2017. The field holds a huge quantity of water when there is heavy rain and helps reduce this risk. Any housing development would need to take into account the environmental risks, and combat flooding risks, which would mean less profit for the developer and may render the project fruitless for them.

This is not the place to build. Cheltenham needs no more traffic, flooding risks, expensive homes in unsuitable areas, and we need to leave the precious little green space we have alone. This town attracts people because of its natural beauty. Let's leave this how it is. This proposal is nothing more than a money making scheme, which will have no positive impact on anything or anyone.

26 Bracken Way
Malvern
WR14 1JH

Comments: 16th November 2018

The proposed scheme will provide 28 critically needed affordable homes and 41 new homes desperately required in Cheltenham.

Enabling residential development will also mean the school is gifted the freehold, instead of continuing via an insecure leasehold arrangement. This will ensure the school's longevity and sustainability.

Greenacres
Madresfield Road
Malvern
WR13 5AS

Comments: 20th November 2018

Im looking to move to Cheltenham, this is a development and area I would like to live in

77 Denman Avenue
Cheltenham
Gloucestershire
GL50 4GF

Comments: 20th November 2018

There is already a major lack of affordable housing, as myself and my family have had to move away from the area, so know this only too well. This project gets my full support

Ash Tree House
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 23rd November 2018

I strongly object to this proposal for all the same reasons that the CBC Planning Committee cited for it's refusal of the previous application on this site, namely 17/00710/OUT, which was only recently rejected by CBC in July 2018.

This application is merely a minor amendment to the previous application by the developers which was comprehensively rejected by CBC. From CBCs own refusal decision letter, five key reasons were recorded. None of these reasons have been adequately addressed by the latest application so this application should also be rejected.

15 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HJ

Comments: 20th November 2018

We wish to support this development which will assist in securing the long term future of St Edwards school where we are considering sending our children.

45 Eldon Road
Cheltenham
Gloucestershire
GL52 6TX

Comments: 20th November 2018

This is an excellent site for much needed affordable dwellings, the development of this site is long overdue and will give young families the opportunity to purchase homes which would give access to good schools and amenities. To leave this site as a toilet for people's dogs and undeveloped would be a tragedy when homes are so desperately needed by so many.

7 Bath Mews
Bath Parade
Cheltenham
Gloucestershire
GL53 7HL

Comments: 20th November 2018

My belief is that this application should be permitted for the following reasons:-

1. It helps to address the identified shortfall in social and open market housing within Cheltenham.
2. It offers the school an opportunity to expand and improve its facilities, to the benefit of its pupils, pupils elsewhere in the town, and the local community.
3. By enhancing the assets of the school, it helps to sustain the school's offer and hence its contribution to the town in general.

Smith Barn
Bentham Lane
Cheltenham
GL51 4TZ

Comments: 20th November 2018

Much needed housing, looks like a great development. somewhere I would like to live.

15 Castle Street
Worcester
WR1 3AD

Comments: 20th November 2018

Perfect area for a good affordable development

77 Denman Avenue
Cheltenham
Gloucestershire
GL50 4GF

Comments: 20th November 2018

I have wanted to relocate my family into this area for a number of years now and have found the housing market to be slow and stagnant. I appreciate that people currently living in the area do

not want to move away but a project like this will give me the opportunity to purchase a house here and take advantage of the local area and excellent schools available to my young children. I whole heartedly support the application.

1A Pine Close
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JR

Comments: 28th November 2018

I wish to object strongly to this application and am surprised and dismayed that another application has been made so soon after the previous one was rejected.

I can only re-iterate the common-sense points that other objectors have raised. Particularly the impact to traffic around that area, which is already unmanageable, and the impact to the schools and GP places. Sixways surgery is already significantly over-burdened.

The affects on the local environment, including increased risk of flooding and the effect on wildlife must also be taken into account.

I can only hope that developers eventually tire of hearing the same opposition to the same planning request!

11 Wimborne Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3QP

Comments: 20th November 2018

I support this application as it provides 28 affordable houses, which are needed in this area of Cheltenham for young people.

This also secures 30acres of parkland transferred to the school.

84 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0PD

Comments: 20th November 2018

1. As an Arborist I strongly support the retention and protection of Veteran Trees and with the additional 170+ planting of new trees, this gains my support.
2. With securing the School's ability to carry out improvements, this will not only benefit the School but the local community, and that can only be a positive in my eyes.
3. I am also pleased to see consideration taken for the Badgers, providing a location which can ensure their future and further generations in a safe haven.
4. Finally I welcome the much needed affordable and private housing in this area, to satisfy the ever increasing demand.

75 Drayton Gardens
London
SW10 9QZ

Comments: 20th November 2018

Finally a development in an area that is affordable. More are needed like this in Cheltenham

111 St Georges Road
Cheltenham
Gloucestershire
GL50 3ED

Comments: 20th November 2018

looking through this application I feel this proposal has reached all planning criteria and in fact seems to have a surprisingly small amount of housing for the size of the plot. Chalton kings is crying out for more housing in general!

33 Hales Road
Cheltenham
Gloucestershire
GL52 6SL

Comments: 4th December 2018

The increased risk of flash flooding is of concern to those living in the neighbourhood. The proposals to deal with surface water are inadequate and the issue has not been addressed.

The access to the site is a major objection and has not been addressed. Submission of only an "outline" plan for a development of this scale and profitability is unsatisfactory and suggests contempt for the planning process.

Building more affordable homes would be a good objective, but when the council have turned down other local schemes to build on brownfield, it would be wrong to progress a scheme that concretes over fields and is so loose than any 'affordability' gestures can quickly be erased by the developer.

5E Deer Park Business Centre
Eckington
Persore
Worcestershire
WR10 3DN

Comments: 30th January 2019

Comments attached.

31 Churchill Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JN

Comments: 29th November 2018

Page 202

The proposed new houses would cause huge disruption in the area for residents; local roads are already often dangerous due to the estate being used as a rat run to and from the London road. This is a heavily residential area and cannot support further development.

This meadowland is a small but important habitat to all kinds of wildlife, the land and trees provide/ support drainage that if disturbed will increase flood risk in the area. Site traffic would be a nightmare for local residents first and foremost but also for traffic that use the roads as access in and out of Cheltenham. The already heavy traffic at Sixways will be impacted, a main artery in and out of Cheltenham.

23 Beaufort Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JS

Comments: 7th December 2018

This is a follow up to my original objection. I stand by all my original comments. The reduction in the number of houses has no bearing. The road infrastructure has not changed to facilitate such a development. Main roads from this proposal would mean entering London Road and Hales Road. Both these roads are already extensively used and frequently grid locked at peak times. Currently it is extremely difficult driving from Ewens Farm Estate into town at the Holy Apostles lights as the road can be tailed back from Hales Road. Oakhurst Rise is totally unsuitable as an access road due to the steep incline and parked vehicles at the junction with Beaufort Road. The latter is a two way road and with on-road parking can make it congested and difficult to leave one's driveway. Vehicles currently use Ewens Road and Beaufort Road as a rat run especially during school days. Vehicles including buses already treat the road as a race track. I believe it is officially a 20mph zone but traffic generally exceeds 30mph.

I note that supporters of the scheme live nowhere near the proposed development so have no comprehension of the issues.

Therefore I respectfully request that this be refused and not even consider any development until a road infrastructure is built which I consider most unlikely.

2 Ewens Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JP

Comments: 1st December 2018

All the previous reasons for objecting to the 'revised' planning application still stand. The amount of traffic coming through the Ewens Farm estate has not reduced since the last application, and the increase in traffic the proposed development will cause is unsustainable, not only to the estate but also further on into Sixways and the London Road and beyond.

Oakhurst Rise is a cul de sac and access into and out of it is therefore from one end of the road only, on a fairly sharp bend in the road it joins and up into a steep hill, which is often treacherous and impassable in winter and could not possibly sustain the inevitable further traffic that the development would bring, considering there is no provision in the plans for further access from any of the surrounding roads.

The risk of flooding to the homes in Oakhurst Rise has not been addressed, this is a real cause for concern for not only the residents in Oakhurst Rise but also further into the estate. There are

Page 203

already some areas which are almost impassable by car when there is heavy rain, as the drains cannot cope. This would obviously get worse with the run off from the area above Oakhurst Rise that would inevitably be caused by the development. At the moment the area above Oakhurst Rise is like a natural sponge, preventing run off and limiting the amount of water which the drains have to cope with, this would be lost and environmentally would be a disaster.

Furthermore the infrastructure of the surrounding area could not sustain the proposed development since the doctors' surgery and local schools are already oversubscribed.

29 Haywards Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6RQ

Comments: 12th January 2019

We object to this development as currently proposed on this site.

It does not satisfactorily address transport and support services (i.e. schools and GPs) considerations for either the new or existing residents. We are also concerned about drainage - this area is renown for flooding (or at best a long drainage time after heavy rains) and we cannot see anything in this proposal that adequately addresses the increase in this risk that this development will create.

Town planning / new homes development has got to start to build sustainable homes and services that function for the residents over the longer term, not squashing too many new homes into small parcels of land that they are not suitable for.

SF Planning Ltd
12 Royal Crescent
Cheltenham
GL50 3DA

Comments: 12th January 2019

Letter from agent attached.


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Sent Via Email

20 November 2018

Miss Michelle Payne
Department of Planning
Cheltenham Borough Council
Municipal Offices
GL50 1PP

*"Coversdown"
Birchley Road,
Cheltenham,
GL52 6NY*



Dear Miss Payne,

Ref 18/02171/OUT

As a resident of Battledown my house, Coversdown, joins the northern boundary of the proposed development. I strongly object to this application. Not only is it in breach of national and local planning policy, which should be promoting healthy communities, it would mean the loss of valued open space which is used as a recreational area. It is of great value to those who live in this community. It threatens an area of beautiful green space.

The current plan also ignores the National Planning Policy Framework (NPPF) plan that is currently going before parliament. This plan quiet clearly identifies the land in this application, for a maximum development of 25 Houses.

Furthermore, I do not see any evidence that the reason the previous Outline plan 17/00710/OUT, which the Council turned down in August 2017, have been addressed. In the council's letter dated 16th August 2017, 5 reasons were listed and a mention was made of the NPPF. None of these reasons have been adequately addressed so this application should also be rejected.

In point of fact, I fail to see how this has been accepted as new application, as even the applicant is using the same supporting documents as they did for the previous plan that was turned down. I therefore believe that as the applicant is the same company as the previously rejected plan and they have used a number of the same original documents, that all the objections for 17/00710/OUT should still be considered by the planning committee.

Once again, the current application is riddled with inaccuracies, even down to the "Tree assessment and inspection survey for bat roost potential" using the incorrect layout in Plan 3 - Proposed Mitigation!! (Plan 3 is of the previously rejected layout! The references to the TPO trees in the various reports do not correlate with the Tree Preservation order Ref MHP 16087! TPO Tree T13 is actually an ancient oak yet in Arboriculture report done by Flac, the map on page 18 it is listed as an Ash Tree!

Perhaps this has been done deliberately to confuse CBC??

How can CBC and the surrounding residents rely on any of the supporting documentation as submitted by the applicant. The application should be rejected out of hand simply on the numerous inaccuracies.

My list of objections to the current Plan are as below:

1. Charlton Kings Parish Plan published April 2017

This plan was published by the parish council to provide guidance for the next 5 - 10 years. It was produced by a public questionnaire and parish meetings. Page 8 states "a clear consensus emerged that development on open land and green spaces should not be allowed.". Page 9 states "There was preference to avoid building on 'green' sites of any description, favouring future development on brownfield/waste or infill land;"

Therefore this development is contrary to the conclusions drawn by the Parish Council and the residents of Charlton Kings.

2. Right to Privacy

The conclusions of the developers report state that following the process of consultation, the application has been changed in a number of "significant ways". I strongly dispute this statement. At best, there has been some minor changes, but fundamentally the proposed development still has

- 69 houses
- only one inadequate transport access point,
- is still destroying natural habitat
- still gives significant flood risk
- still built on a steeply sloping site of clay
- still highly visible from offsite locations and
- still destroying an environment used by the St Edwards school for environmental and sporting activities.

The report states that the density of the houses was reduced on the boundaries that border Battledown. This is certainly not the case with the northern border of the proposed development. The plan shows double storey and 2½ story houses right on our boundary. In addition, the 2½ storey houses/flats will be on a higher elevation than our house and will therefore look directly down into 4 of our bedrooms, let alone our drawing room and conservatory. This is a gross infringement on rights to privacy.

The Landscape and Visual Aspect Report, makes general mention of the impact the development will have on residents of Birchley Road, though it specifically

avoids any mention of the most impacted properties such as Coversdown, Meadow View and Charlton Manor. This is a major oversight in the analysis, creating a clearly biased document.

In addition, as these houses are directly south of our house they will most definitely block light and direct sunlight into our property. In winter, we would not see any sunlight whatsoever.

We purchased in Battledown specifically because of its privacy and quietness. This proposed development will totally undermine our right to privacy and quiet enjoyment.

3. TPO Trees and Hedgerows

On our boundary with the proposed development, there is are magnificent specimen of an oak tree (T17 & T18), which I have been led to be believe is over 350 years old. There are also a number of other mature trees. Up until 2 years ago the St Edwards school ensured that T13 was well maintained and dead branches were removed by their tree surgeon. This practice has meant that this tree has flourished and is in excellent condition. It is quite noticeable that since the applicant has lodged for planning that the maintenance of these trees have been neglected. The regular maintenance of such magnificent trees is a necessity for the wellbeing of the tree. In addition, as the tree is south west of our house and the prevailing winds and storms would otherwise place our house at direct risk during storms.

Who is going to be responsible for the well-being of this tree and thus ensure our house remains out of danger should this development take place? The developers have already shown scant regard for us neighbours in that they accessed the currently site illegally over our properties. They also showed no regard to the TPO tree and hedgerow they removed. To date we are not aware whether this breach of the law has led to prosecution.

Secondly, I believe that the proposed houses would be built far too close to the root system of these magnificent trees. The consequences of this would most likely lead to the trees' demise. This would then place the foundations of our house and our neighbour in 29 Oakhurst Rise in danger to subsidence and cracking. In addition, any houses built within its vicinity would also be subject to these issues.

The developer already plans to destroy several protected trees including ancient old oaks. The developer also plans to destroy 2 ancient protected hedgerows (seen on a map from 1825) that are BAP priority habitat and protected by law. The site has a large number of veteran trees. These need aging as some may be ancient. Many of these trees should be protected and there have been frequent

requests that this is done as a matter of urgency. I believe that developer acted against the guidelines of the 1997 legislation on hedgerows when a large section close to my house was destroyed without the correct permission in the spring.

I feel that the developers survey into the biodiversity of the site is highly inaccurate and should be discarded and not relied upon. As our house overlooks part of the field we witness all the various wildlife that many other residents have already listed. Our CCTV cameras also regularly record the presence of all this wonderful wild life.

Cheltenham Planning Policy GE 2; Private Green Space states "The development of private green areas, open spaces and gardens which make a significant townscape and environmental contribution to the town will not be permitted." So, does the proposed development site meet the requirements of significant townscape and environmental contribution? It clearly has a unique environmental impact with a wide range of flora and fauna, it is kept in semi-wild condition, with once per year grass cutting and occasional tree surgery. It is a unique site that it is surrounded by buildings on all 4 sides, it is visible from the AONB areas. It is a wonderful undeveloped area and forms part of the critical green space that goes to form Cheltenham. As such I contend that any normal person would agree the proposed development site does not meet these criteria - hence the application should be immediately rejected.

This new plan STILL does not address any on my previous objections and hence all my previous objections still stand. In particular as pertains to the houses on the North boundary that are in proximity of T13 & T18. (Note: I am using the TPO Order 96 Ref MHP 16087 as the tree references, as the applicant regularly has used the wrong references for identifying these trees.)

I have a copy of a report by Barton Hyett Arboricultural Consultants (BH), in response to the original Arboriculture report of the developer's consultants (TKC). The documents presented by TKC with regard to the TPO's and RPA's are based on guidance of BS5837 (4.6.1) whereby the maximum of 15m radius from the tree stem is being used. **In fact**, the Natural England and the Forestry Commission published in January 2018 that recommends that "for veteran trees a buffer zone of at least 15 times larger than the stem diameter or 5m beyond the crown edge if that is greater" should be used.

In addition, the council's own **Tree Officer stated on 8 Mar 2018**

"Veteran trees have not been classified as per BS5837 (2012) recommendation where veteran trees should have an automatic A3 classification. Similarly, the Root Protection Areas do not conform to the Woodland Trust and Ancient Tree Forum recommended areas equivalent to an area described as a circle of 15 (as opposed to 12 in BS5837 (2012)) times the diameter of a tree or 5 metres from

the edge of the canopy. Indeed, such recommendation of no hard surfacing within BS 5837 (2012) para 7.4 recommends that no construction occurs within an RPA."



Drawing showing the inaccuracies of the FLAC report

This has a significant impact on the developments in the proximity of T13 & T18 to mention just a few. Even the new report by Flac has errors in it!

Using the diameter of "T13" in the report as 1505mm (Which I believe is incorrect and should be closer to 1700mm), then the RPA from the T13, that should be excluded from development, should be a radius of 22,5m and NOT 15m as per the Table. Flac also lists T13 as 22m high. This is also quite clearly inaccurate.

Even based on their own drawings of the layout as submitted by the Everitt Architects, Property 66-68 falls within this "incorrect excluded area" of the radius of 15m of the Oak Tree let alone of the correct radius of 22,5m. When the correct diameter figure is applied of 1760mm diameter, this exclusion radius should be increased to 26,4m and hence the whole of this property contravenes the RPA regulations.

In addition to the above, we object strongly to the fact that Flac recommend that a number of the "Veteran Trees" have been demarcated to have their crowns reduced in size by 5m in height and diameter – is this to allow the tree to conform with the development. These trees are hundreds of years old and should not be subject to the risk of being endangered in the name of housing. It is the housing that is encroaching on the trees, not the other way around.

4. Density

According to the Battledown Estate site <http://www.battledown.co.uk/covenant.asp>, in the Deed of Covenants and Regulations, number 5 states "No person is to build on the Original Lots of Estate land more houses than in proportion of one house to each half acre of land". Battledown Estate is adjacent to the proposed site on its North and East Boundaries where the density of the site is +-20 units per hectare which equates to +-4 units per half acre of land. This is considerably more than the allowed adjacent density of 1 unit per half acre of land. As such we believe that the proposed development is not in keeping with the developments that surround the site to the North and East.

5. Increase Flood risk.

Historically there have always been significant issues with surface run off and groundwater flooding around the site. I believe a full and proper impact study needs to be done investigating the impact of the scheme on the River Chelt through Cox's Meadow onto Bath Road and Neptune's fountain. Some proper flood modelling is called for. Even with all the modelling done for the Cox's meadow flood barrier, the first time this barrier was put to the test, it failed, with large scale flooding of properties down-stream from the barrier.

I am not at all satisfied that routing all foul and rain water under Charlton Court Road will be an adequate solution at all. The ageing lower sections of the sewage system are already vulnerable to blockages and collapses according to a helpful local expert on drainage.

The consultant does not seem to recognise that there is any existing flood risk, I believe residents will tell a different story from their personal experiences.

In addition, the flood zone map created 26 March 2008 shows on page 4 a preponderance of incidents of "Recorded Flooding" in both the categories of "Artificial Drainage" and "Unknown" following the line of Oak Avenue. Anyone who has dug their garden or who remembers the old brick works will know this is an area of clay soil, which is always damp.

This is further borne out in the fact that we already have a continual spring, that starts in the field and runs through part of our property, nearly all year round. If the spring runs at present with all the natural protection that the field currently affords it, what is going to happen once this water has nowhere to go due to the impermeable surfaces that will cover the proposed site.

6. Access to site

Oakhurst Rise is a small, narrow and steep cul-de-sac. Many residents park on

the road as the driveways are so steep and narrow with often dangerous drop offs due to the gradient. The gradient is 1 in 5 at the top and narrowness of the road make sole 2-way access to 69 houses from this site totally inadequate.

In snow and icy weather, the road is immediately cut off as residents prioritise the grit for the lower part of the Rise and the busy and dangerous bend and slope near Pine Close. I wonder where snow bound cars will park on congested Beaufort and Ewen's Road. How will emergency vehicles access the development in snow? The Rise is accessed via the very narrow and congested streets of Ewen's Farm; one of the worst streets being Oak Avenue. Blind bends already make these roads that are occasionally 2-way in sections dangerous.

7. Change to Cheltenham skyline

The site is a very visible green part of the visual landscape. It adjoins Battledown, which is one of the highest points in Cheltenham. As the 2½ storey building and 2 storey house are going to be built on the crest of the development, the skyline of Cheltenham will forever be blighted. Particularly from Leckhampton Hill, the A435 and the popular Cotswold Way at Lineover Wood where the path emerges from the trees. There is no dense housing at this elevation at present and the new estate will have a very significant impact on visual amenity. It will be a scar on the tree dense and greenfield nature of the landscape at this height on the hill line as currently afforded by the properties on Battledown. This will further erode the character of Cheltenham as a scenic spa town.

8. Loss of a community recreation area

The field is used by the wider community and it is a well-regarded venue for county cross-country competitions hosted by the school, as well as being a huge draw on bonfire night when the school PTA run their fund-raiser. Children from the school benefit from the access to the field to get closer to nature, such as the popular "welly walks" from the pre-school section.

9. Damage to biodiversity.

The developers' environmental consultant claims that the majority of the site is "poor semi improved grassland" which is "regularly mown". They claim it is "short grassland" that is of "low conservation significance". I completely contest this. The developers study was done at an inappropriate time of year. I believe that other expert opinion has been obtained who believes that the site is actually species rich grassland which requires a detailed grass species survey, ideally done May-July. I understand the developers' nature survey was done in early September 2016 soon after the farmer had cut the grass down and driven over it with a tractor. Like most wildflower meadows throughout history the grass is cut once a year, contrary to the developers' claims this does not constitute regular

mowing or cultivation. I must insist that a proper survey is done to establish the true status of the meadow.

10. Amenities in the area

Already the amenities in the form of

- schools,
- hospital places and
- Sixways surgery

are all under extreme pressure. It is fairly common for current residents to have to wait over 3 weeks just to see a GP. This proposed development will further exacerbate the problem. Simple financial contributions/penalties as appear to be the norm when these issues arise in other planning applications (eg Tim Fry brown field development) will not solve the problem of residents being able to see a GP or getting places in schools.

11. Conflicts with the NPPF plan

In particular this application conflicts with the NPPF plan in the following sections:-

Para 11, 12, 43, 97,102,103, 155, 170, 170e, 175e, 190, 193, 194

12. Conflicts with the Local plan

I would like to point out that when reading the Cheltenham Borough Local Plan Second Review Adopted July 2006, it would appear that this application falls foul of the following objectives as set out in the above document. :-

General

O3 to protect public safety and amenity

O6 to create more sustainable patterns of development, with priority use of previously-developed land

O7 to make best use of development land

O8 to meet the needs of the elderly and people with disabilities

Environment

O9 to conserve and enhance the setting of Cheltenham

O10 to conserve the natural beauty of the Cotswold Hills

O11 to conserve and improve Cheltenham's architectural, townscape and Historical heritage

O12 to conserve and improve Cheltenham's landscape character and green environment

O13 to safeguard the countryside from encroachment and inappropriate

development

O16 to protect and improve the quality of land, air and water

O18 to maintain and encourage biodiversity

Housing

O23 to secure a high standard of residential amenity

Utilities infrastructure

O30 to reduce the risk of flooding and flood damage

O31 to make adequate provision in development for the satisfactory supply and treatment of water

Transport

O32 to promote sustainable transport

O33 to safeguard the potential for the future provision of transport infrastructure

O34 to ensure infrastructure in development is provided to a satisfactory standard

O35 to safeguard or improve personal safety in the transport system

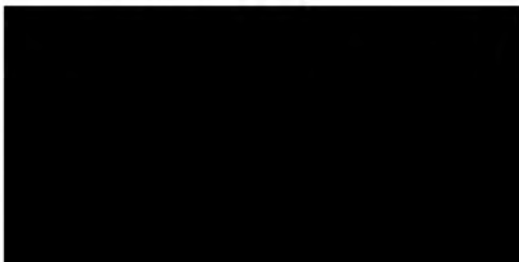
O36 to contribute to road traffic reduction and improve traffic flow

It would therefore appear that this application fails in so many of the prescribed principles as laid out in the Local Plan.

In conclusion, whilst the developers supporting documents appear to be comprehensive and all encompassing, they are far from this. They are at best extremely biased and in many cases inaccurate. They are at worst lacking in substance for a development of this scale which has far reaching implications not only to the residents of the immediate vicinity of the development but also to the greater community of Cheltenham.

We therefore implore the council to reject these plans outright.

Yours sincerely



Ref: 18/02171/OUT

PLANNING
Rec'd 22 NOV 2018
SERVICES

Wadley's Farm,
Ham Lane,
Chalton Kings.
GL52 6NJ
20th Nov. 18.

Dear Madam,

Once again I must oppose the proposed development on land adjacent to Oakhurst Rise, Cheltenham.

The Borough Council has spent much time and money on the latest Town Plan, and Policy D3 "Private Green Space" is directly applicable to development of this site.

In my view any development would be detrimental to the area, being currently a green field site, supporting a wide range of wild life & which would probably involve the removal of well-established trees. None of the above "would retain and enhance existing landscapes" in this area, as Policy D3 requires.

The access through Oakhurst Rise, a small cul de sac, is appalling, & the impact it would have on the residents there

would be enormous, with much increased traffic, noise and disturbance and the noise and disturbance would affect St. Edward's School too.

I'd be very glad if you would be consistent and refuse this application yet again. Consenting to it would damage and alter the environment for ever.

Thank you.

Yours faithfully,

A solid black rectangular redaction box covering the signature of the sender.



3 Oakhurst Rise
Charlton Kings
Cheltenham
GL52 6JU

19th November 2018

Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Dear Sirs,

Ref 18/02171/OUT

I wish to register my objection to the proposed development on land adjacent to Oakhurst Rise of up to 69 dwellings.

My reasons for such objection, apart from the obvious one of the detrimental effect on a quiet cul-de-sac, and hence lowering of property values are: -

- 1) Vastly increased traffic flow on a road which is unsuitable for the purpose, especially considering that some dwellings in Oakhurst Rise do not have garages, and on road parking is the only option.
- 2) Heavy flooding has occurred in the past (especially in 1987) and this development would exacerbate the situation considerably.

These are my objections (in respect of planning matters)

Yours faithfully





The School Bursary
252 London Road
Charlton Kings
Cheltenham GL52 6NR

Michelle Payne
Senior Planning Officer
(Applications)
Cheltenham Borough Council
Place and Economic
Development
Promenade
Cheltenham
GL50 9SA

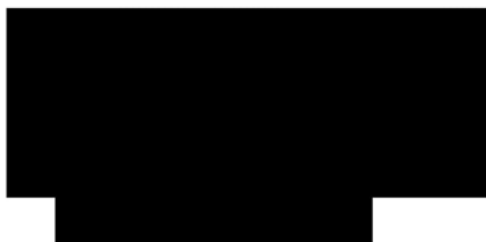
30th October 2018

Dear Ms Payne,

RE: Land off Oakhurst Rise, Charlton Kings - Planning Ref 18/02171/OUT

Further to my letter dated 13th July 2018, please find attached a more detailed statement from St Edward's School in support of the planning application for development of the land adjacent to Oakhurst Rise.

Yours sincerely,



Chair of Trustees

ST EDWARD'S SCHOOL STATEMENT OF SUPPORT

Introduction

- 1) St Edward's School supports the development of this portion of the 45 acre site, being non-essential to the educational and recreational requirements of the School for the following form of development:

'Proposed development on land off Oakhurst Rise, Cheltenham.'

- 2) The development would lead to significant enhancement to the facilities at the School which should attribute 'great weight' in the decision-taking on this planning application. The Framework 2018 states at paragraph 94:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*

- 3) These development proposals, by gifting a major capital asset in the form of the freehold of the school and its grounds to St Edward's will enable the School to be altered and expanded in the public interest.

St Edward's School Strategic Plan 2015 – 2020

- 4) The School has published a Strategic Plan (which is attached as APPENDIX 1). The Strategic Plan identifies Strategic Objectives for St Edward's, which include improvements to the physical facilities at the School, namely:
- I. Invest in new capital projects to enhance the facilities for sport on both sites (by improving the swimming pool, changing rooms, gym and hall on the Senior School site and the Red Gra and sports hall on the Preparatory School site) to complement the educational provision.
 - II. Maintain existing buildings and facilities to a high standard and adopt, where practicable, sustainable solutions to improve energy efficiency.
 - III. Develop outside spaces to extend opportunities for outdoor learning and pupil wellbeing.

Public Benefits

- 5) Lest it be suggested that these enhancements benefit only a minority sector of the local community, St Edward's responds as follows:
- i. National planning policy as set out in the Framework does not seek to confine the application of 'great weight' to public sector schools.
 - ii. In any event St Edward's School remains committed to the aim of providing public benefit in accordance with its founding principles. The Trustees have given careful

consideration to the Charity Commission's general guidance on public benefit and confirm that they have complied with their duty in Section 17 of the Charities Act 2011. The Trust fulfils its obligations under this Act through the availability of bursaries, the affordability of school fees and the availability of its facilities to community groups and State funded schools.

- iii. The School makes its facilities available to local community groups including sport (cricket, swimming, rugby, football, tennis and hockey), drama and music groups. The Trust values its links with the local community and plans to continue to build on these strong relationships.
- iv. Below is an outline of some of the links the School has with local community groups and state-funded schools:
 - Free or subsidised use of the School's swimming pool to local state funded schools.
 - Rounders, football, athletics and quadkids tournaments are held at the Preparatory School with the involvement of state schools for no charge.
 - Local sports groups including East Gloucestershire Hockey and GoCrea8 Hockey use the Senior School's AstroTurf pitches.
 - Pupils from many local state primary schools take part in the many free experience days that the Senior School holds which offers them the opportunity to expand their knowledge and experiences of particular subject areas. Successful music, sports, STEM and drama days are held regularly.
 - Use of the School's cricket pitches and equipment by Charlton King's Cricket Club.
 - Use of the School's rugby pitches and equipment by Old Patesians RFC
 - Both school sites are made available through the holiday periods for holiday camps which benefits the many local working families.
 - Year 12 students take part in a community service programme.
 - The School's CCF resources are shared with All Saints Academy and Pate's School, both State funded schools.
 - The Highbury Club, a local community group for partially sighted and disabled, use the School facilities once a term free of charge and are entertained by the School's pupils.
 - Annual fireworks event at the Preparatory School open to the entire community and attended by several thousand people each year.

Conclusions

St Edward's school is not the freeholder of the land for development. It has a diminishing lease (less than 30 years remaining) at a significant annual cost. However, the freeholders have agreed to transfer the ownership of the school and grounds to the School Trust at nil premium in the event that planning permission is granted for the proposed development. A conditional contract has been agreed to reflect this arrangement.

The ability to acquire the freehold not only secures the School's long term future, it also has a significant impact upon the ability of the School Trust to raise finance so as to enable the capital improvements described in the Strategic Plan to be undertaken. The School Trustees believe that the acquisition of this asset will have a seminal effect upon the fulfilment of its Strategic Objectives.



Strategic Plan 2015 -2020

St Edward's Cheltenham Trust formed in 1987 manages two Schools, St Edward's School (11-18) and St Edward's Preparatory School (2-11). These were established from a merger of two former Roman Catholic grammar schools, Whitefriars and Charlton Park.

St Edward's School and St Edward's Preparatory School are both lay-run day Schools and are fully co-educational; with approximately 400 pupils aged 11-18 including 100 in the Sixth Form and 300 pupils aged 2-11. The Schools are sited about a mile apart on the southern outskirts of Cheltenham. The Preparatory School has approximately 45 acres of beautiful parkland and the Senior School occupies a smaller, yet attractive 16 acre site. The two Schools have autonomous Heads and separate staff with one Board of Trustees.

St Edward's is a Catholic School which welcomes pupils of other denominations provided they are willing to join in all the religious activities of the School and share in its ethos. The School attracts a large proportion of its pupils from non-Catholic parents seeking a Christian education. All Staff are required to respect and support the School's religious ethos. Our inclusive approach and the importance we place on the spiritual, academic and personal development of our pupils means that each one of them has the foundations to become confident, responsible contributors to society in the future.

St Edward's is the only independent day school (2-18) in Cheltenham and we have the advantage of being able to offer very small class sizes and an extended day which provides opportunities for pupils to experience a wide range of extra-curricular activities; this is integral to school life. Customarily about 50% of the Year 6 cohort from the Preparatory School transfers to Year 7 in the Senior School.

St Edward's is a vibrant community of committed staff and enthusiastic pupils who together enjoy excellent relationships which results in a nurturing environment for our pupils to grow within and thrive.

Strategic Objectives 2015 – 2020

- Provide a cohesive and continuous journey (2-18) as one School Trust operating on two sites.
- Ensure the Prep School's provision prepares all pupils for successful transition to their School of first choice at Year 6
- Provide the most affordable independent education for day pupils aged 2-18.
- Retain selection criteria at points of entry to achieve an intake ability profile which in general is above national averages.
- Ensure excellence in teaching, learning and pastoral care.
- Invest in new capital projects to enhance the facilities for Sport on both sites (*by improving the Swimming Pool, Changing Rooms, Gym and Hall on the Senior School site and the RedGra and Sports Hall on the Prep School site*) to complement the educational provision.
- Maintain existing buildings and facilities to a high standard and adopt, where practicable, sustainable solutions to improve energy efficiency.
- Develop mutually beneficial partnerships which utilise the Schools' estate and provide a community benefit.
- Develop outside spaces to extend opportunities for outdoor learning and pupil wellbeing.
- Achieve a minimum of 60% transfer from Kindergarten to Reception in the Prep School and from Year 6 to Year 7 in the Senior School.
- Maintain a strong sense of community and develop long-term relationships with the School through liaison with the alumni.
- Generate a recurrent surplus which will enable capital improvement in facilities on both sites.
- Ensure long-term financial sustainability of the School Trust.

From: [REDACTED]

Tall Timbers
Ashley Road
Charlton Kings
Cheltenham
GL52 6NS

Director of Planning- Cheltenham Borough Council
Cc: Miss Michelle Payne,
Cc: Cheltenham Planning Committee members

(by email)

6th November 2018

Dear Sirs

Planning application 18/02710/OUT - Gloucestershire Highways ignoring safety concerns and disregarding their own Specification for new streets

Thank you for inviting me to comment on the further revisions for plans for residential development at Land Adjacent to Oakhurst Rise.

Summary:

The further revision to this submission still does not address my primary objection to this development. The professional officers from Gloucestershire Highways have, to the best of my knowledge, made no attempt to address the dangerous departure that would be required from the Gloucestershire Technical Specification for New Streets 1st edition (GTS) at the junction between Oakhurst Rise and Ewens Road/Beaufort Road. The Transportation Consultants have chosen to ignore the issue. The planning statement from Framptons seeks to address the matter by simply calling in to question the Committee's original decision.

The Specification (GTS) states at Appendix B "It is recommended that any departure from this guidance (the GTS) is agreed with the Council as part of the TA scoping report prior to any work being carried out that might trigger the need for a Road Safety Audit to avoid the risk of abortive work, and costs, being incurred by the Developer."

I would recommend that the planning committee should refuse this application in the absence of an independent Road Safety Audit of the junction and insist that the professional officers explain their full rationale behind any departure from their own specification. The lack of attention to this detail by both the professional staff and the Transport Consultant is something that does little to bolster public confidence on the appropriateness of this process and I am grateful to our elected representatives for the accuracy of their decision making thus far.

By way of background I trained as a Civil Engineer, became a Chartered Engineer and Member of the Institution of Civil Engineers in 1986 and majored in transportation, road design and drainage. Schemes that I have been involved in include the M42, the M54, the A483 Oswestry by pass as well as many smaller road improvement schemes.

..... Continued

Most of the Planning Committee members have visited Oakhurst Rise and are therefore well aware of the gradient at the bottom of the road where it connects to Ewens Road/Beaufort Road. It is only 5.5 meters wide with footways of 1.6 and 1.8 metres width. The last 50 metres of Oakhurst Rise before its junction with Beaufort Road falls at a gradient of just under 15%. There is a reason the road was named “Rise!”

The GTS requires, at 1.17, “that the maximum longitudinal gradient on a minor road approach to a junction should not exceed 5% (1 in 20) for a distance of 20 metres. The full specification is reproduced below:

Gradient at Junctions

- 1.17 The maximum longitudinal gradient on a minor road approach to a junction should not exceed 5% (1 in 20) for the distance specified in Table 8.2 measured from the nearside edge of the major carriageway. **It should be noted that when the minor road approach to the junction is downhill rather than uphill a longer distance with a gradient not exceeding 5% is required. This is intended to reduce the risk of vehicles sliding onto the major road in icy conditions.**

Table 1.12 - Maximum Distance for Longitudinal Gradient at 5%

Minor Road	Major Road	Distance along Minor Road measured from nearside edge of Major Road Carriageway [metres]	
		Downhill Approach	Uphill Approach
Residential Road	Residential Road	15m	10m
Residential Road	Local Distributor	20m	15m
Local Distributor	District and Distributor	30m	15m

The GTS also suggests 5.5 metre carriage way widths for the predicted volumes of traffic and service vehicles. It also calls for 2 metre footways and wider is recommended if non-vehicle use is to be encouraged.

The Gloucestershire cycle facility guidelines recommend the following Geometric design requirements for on highway gradients:

Length Recommended	maximum gradient
Over 100m	3%
30 - 100m	5%
0 - 30m	7%

The superseded “Manual for Gloucestershire streets - 2016”, which is cited as a key reference document in the Independent Planning Consultants report of October 18, requires the same gradients as listed above at junctions and states at 3.25, inter alia, “the gradient is a factor that can have a significant influence on the success of such routes [walking and cycling] in terms of encouraging modes of travel other than the car.”

..... Continued

The Institute of Highways and Transportation guidelines “Designing for Walking - March 2015” which provides more updated thinking than the IHT 2000 Guidelines cited by the Transport Consultants states:

“Pedestrians do not like changes in level or grade. Ramps should not exceed 1 in 20 (5%) generally. In exceptional circumstances ramps can be as steep as 1 in 12 (8%), but this gradient will cause a difficulty for people.”

The Department for Transport’s (DfT) current technical guidance for planning local cycling and walking networks includes the following advice *“Gradient has now been added [to the route selection tool criteria] as it is an important factor in the choices made.”* The table included in the DfT route selection tool referred to in these guidelines is shown below. Needless to say that “0” is not a good score!

Gradient Scores Table						
Maximum Grade along each section (%)	Maximum slope (m)					
	15m	30m	50m	80m	150m	exceeds 150m
<2	5	5	5	5	5	5
2	5	5	5	5	5	4
3	5	5	5	5	4	3
4	5	5	5	4	3	2
5	5	5	4	3	2	1
6	5	4	3	2	1	0
7	4	3	2	1	0	0
8	3	2	1	0	0	0
9	2	1	0	0	0	0
10	1	0	0	0	0	0
> 10	0	0	0	0	0	0

I would suggest that it is disingenuous, if not an attempt to totally mislead, for the Transport Planning Consultant to make no reference to “gradient” in their Residential Travel Plan or Transport Assessment - See Appendix A, particularly after the Planning Committee highlighted this as an issue with the original submission. I would also suggest that the same Consultants confident claims at 9.3 of their Transport Assessment are inaccurate and misleading. They claim that:

- iii The site is fully compliant with local and national planning policy guidance;
- iv. The site access arrangements are safe and appropriate and have been designed to Manual for Streets and Manual for Gloucestershire Streets requirements;

Access to this site via Oakhurst Rise is neither of the above.

..... Continued

It is therefore of great concern that the Transport Planning Consultants, state in their report, that Gloucestershire Highways Department approve this scheme and that no mention is made of the departures from current National Planning guidelines or from their own current Technical Specification for Street Design. Fortunately, the Planning Committee identified that *“Additionally, the steep incline within the cul-de-sac would fail to encourage the use of sustainable modes of transport and would likely result in a reliance on the use of private motor vehicles. Alternative potential vehicular access routes do not appear to have been fully explored.”*

The revised submission, 18/02710, does not address the above or the findings of the Committee that: *“The access would therefore be at odds with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 - 110 of the National Planning Policy Framework (2018).”*. The Transport Consultants simply rely on the fact that Gloucestershire Highways raised no objections previously. Framptons, in their planning statement, also rely heavily upon the lack of objection from Gloucestershire Highways and the fact that the Applicant *“has investigated the potential for alternative potential vehicular access routes. None are available!”* This is equivalent to saying, “we have looked at this and the Planning Committee were wrong!” The Committee was entirely correct in their original decision making and the revised submission still does not enable safe and suitable access to the site for all people.

Nothing has changed in this submission with regard to the original refusal on traffic grounds other than the volume of traffic is likely to be slightly reduced. I would therefore urge the planning committee to seek answers on the matters I raise here, in addition to seeking satisfaction on all of the other grounds for refusal that are not overturned by this revised submission.

In closing, I would point out that the current highway code contains the following:

Rule 110

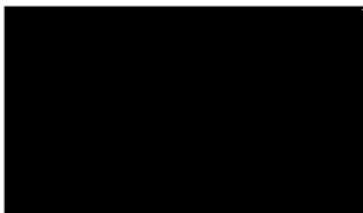
Flashing headlights. Only flash your headlights to let other road users know that you are there. Do not flash your headlights to convey any other message or intimidate other road users.

Rule 111

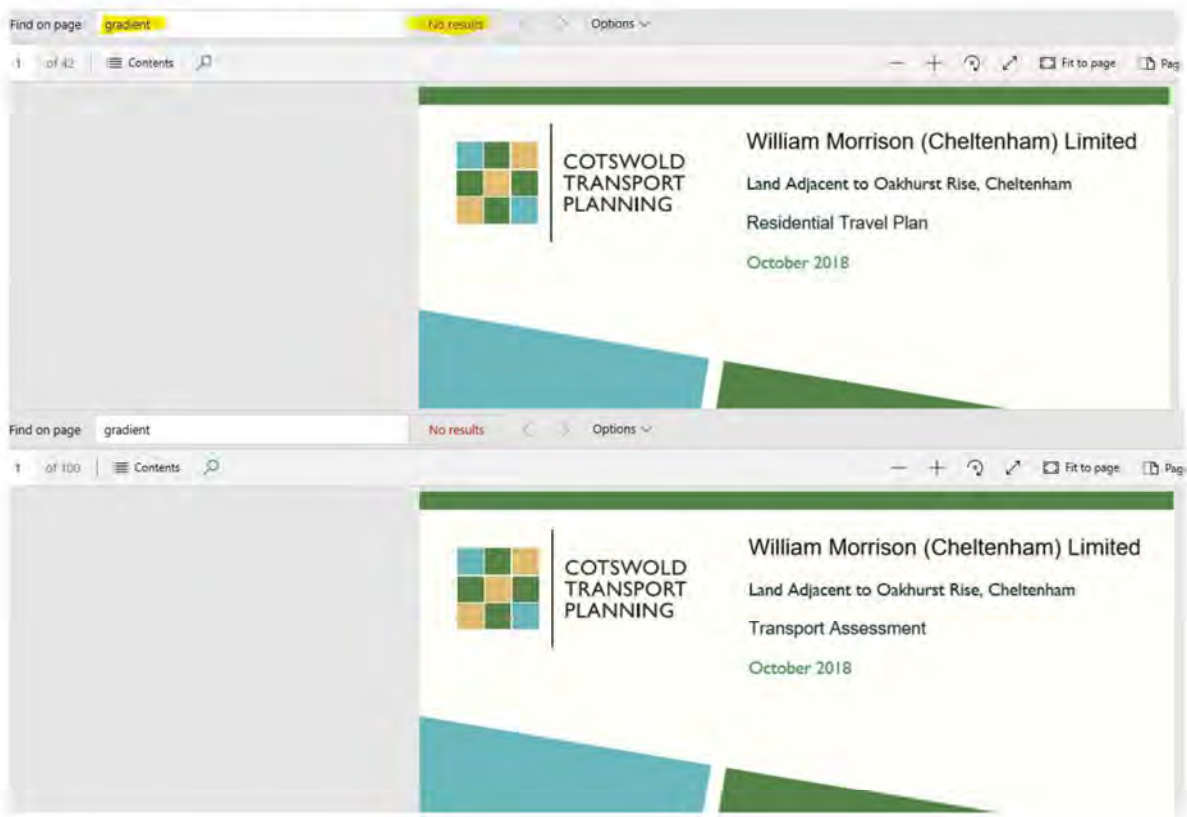
Never assume that flashing headlights is a signal inviting you to proceed.

It is entirely appropriate for the Planning Committee to appropriately question the advice of anyone, including professional advisers, who suggest that the above rules should not be adhered to!

Yours faithfully



APPENDIX A - Word Search on Travel plan and Transport Assessment



Tall Timbers
Ashley Road
Charlton Kings
Cheltenham
GL52 6NS

Director of Planning- Cheltenham Borough Council
Cc: Miss Michelle Payne,
Cc: Cheltenham Planning Committee members

(by email)

28th December 2018

Dear Sirs

Planning application 18/02710/OUT - Gloucestershire Highways ignoring safety concerns and disregarding their own Specification for new streets

I have had the opportunity to read the letter written by Mr Lucas Arinze, date 13 December, in relation to application 18/02710/OUT. He covers many points in relation to the design of the roads within the new development. However, he fails to address the fundamental safety concerns in relation to the junction between Oakhurst Rise and Ewens/Beaufort Road. He points out that:

“Gloucestershire County Council’s Manual for Gloucestershire Streets guidance provides guidelines for adoptable gradients and geometries and these must be achieved if the roads are to be adopted. Even if the developer does not want the carriageways and footways within the site to be adopted they must still be constructed to an adoptable standard.”

For some reason he has chosen NOT to point out that the junction of Oakhurst Rise does not meet these gradients and geometries. He states that:

“There are many ways that the required gradients can be achieved through various earthwork techniques.”

He does NOT point out that the gradient of Oakhurst Rise cannot be changed appropriately through earthwork techniques without compulsory purchase of the gardens of some of the Oakhurst rise properties and rendering their own drives and gardens unusable. Finally he relies upon:

“There has been no personal injury collisions recorded on Oakhurst Rise and therefore nothing to suggest that this highway is unsafe nor anything to suggest that the traffic generated by additional dwellings would make this section of highway unsafe.”

I am at a loss to explain why an officer from Gloucester County Council (GCC) Highways department would appear to conclude that there is nothing unsafe in a road which currently fails badly when measured against GCCs manual for streets particularly with a gradient of 15% v the allowable 5% and footway widths of only 1.6 and 1.8 v the allowable 2 metres. Yet he is content to allow a proposal that will see traffic volumes tripling!

.....Continued

I have also had the opportunity to read Mr Adam Padmore's letter dated 30th November 2018. For ease of reference I have enclosed his letter at **Appendix A**.

I note that Mr Padmore dismisses my concerns about the safety of the Oakhurst Rise Ewens/Beaufort Road junction by relying entirely on the work of GCC. He avoids commenting on the safety and suitability of the proposed departure from the GCC manual for streets. He therefore fails to address one of the reasons for refusal raised by the planning committee in July 2018 which was, inter alia:

"The proposed access via Oakhurst Rise would have an unacceptable impact on the local highway network, and the amenity of local residents. The access would therefore be at odds with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 - 110 of the National Planning Policy Framework (2018)."

I am grateful to Mr Padmore for pointing out that the current Design Manual for Roads and Bridges that *"All schemes that will alter the current highway layout must go through the road safety audit procedure"*. However, I am confused by Mr Padmore's following assertion that the Oakhurst Rise Ewens/Beaufort Road junction does not require a road safety audit because *"the junction referenced in the objection letter is located approximately 200m travel distance from the application site and there are no works proposed that alter the current highway layout or create physical changes to the highway."*

This confuses me because his own organisations October 2018 reports states *"The internal site layout will be designed in a manner which facilitates walking and cycling and provides accessible facilities (dropped kerbs, tactile paving etc) with connections into the existing network of routes surrounding the site."*

His organisation appears to be suggesting that cycling will be encouraged through creating an inter connected network of cycle paths. This would necessitate physical change at the said junction. If there is no physical change proposed, then he should be clear that he expects cyclists to share roads with vehicles at a road junction with an approach gradient nearly three times that allowable in the GCC manual for streets or he would expect cyclists to use footways that are much narrower than the manual permits.

I am also grateful to Mr Padmore for acknowledging that *"The matter of gradient and impact on travel mode choice is not an irrelevant discussion point in connection with this site."* Many of us concluded that Cotswold Transport Planning had thought it was irrelevant in their earlier reports and hence the word "gradient" was completely absent in these reports! However, Mr Padmore has not offered the planning committee, in his letter, anything that would overturn their reasons for refusal raised in July 2018 which was, inter alia:

"Additionally, the steep incline within the cul-de-sac would fail to encourage the use of sustainable modes of transport and would likely result in a reliance on the use of private motor vehicles. The access would therefore be at odds with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 - 110 of the National Planning Policy Framework (2018)."

.....Continued

I note the observations in Mr Padmore's penultimate paragraph specifically his assertion "*in my opinion inaccurate and incorrect.*" However, I would point out that he has not called in to question the accuracy of any of the comments I have made in my November 18 letter about current design standards. All he has done is state that he has interpreted them in a different manner. I would also point out that I am NOT being paid for submitting documents that could accidentally mislead (lack of mention of gradient at this site by a professional planning consultancy) or submit documents that perhaps suffer from tortological inexactitude.

I stand by my recommendation that the planning committee should continue to refuse this application in the absence of an independent Road Safety Audit of the junction and insist that the professional officers explain their full rationale behind any departure from their own specification. The lack of attention to this detail by both the professional staff and the Transport Consultant is something that does little to bolster public confidence on the appropriateness of this process and I am grateful to our elected representatives for the accuracy of their decision making thus far.

Yours faithfully



**APPENDIX A - CTP letter to Michelle Payne 30th
November 2018**



COTSWOLD
TRANSPORT
PLANNING

Michelle Payne
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham,
GL50 9SA

Date: 30th November 2018

Our ref: CTP-16-332

Dear Michelle,

Planning Application ref. 18/02710/OUT – Proposed Development of 69 Dwellings on Land East of Oakhurst Rise, Cheltenham

I am writing to you, on behalf of the applicant for the above scheme, in reference to points that have been brought to my attention, raised in a recent objection letter on Cheltenham Borough Council's (CBC) online planning portal. For ease of reference I have enclosed the objection letter at **Appendix A**.

You will be aware that Cotswold Transport Planning have been involved with both the 2017 application for 90 residential dwellings at this site (ref. 17/00710/OUT), and latterly with the revised application for a smaller quantum of housing (69 dwellings), both proposed to be taken from the same access via Oakhurst Rise.

As Cotswold Transport Planning have stated within the latest submission documents, namely the 2018 Transport Assessment, Gloucestershire County Council (GCC) in their role as the Highway Authority and in consultation of the 2017 application made, after several months of analysis of our submissions, no objection to the planning application for 90 dwellings.

The matters raised in the objection letter that I am writing to you about, which concern the existing highway outside of the application site, were reviewed and accepted by GCC in their assessment of the 2017 planning application, against both regional and national design guidance, and concluded not to be of material significance that should lead to the refusal of that planning application. It is therefore considered wholly acceptable to present the argument that a smaller development with a lesser amount of traffic generation, using the same highway network for access and travel, should still be deemed appropriate and attract the same support from GCC to this latest planning application.

Cotswold Transport Planning Ltd
www.cotswoldtp.co.uk

Cheltenham Office
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Comments Raised in the Letter of Objection

Comments have been made in regard to two points, both relating to highway gradients outside of the application site but on routes between the application site and service and amenities surrounding the site:

1. Absence of a Road Safety Audit to assess the junction of Oakhurst Rise / Ewens Road / Beaufort Road; and
2. Impact of gradient of mode choice when undertaking trips.

For the benefit of this application, this letter will address each point in turn.

Requirements for a Road Safety Audit

Design Manual For Roads and Bridges document GG 119 Road Safety Audit (formerly HD 19/15) states in paragraph 2.1, relating to applicability of road safety audit, "*Where there are physical changes to the highway impacting on road user behaviour or resulting in a change to the outcome of a collision on the trunk road and motorway network, road safety audit (RSA) shall apply, regardless of the procurement method.*" Whilst this document relates to the trunk road network, GCC Guidance Note For The Provision Of Safety Audit makes reference to the predecessor document HD 19/03 and also states in paragraph 5.1 "*All schemes that will alter the current highway layout must go through the road safety audit procedure*". Both documents stress that the Safety Audit is not a check of design standards.

A Stage 1 Road Safety and Mobility Audit, complying with the GCC Guidance Note and undertaken by an independent Audit Team, has been undertaken on the proposed works in accordance with the above requirements. However, the junction referenced in the objection letter is located approximately 200m travel distance from the application site and there are no works proposed that alter the current highway layout or create physical changes to the highway impacting on road user behaviour / resulting in a change to the outcome of a collision. Therefore, the junction falls outside the scope of where a Road Safety Audit is applicable and appropriate.

Impact of Gradient on Mode Choice

Transport Assessments submitted with both the 2017 and 2018 planning applications have demonstrated that a suitable range of services and amenities exist within appropriate walking and cycling distances of the application site, as defined by regional and national guidance. This has been accepted by GCC and is not called into question by the objector.

The matter of gradient and impact on travel mode choice is not an irrelevant discussion point in connection with this site. However, it is not appropriate to draw a blanket conclusion that the gradient will render the site unsustainable or fail to encourage the use of sustainable transport modes. This point is no better made than observing existing local residents walking in the vicinity of the site, travelling to and from London Road. More able-bodied and motivated people will walk to and from this site to London Road and indeed into Cheltenham itself, or access various local bus services.

Page 233

I would accept that local road gradients could deter some people from cycling, but that in itself is not a reason to object to or refuse a planning application. Whilst we cannot do anything to change the topography of existing roads, our offer to provide e-bike vouchers through the Travel Plan may perhaps help change attitudes towards using alternative modes of transport.

The NPPF seeks uptake of sustainable modes, which in this case will be predominantly walking and accessing public transport. Also acknowledged as a theme within the NPPF, sustainable travel is also promoted by the clustering of services and amenities, as is present on London Road and in Cheltenham town centre, where multiple purposes (school drop-off, commute, retail, leisure) can be fulfilled all within a single linked trip, which can sensibly be undertaken by any mode of travel. The proximity of this site to Cheltenham will facilitate this whether by walking, taking public transport or by short trips undertaken in a car.

Summary

The author of the objection letter has called into question, in my opinion inaccurately and incorrectly, the interpretation of the guidance, leading them in turn to make misinformed conclusions. My letter has sought to clarify, and provide comfort, that the guidance has been interpreted and used correctly.

In accordance with the views set out in this letter, and the findings and conclusions of Cotswold Transport Planning's Transport Assessment, in highways and transportation terms the development proposals accord with paragraphs 108 and 109 of the National Planning Policy Framework (NPPF), providing safe and suitable access, and should be considered acceptable, in concurrence with GCC's recommendation to the previous application.

Yours Sincerely

Adam Padmore BSc Hons, MSc, MSc, MCIHT

Managing Director on behalf of **Cotswold** Transport Planning Ltd

Enc.

Appendix A – Letter of Objection to 18/02710/OUT

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Charlton Manor
Ashley Road
Cheltenham
GL52 6NS

18 November 2018

18/02171/OUT Objection

To whom it may concern,

Please register our objection to the above proposal, and ensure the attached note from Asset Heritage Consulting is included (while written to support objections to 17/00710/OUT, all of the concerns expressed herein remain extant given the minimal changes in the outline proposal, particularly with respect to the boundary between the new build estate and Charlton Manor).

On heritage:

Our concerns remain as before:

- Historic England are a statutory consultee on Grade II* and Grade I listed buildings only; their focus is therefore rightly on the harm to Ashley Manor (Grade II*)
- However, the harm to Charlton Manor from this proposed scheme is even more direct and potentially significant than it is to the setting of Ashley Manor, on at least the following grounds:
 - o The house was designed and built in 1864 to overlook the view towards the Severn Valley. That setting is completely eroded by this proposal
 - o The house is spring fed, and the restored (and original) Victorian garden layout is sustainable using the spring water supply available to the house via a Victorian brick lined water storage tank underneath the property. This proposed build risks disrupting or eliminating the water supply to Charlton Manor
 - o The linkage between the spring (in the Leasowe field; the site of the proposed estate) and the property now known as Charlton Manor (originally Simla, then Leasowe), documented in the Times property listing of 1867 as

spring fed, is critical to the stability and flood management of the property; almost every building on the Battledown boundary of these fields has below ground flood management and have taken steps to reinforce against subsidence, given the clay movements in times of extreme dry or wet conditions.

- The house has enjoyed a linkage to the Victorian ice house in the field since 1864; this was subject to a formal lease of land to Charlton Manor from 1869 to at least 1947.
- The boundary to the proposed new build estate is now shown to be densely tree planted; this removes the afternoon and evening light not only from the property and its gardens, but also from the solar panels that were installed after extensive consultation with CBC heritage department, in order to make the property more energy efficient and sustainable in the 21st century.

In brief, this proposal denies the property its natural light, interferes with its water supply, harms its setting and destroys its historic linkage to the ice house in the centre of the adjacent field. That does not compute as acceptable harm to a heritage asset, and would be totally counter to the legal and policy framework protecting listed buildings.

It is of considerable concern that Cheltenham Borough Council conservation department have no current staff familiar with the property and its history, and have refused to visit the site to assess the harm for themselves.

It is of even greater concern that the planning officer responsible for this site has stated that a listed building has to be demolished for it to count as significant harm. This is not in line with Historic England's guidance, nor is it a viewpoint supported by legislation, the NPPF or by case law.

More generally:

A request to discuss the issues associated with 18/02171/OUT with the planning department has been refused on the grounds that the issues are well known. Can we therefore presume, as residents, that the objections associated with the original application

(17/00710/OUT) are being transferred to this application, given it is being treated as a linked application in so far as the developers' various documents and arguments are concerned? There is a great deal of detail missing, changed or inaccurately referenced in the 18/021710OUT application, which assumes full knowledge of the original application. It is too time consuming and technical for a layperson to know the details and differences that need to be called out – and if CBC are treating them as linked applications, it would be reassuring to know that residents views are being transferred across the two.

Finally, we are advised that the flooding and subsidence risk that would arise from a negligent build on this site may well be uninsurable for local residents, given the issues are well known and documented. As per recent court of appeal decisions against New Forest District Council, that could result in CBC being held potentially liable for these insurance claims in perpetuity. Please could CBC get legal advice on this matter, and ensure that their advice is in the public domain and available to those making decisions on this site, in advance of the planning committee debate?

We have requested meetings with the Carmelite Trust, and with William Morrison and their representatives, to explain our position but they have refused; it is difficult therefore to take their claims of addressing local concerns around 17/00710/OUT seriously.

Yours sincerely,

A solid black rectangular redaction box covering the signature area.



specialist independent advisers in the historic built environment

conservation & listed buildings | heritage planning matters | expert witness | audits | research
listed buildings | conservation management and advice | archaeology | historic interiors

Tracey Crews
Director of Planning
Cheltenham Borough Council
Municipal Offices
Promenade, Cheltenham
Glos, GL50 9SA

AHC/ND/9686

20 June 2018

Dear Ms Crews,

RE: Outline application for residential development of 91 dwellings including access, layout and scale, with all other matters reserved for future consideration on land off Oakhurst Rise, Cheltenham (as revised April 2018). LPA REF. 17/00710/OUT

I am writing this letter to you as Director of Planning at Cheltenham Borough Council on behalf of [REDACTED] the owners and occupiers of Charlton Manor, Ashley Road, Cheltenham, as part of their objection to the above planning application currently in front of your Council. I should emphasize that this letters deals only with heritage matters, as this is the area of my expertise. My qualifications and experience are set out at **Annexe 1** to this letter and I have, of course, visited the site and surrounding area before writing it.

The starting point for my consideration of the application proposals are the two heritage reports prepared on behalf of the applicants, a Built Heritage Statement by CgMs Consulting (revised in April this year) and the Heritage Statement produced by Architectural History & Conservation in November 2017. I have also had regard to the Tabulated Historic Environmental Appraisal prepared by ECUS Ltd in December 2017 on behalf of the Council as part of its identification of the

site in the Local Plan as one suitable for housing, albeit for a much lower number, together with their 'clarification' letter to the Council dated 28 February 2018.

Although on first impression, these reports might appear to be thoroughly researched and carefully prepared documents, they are actually in many ways both flawed and inadequate, particularly with regard to the scant attention they pay to the clearly adverse impact the scheme they support would have on the setting of Charlton Manor as a Grade II listed building.

To begin with the Architectural History & Conservation report, as this purports in its Introduction (paragraph 1.2) '*...to establish the significance of the Grade II* St. Edward's School in heritage terms and the likely impact any schemes for developing the field to the north (the application site) would have on the heritage asset*', it might initially be possible to forgive it for not even mentioning Charlton Manor in its text.

When however one notes that Charlton Manor is clearly visible in plate 16 of the report and reads the report's conclusion that '*There is no objection in principle to the development to the north and north-west of The Oaklands (the original name of the Grade II* listed building). The proposed development site was never part of the historic parkland of The Oaklands*', tolerance for the omission of any consideration at all being given to the setting of Charlton Manor in this report begins to lessen.

It may well be that the scope of Architectural History & Conservation's instruction from the applicant was a narrow one (in paragraph 1.2 of their report, they freely acknowledge that their brief was to '*take into account the comments made on 30 October 2017 to Cheltenham Borough Council about the proposed development scheme by the Historic England inspector and will counter the objections raised therein and seek to justify the development*'), but simply to focus on this one issue without (apparently) giving any consideration at all to the setting of another important nearby listed building (i.e. Charlton Manor) does not appear to me to be either helpful or appropriate.

Indeed, in their anxiety to demonstrate that the application site was not originally parkland associated with The Oaklands and from there to conclude (paragraph

5.1 of their report) *'...that, subject to the shelterbelt (to the north of Oaklands) being restored, there would be very little, if any, harm caused to the setting of the Grade II* house. The development would be in accordance with National and Local Policy'*, this significant omission could be extremely damaging to the chances of retaining what is significant about the setting of Charlton Manor if allowed to remain unchallenged.

Before turning to this issue however, I should emphasize that, notwithstanding the conclusions of Architectural History & Conservation's report and the CgMs letter dated 1 November to your Council rebutting Historic England's objections to the application, I very much share Historic England's concerns over the significant harm that would undoubtedly be caused to the setting of the Grade II* listed school building if the proposals were to go ahead.

Indeed, in my professional opinion (my qualifications and experience are set out at Annexe 1), Historic England have, despite the attempts made by the applicants' three separate firms of heritage consultants to discredit their comments, provided your Council with entirely coherent and sustainable reasons for rejecting the application proposals simply on the severely adverse impact they would have on the setting of the Grade II* listed school building alone.

To that clearly harmful impact, must be added the even more harmful effect the application proposals would have on the setting of Charlton Manor.

Unlike the Grade II* listed school building, which I accept when it was built as a private house was not oriented to face the application site, Charlton Manor was clearly sited where it is in order to take full advantage of the views over the adjoining fields and the area beyond.

Charlton Manor (originally known as Simla Lodge – presumably a reference to its airy, elevated position – and later Leasowe before taking its present name) was first built in 1864, possibly to the designs of Henry Dangerfield, Cheltenham Borough Engineer, who laid out the Battledown Estate. As noted in the Historic England list entry (Charlton Manor was first listed in 1983 at a time when many Victorian houses of this type were not deemed to meet the criteria for statutory listing), the house was the first to be built on the Estate.

www.assetheritage.co.uk

Wolfson College, Linton Road, Oxford, OX2 6UD T: 01865 310563

The CgMs Built Heritage Statement (revised in April this year) does refer at various points to Charlton Manor but not in a way that suggests its authors have any real appreciation of either its significance and (perhaps even more disturbingly) of the highly adverse impact the application proposals would have on that significance. In this connection, I understand from my clients that, in common with the other heritage consultants employed by the applicants, no representative from CgMs sought access to their property as part of preparing their report.

It might well be that CgMs would argue that such access was not necessary given that the site's direct proximity and visibility to and from the listed building has enabled them to form an opinion on the likely impact of the proposals on its setting, but this would be to seriously miss the point.

As even the description of the building provided in the CgMs report (paragraphs 3.3.22-3.3.27) suggests, this is a case where the rear elevations of the house are at least as important in architectural and historic terms as the front one. This is reflected not only in the architectural detailing and treatment of the rear elevations, but also in the way in which they have been sited precisely where they are to gain maximum benefit of the open views looking south-west and west from the property.

The main ground- and first-floor rooms of the house are all at the back of the house, their large windows clearly designed to take advantages of the fine views from them over the house's garden, the adjoining fields (the application site) and the area beyond, which include the grounds of the school, the Cotswold escarpment and the Black Mountains beyond.

In addition to these rooms, there is a two-storey canted bay window projection (incorrectly referred to as oriel window in the CgMs report) in the angle between the main rear elevation and the house's rear wing. Internally, this is located near the principal staircase and its original purpose (one which it continues to serve today) was to cast additional light into the staircase area, and particularly on the first floor, to provide additional views out from the house.

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Perhaps unsurprisingly, given that they have made no effort to visit the property themselves, none of these critical points has been identified by the authors of the CgMs report.

Their analysis of the significance of the site as part of the setting of the house, in terms of the contribution it makes when viewed from the field is similarly partial, if not severely flawed. At paragraph 3.3.26, for instance, it is noted that *'The Site also forms part of the wider setting, and contributes to the significance of the asset through providing a degree of seclusion, but also open views which give the property a feeling of rurality (before in the very next sentence saying that) This is however secondary to other values in contributing to the significance of the Manor'*.

In light of the inadequate attention paid to what is significant about the setting of Charlton Manor in heritage terms, the section of the CgMs report entitled 'Assessment of Impact', also fails to pass muster, the paragraph on Charlton Manor (paragraph 4.2.7) being quoted here in full, with my observations underlined in brackets alongside: *'Charlton Manor currently experiences open views out from the rear over the open land and this will be largely (almost completely) removed with the proposed development. Additional tree planting will be provided between the Manor and the development, filtering views towards the built form even in winter months, in order to mitigate harm. (Here the authors of the report would do well to be aware of the advice in Historic England's latest guidance on 'setting': 'The Setting of Heritage Assets- Historic Environment Good Practice Advice in Planning Note 3, (2nd. edn. Dec. 2017) paragraph 40 that: 'As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design'*.

The proposed built form within the north east reaches of the Site, closest to the listed building, is also lower in density than the remainder of the development, with large gardens intended to provide a buffer against the listed building (this appears to me to be further acknowledgement of the severe harm caused to the setting of Charlton Manor).

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The asset was originally constructed as part of the Battledown Estate development, and whilst its name suggests that it originally had large grounds, the plot of the asset has always remained consistent, with the Site never having any functional connection to the asset. (The name Charlton Manor is a relatively recent one and the house was never a 'manor' in the true sense of the word. What is more, as the historic and more recent OS maps in CgMs' own report show, the boundary between the house and the field to the east (the application site) remains exactly as it did at the time of the house's construction in 1864).

It is therefore considered that the proximity of the proposed development to Charlton Manor will result in some harm to the setting of the heritage asset due to the loss of views. The principal significance of the Manor is its architecture and historic associations with the Battledown Estate. The views to the rear, whilst providing a degree of context and setting, are not identified as a key contributor to the significance of the Manor and consequently the impact of the proposed development will be moderate and result in less than substantial harm. (I trust that what I have written earlier in this letter will prove sufficient to dispel this ill-conceived and unjustifiable opinion).

This should be weighed against the public benefits of the proposals set out in the planning statement, in line with paragraph 134 of the NPPF' (It is notable that neither CgMs, nor the applicants' other heritage consultants, pray in aid any heritage benefit that might flow from the application proposals. Certainly, I can see none, while for my part it is clear that the degree of harm caused is sufficient for this to outweigh any other public benefits that might be considered to accrue from the development proposals).

In this critique of the various heritage reports (the Tabulated Historic Environmental Appraisal prepared by ECUS provides nothing of substance as regards the application site) submitted on behalf of the appellants it is important to emphasize that I have only picked out the elements with which I most strongly disagree, but it certainly should not be inferred from this that I agree with the other points they make that I have not considered here.

These issues include consideration of inter-visibility and the heritage significance of views between the application site and the St. Mary's Conservation Area, together with the proposed treatment of the ice house and the ancient north-south field boundary on the application site itself.

Given the significance of the heritage issues raised in this letter, coupled with the fact that as I understand from my clients (apart from the strong objections raised by Historic England to the proposals), this is the first time there has been any independent professional analysis of the 'heritage views' provided to the Council on behalf of the applicants, I would very much welcome a meeting with you and the case officer to discuss the way forward.

I look forward to hearing from you.

Yours sincerely



Dr Nicholas Doggett, FSA, MCifA, IHBC
Managing Director

Email: nicholas.doggett@assetheritage.co.uk

Cc. Historic England

Enc: Annexe 1: Qualifications & Experience

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ANNEXE 1

QUALIFICATIONS AND EXPERIENCE

NICHOLAS DAVID BARTHOLOMEW DOGGETT, BA, Ph.D., Cert. Archaeol., FSA, MCIfA, IHBC, Managing Director and Head of Asset Heritage Consulting:

After reading archaeology and history at the University of Southampton and completing a postgraduate qualification at the University of Oxford I worked for several years as an archaeologist, both in the United Kingdom and abroad. From 1984 to 1988 I was employed on the English Heritage Resurvey of listed buildings in Shropshire, Oxfordshire and Cornwall. From 1988 to 1989 I was a member of the Conservation Team at Bedfordshire County Council before joining South Oxfordshire District Council, where I was head of Conservation from 1991 to 2002, before leaving for CgMs in October 2002, of which I was a Director from 2004.

I left CgMs in November 2010 to establish Asset Heritage Consulting, a specialist heritage consultancy based in Oxford but working across the country.

My doctoral research on 16th-century English architecture was completed in 1997 and has subsequently been published. I am a member of the Institute of Field Archaeologists and the Institute of Historic Building Conservation.

I am the author of two books and several articles and papers on archaeology, building conservation and architectural history, including contributions to the *Oxford Dictionary of National Biography*, and have given lectures and taught on summer schools on these subjects for Oxford University Department of Continuing Education and many other organizations. I was formerly committee secretary of the Buildings Special Interest Group of the Chartered Institute for Archaeologists and am currently a committee member of the Oxfordshire Architectural & Historical Society. I was elected a Fellow of the Society of Antiquaries of London in October 2016.

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In the private sector my clients have included Bournville Village Trust, Oxford colleges, several local planning authorities, the Metropolitan Police, the Home Office and major house builders. I have also acted as a consultant for English Heritage and Cadw on applications for listing, re-grading, de-listing and Certificates of Immunity. I have given evidence relating to the historic built environment at numerous public inquiries and hearings and in court, both for appellants, third parties and local planning authorities.

I am, of course, familiar with the application site and its surroundings.



specialist independent advisers in the historic built environment

conservation & listed buildings | heritage planning matters | expert witness | audits | research
listed buildings | conservation management and advice | archaeology | historic interiors

Tracey Crews
Director of Planning
Cheltenham Borough Council
Municipal Offices
Promenade, Cheltenham
Glos, GL50 9SA

AHC/ND/9686

7 January 2019

Dear Ms Crews,

RE: Outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration (revised scheme following refusal of application ref. 17/00710/OUT) on Land Adjacent to Oakhurst Rise, Cheltenham, Gloucestershire

I am writing this letter to you as Director of Planning at Cheltenham Borough Council on behalf of Phil and Sally Walker, the owners and occupiers of Charlton Manor, Ashley Road, Cheltenham, as part of their objection to the above planning application currently in front of your Council. I should emphasize that this letter deals only with heritage matters, as this is the area of my expertise. My qualifications and experience are set out at **Annexe 1** to this letter.

As you will be aware from my letter to you of 20 June 2018 concerning refused application 17/00710/OUT, the contents of which remain relevant to your consideration of this new application, I have of course visited Charlton Manor and the surrounding area, which is naturally an essential requirement for anyone assessing the impact of the development proposals on the setting of this important Grade II listed building.

This may seem obvious but I say it here because I note that, despite Mr & Mrs Walker's repeated invitation to your officers to visit Charlton Manor (see their letter to you of 18 November 2018, with which this letter needs to be read in conjunction), your officers have continued to decline this invitation. This in my view is most regrettable, as it is only by visiting the property in connection with the proposed development scheme adjoining it that your officers will be able fully to appreciate the strong heritage concerns the scheme raises.

Indeed, as the NPPF makes abundantly clear, substantial harm can be caused to the significance of a designated heritage asset as much by the loss of what is important about its setting as by its demolition and, as Mr & Mrs Walker have already pointed out to you, it is therefore disturbing to find that the case officer dealing with this application appears to believe substantial harm could only be caused by the demolition of the heritage asset itself.

Turning now to the new application proposals, the reduction in housing unit numbers from 91 to 'up to 69' has not resulted in reducing the level of harm caused to the setting of Charlton Manor. This is because, despite the claims made in the revised Heritage Statement produced by Architectural History & Conservation (AH&C) in October 2018 and their brief 'Responses to Comments of Statutory Consultees' document, the harm to the setting of Charlton Manor remains significant and undiminished.

Whatever AH&C (who have never sought to view the application site from either the grounds or the interior of Charlton Manor) may say, the visual and historic relationship between the house and the application site is both real and significant.

The original elevations of the house, which were clearly designed to benefit from the extensive rural views over the application site and the countryside beyond are not 'marred by the number of twentieth-century extensions which spoil the architectural composition of the building' (paragraph 3.26 of AH&C's Heritage Statement), while tinkering with the precise layout of the housing plots directly adjoining the house does nothing to remedy the severe harm that would be caused by the development proposals to what is significant about the setting of the house, as fully set out in my letter to you of 20 June 2018.

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Likewise, as with CgMs Consulting before them, AH&C fall into the trap of considering that creating a dense belt of trees and other vegetation along the eastern boundary of the plots lying immediately to the west of Charlton Manor (this is even denser than it was in the refused application) would help to mitigate the harm even they acknowledge would be caused to the setting of the Grade II listed building as a direct result of the development proposals.

Should your officers also be minded to think that screening along this boundary would limit the degree of harm caused to the setting of Charlton Manor, I would therefore like to remind them of the sensible and helpful advice contained at paragraph 40 of Historic England's 'The Setting of Heritage Assets- Historic Environment Good Practice Advice in Planning Note 3, (2nd. edn. Dec. 2017)' that: 'As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design' (only the emphasis is mine).

I hope you and your officers find these observations helpful in your determination of this application.

Yours sincerely



Dr Nicholas Doggett, FSA, MCIfA, IHBC
Managing Director

Email: nicholas.doggett@assetheritage.co.uk

Enc: Annexe 1: Qualifications & Experience

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ANNEXE 1

QUALIFICATIONS AND EXPERIENCE

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I am, of course, familiar with the application site and its surroundings.

Charlton Manor
Ashley Road
Cheltenham
GL52 6NS

19 January 2019

For attention of Ms Crews and the Cheltenham Local Planning Authority,

REF: 18/02171/OUT

I am writing to correct (once again) the considerable errors contained in a letter from Dr Carole Fry, dated November 2018 but only recently posted for public consideration, in related to the above application.

Dr Fry cites no sources in her assessment of the harm to the listed properties that will be caused by the proposed development of this site, at some 300% over the limits set by the nearly finalised local plan. She frequently provides an opinion. In this application and in the previous one recently rejected by CBC, she is demonstrably wrong in her assertions.

I have provided photographic evidence of the sources that demonstrate these errors; further documentation can be found in the local history by David O'Connor (Battledown: the story of a Victorian Estate). The book talks to the presence of springs across the Battledown Hill and the issues they have caused with flooding across this site from 1873 forwards. For example a local resident "had to restore an ancient watercourse running from Battledown... the stopping of which has caused great flooding and damage".

Dr Fry contends that the applicants "will protect the spring (s?) in any development of the site". The current layout makes no attempt to do so, nor has any approach been made to us as current residents to reconcile our concerns with the plan. The springs rise on Ashley Road and across the top of the St Edwards Field. Any change affecting the hill results in the St Edwards school sports pitches being waterlogged and unplayable, and causes shifts in the water table due to the nature of the water courses underneath the clay. This was documented when new gas mains were put into Ashley Road on 2018 in photographic and video evidence of the sub surface water courses across the hill. Hence the documented subsidence concerns that have been extensively covered in other resident objections.

Dr Fry claims there has never been a historic intention to link Charlton Manor with the field in St Edwards school. I attach the following to demonstrate how flawed that analysis is:

1. The original sale notice for the land, which advertises its 'magnificent views' (of the Severn Valley; that is the setting of the house, namely out onto the land now proposed for development)
2. A map from 1880, naming the field next to the now Charlton Manor (containing the Ice House) as 'The Leasowe'.
3. The deed of Enfranchisement for 'The Leasowe' in 1880; owner Mr George Edwin Hewett.

4. The name change from The Leasowe to Charlton Manor, captured in the will of a previous owner (1935)
5. The 1912 map of the garden, which clearly identifies the access points between the plot known as the Leasowe and the Leasowe land owned by Sir F Dixon Hartland; those westerly access points still exist today and enabled the horses in the Victorian stable block to the top of the site to be exercised (the stables are still erroneously labelled as “modern outbuildings” in the application).
6. The formal lease between Sir Frederick Dixon-Hartland and George Edwin Hewlett for land between Leasowe (now Charlton Manor) and Oaklands (now Ashley Manor), from 1887. This lease is remained in place (as per the extensive documented history of Charlton Manor) until at least 1942.

Not only is the harm to Charlton manor more significant than the applicant is willing to acknowledge, the expert ‘opinion’ they are calling on to justify their position is erroneous, and therefore must be discounted. There is further extensive documented history of Charlton Manor available from 1860 to 2018, should any be required by CBC in support of this decision. It is regrettable that we have still had no engagement from the developers, their agents, their ‘expert consultants’; or from Cheltenham Borough Council heritage department. Historic England have confirmed that their statutory consultation only provides commentary on Grade I and Grade II* listed buildings, and therefore only CBC can accurately decide on the harm caused to this property. I cannot understand how it might be possible to do that without a site visit and proper understanding of the setting of this listed building.

Yours faithfully,

Phil Walker

Their Mart in Clarence Street Cheltenham

Thursday the 25th day of March 1897, at four o'clock in the afternoon, subject to the following Conditions of Sale:—

PARTICULARS.

VALUABLE

BUILDING LAND

ON THE SUMMIT OF

BATTLEDOWN HILL,

Bounded on the North by the Birchley Road, on the South by "The Leasowe" and Ashley Manor Estate, on the East by the Ashley Road, and on the West by land of E. T. Brydges, Esq.

The situation is all that can be desired; magnificent views are obtainable, and the neighbourhood is justly renowned for its salubrity and beauty.

There are important frontages to the Birchley and Ashley Roads of 850 feet, or thereabouts, and an average depth of 240 feet, or thereabouts, and the total area is

4 acres 0 roods 1 perch *or thereabouts*
inclusive of one half the width of the Roads adjacent to the Lands.

The land forms part of the plateau-summit of the hill on its Southerly side, is fairly level, and is consequently adapted for the erection of Residences of a good class.

Plate 1: the original sale notice for The Leasowe, focusing on the setting of the property as its main feature.



Plate 3: 1880 map of the Oaklands, the pasture land (called the Leasowe), and the Icehouse

Dated 13th April 1880

James Taggardner Esq^{re} *et*

to

Mr George Edwin Hewett

Deed
of
Subfranchise
of The Leasee Charlton Kings

1 9 3 5

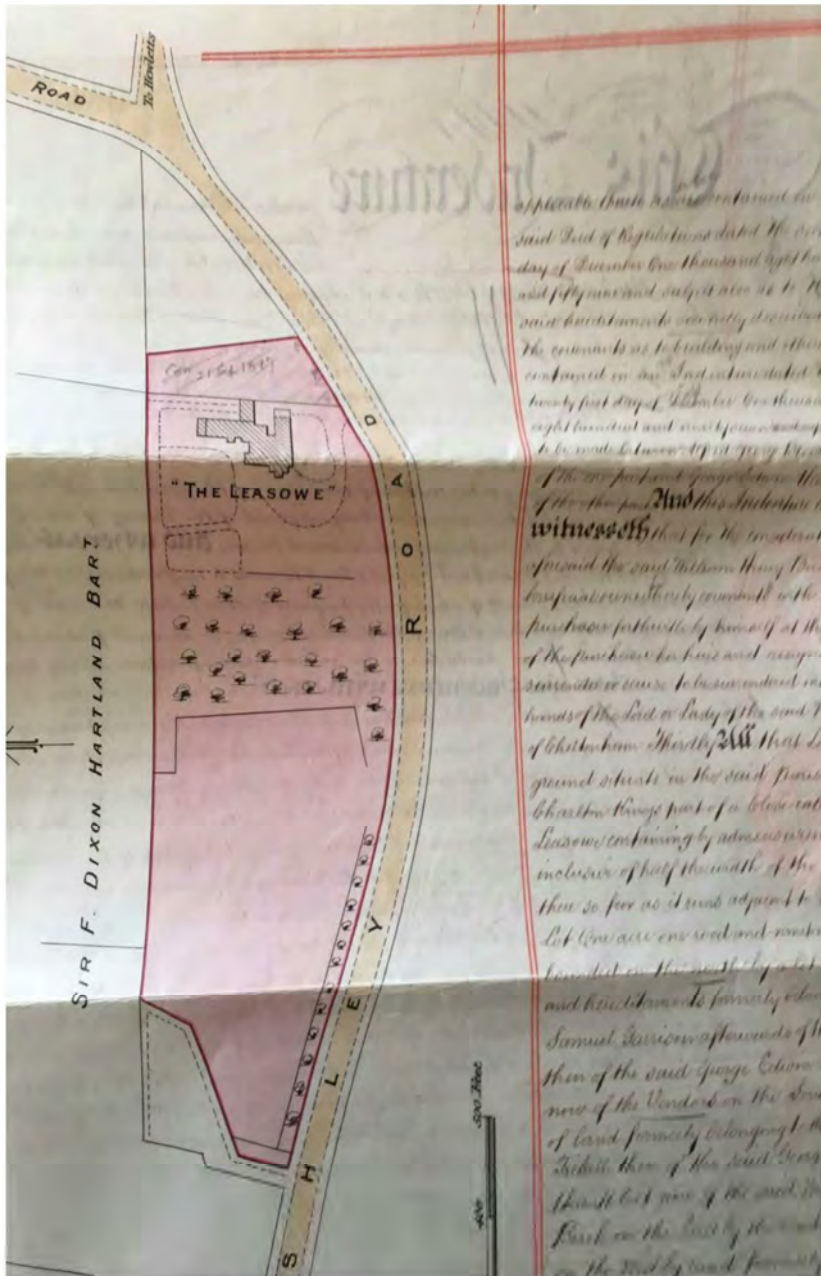
A B S T R A C T O F T H E T I T L E

- of -

the Executors of the Will of CAPTAIN
ARTHUR COLTHURST HERBERT DECEASED to
freehold premises known as Charlton
Manor formerly known as The Leasowe
situate in the Parish of Charlton Kings
in the County of Gloucester contracted
to be sold to MAJOR ORMOND CECIL LE
MERCHANT & OTHERS

Recd 11 Oct 1935

Plate 4: change of name from the Leasowe to Charlton Manor, circa 1935



the boundary between the Leasowe and the Leasowe land owned by Sir Dixon Harland (dated 1912) showing the access west from the stables to the land; [this is close to the current layout of the gardens, which were restored between 2008 and 2012, in consultation with Cheltenham Borough Council heritage department under numerous Listed Building Consents.]

The ~~Lease~~ ~~made~~ made the thirtieth day of July One thousand
 eight-hundred and eighty seven Between Frederick
 Dixon Dixon-Hartland of Chesham Place, London, Esquire,
 M.P. hereinafter called the Lessor of the one part and George
 Edwin Hewett of "The Leasowe," Battledown, Cheltenham,
 Esquire, hereinafter called the Lessee of the other part Whereas
 the said Lessee is the Owner of the aforesaid property known as
 "The Leasowe" being Lots 63, 64, and 65 on the lithograph plan of
 the Battledown Estate and the said Lessor is the Owner of an
 adjoining property known as "The Oaklands" and the first
 named property is on its Southern and Western sides sep-
 arated from the Oaklands by a thorn or quickset

The lease of land between the Battledown estate lots making
 up the Leasowe, and the adjoining property the Oaklands
 (documented from 1887 through to circa 1947; thereafter
 unclear).

In the Parish of Charlton Kings, late in the occupation of Commander Thomas Tickell, R.N., approached by a private carriage drive, and entered through ornamental porch laid with encaustic tiles and fitted with coloured glass, comprising—Entrance and Inner Halls. Drawing Room with Bow 18ft 5in by 14ft 5in, Dining Room 19ft 10in by 14ft 6in, Breakfast Room 15ft by 14ft, five Bed Chambers and Dressing Room, Linen Closet and Water Closet and also very conveniently and well arranged Servants' Office on the Ground Floor, consisting of Kitchen with enclosed Range, Housekeeper's Room, Butler's Pantry, Scullery, W.C., &c. and a good Cellarage in the Basement.

Extensive Lawn and Pleasure Grounds tastefully laid out together with Kitchen Garden stocked with choice Fruit Trees.

The Stabling and Coach House are situated in close proximity to the House, in a detached brick building, and consist of a Coach House, one stall Stable and Loose Box, Loft Horse Room, and Bed Room over, walled in, and the Yard is laid with Broseley Bricks.

The Area of the Property including half the road is about 10 acres.

There is a plentiful supply of Pure Spring Water.

The Scenery around is most diversified and picturesque commanding Extensive Views over the Valley of the Cotswold Chosen, and Malvern Hills.

Lot 2. —A Capital FREEHOLD DWELLING HOUSE or known as

PRINCE SQUARE, PITT

The Times, Monday 5th May 1878. For Sale notice for the spring fed house now known as Charlton Manor and further noting the importance of the setting of the property with views over the valley and out to the Malvern Hills.



29 Oakhurst Rise

Cheltenham

GL52 6JU

17th November 2018

Re: Outline planning proposal 17/00710

Dear Ms Payne

now 02171/007

I continue to object to the above proposal in the strongest possible terms.

In the Planning Committee meeting this summer there was very decisive agreement that sole access to the site via the steep, bending and narrow cul-de-sac of Oakhurst Rise was entirely inappropriate bordering on ridiculous. The Charlton King's Parish Council have been in unanimous agreement on this matter for years. The site would be accessed by a convoluted one way system of very narrow and congested streets with steep gradients and obscured junctions. It is currently a safety issue for fire engines and ambulances as I am sure the emergency services would confirm.

Access to the top of Oakhurst Rise is impossible in winter conditions and the roads are never gritted. The pavements alone are treacherously dangerous. The new community would be entirely cut off.

The claim that it is an easy walk or cycle to the shops is disingenuous when you consider the extremely steep gradients involved and that the bus stop is a very steep walk downhill and has at best a 2 hourly service that takes about an hour to travel the distance into town.

The amenity that Rise residents bought into and enjoy, living in a very quiet cul-de-sac, will be utterly destroyed.

Heritage, veteran trees and endangered wildlife are hugely important to this site and of huge importance to local people. The site is an essential part of the character of Charlton Kings and a vital component of the view of Cheltenham from the AONB areas.

The risk of flooding downstream in this flashy catchment, the presence of seasonal springs on clay and the incidences of subsidence due to the clay are well documented but ignored by the developers. The risk of run off flooding from the building site and impact of groundworks on existing properties' stability is of enormous concern.

The fact that all the local schools and GP surgeries are massively oversubscribed is another issue.

I note that the Council consider that the site is only suitable for a maximum of 25 houses in the brand new Local Plan. I also note that committee members were weary of developers gaining "outline" permission and then building something **totally different**. This will be inevitable as the authorities have **no control over the percentage of affordable housing actually built** as confirmed in the Planning Committee meeting and on public record.

I hope that sense continues to prevail regarding this sensitive, beautiful, medieval, greenfield site which is utterly unique in Cheltenham.

Yours sincerely





29 Oakhurst Rise
Cheltenham
GL52 6JU

17th November 2018

Re: Outline planning proposal 17/00710

Now 021711007

Dear Ms Payne

I continue to object to the above proposal.

[Redacted] would welcome the development IF it would provide genuinely affordable accommodation for sale or rent for young people. My peers and I have serious worries about our ability to live independently in our future. East Cheltenham is an impossible place for people under 30 to find housing.

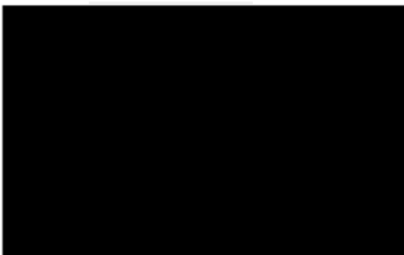
The problem is that this development will do absolutely nothing to meet the needs of my generation. The site is an absolutely prime location in Cheltenham in terms of its beauty and views and will be some of the most expensive land in the town. My family have built an extension in this location and know that the site will also be very expensive to develop due to clay, slopes, huge trees and the need for pile foundations. The site neighbours Battledown with its luxury housing and all that will be built to achieve a profit is yet more expensive housing that will be far beyond the reach of younger people.

Charlton Kings does not need more luxury housing. Young people need somewhere to live.

The use of an Outline proposal is just a cynical and well-travelled ruse to get development approved in principle by promising "affordable" housing. The Planning Committee in the summer agreed that nothing can be done to make the developer actually build affordably. What will inevitably be built is yet more luxury mansions or executive flats.

What my area needs is genuinely affordable housing and housing at affordable rents. Couples and families on average incomes have long been priced out of the area and this proposal is doing nothing to ease the housing crisis.

Yours sincerely



WADLOYS FARM,

HAM LANE,

CHARLTON KINGS,

CHELTONHAM,

GL52 6NJ.

21-11-18

PLANNING

Rec'd 22 NOV 2018

SERVICES

your ref.

18/02171/OUT

Dear Miss Payne,

I write concerning the latest attempt by developers to build on land at St. Edward's School. The previous application was refused, and my objections in that case are still the same - namely, that the site is a greenfield site and should not be built on, and the access road is totally unsuitable for any traffic at the end of the cul-de-sac, let alone the potential 140+ cars which would be generated by 69 houses.

This application should be rejected, which would hopefully deter further attempts in the future.
Yours faithfully,

[Redacted signature]

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Field House
Ashley Road
Cheltenham
GL52 6PH



18th November 2018

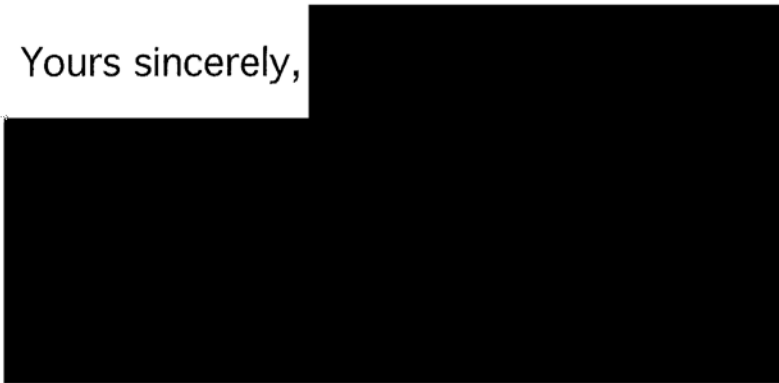
Dear Ms Crews,

Your re. 18/02171/OUT

I refer you to the letters of objection I have written previously (as attached) regarding the development of the Land Adjacent to Oakhurst Rise. The comments in those letters still apply regarding this recent application, and I would like the Planning Committee to have access to them when considering this latest application.

I would also like to mention that surely it is possible for the Planning Committee to refuse an application on a permanent basis so that the matter is considered for a final time, regardless of the gradually decreasing number of houses applying to be built. The refusal on grounds of it being a preserved area, the lack of access, the destruction of the wild life habitat and all other comments from other residents etc. apply whether for 69 dwellings as much as for the previous two applications which have already been refused.

Yours sincerely,





Field House
Ashley Road
Cheltenham
GL52 6PH

27th February, 2018

Dear Madam

PLANNING REF. 17/00710/OUT

I refer to my previous letter of 8th September 2017, (a copy of which is enclosed). The comments we made then still apply and the granting of permission for development of this preserved area in our opinion should not be granted.

Yours sincerely,



Field House
Ashley Road
Cheltenham
GL52 6PH



8th September 2017

PLANNING REF 17/00710/OUT

With reference to the above, we wish to object to the application.

I have driven to see for myself the traffic situation at Ewens Farm. There were cars parked along all the associated roads, making them extremely narrow, and especially dangerous during the busy times of the day. The access out of Ewens Farm is either onto the A40, which comes to a complete halt at rush hour; or via King Alfred Way onto Hales Road. It is difficult enough now to get through King Alfred Way with cars parked all over the pavements awaiting repairs at the garage. At rush hour during the morning the traffic along Hales Road down to the London Road traffic lights backs up as far as Battledown Approach and sometimes further. What will happen when you have another 200+ cars trying to filter into these roads. It is no good thinking people will walk or cycle, the majority do not.

The Planning Committee must take this into account. The roads are not designed to take the amount of traffic already using it and planning to build another 100 houses will result in a huge increase in traffic in the Battledown area.

The letter of objection from the resident in Tall Timbers who obviously has detailed knowledge regarding traffic flow, puts the case much more succinctly than I.

Regarding the risk of flooding. We happen to live on the top of Battledown and our house is built on clay soil. Having lived here for many years, I have always been grateful of where we live, having seen the excess rain water flood down the hill, even right through some houses lower down. The building of so many houses and the taking away of permeable green fields could have a direct impact on existing properties.

Battledown is a unique habitat and it is tragic to think that our local flora and wild life would be destroyed if planning was granted.

Whilst I realize that the Planning Committee does not have to take into consideration the other aspects of the result of having maybe 300 other residents in the area. It must be aware that there are not enough doctors, spaces in the local schools, or beds in the hospital for such an increase in population.

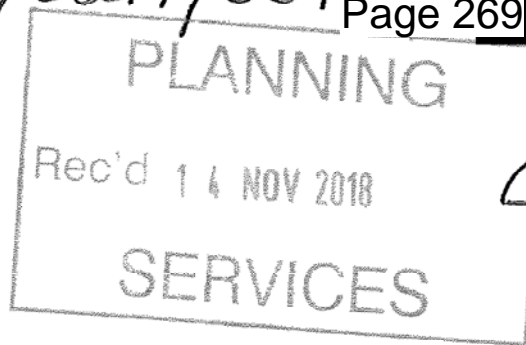
My husband agrees with the content of this letter, and hence we wish it to count as two objections, not one.

Yours faithfully,



Ref No: - 18/0217/OUT

Page 269



8 PINE CLOSE
Charlton Kings
Cheltenham
GL52 6JR

13th November 2018

Dear Tracey Crews,

I am writing to you regarding my concerns with reference to a submitted planning application for sixty nine dwellings on land adjacent to Oakhurst Rise. Less than four months ago, planning permission for ninety houses was refused on multiple grounds. None of these core issues have been addressed.

The main issue is that Oakhurst Rise is a small cul de sac with an extremely steep entrance road that would be the only access road to/from the

proposed site. It ^{Page 270} is narrow for two way traffic impassable during freezing weather and snow. The road that approaches Oakhurst Rise and is the only access road to the cul de sac also freezes in the winter months, cars are often abandoned on this road as they are unable to ever reach the steeper Oakhurst Rise slope. Barranderg roads are completely inadequate to cope with the extra amount of vehicles expected. The traffic impact would be huge for this small estate.

The planners want to concrete over acres of permeable green fields which will only increase the risk of flash flooding. We narrowly escaped flooding in 2007 when huge amounts of water ran down our back garden's bellow

The St Edward site ^{Page 271}

Building on this green site will have an impact on our flora and fauna also. The destruction of organic meadows ancient hedgerows, protected Oaks and a large amount of well established trees. There are badgers' setts that have been there for hundreds of years, newts, bats, slow worms, adders, deer and dozens of bird species. The destruction of this unique habitat would have a huge impact on our already depleted wildlife in this country.

We have been advised that ~~the school~~ and GP places, along with construction phase noise, will not be considered, though these are also weighty issues. This is a deeply flawed planning application which would destroy this small community. We hope that our voices will be heard again

And that common ^{Page 272} will prevail.

Yours sincerely



Flat 4

35 St Georges Road

Cheltenham

GL50 3DU

To whom it may concern

Cotswold Transport have written to CBC (Letter dated 7 Dec 2018 but only just made public via the planning portal).

They claim that 'Transport Assessments submitted with both the 2017 and 2018 planning applications have demonstrated that a suitable range of services and amenities exist within appropriate walking and cycling distances of the application site, as defined by regional and national guidance. This has been accepted by GCC and is not called into question by the objector.'

Unless it is not clear, one member of the public does not constitute all objections to the site. Numerous (less technically qualified, but equally concerned) residents have explained, in detail, why they are concerned about the gradient and the claims made in the application about the transport plan. The simple fact is, despite one refused application and months of debate and objection, the data in the CTP paperwork is factually inaccurate.

Friends of Charlton Kings submitted the following data as part of their objections to the last proposal, and those concerns remain extant. They noted that:

"It claims the approximate distance from the site to the co-op (as one example) is 790 metres - or 9.25 minutes walk.

We sent a 15 year old double county athletics champion around the proposed layout, ensuring he was walking at a pace above that claimed in the plan (despite the 1:11 climb in places).

The attached are his tracks off a skiing app which measures time and altitude. For the avoidance of doubt, the walk is 1100 metres. **It took him 13.29 minutes to walk there, 14.28 minutes to walk back. [This is outside of the government recommended walking and cycling distance for local amenity].**

Please can you add the appropriate error margin to all the transport data - it under estimates all distances by at least 20%, and all times by an error margin of 33%

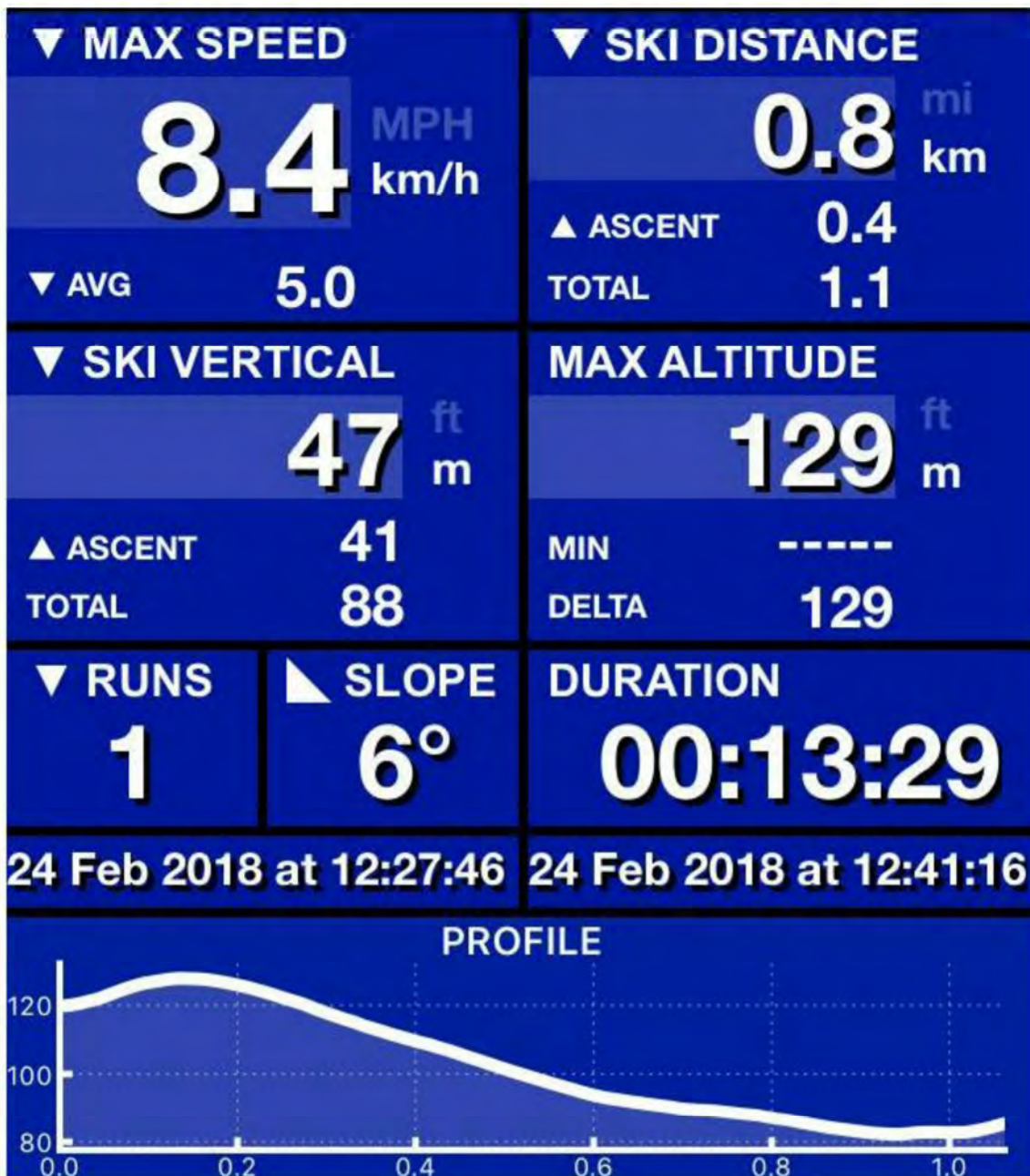
We are still waiting on a highways report, but note that no work has yet been done on transport data within Ewens Farm, which is the key bottleneck - and that the comparison data in the transport plan is for a dual carriageway. It is completely irrelevant to the traffic flows in Charlton Kings.

As you can see all of these distances are significantly different from the informed estimated by the developers consultant and also further than the guidelines allow. Always convenient that where things are an issue they are estimated and where they are not they are actual! We have found this on many of the reports so far and as mentioned my concerns are that the information being used by the likes of yourself and others is incorrect and the reports get compounded inaccuracies throughout.

As mentioned there are statements that local schools are already over capacity and there are no plans for further schools close to the site. The distances from the site to the schools as stated by the applicant are incorrect.

I really appreciate your time to look at this and as no mention of gradients are in the GCC report perhaps you could add these and the recommendations or guidelines on what they should be? Residents are concerned that a 'sustainable' transport plan that depends on people cycling is unrealistic when the incline is one that would challenge a pro.

Two other points; residents have measured the existing road and it isn't as wide as is claimed. And 3 rejections for this site in the 1980s said that the London Road was already close to capacity – that was over 40 years ago!"





Those comments have just been ignored for nigh on 3 years, and yet consultants are being paid to argue that all is well. Until this application is sound in fact, this is an exercise in Amazon rainforest destruction, not in credible arguments about planning policy.

Yours faithfully,





LAND OFF OAKHURST RISE, CHELTENHAM



ARBORICULTURAL REVIEW

Prepared for: The Friends of Charlton Kings

Prepared by: Paul Barton

18 January 2019

Project reference: F.2622

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Instructions

Received from [REDACTED], resident of Charlton Manor, Ashley Road, Cheltenham, on behalf of the community group 'Friends of Charlton Kings'.

Terms of reference: to review the submitted planning application regarding land off Oakhurst Rise, Charlton Kings, Cheltenham (ref: 18/02171/OUT) and provide a statement commenting on the arboricultural elements of the development proposal. This follows a similar instruction to comment on a previous application (ref: 17/00710/OUT) that was refused in July 2018 due to the loss and negative impacts to protected and veteran trees.

Scope of work

The scope of my instructions are to:

- visit the application site to familiarise myself with the trees and site context,
- review the arboricultural information submitted with the application,
- prepare a report giving an independent view of the impacts of the development proposal on the trees at the site.

Documents used to prepare this report

In preparing this report, the following documents have been obtained from the Cheltenham Borough Council website:

- Proposed site layout - drawing no: PL005 Rev A (October 2018)
- Arboricultural report - ref: SC38-1036 (October 2018)
- Landscape Strategy plan - drawing no: 18125.191 Rev D (October 2018)

A copy of the relevant Tree Preservation Order (TPO) (No.1, 1981) was also obtained from the Cheltenham Borough Council tree officer.

Summary

The revised planning application for a lower density development affords the important trees at the site more space for their continued growth and reduces the potential for ongoing conflicts between future residents and the trees. However, there are still numerous areas where development is proposed within buffer zones around veteran trees and opportunities for as yet unquantified negative impacts to the trees.

1. Introduction

- 1.1. I am Paul Barton, director of Barton Hyett Associates and a professional arboriculturist. I have 14 years experience working in the arboricultural sector and hold a Masters Degree qualification in Arboriculture and Urban Forestry. I am a professional member of the Arboricultural Association.
- 1.2. I have been asked to provide an independent review of the documents submitted to Cheltenham Borough Council (CBC) in relation to an outline planning application for development of an existing field to the north of St Edward's Preparatory School, to the east of Oakhurst Rise, Cheltenham. The outline planning application is for the construction of 69 dwellings consisting of a mixture of house types and flats. The application seeks approval for the proposals access, layout and scale but appearance and landscaping are to be a reserved matter.
- 1.3. A previous outline planning application for 90 units was refused in July 2018. Reasons for the refusal can be summarised as:
 - The loss of significant trees
 - Impact on the setting of nearby listed buildings
 - Impact on local road network and amenity of local residents
 - Negative impact on biodiversity
 - Negative impact on local landscape character.
- 1.4. An arboricultural report prepared by FLAC has been submitted with the new planning application. This includes a tree survey, proposed tree retention and removal plan and an outline tree protection plan.
- 1.5. This review seeks to provide an independent arboricultural viewpoint on the merits and potential impacts of the proposed development on the site's trees. It is not intended to investigate or question the professionalism or competence of the author of the submitted arboricultural reports. I acknowledge that many aspects of arboricultural consultancy are inherently subjective and that there are numerous interpretations of published guidance, recommendations and standards that can affect the conclusions made on a site.

2. Method of review

- 2.1. In order to comprehensively review the planning applications and their impact on trees, I began by obtaining the (previous) development proposal plans and arboricultural report.
- 2.2. Following a desktop review of these documents, an initial site visit was made on 29th March 2018, where I met Mr and Mrs Walker (Charlton Manor) and briefly walked over the site.
- 2.3. Another site visit was made on 17th April 2018 in order to inspect the trees in more detail and review my observations in comparison with the tree survey submitted with the previous application.
- 2.4. This review has been conducted as a desktop study having studied the amended proposal and the arboricultural report and submitted comments which are available for public viewing on the council's online planning application register.

3. Review of the submitted arboricultural report

- 3.1. The FLAC report (ref: SC38-1036, Oct 2018) consists of a tree survey schedule with a key, a tree retention and removal plan and an outline tree protection plan. The report is brief and succinct, with virtually no site-specific description or commentary regarding the impacts of the proposed development. The tree schedule contains all the site-site-specific details of the trees, including a column labelled 'Proposal' which states whether each tree/group is to be retained or removed in order to facilitate the development.

Tree quality categorisation

- 3.2. British Standard 5837:2012 recommends that each arboricultural feature is categorised according to its quality and appropriateness for retention within a proposed development. The pertinent issue at this site is whether high-value trees including ancient and veteran trees have been recognised in order to be properly considered within the context of a development proposal.
- 3.3. 20 trees/groups of trees have been assigned the 'A' category; these are trees of high value that are very desirable to retain. Of these, eight are sub-categorised as 'A3'; trees of significant conservation, historical, commemorative or other value (e.g. veteran trees or

wood-pasture). This is an improvement on the previous tree survey submitted which in my opinion failed to recognise the special value of the veteran trees at the site.

- 3.4. It is also positive to see that the linear belt of trees running through the site from approximate north-south which had previously been regarded as of very low value is now classified as 'B3'; trees with material conservation value.
- 3.5. One notable oak tree (ref: 3015) has not been categorised as a veteran or ancient tree. Interestingly, this was the only tree that was previously categorised as a veteran tree in the arboricultural report submitted in 2018. The FLAC report contains an assessment method for recognising ancient, veteran and notable trees called 'RAVEN'. This is a methodology developed by the report's author, Julian Forbes-Laird. Using the methodology put forward in the report, I can see how the tree is to be regarded as 'notable' but not 'veteran' or 'ancient'; although the trunk has a relatively large girth the tree is generally free from extensive decay, hollowing or crown retrenchment.
- 3.6. My observations of the tree are that it is entering late-maturity, whereby the rate of growth slows down as evidenced by the reduction in annual twig extension growth and compact crown form. It certainly has the *potential* to become a veteran tree and is a notable mature specimen.
- 3.7. Identifying veteran trees is not a straightforward or simple exercise when very old trees are in question, and in my opinion there is some inherent subjectivity involved which can include perceptions of age, rarity or special landscape context. Overall, I do not disagree with the findings of the FLAC report in this regard.

Application of root protection areas and veteran tree buffers

- 3.8. The major flaw in the previous tree survey and plans were the omission of buffer zones around veteran trees that provide for additional protection from construction activities in the area beyond the root protection area (RPA) which BS5837 recommends is capped at a maximum of 15 metres radially.
- 3.9. The FLAC report and plans include veteran tree buffers (VTBs) around all trees assigned the A3 quality category.

Arboricultural Impacts Assessment (AIA).

- 3.10. The submitted report lacks detail on the anticipated impacts of the development proposal. The assessment of impacts to trees is confined to a column in the tree schedule that states whether the tree is to be retained or removed, as shown on the submitted tree removal and retention plan.
- 3.11. The report does not provide comment on potentially damaging construction activities relevant to the site such as new hard surface construction within RPAs/VTBs, the significance of the required tree losses, alterations in ground levels and the impact of the proposed drainage. Indirect impacts such as the inevitable changes in available groundwater for trees are not discussed. And the impacts of trees on the dwellings, such as shade cast or the requirement for managing old protected trees within gardens is not mentioned.

4. Review of the development proposal in relation to trees

- 4.1. The reduced number of dwellings proposed has clearly improved the development proposal from an arboricultural point of view. Trees, including the significant notable and veteran trees, are afforded more open space around them which will undoubtedly reduce the potential for damage and decline.
- 4.2. However, there are several aspects of the proposal which in my opinion are of note due to their negative impact.

Loss of protected tree

- 4.3. The English oak tree T3014 would need to be felled in order to implement the development proposal. This has been categorised as a moderate quality tree (B3) in the FLAC report.

Development within RPAs and VTBs

Oak T3015

- 4.4. Oak tree 3015 has been categorised as an A1 quality tree and has an RPA capped at 15m radius. To the north of the tree, a new road and adjacent footpath is proposed which is

just within this 15m radius. To the south, a footpath to the rear of gardens of plots 49-51 is proposed.

- 4.5. The construction of new hard surfaces are within very small parts of the calculated RPA, but it is worth re-iterating that an RPA is the *minimum* area around a tree required to sustain it. Recent research in to the extent of tree roots of old trees has shown that roots extend well beyond the 'drip line' of the canopy, and beyond the capped 15 metre radius as recommended in BS5837. Using a ground penetrating radar, the roots of a mature oak tree at Burghley Estate were found at 24 metres from the stem¹. It is therefore anticipated that excavations for the sub-base of these surfaces would result in some root loss.
- 4.6. Furthermore, the construction of hard surfaces with associated drains on the sloping ground above T3015 may alter the local hydrology of the soil, reducing the availability of soil moisture to the tree.

Veteran oaks T3031 & 3032

- 4.7. Drainage is proposed to pass through the RPAs of these trees, one of which (3031) is a veteran tree. The tree protection plan notes that a trench-less technique should be used to minimise damage.
- 4.8. This recommendation is sound but will depend on the feasibility of digging the entry and receiver pits outside of RPAs and a substrate free from structures or objects which could deflect the tunnelling device. More detailed specifications are required to properly assess whether this solution is feasible.

Veteran oak T3026

- 4.9. The apartment building (plots 6-9) is within the VTB of oak 3026. There appears to be no obvious reason why this building could not be shifted further to the north outside of this zone.

Veteran oak T3028

- 4.10. The rear gardens of plots 3 and 4 are within the VTB of this tree. The updated standing advice from Natural England (Nov 2018) regarding buffer zones for veteran trees states that gardens of residential dwellings should not be placed within buffer zones.

¹ An examination by TreeRadar: <http://sharonhosegoodassociates.co.uk/wp-content/uploads/2017/01/Burghley-TreeRadar-report.pdf>

Veteran oak T3030

4.11. The apartment building (plots 66-69) is within the VTB of oak 3030.

Veteran oak T3018

4.12. Within the VTB, a new footpath and car parking bays are proposed. The tree protection plan specifies a no-dig footpath construction but the car parking bays appear to be of a standard construction. Therefore the semi-natural buffer zone around this high value tree is not maintained.

4.13. Although the construction activity within this zone is not particularly intense, some loss of fine roots of the tree may be anticipated.

National and Local Planning Policy

4.14. Paragraph 118 of the National Planning Policy Framework (NPPF) states that "*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss*".

4.15. In my opinion, the scale and intensity of the proposed development could have a negative impact on some of the aged oak trees that would lead to their premature deterioration. This would be caused by potential for irredeemable damage to occur during construction and the longer and as yet unqualified impacts of the development by changing the soil ecosystem and hydrology.

4.16. Section 197 of the Town and Country Planning Act (1990) puts responsibility on LPAs to carefully consider trees when assessing planning applications. It states "*it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions for the preservation or planting of trees*". It is therefore incumbent on CBC to ensure that the high value trees on this site are preserved, as well as requiring mitigation tree planting to enhance the tree cover of the site.

4.17. CBC's adopted Local Plan (2006) also makes specific reference to the importance of trees in the local landscape, containing two tree-specific policies:

- Policy GE 5: Protection and Replacement of Trees - "the Borough Council will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders in appropriate cases.
- Policy GE 6: Trees and Development - "Development which would cause permanent damage to trees of high value will not be permitted."

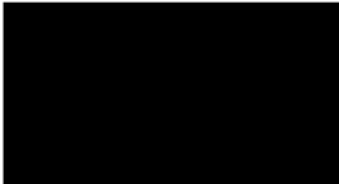
4.18. Core Policy 3 'Sustainable Environment' is also of relevance to considering trees in the context of development. "*Development will be permitted only where it would: ...c) conserve or enhance the best of the built and natural environments; and d) safeguard and promote biodiversity*". Although the majority of the high value trees are proposed to be retained, in my opinion the pressure of the development in the medium to long term would serve to damage the ancient tree population rather than conserve or enhance it.

5. Conclusions

- 5.1. My review of the site and the submitted arboricultural report leads me to the following conclusions:
- 5.2. The application site contains numerous trees that are of high value from a conservation and historical point of view. Many are considered to be veterans or notable landscape tree features. As such, a precautionary approach should be adopted when designing any development proposals at the site to in order to ensure that the trees are not negatively impacted. This approach is clearly set out at both the national and local level planning policy.
- 5.3. The arboricultural information submitted with the planning application is succinct and for the most part I agree with the categorisation of tree qualities and recommendations for tree protection as shown on the tree protection plan. However, it lacks a detailed assessment of the the development impacts to trees and conversely from trees to the development in future years.
- 5.4. In my opinion, the development proposal is a considerable improvement on the previous application but still has the potential to cause harm to significant trees.

6. Recommendations

- 6.1. I have concluded through my review of the site and the proposed development that there are some opportunities for high value trees at the site to be harmed by the development proposal. Therefore my recommendation is that the LPA refuse the planning application in its current format or request alterations to the layout and more detail about some of the specific tree protection recommendations such as trench-less drain installation.
- 6.2. I recommend that a detailed soil analysis is carried out in order to understand the soil hydrology and how a proposal would impact that and subsequently, the trees.



Paul Barton
MSc, BSc (hons), MArborA.
Arboriculturist and Director

References:

- 1) British Standards Institution (2012). BS5837:2012 'Trees in relation to design, demolition and construction - recommendations'.
- 2) Cheltenham Borough Council (2006). 'Cheltenham Borough Local Plan - Second Review 1991-2011'.
- 3) Department for Communities and Local Government (2012). 'National Planning Policy Framework'
- 4) Forestry Commission & Natural England (2018). 'Guidance: Ancient woodland and veteran trees: protecting them from development". Viewed online at: <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#veteran-trees>.
- 5) Hosegood, S., Lee, I. (2016). An unpublished report of the examination of tree roots of an oak tree at Burghley Estate. Viewed online at: <http://sharonhosegoodassociates.co.uk/wp-content/uploads/2017/01/Burghley-TreeRadar-report.pdf>.



Michelle Payne
Senior Planning Officer
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

11th January 2019

Dear Michelle

Land at Oakhurst Rise, Charlton Kings
Outline application for up to 69 dwellings, including access, layout and scale
Reference 18/02171/OUT

RESPONSE TO HERITAGE AND CONSERVATION COMMENTS

We write further to publication of the Heritage and Conservation Response by Chris Morris, Senior Conservation Officer. We have sought the advice of our retained consultant, Dr Carole Fry of AHC Consultants.

The Report has four significant flaws, such it is not an accurate assessment of the current development proposals. Although the Response has arrived late, after those of other consultees, we are responding urgently prior to the publication of the Committee Report.

1. Reproduction of Earlier Consultation Response

The Report begins by stating that the proposal has "*not meaningfully changed*". This does not recognise the change in quantum of units (significant reduction by a third), layout, and landscaping of the proposal. The Report does not refer to the updated Heritage Assessment, nor at any point to the new Site Layout Plan.

The Report then states that: "*Much of the previous heritage advice given on refused outline application 17/00710/OUT is reproduced here for reference as the concerns raised are still relevant.*"

It is very concerning that a Report should simply "reproduce" content from an earlier application response, rather than carry out a fresh assessment, by detailed reference to the updated documentation.

2. Remaining Setting of St Edward's

The Report accepts that the site did not fall within the parkland but merely represents "*incidental wider rural context*". The Report continues that "*This rural setting is now almost lost due to the existing suburban development so it is considered important to protect what remains of it.*" That is not a correct identification of the setting, which is urban (it is located in the principal urban area), or application of Historic England's Good Practice Advice Note No. 2 on Decision-Taking.

A significant methodological problem is that assessment of viewpoints is taken purely from below the school, as far back as the entrance. This ignores the historic landscaping, the documentary record as to the nature of the land behind the heritage asset and the extensive landscaping that will be provided through the proposal and which would actually reinforce the historic planting which we know we existed here.

There is little to no reference to the extensive construction around the historic asset, notably the kindergarten, school building/library, and extensive sports pitches. It is therefore strongly recommended that the comments are read in the context of the site visit.

3. Setting/Significance of Charlton Manor

No reference is made to the extent to which Charlton Manor has been altered by development within its current, much reduced curtilage and the development on adjacent plots to the south which formed part of its original curtilage.

4. Public Benefits

The first sentence of the final paragraph of the Response begins by purporting to conduct a planning balance.

The Committee will no doubt be aware that it is inappropriate for a technical consultee to carry this exercise out. This sentence should have been excluded from the overall Response.

Summary

We have set out in our Application documents, notably the Planning Statement, Heritage Statement, Design and Access Statement, and the various Plans and Site Layouts, the extensive work that has been undertaken to develop a scheme within this location that gives rise to less than substantial harm at the lower end of the scale.

It is our firm view that the Heritage and Conservation Response has reached a judgement that does not take on board this substantial preparatory work. There is therefore ample basis in the evidence before the Council, including the updated ECUS Report, to confirm that the proposal would be acceptable in heritage terms. In any event, the public benefits of the proposal, which are for the planning balance (not the heritage assessment) overwhelmingly weigh in favour of a grant of permission.

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APPLICATION NO: 18/02171/OUT		OFFICER: Michelle Payne
DATE REGISTERED: 27th October 2018		DATE OF EXPIRY: 26th January 2019 (extended until 29th March 2019 by agreement with the applicant)
WARD: Battledown		PARISH: Charlton Kings
APPLICANT:	William Morrison (Cheltenham) Ltd & Trustees of the Carmelite Charitable Trust	
AGENT:	SF Planning Limited	
LOCATION:	Land Adjacent To Oakhurst Rise Cheltenham	
PROPOSAL:	Outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration (revised scheme following refusal of application ref. 17/00710/OUT)	

Update to Officer Report

1. OFFICER COMMENTS

Corrections

- 1.1. It has been noted that there is a need for a couple of corrections to the main report. Paragraph 6.4.9 should read *“even when affording”* instead of *“even if affording”*; whilst paragraph 7.6 should read *“The benefits”* instead of *“The public benefits”*.
- 1.2. In addition, paragraph 6.11.1 should read:

Saved LP policy CP4 and adopted JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality. In addition, paragraph 127 (f) of the NPPF (2019) highlights the need to *“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”*.

Viability

- 1.3. The financial viability of the scheme has been questioned in relation to the offer of 40% affordable housing; suggesting that a financial viability assessment of the development is required to show that the development would be sound with the agreed level of affordable housing and necessary CIL contributions. However, planning practice guidance (Paragraph: 007 Reference ID: 10-007-20180724) advises that *“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable”*. A viability assessment would normally only be expected at the time of the decision where the applicant is suggesting that a policy compliant scheme would be unviable.
- 1.4. A 2016 appeal decision (APP/B1605/W/16/3152390) in respect of a residential development to the rear of the Nuffield Hospital, Hatherley Lane is particularly relevant in this regard. Paragraphs 22-24 of the Inspector’s report reading:

22. The Council refers to saved Policies HS 4 and CP 8, however, there is nothing within these policies, or the Supplementary Planning Guidance made in 2004 and linked to policy HS 4, that supports the need for financial viability to be demonstrated where the requirement of policy are being met. Moreover, the national

Planning Practice Guidance (PPG) says in paragraph 16 regarding 'Viability' that "decision taking on individual applications does not normally require consideration of viability. However where the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary".

23. In this case, the appellant does not argue that the requested scale of provision of affordable housing and other contributions will make the scheme unviable and a formal Unilateral Undertaking has been submitted to put that into effect. A material change in circumstances may result in the requirements of any formal agreement being reviewed and that would need to be considered on the individual circumstances at that time, and the fact that a scheme may have been shown to be viable earlier would not prejudice a subsequent review.

24. Overall on this issue I find that there is no support for the Council's insistence on a financial viability assessment of the scheme now in either the development plan or the national planning guidance and the proposal now separately makes formal provision for affordable housing, and for education and library development in accordance with the relevant policies in the development plan. Moreover, there is no evidence before me to indicate that the terms of the Obligation do not meet the restrictions imposed in the NPPF and the CIL Regulations in terms of being necessary to make the development acceptable in planning terms; and being directly, fairly and reasonably related to the development. Nor is the evidence that the limit on pooled contributions would be exceeded. I can therefore take the Undertaking into account.

1.5. The associated costs decision stating:

7. Overall, I conclude that that the Council's insistence on a financial appraisal to demonstrate viability at this stage, where the policy requirements are agreed and where no there is no submission that these should be reduced, flies in the face of clear and specific government guidance and has no sound planning justification. This constitutes unreasonable behaviour and has resulted in the appellant incurring, in part, additional costs.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

1.6. There has been no subsequent change to relevant local or national policy since 2016 that would suggest a different conclusion would now be reached.

Housing land supply

1.7. In response to the publication of the updated National Planning Policy Framework on 19th February 2019, the Planning Policy Team have provided the following statement:

The August 2018 Five Year Housing Land Supply Position Statement sets out council's most recent statement on its housing land supply figure. The final figure is calculated at 4.6 years.

Paragraph 73 of the NPPF (2019) sets out how to determine which buffer should be added to the five year housing land supply requirement. Cheltenham has been considered to have a recent history of under delivery and has applied a 20% buffer. This is reflected in the August 2018 statement.

However, on the 19 February 2019 the Ministry of Housing, Communities & Local Government published the Housing Delivery Test: 2018 measurement. The results show that Cheltenham Borough has delivered 108% of its required homes over the past three years.

In accordance with paragraph 73 and footnote 39 of the NPPF (2019) Cheltenham Borough has not had significant under delivery of housing over the previous three years. This suggests that a 5% buffer should be applied to the five year housing land supply instead of 20%.

It remains unclear whether the change in buffer is appropriate and what impact this would have on the housing land supply in Cheltenham. Also, it is not possible to prejudge the outcome of the ongoing Cheltenham Plan examination which may alter the housing trajectory.

The Government has introduced an Annual Position Statement where local authorities can confirm their 5 year housing land supply position once in a given year. This requires an engagement process and an assessment carried out by the Planning Inspectorate. When this process is followed a minimum buffer of 10% will be used.

Given the uncertainty around the new position statement process, the novelty of the housing delivery test results and the ongoing Cheltenham Plan examination the council currently (21st February 2019) is unable to determine its five year housing land supply.

Other matters

1.8. Officers would also like to provide the following clarification on a number of issues that have been raised in correspondence to Members:

- The Council's Conservation Officer has visited the site, the School Grounds, and viewed the site from Charlton Manor during the course of the previous application, ref. 17/00710.OUT; the Conservation Officer being present on Planning View in July last year. The Conservation Officer did not consider it necessary to revisit Charlton Manor when commenting on this revised scheme.
- The heights of the buildings are not yet known, other than storey heights; as such, it is not possible to determine that the buildings now proposed would be higher than those proposed within the previously refused scheme.

2. RECOMMENDATION

2.1. The recommendation remains to grant planning permission subject to a signed S106 agreement to secure the affordable housing provision, and the following revised schedule of conditions:

3. SUGGESTED CONDITIONS / INFORMATIVES

Note: Condition 6 (now condition 4) and condition 11 set out in the main report have been updated.

- 1 The outline planning permission hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of Section 92 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 (appearance and landscaping) must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The outline planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4 The application for approval of landscaping as a reserved matter shall include full details of the surface water drainage proposals; and the information submitted shall be in accordance with the principles set out in the approved drainage strategy. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage works shall thereafter be implemented strictly in accordance with approved details, prior to the commencement of any building works above ground level.

Reason: To ensure 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 for the lifetime of the development, in accordance with adopted policy INF2 of the Joint Core Strategy (2017). The detailed surface water drainage proposals are required at reserved matters stage as they form an inherent part of the landscaping proposals.

- 5 Prior to the commencement of any works on site, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall:
- a. specify the type and number of vehicles;
 - b. provide for the parking of vehicles of site operatives and visitors;
 - c. provide for the loading and unloading of plant and materials;
 - d. provide for the storage of plant and materials used in constructing the development;
 - e. provide for wheel washing facilities; and
 - f. identify routes for construction traffic.

Reason: To minimise disruption on the public highway and adjacent land users and to accommodate the efficient delivery of goods and supplies during the course of the construction works in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework. Approval is required upfront because without proper mitigation the construction works could have an unacceptable highway impact.

- 6 Prior to the commencement of development, including ground works and vegetation clearance, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Any modifications to the approved details for example as a result of requirements of a protected species license must be submitted to and agreed in writing by the Planning Authority. The CEMP shall include the following details:

Ecology

- (i) Badger Mitigation Strategy based on Section 4.6 of the Confidential Badger Appendix by Aspect Ecology dated October 2018.
- (ii) Mitigation measures MM1 (Hedgerow & Tree Protection), MM2 (Veteran Trees), MM4 (Soft-felling of Trees), MM5 (Re-installation of any affected existing Bat Boxes), MM7 (Wild Mammal Safeguards), MM8 (Reptile & Amphibian Safeguards) and MM9 (Timing of Works to avoid Nesting Birds) based on the Ecological Appraisal by Aspect Ecology dated October 2018.
- (iii) Mitigation measure MM3 (Updated Surveys) based on the Ecological Appraisal by Aspect Ecology dated October 2018.

Other

- (iv) Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- (v) Arrangements for liaison with the Council's Pollution Control Team.
- (vi) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites which shall be used to minimise noise disturbance from construction works.
- (vii) Procedures for emergency deviation of the agreed working hours.
- (viii) Waste and material storage.
- (ix) Control measures for dust and other air-borne pollutants.

Reason: To protect the local environment including its landscape and biodiversity value, to ensure that adequate mitigation/compensation measures are provided in order to safeguard protected species, and to reduce any potential impact on local residents, in accordance with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policies SD9 and SD14 of the Joint Core Strategy (2017) and paragraphs 8, 170, 175 and 180 of the National Planning Policy Framework. This information is required up front because without proper mitigation the construction works could have an unacceptable impact on protected species and the amenity of adjoining land users at the beginning of construction.

- 7 Notwithstanding previously submitted details, prior to the commencement of development, drainage plans for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage shall be implemented in accordance with the approved details prior to first occupation of the development

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront as any works on site could have implications for drainage, flood risk and water quality in the locality.

- 8 Prior to the commencement of development, a Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on mitigation measure MM6 (Sensitive Lighting) within the Ecological Appraisal by Aspect Ecology dated October 2018, and shall include the following details:

- (a) the position, height and type of all lighting;
- (b) the intensity of lighting and spread of light as a lux contour plan;
- (c) the measures proposed must demonstrate no significant effect of the lighting on the environment including preventing disturbance to bats so that light falling on vegetated areas and features used by bats will be below or not exceed 2.0 lux; and
- (d) the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

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

Reason: To provide adequate safeguards for protected species on the site, and to ensure that foraging and commuting of bats is not discouraged at this location, in accordance with adopted policy SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, paragraphs 109, 118 and 125 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 9 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 between the proposed development and adjacent buildings and land, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 10 Prior to the commencement of development, a method statement for the building foundation design, which takes account of existing soil types and adjacent trees so as to prevent future subsidence to new buildings and demands for the removal or heavy pruning of retained trees, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 11 No later than 3 months following the commencement of the development, a Landscape and Ecological Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the Landscape Strategy drawing no. 18125.101 D dated 16th October 2019; include all of the Ecological

Enhancements set out within the Ecological Appraisal by Aspect Ecology dated October 2018; and shall comprise of a drawing and document that covers:

- (a) Aims and objectives of the scheme including conservation of protected and priority species and a net gain for biodiversity appropriate green infrastructure;
- (b) A plan with annotations showing the soft landscape, hard landscape, habitat, vegetation and artificial features to be retained, created and/or managed;
- (c) Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;
- (d) Provision for and control of some public access;
- (e) A work and maintenance schedule for 5 years and arrangements for beyond this time;
- (f) Monitoring and remedial or contingency measures; and
- (g) Organisation or personnel responsible for implementation of the scheme.

Reason: To conserve and enhance the landscape and biodiversity value of the land and in accordance with adopted policies SD6 and SD9 of the Joint Core Strategy (2017), paragraphs 8, 170 and 175 of the National Planning Policy Framework, and ODPM Circular 06/2005.

- 12 Prior to the commencement of any above ground works, a scheme for the provision of fire hydrants (served by mains water supply) shall submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the hydrant serving that property has been provided.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with adopted policy INF6 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

- 13 Notwithstanding the submitted details, prior to the commencement of any building works above ground level, details of a scheme for the provision and future maintenance of multi-functional green infrastructure to include areas of informal play shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

Reason: To ensure that the development makes a positive contribution towards green infrastructure and provides opportunities for play and recreation in accordance with adopted policies INF3 and INF6 of the Joint Core Strategy (2017) and paragraphs 69 and 109 of the National Planning Policy Framework.

- 14 Notwithstanding previously submitted details, prior to the commencement of any building works above ground level, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number and location of all new trees and hedges to be planted; their species, size, spacing/density of hedges, root types, tree pit details (including details of introduced soil amelioration plans); and protection from deer and other predators as well as protection for the street trees from vehicles etc.

The scheme shall also include:

- a. a short, medium and long term management for all trees to be planted;
- b. details of the restoration and remedial surgery to parts of the existing hedge to be retained;
- c. details of the proposed pond in the communal open space to the south of the site; and
- d. wild flower strips in the public open spaces.

All hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

All soft landscaping shall be carried out in the first planting and seeding season following completion of the development or first occupation of the development (whichever is sooner). Any trees which within a period of 5 years, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size or species unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area in accordance with saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 15 All details of protection, working methods and practices etc. within the submitted FLAC report (Instruction Ref: SC38-1036) must be adhered to for the duration of the development. A retained arboriculturalist must be employed to oversee tree protection and workings in accordance with an Arboricultural Monitoring programme which shall include details of (i) person(s) to conduct the monitoring; (ii) the methodology and programme for reporting; and (iii) a timetable for inspections which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 16 Any works taking place within the root protection area of trees or adjacent to the site, shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without the prior written permission from the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 17 No trees, shrubs or hedges within the site which are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed, without the prior written permission from the Local Planning Authority. Any retained trees, shrubs or hedges removed without such permission, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted, shall be replaced with trees, shrubs or hedge plants of a similar size and species during the next planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework.

- 18 All paths, parking areas and other forms of hard landscaping that fall within Root Protection Areas (RPAs) of the retained trees shall be constructed using a no-dig

method as per the submitted drawings. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented strictly in accordance with the details so approved.

Reason: To safeguard the retained trees in accordance with saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006), adopted policy INF3 of the Joint Core Strategy (2017) and paragraph 175 of the National Planning Policy Framework. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 19 No tree and/or hedge clearance shall be carried out during bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has first been submitted to and approved in writing by the Local Planning Authority. Any such scheme shall be implemented in accordance with the approved details.

Reason: To provide adequate safeguards for protected species on the site in accordance with adopted policy SD9 of the Joint Core Strategy (2017) and paragraph 118 of the National Planning Policy Framework.

- 20 No construction works and/or ancillary operations which are audible at the site boundary shall be carried out on site outside the following hours:

Monday to Friday - 8am to 6pm

Saturday – 8am to 1pm

There shall be no working on Sundays or Public or Bank Holidays.

Deliveries to, and removal of plant, equipment, machinery and waste from, the site shall only take place within the permitted hours detailed above.

Reason: To ensure that any impact on the amenity of the occupiers of adjacent dwellings is minimised and controlled in accordance with saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

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

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with saved policy CP7 of the Cheltenham Borough Local Plan (2006), adopted policy SD4 of the Joint Core Strategy (2017) and guidance set out within Section 12 of the National Planning Policy Framework.

- 22 No boundary treatments, including boundary walls, fences or other means of enclosure shall be constructed unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with saved policy CP7 of the Cheltenham Borough Local

Plan (2006), adopted policy SD4 of the Joint Core Strategy (2017) and guidance set out within Section 12 of the National Planning Policy Framework.

- 23 Prior to first occupation of the development, the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 24 Prior to first occupation of the development, details of a Homeowner's Information Pack resource providing information on recreation resources in the locality shall be submitted to and approved in writing by the Local Planning Authority. The pack should reference:

- Alternative local recreation opportunities (off site), e.g. website information for Cotswolds AONB and recreation 'offer'
 - <https://www.cotswoldsaonb.org.uk/visiting-and-exploring/>
- Relevant adopted Cheltenham, Gloucester and Tewkesbury JCS policy (e.g. INF3 green infrastructure) and supporting text (e.g. 5.4.6 re. Green Infrastructure strategy 'vision').

Each dwelling shall be provided with an approved Homeowner Information Pack on occupation.

Reason: To ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the proposal, are suitably addressed in accordance with adopted policy SD9 of the Joint Core Strategy (2017) and paragraphs 175, 176 and 180 of the National Planning Policy Framework.

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

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

- 26 Prior to first occupation of the development, leaf guards for the guttering and down pipes of the dwellings shall be installed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority, and shall be maintained as such thereafter.

Reason: To reduce levels of tree-related inconvenience experienced by residents during the occupancy of the development.

- 27 Prior to first occupation of the development, the car parking associated with each building within the development (including garages and car ports where proposed) has been provided in accordance with Drawing No. 16.20.034 PL005 A, and those facilities shall be maintained available for that purpose thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between pedestrians, cyclists and vehicles is provided

in accordance with policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 28 Notwithstanding the submitted details, the development hereby permitted shall not be occupied until a delineated at grade pedestrian corridor with a minimum width of 1.2m from parking bays 16-19 and 60-69 linking to the associated dwelling entrances have been made available for use for the duration of the development.

Reason: To ensure safe and suitable access to the site can be achieved for all users; to give priority to pedestrians and to address the needs of people with disabilities in accordance with policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 29 Notwithstanding the submitted details, the development hereby permitted shall not be occupied until signing and lining has been provided adjacent to 19 Oakhurst Rise creating a T-junction ensuring that is clear for drivers where the major flow is to/from.

Reason: To avoid an unacceptable impact on highway safety by ensuring that it is clear for drivers where the major flow is to/from minimising the scope for conflicts between pedestrians, cyclists and vehicles in accordance with policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 30 Notwithstanding the submitted details, the construction of the car parking associated with each building within the development (including garages and car ports where proposed) shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

- 31 Prior to first occupation of the development, secure and covered cycle storage facilities for a minimum of one bicycle per dwelling shall be provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To give priority to cycle movements by ensuring 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 adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 32 Prior to first occupation of the development, 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 shall be completed to at least binder course level and the footway(s) to surface course level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained, and to ensure that a safe, secure and attractive layout which minimises the scope for conflicts between pedestrians, cyclists and vehicles, is provided in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 33 Prior to first occupation of the development, details of the proposed arrangements for the future management and maintenance of the proposed streets within the development shall 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 scope for conflict between traffic and cyclists and pedestrians, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108, 110 and 127 of the National Planning Policy Framework.

- 34 Notwithstanding the submitted details, prior to first occupation of the development, pedestrian improvements for the installation of a connecting section of footway (2m wide) with tactile dropped crossing between Beaufort Road and Ewens Road (north side) and an extension to the footway (2m wide) and dropped kerb tactile crossing point across the Charlton Court Road cul-de-sac junction shall be carried out and made available for public use.

Reason: To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and secondly, so far as possible, to facilitating access to high quality public transport, in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 35 Prior to first occupation of the development, the pedestrian dropped tactile crossing to the west of plots 1 & 69 shall be constructed in accordance with drawing ref. 16.20.034 PL005 A and made available for public use.

Reason: To ensure that safe and suitable access to the site can be achieved for all users and that the priority is first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and secondly, so far as possible, to facilitating access to high quality public transport, in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 36 Prior to first occupation of the development, the widening of the approach lane widths on the westbound A40 arm, adjustments to the kerb radius on the southbound Hales Road entrance link and the signal controller intervention (adding a UG405 / Mova unit to the existing ST900 controller and upgrading the connection to ADSL) shall be constructed in accordance with the approved plans.

Reason: To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 37 Notwithstanding the submitted details, prior to first occupation of the development, a bus shelter shall be provided, and made available for public use, for Bus Stop ID: glodtwmt located on Beaufort Road.

Reason: To ensure that appropriate opportunities to promote sustainable transport modes have been taken up in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 38 Means of vehicular access to the development hereby granted shall be from Oakhurst Rise only.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 39 The forward visibility splays as demonstrated on Drawing No. CTP-16-332-SK22-B shall include no vertical features over 600mm high. These areas shall be kept clear of vertical features over 600mm high for the duration of the development.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, secure and attractive layout which minimises the scope for conflicts between pedestrians, cyclists and vehicles is provided in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 40 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: The development will generate a significant amount of movement; and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 111 of the National Planning Policy Framework.

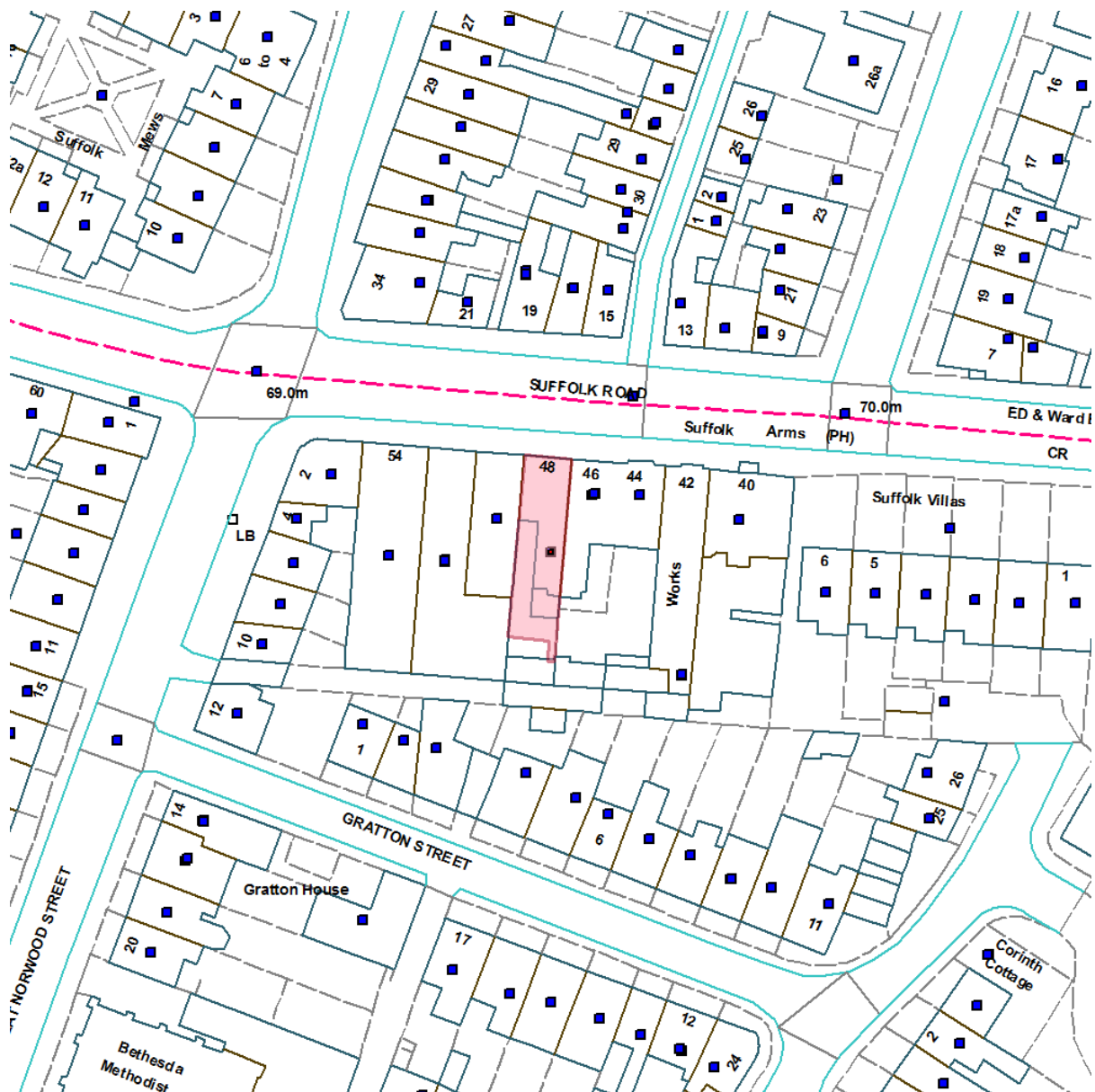
INFORMATIVES

- 1 The applicant/developer is advised that to discharge condition 33 the local planning authority will require a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a private managements and maintenance company confirming funding, management and maintenance regimes.
- 2 The proposed development will require the provision of a footway/verge crossing and the applicant/developer is required to obtain the permission of the County Council before commencing any works on the highway.
- 3 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 works agreement (including the appropriate bond) with the County Council before commencing those works.
- 4 The applicant/developer is advised to contact Amey Gloucestershire on 08000 514 514 to discuss whether the development will require traffic management measures on the public highway.
- 5 The developer will be expected to meet the full costs of supplying and installing the associated infrastructure.

- 6 The applicant/developer will require a badger licence from Natural England before carrying out works on site under the Protection of Badgers Act 1992.

APPLICATION NO: 18/02337/CONDIT		OFFICER: Mr Gary Dickens
DATE REGISTERED: 12th December 2018		DATE OF EXPIRY: 6th February 2019
DATE VALIDATED: 12th December 2018		DATE OF SITE VISIT: 25th January 2019
WARD: Park		PARISH:
APPLICANT:	Mr Ryan Bennett	
AGENT:	Ridge and Partners LLP	
LOCATION:	48 Suffolk Road, Cheltenham	
PROPOSAL:	Variation of condition 4 on 17/00960/COU for alternative hours of extractor fan use and additional attenuation measures	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 48 Suffolk Road which is currently occupied by 'Baker and Graze' and operates as a bakery and café / restaurant premise.
- 1.2 The application is seeking to vary an existing condition (cond. 4 on 17/00960/COU) which restricts the operating hours of the existing extraction fan to only be used between the hours of 07:30 to 20:30 Monday to Saturday and 09:00 to 16:00 Sundays and Bank Holidays.
- 1.3 The application is before committee at the request of Cllr Dilys Barrell due to potential impact on neighbouring amenity. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Neighbourhood Shopping Area

Relevant Planning History:

09/00442/PREAPP CLO
Change of use from A1 (shop) to A3 (restaurant)

03/01005/COU 1st September 2003 PER
Change of use of workshop to dwelling

06/00113/COU 5th August 2011 DISPOS
Change of use of ground floor from shop (Class A1) to form coffee/pastry/sandwich/pasta bar (Class A3), erection of rear conservatory, and erection of rear spiral staircase.

10/01166/COU 23rd August 2011 DISPOS
Retrospective application for the change of use from A1 (shop) to A3 (restaurant - brasserie)

16/00698/PRIOR 15th June 2016 NOOBJ
Notification of change of use from shops (Class A1) to restaurants and cafes (Class A3)

17/00960/COU 10th November 2017 PER
Garden change of use from shops (class A1) to restaurants and cafe (class A3) and changes to existing kitchen extract fan

18/01166/CONDIT 4th September 2018 PER
Variation / removal of conditions on planning permission ref. 17/00960/COU - amend condition 3 (garden area hours of use), amend condition 4 (operating hours of extractor fan) and remove condition 5 (temporary permission). Please see accompanying Planning Statement.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 8 Promoting healthy and safe communities

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Central conservation area: The Suffolks Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Environmental Health

16th January 2019

I have reviewed this application and offer the following comments and recommendations:

In this application the applicant has not provided an assessment of noise levels likely to be produced by the revised extractor equipment when it is fitted with an attenuation system. However, the attenuator system indicated appears to be the same as that specified in application 18/01166/CONDIT. In connection with this earlier application, the applicant indicated that the revised system would produce a noise level not in excess of 33dB(A) at 1m from the façade of the nearest residential receiver. If we use this figure as the "Operational Level" for a calculation to BS 4142 standards, we have a rating level of 39, compared to an evening average background level (L90) in the range of 48-55dB. This is a negative difference, which suggests any adverse impact is unlikely. The current application only seeks to vary conditions to allow evening opening of the premises, rather than early morning opening, which could be considered a more sensitive time of the day.

Therefore I would recommend the following:

Please request the applicant confirms that the same noise attenuation plant is proposed as in the previous application.

Should this be confirmed, I have no objection to the extended hours of operation of this equipment requested.

If you have queries, let me know.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	17
Total comments received	5
Number of objections	4
Number of supporting	1
General comment	0

- 5.1 Seventeen letters were sent to neighbouring properties, a site notice displayed and an advert published in the Gloucestershire Echo. Five responses have been received, one in support and four in objection.

- 5.2 The comments for this application will be circulated in full to members together with previous comments received in relation to this application. However, in brief the concerns raised relate to the impact of noise and activity which could be created by increasing the hours of operation.

6. OFFICER COMMENTS

6.1 The site and its context

- 6.2 The application site is located on a main road within the Suffolks area of Cheltenham. The site forms part of a vibrant and active environment where there are a variety of uses in the area which include retail, restaurants, bars and residential. In the immediate vicinity, there is an estate agency and a bar adjacent to the site, whilst to the rear lie a small number of residential properties and their respective amenity space.

- 6.3 There is recent and relevant planning history for this site. This includes a prior approval application (ref: 16/00698/PRIOR) in 2016 enabling the premises to change from use class A1 (retail) to A3 (restaurant and café). A change of use application (ref: 17/00960/COU) for the garden area to be used for A3 purposes was approved with conditions in 2017. An application to vary two and remove one of these conditions was submitted and processed in 2018 (ref: 18/01166/CONDIT).

- 6.4 Following these applications, the site (including the garden area) is able to be used as an A3 use class subject to restrictions on the hours of use of the garden area (cond. 3) and restrictions on the hours of operation of the current extraction fan (cond. 4), together with the garden only being used in accordance with the agreed garden area management plan (cond. 5).

- 6.5 This application is seeking to vary condition 4 on 17/00960/COU and allow the extraction fan to be operated between the hours of 07:30 to 22:30 Monday to Saturday; and 09:00 to 17:30 Sundays and Bank Holidays.

6.6 Determining considerations

- 6.7 The consideration for this application is whether the extension to the extraction fan operating hours will have an unacceptable impact on neighbouring properties balanced against the need to support a thriving, local business.

- 6.8 The applicant considers the current condition restricts the business from operating as it wishes. The officer report for 17/00960/COU states how the inclusion of this condition “*will reduce and limit the impact on surrounding properties to an acceptable level*” and “*prevent... the extraction fan being used at times of the day which could be considered to have a harmful impact on neighbouring properties*”.

- 6.9 With regards to this application, the applicant has sought to mitigate the noise from the current extraction fan through additional noise attenuation which involves the introduction of a rectangular silencer and vertically redirecting the fan hood. The Environmental Health Officer has been consulted and they raised no objection to this application as they felt the proposed attenuation system would prevent any significant disturbance to neighbouring properties.

- 6.10 Whilst these points are acknowledged, it is important to differentiate between the views of Environmental Health and Planning when assessing noise. Planning Officers look to protect amenity whereas Environmental Health Officers seek to prevent a statutory nuisance. When considering impact on amenity, JCS Policy SD14 and Local Plan Policy CP4 are relevant in determining applications. National Planning Policy Guidance is also

clear that applications which result in a change of behaviour for adjacent occupiers should be avoided.

- 6.11** The most recent application (ref: 18/01166/CONDIT) sought to change the operating hours of the extraction fan to 04:30 to 22:00 Monday to Saturday, and 05:00 to 21:00 on Sundays and Bank Holidays. The same attenuation system was proposed and the change in hours was supported by the Environmental Health Officer. This was rejected by Officers however as it was felt the operation of the extraction fan system at this time in the morning would result in neighbouring occupiers 'changing their behaviour'. This application is seeking to extend the operating hours of the extraction fan in the evening only and the morning hours will remain the same.
- 6.12** The National Planning Policy Framework (NPPF) states in paragraph 80 how "*significant weight should be placed on the need to support economic growth and productivity*" whilst "*planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt*". The business appears to be a successful one which contributes to the economy and sustainability of this neighbourhood shopping area as well as the town as a whole.
- 6.13** Any decision must therefore be balanced against the need to protect the amenity of adjoining land users whilst also supporting local businesses.
- 6.14** After careful consideration, it is officer's opinion that extending the evening operating hours of the extraction fan is acceptable. Officer's consider the potential economic benefits of the application to outweigh the potential harm to neighbouring properties. The proposed additional attenuation measures will reduce the current noise levels to an acceptable level, as confirmed by the Local Authority's Environmental Health Officer. Given this point, it is not felt increasing the evening operating hours will result in a neighbouring occupiers having to 'change their behaviour'.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Based on the above, it is officer's conclusion that the variation of the operating hours for the amended extraction fan system is acceptable and is not contrary to the relevant policies within the JCS or the Local Plan and is in accordance with Section 6 of the NPPF.
- 7.2** The recommendation to members is therefore to approve the variation of condition 4 on application 17/00960/COU and grant planning permission subject to the following schedule of conditions, which reflects those on the previous application.

8. CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.
- Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No customers shall be admitted to or allowed to remain within the garden area of the premises outside the following hours: 08:30 to 21:00 Monday to Saturday and 09:00 to 17:30 Sundays and Bank Holidays.

Reason: To safeguard the amenities of residents of neighbouring properties, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 The extractor fan shall not be operated outside the following hours: 07:30 to 22:30 Monday to Saturday, 09:00 to 17:30 Sundays and Bank Holidays.

Reason: To safeguard the amenities of residents of neighbouring properties, having regard to Policy SD14 of the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (adopted 2017) and Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 The garden area will be used in accordance with the submitted Garden Area Management Plan.

Reason: To safeguard the amenities of residents of neighbouring properties, having regard to Policy SD14 of the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (adopted 2017) and Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

APPLICATION NO: 18/02337/CONDIT		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 12th December 2018		DATE OF EXPIRY : 6th February 2019	
WARD: Park		PARISH:	
APPLICANT:	Mr Ryan Bennett		
LOCATION:	48 Suffolk Road, Cheltenham		
PROPOSAL:	Variation of condition 4 on 17/00960/COU for alternative hours of extractor fan use and additional attenuation measures		

REPRESENTATIONS

Number of contributors	5
Number of objections	4
Number of representations	0
Number of supporting	1

61 Glenavon Park
Sneyd Park
BRISTOL
BS9 1RW

Comments: 16th January 2019

I would like to make the following points:

1. I lived in the property (48a) directly behind and overlooking 48 Suffolk Road (Baker & Graze) from about 2004 the restaurant and rear garden were open until about 11pm. The restaurant fan did not cause me any disturbance and at night. I even had my windows open in the summer. I understand that with this application there will be a quieter fan fitted than the existing one and it even has a noise silencer.
2. The locality has been known for its specialist shops and restaurants since about 1870. Suffolk Road is now a desirable place to be, which has led to an increase in the people living at the rear of the shops. But the businesses, shops and restaurants were there first.
3. The application only seeks to allow evening operation of the restaurant fan, which is normal for a restaurant business.
4. The Suffolk's area would sorely miss the restaurant if it wasn't able to open in the evening just because it could not do cooking which relies on a kitchen fan. It's important for the area that local businesses can thrive and survive.

42B Suffolk Road
Cheltenham
Gloucestershire
GL50 2AQ

Comments: 7th January 2019

Our main window looks out onto Baker and Graze and we are disturbed by the noise from the extractor fan and noise from the garden. We do not believe it is fair to extend the fan usage hours and cause excess noise to all nearby neighbours. We already hear a lot of noise which should not be exacerbated by extended usage.

42 Suffolk Road
Cheltenham
Gloucestershire
GL50 2AQ

Comments: 6th January 2019

I am already disturbed by the noise of the fan and garden use from Baker and Graze, and am surprised that they may be able to make noise for even longer as it's a conservation area. My only window faces baker and Graze/ so I would like to be able to open this and not be disturbed by their continually noise. The noise is one issue along with the smell from cooking. There are 5 flats at this building and we all have issues with the noise and all flats only have windows facing Baker and Graze.

First Floor Flat
44 Suffolk Road
Cheltenham
Gloucestershire
GL50 2AQ

Comments: 6th January 2019

I hear the extractor fans and also noise from cooking and customers and want to be able to relax in my own home. It is not acceptable and before Baker and Graze came it was a very quiet area. Please do not allow this application

44 Suffolk Road
Cheltenham
Gloucestershire
GL50 2AQ

Comments: 29th December 2018

We are devastated to be having to fight this again. We find this situation very stressful indeed. We are affected by the noise, sights and smells from Baker and Graze almost every day of the year including Bank Holidays.

We have lived and worked here for over 15 years and never anticipated the change to a restaurant of 48 Suffolk Road. This is also a residential area, and although we appreciate people making a living, we do expect to be able to live peacefully as well.

A large structure has been built in the garden, less than 10 feet from our front room and bedroom, we believe without planning permission. It is used from 5am for the preparation and cooking of food, and is accompanied by the banging of doors, trays, oven doors, talking, alarms, access to bins and banging when using bins. We are unable EVER to have our windows open at night as the noise disturbs our sleep. Hence, we would like to stress that the noise problem does not only come from the use of fans .The fans often go on earlier than their allotted time . The fans are very noisy, and even with changes , will still cause noise and therefore disturbance. The cooking is on an industrial scale and therefore we question whether it should go on in a residential area.

We have no objection to the use of the premises in usual business hours, or even the use of the actual building in the evening, however, we do strongly object to the garden use in the evening (including the external cooking area). Alcohol is served, and once a group of people are present, it is impossible to prevent excessive noise. We have experienced this first hand when it was used as HPJ, and indeed complained on many occasions. The present restaurant has opened

on occasion in the evening with much excessive noise, continual banging of doors from kitchen into garden, smoke and BBQ smells feet away from our house making it impossible for us to open our windows, and fan use until 11pm. There has been a complete disregard for anything already put in place. Restaurant goers are also able to see directly into our bedroom windows, hence causing added distress.

We invite the council to come and see the proximity, and how this affects our lives on a daily basis. We feel very strongly that this would have a huge negative impact on our lives, and would be left with no choice but to try and sell losing the business we have nurtured for 30 years, and the home we have brought our children up in for 15 years. (We are sure the value of our property has gone down because of it).

We feel very bullied but feel we must try and fight.

Comments: 31st January 2019

Further to my previous objection I have found the below on the council planning policies -

Section 5.5 of the 'The Suffolks Character Area Appraisal and Management Plan July 2008' states

'there are a number of public houses, restaurants and cafes in the Suffolks. They generate noise and activity levels during the daytime and evening, adding to the vitality of the area'.

No-where does the local policy encourage the addition of more noise for further vitality. The existing vibrancy is heard from Suffolk Road side of the property. There is no benefit to perceived vibrancy to add noise at the rear of the property where it can only be heard by neighbouring home owners with currently peaceful gardens.

Planning policies and decisions should aim to:

'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'

and

'identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'.

Detrimental impact upon residential amenities

Cheltenham local plan Second Review, Adopted July 2006:

'Whilst the Council supports the provision of a wide range of recreational facilities, it will be concerned to ensure that the mix and location of facilities do not cause harm to the amenity of residential environments, from factors such as noise and anti-social behaviour'.

The Council will not permit proposals which are likely to give rise to such problems.

Cheltenham Borough Local Plan Second Review, Adopted July 2006:

'Objective 23 to secure a high standard of residential amenity'.

Regional Planning Guidance States in 3.30 Its policies for Cheltenham require that, amongst other things, *'the environment is conserved and enhanced'.*

Policy CP 1: *'promoting and enhancing quality of life'.*

Policy CP 3: *'Development will be permitted only where it would conserve or enhance the best (a*

feature within the built or natural environment, which makes a significant contribution to the character, appearance, amenity or conservation of a site or locality) of the built and natural environments; and not give rise to harmful levels of pollution (any harm or potential harm, which might occur, from fumes, smells, noise, light)'.

Policy CP 4: *'Urban areas have the potential to contribute to sustainable development by providing a high quality of life. In order to do so, they need to provide attractive, liveable environments for the whole community'.*

Policy CP 6: *'For mixed use development to be successful, the uses involved must be compatible (unlikely to cause harm to amenity by loss of privacy or disturbance from noise, smells, fumes, vibration, glare from artificial lights) with each other and with adjoining land uses'.* Policy BE 2, seeks to protect residential character in these areas.

Planning (Listed Buildings and Conservation Areas) Act 1990: Section 72 of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas in the exercise of their planning functions. The Suffolks form part of the existing conservation area. They state that (5.17) *'the open and green character often depends as much upon smaller, less formal open spaces, often in private ownership. Private gardens are important in this respect. Even where the garden itself is not well kept or is hidden behind high walls or hedges, the sense of openness and spaciousness, which it provides, can make an important contribution to the character of a conservation area'.*

Policy CP4: Development will be permitted only where it would: *'not cause unacceptable harm to the amenity of adjoining land users and the locality. In assessing impact on amenity, the Council will have regard to matters including, loss of outlook, loss of privacy, and potential disturbance from noise, smells, dust, fumes, vibration, glare from artificial lights'.*

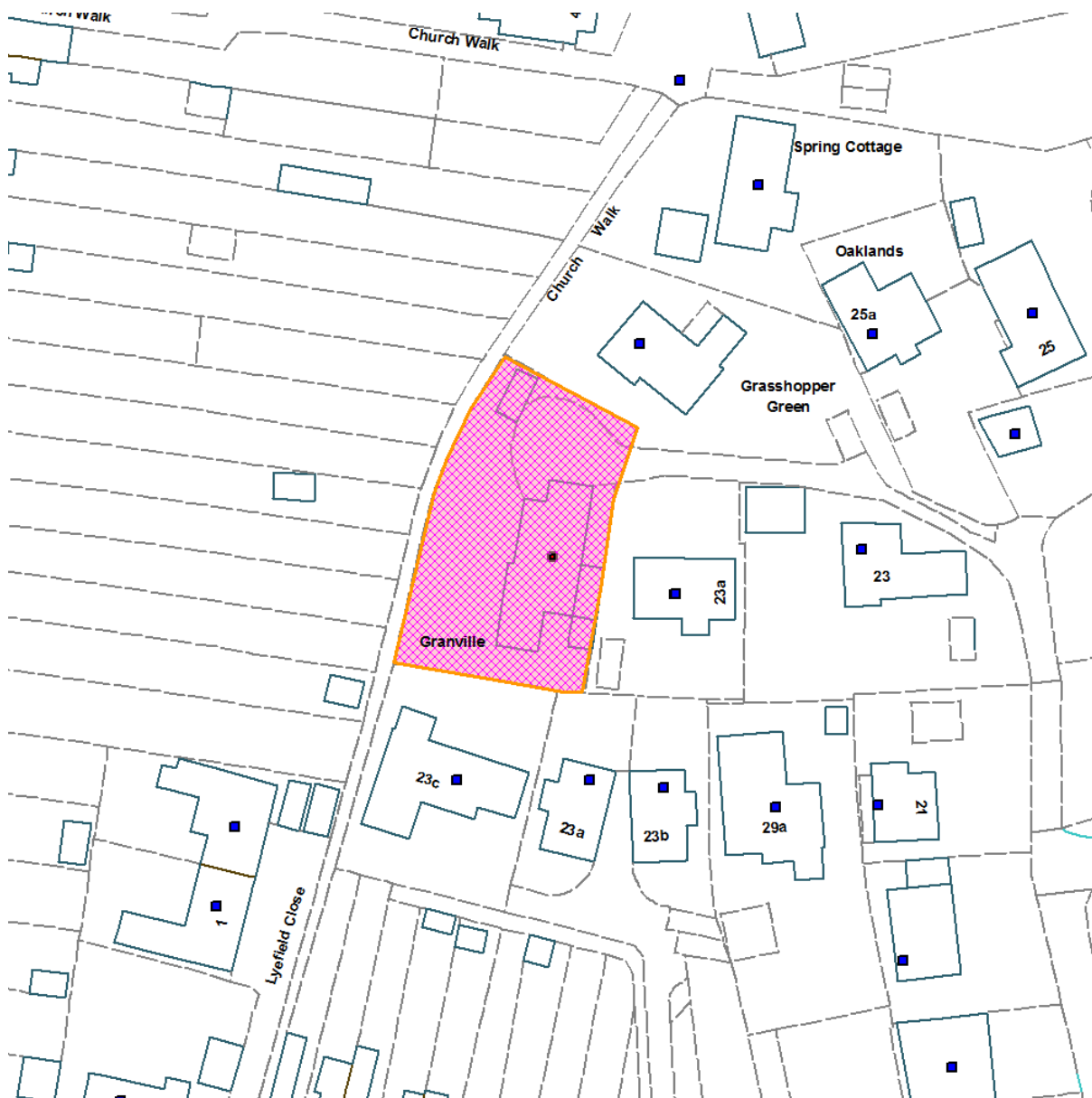
Human Rights Act: I would urge you to consider the responsibilities of the council under the Human Rights Act, in particular Article 1 of the first protocol which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. I believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our properties. The Human Rights Act means, amongst other things that it is unlawful for a public authority to act in a way which is incompatible with a Convention right.

Article 1 of the First Protocol: Protection of property, this imposes an obligation on the State not to:

interfere with peaceful enjoyment of property; deprive a person of their possessions; or subject a person's possession to control. The concept of property and possessions includes land. The exercise of this right not only depends on the State's duty not to interfere, but it may also require positive measures to protect property to be taken. Any interference with this right must be subject to conditions provided for by law. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. Private and family life encompasses not only the home but also the surroundings. It means the State must not interfere with your right to privacy, it must take active steps to protect you. Privacy is closely linked to many rights like the right to respect for your property.

APPLICATION NO: 18/02466/CONDIT	OFFICER: Mr Gary Dickens
DATE REGISTERED: 5th December 2018	DATE OF EXPIRY: 30th January 2019
DATE VALIDATED: 5th December 2018	DATE OF SITE VISIT: 21st December 2018
WARD: Charlton Kings	PARISH: Charlton Kings
APPLICANT: Mr Will Unwin	
AGENT: n/a	
LOCATION: Granville, Church Walk, Charlton Kings	
PROPOSAL: Variation of condition 5 on planning permission 18/00136/FUL - variation to window detail	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to Granville, Church Walk in Charlton Kings.
- 1.2 An application was submitted in early 2018 for the demolition of an existing bungalow and erection of a contemporary two storey dwelling (planning ref: 18/00136/FUL). Planning permission was subsequently approved under delegated authority with a condition relating to the first floor windows to the north, east and south elevations. The applicant is seeking to vary this condition.
- 1.3 The application is before committee at the request of Cllr Paul McCloskey due to potential impact on neighbouring amenity. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Smoke Control Order

Relevant Planning History:

17/01043/PREAPP 22nd June 2017 CLO

Demolition of existing and replacement with two dwellings

79/00488/PF 9th November 1979 PER

Erection Of Marley Milford Garage

17/01665/FUL 20th October 2017 PER

Ground floor extension and remodelling of existing property to enable first floor accommodation

17/02134/DISCON 21st November 2017 DISCHA

Discharge of condition 5 (tree protection plan) on planning permission ref. 17/01665/FUL

18/00136/FUL 9th March 2018 PER

The construction of a new build two storey dwelling following demolition of a dilapidated 1950's bungalow. (Revised scheme ref: 17/01665/FUL)

18/02413/FUL 23rd January 2019 PER

Erection of double garage

3. POLICIES AND GUIDANCE

Joint Core Strategy

SD 4 Design Requirements
SD 14 Health and Environmental Quality

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

20th December 2018

Objection:

While the Committee has no desire to see resources wasted, this condition was imposed to protect the privacy of neighbours and we cannot see why a 'mis-communication' with the supply chain should justify the removal of a valid condition.

The fitted restrictors can, in the future, be as easily removed to the detriment of the neighbour's privacy.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

- 5.1 Thirteen letters were sent to neighbouring properties and three responses have been received in objection to the application.
- 5.2 The comments for this application will be circulated in full to members together with previous comments received in relation to this application. However in brief the concerns raised relate essentially to a loss of privacy.

6. OFFICER COMMENTS

- 6.1 In determining whether the variation of this condition is acceptable, it is necessary to revisit the previous application for an understanding of the reasoning behind the inclusion of the original condition which reads as follows:

“Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), the first floor windows in the north, east and south elevations shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves.

Reason: To safeguard the privacy of adjacent properties having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006).”

- 6.2 The officer report stated that the *“proposed first floor windows to the north, east and south elevations could cause a loss of privacy therefore a condition is retained that will ensure these are obscurely glazed”*. This condition, coupled with one preventing any additional openings being formed without planning permission, alleviated concerns that the proposal would create unacceptable levels of overlooking.
- 6.3 The applicant is now seeking to amend this condition to enable two first floor windows to the east elevation to be side hung and have restricted opening mechanisms. These windows will serve a family bathroom and an en-suite, and will be obscurely glazed. The

windows are positioned opposite the side elevation of 23A School Road which does not have any openings within it, and a driveway serving the neighbouring property runs between the two sites. The windows to the north and south elevations are to be as per the approved scheme and obscurely glazed with high level opening only.

- 6.4** The two first floor windows to the east elevation will be restricted to open no more than approximately 16.5cm (the window that opens towards the road) and 6cm (the window that opens away from the road). The mechanism to restrict the extent the windows can be opened is located externally and cannot be altered from inside the dwelling. If the restriction mechanism was removed then the home owner / occupier would be in breach of the planning permission and enforcement action would be taken.
- 6.5** Whilst officers fully acknowledge the concerns raised by neighbours, it is not felt that the level of opening that would be created would cause such a significant level of overlooking to neighbouring properties compared to the existing approval. Those windows could be fully opened above 1.7m therefore it is difficult to articulate an additional level of harm which would be created by approving this variation.

7. CONCLUSION AND RECOMMENDATION

- 7.1** In light of the points above, it is officer's conclusion that the variation to the condition to allow the first floor windows to the east elevation to have restricted opening is acceptable and is not contrary to the relevant policies within the JCS or the Local Plan.
- 7.2** The recommendation to members therefore is to approve the variation of condition 5 on application 18/00136/FUL and grant planning permission subject to the following schedule of conditions, which reflects those on the original permission, other than those that have already been discharged.

8. CONDITIONS

- 1 The development hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of the original decision notice issued under planning permission ref. 18/00136/FUL.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby approved shall not be carried out unless in accordance with the approved Tree Protection Plan (TPP). The protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the property without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the first floor windows in the north and south elevations shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the east elevation first floor bathroom windows shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall incorporate, on a permanent basis, a restricted opening mechanism as outlined in the submitted application supporting information.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

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APPLICATION NO: 18/02466/CONDIT		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 5th December 2018		DATE OF EXPIRY : 30th January 2019	
WARD: Charlton Kings		PARISH: CHARLK	
APPLICANT:	Mr Will Unwin		
LOCATION:	Granville, Church Walk, Charlton Kings		
PROPOSAL:	Variation of condition 5 on planning permission 18/00136/FUL - variation to window detail		

REPRESENTATIONS

Number of contributors	3
Number of objections	3
Number of representations	0
Number of supporting	0

23 School Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BG

Comments: 6th December 2018

We object to this application on the grounds our privacy has already been compromised and now one of the few conditions to protect this has been applied to be removed.

This condition was as a result of our previous concerns and now it appears acceptable to just apply to have this removed with no thought to our private space.

I would urge the planners not to remove this condition as a dispute between the window company and developer is not reason enough to warrant its removal.

23B Lyefield Road East
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BA

Comments: 20th December 2018

Letter attached.

23A School Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BG

Comments: 9th December 2018

I live next door to Granville on the east side of it at 23A School Road. On September 28th I sent an e-mail to [the owner] of Granville, because I hadn't seen him on site that day , to say the day before I saw a bathroom window open overlooking my side . The glass is obscure glass but

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according to the planning conditions in your permit "shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the level of the floor that the window serves."

His reply, the same day, was "the windows were a misunderstanding with the supplier and so you are correct, the windows do open below the 1.7m mark. That said I have made them so that they are restricted to only opening 8-10 cm, so overlooking should not be an issue at all. The restrictors can not be taken off so no one will be able to look out of the window and into your property but fresh air will be allowed into the room."

I saw him a few days later, he said if you don't like it I can change it, I said I don't like it, but I haven't seen any change made with that. On Friday December 7th I received from CBC a copy of letter sent to you dated November 16th, requesting the Alteration to condition 5 relating to application 18/02466/CONDIT. I refer to Part B , [the owner] now wants "restricted opening as outlined in the attached document".

Justifications; "miscommunications between myself and my window manufacturer". I have not been into the property, but I now have the photographs from you of how the openings look from the inside . The window opening I saw, when open, faced north as in window B, this window is 2 pieces of glass. Window A when open is facing south, showing my garage which is in my back garden. The first image showing the restrictor , when open shows the side of my bungalow and part of the back garden. I object to this. referring to "Reason; To safeguard the privacy of adjacent properties" this request is the opposite, it is invading even more into my privacy. I don't see how "Miscommunication between myself and my window manufacturer " can be a justified reason for this being allowed, as I first mentioned it to [the owner] on September 28th.

Mr Gary Dickens Page 323

Planning Officer

23b Lyefield Road East

Charlton Kings, Cheltenham

GL53 8BA



Dear Sir,

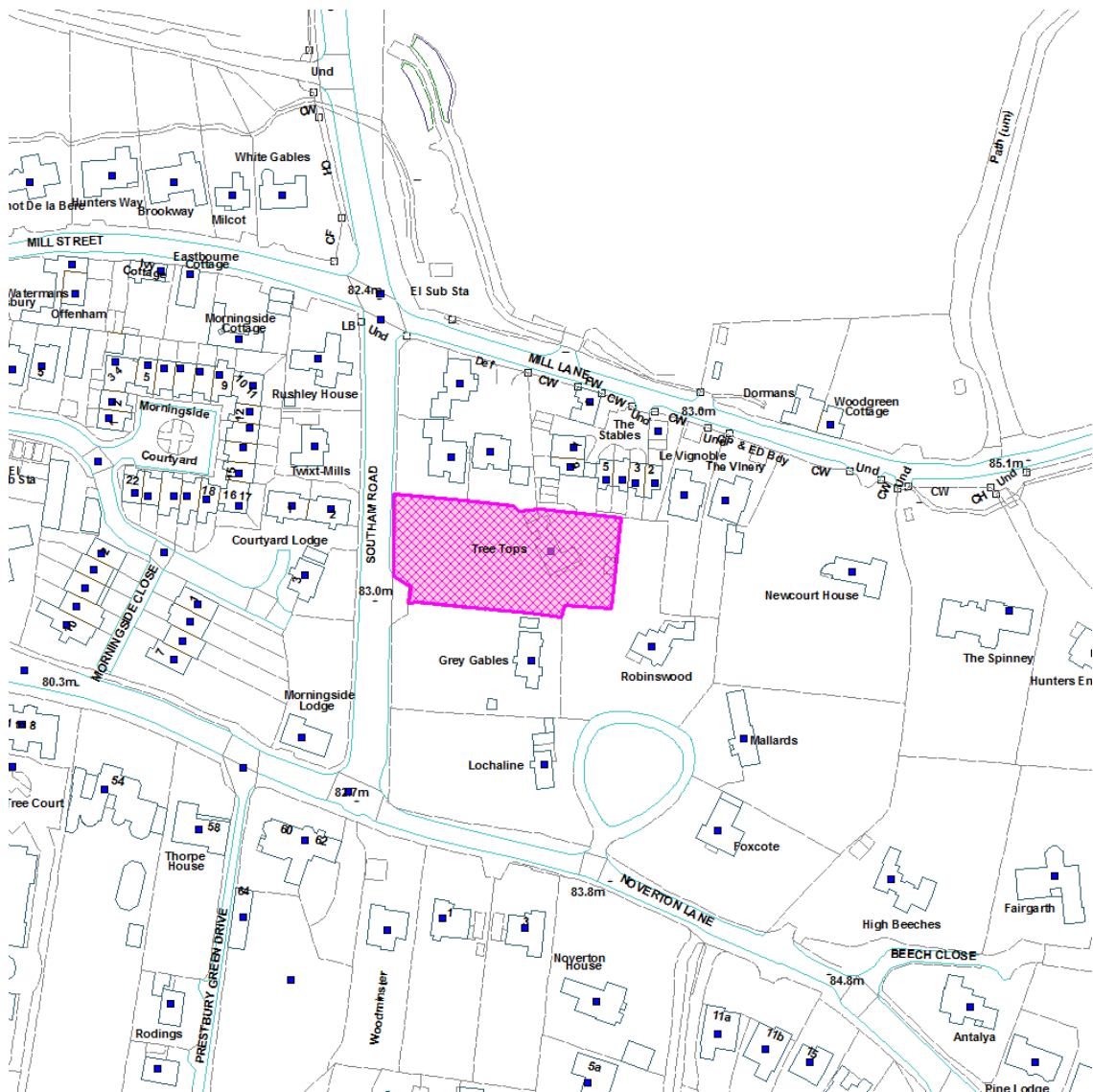
In reply to your recent letter concerning "Granville" School Road, C/Kings, & the windows which had previously been passed as "Non-opening" & are now proposing windows that do open, (on the East elevation) which will mean when open we & our neighbour will be overlooked, with an open view across our properties, therefore losing privacy for us all, we therefore request the windows remain as non-opening, as originally planned.

Thanking you. [REDACTED]

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APPLICATION NO: 18/02560/FUL	OFFICER: Miss Claire Donnelly
DATE REGISTERED: 20th December 2018	DATE OF EXPIRY: 14th February 2019
DATE VALIDATED: 20th December 2018	DATE OF SITE VISIT: 15th January 2019
WARD: Prestbury	PARISH: Prestbury
APPLICANT:	Mr And Mrs Bence
AGENT:	SF Planning Limited
LOCATION:	Tree Tops, Southam Road, Cheltenham
PROPOSAL:	Internal & external alterations including single storey side extensions, two storey rear extension and new triple bay garage with link (revised application to previously approved application ref. 18/00603/FUL; changes include alterations to existing roof) (part retrospective)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to Tree Tops, a large detached property located off Southam Road within Prestbury. The site is a fairly large plot, with the dwelling located towards the rear of the site therefore has a larger front garden than rear. The site is not within a conservation area.
- 1.2 The applicant is seeking planning permission for internal and external alterations including single storey side extensions, two storey rear extension and a new triple bay garage with link. This application is a revised scheme to the previously approved application ref. 18/000603/FUL. The changes as part of this revised application include the increase in the ridge height of the main property.
- 1.3 The application has been revised throughout the course of the process, the initially proposed increase in height of the garage with accommodation above was considered to be unacceptable and since has been omitted from the proposal, reverting back to the height approved as part of the previous application.
- 1.4 The application is at planning committee following an objection from the parish council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m

Relevant Planning History:

78/01053/PF **5th December 1978** **PER**
Extension to existing garage to provide a car port

18/00603/FUL **21st June 2018** **PER**
Internal & external alterations including single storey side extensions, two storey rear extension and new triple bay garage with single storey link

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places

Adopted Joint Core Strategy Policies (JCS)

SD4 Design Requirements
SD14 Health and Environmental Quality

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Building Control

27th December 2018

The proposed works and alterations will require Building Regulations approval. For more information visit the Cheltenham Borough Council website

Parish Council

2nd January 2019

OBJECTION

Prestbury Parish Council would like CBC Planning Committee to make a decision on this application in view of the deviation from approved plans, with regards to height of the proposal and objection to the re-introduction of windows in the garage roof and added windows to the rear of the main roof.

The Parish Council considers the new application does not meet with Policies SD4 and SD7, it also does not meet CBC Supplementary Planning Policy for extensions.

12th February 2019

With reference to the revised plans for the above property, dated 6th February 2019, Prestbury Parish Council OBJECTS to this retrospective application for approval of an increase in building height and windows in the roof.

Prestbury Parish Council considers that the application does not meet with policies SD4 and CP7. The application requires the approval of Cheltenham Borough Council Planning Committee in view of the deviation from approved plans regarding building height.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	13
Number of objections	9
Number of supporting	4
General comment	0

5.1 Letters were initially sent to 13 neighbouring residents, 9 objections were received and 4 letters of support were received.

5.2 The main concerns raised by objecting residents include;

- Loss of architectural quality,
- Garage not subservient,
- Pitched roof link not appropriate,
- Overdevelopment,
- Detracts from the character of the area,
- Negative visual impact,
- Overbearing
- Loss of light, as a result of the garage and main dwelling,
- Loss of privacy and overlooking as a result of the proposed dormers, garage, and rooflights,

- Loss of a view.

5.3 Following the submission of revised plans, the objecting residents have been notified of the submission of the revised drawings.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to the application are the design and the impact on neighbouring amenity, in regards to the proposed changes as part of this revised scheme namely the increase in the height of the ridge of the main dwelling.

6.3 The site and its context

6.4 This application is a revised scheme to the previously approved application ref. 18/00603/FUL. The previous scheme approved internal and external alterations, single storey side extensions, two storey rear extension and a new garage with link. This scheme was revised during the process of the application which reduced the height of the garage following concerns raised in terms of design and impact on neighbouring amenity.

6.5 This revised scheme initially introduced changes to the approved scheme including an increase in the height of the ridge of the original dwelling by 1 metre (part retrospective) and increasing the height of the garage reintroducing first floor accommodation. The revised scheme however has been revised throughout the course of the application with the proposed alterations to the garage omitted from the scheme.

6.6 Design and layout

6.7 Section 12, Paragraph 124 and 127 of the NPPF set out a requirement for development to achieve well designed places. Further to this, policy SD4 of the Joint Core Strategy and saved Local Plan Policy CP7 require development to be of a high standard of architectural design that positively responds to and respects the character of the site and its surroundings.

6.8 The Council's adopted Supplementary Planning Document: Residential Alterations and Extensions require later additions to achieve subservience in relation to the parent dwelling. The document sets out that an extension should not dominate or detract from the original building, but play a supporting role. Achieving an appropriate level of subservience is one of the five main design principles for residential extensions.

6.9 The initial design of the front elevation of the main dwelling was considered to be poor. There was a fairly substantial expanse of uninterrupted building and as a result of this, disrupted the proportions of the building and resulting in a loss of character. It was considered that this element of the scheme did not constitute good design. These concerns were raised with the applicant and a stone banding detail has been added which now breaks up the front elevation and draws on the proportions of the building. As a result of the changes made throughout the course of the application it is considered that whilst the design is not ideal, based on the changes made the proposal is acceptable in terms of design.

6.10 As mentioned above, the proposed garage has been revised throughout the course of the application process. The initial scheme proposed the garage to be 6.5 metres in height incorporating first floor accommodation and dormer windows. The garage is to be located on the boundary and was considered to be an overly large, overbearing, dominating addition to an already large parent dwelling. The scale of the initially proposed garage did not read as a subservient addition and given that concerns were raised and subsequent

revisions made as part of the previous application, this element of the scheme could not be supported. As such, the garage has been revised to that of the approved scheme and measures a maximum height of 4.9 metres.

- 6.11 The previously approved glazed link between the main dwelling and single storey side extension has been reinstated to achieve the separation between the parent dwelling and the modern addition. This was not shown on the initial plans and officers felt this feature should be as approved in the previous scheme.
- 6.12 Based on the above and the submission of revised drawings, the proposed development is considered to be of an acceptable design. The proposal is therefore considered to comply with the relevant sections of the National Planning Policy Framework, policy's SD4 and CP7 as well as the guidance set out within the Supplementary Planning Document.
- 6.13 Impact on neighbouring property**
- 6.14 Paragraph 127 of the NPPF requires development to create places that have a high standard of amenity for existing and future users. Further to this, policy SD14 of the Joint Core Strategy and saved Local Plan policy CP4 require development to cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 6.15 Letters were initially sent to 13 neighbouring properties, 13 responses have been received 9 of which objecting to the proposal. Following the submission of revised plans, the nine objecting residents have been notified of the submission of revised plans and were given the chance to make further comments. A summary of the main concerns raised throughout the course of the application is set out above.
- 6.16 The initially proposed garage was considered to have an unacceptable impact on the amenity of neighbouring residents and as such has been omitted from the scheme.
- 6.17 Concern has been raised by neighbouring residents regarding a loss of light as a result of the 1 metre increase in height of the ridge of the original dwelling. Whilst the alteration will be noticed by neighbouring residents, it is not considered that as a result of this amendment to the property there would be an unacceptable loss of light to neighbouring properties that would be contrary to the relevant policies. The comments received have been taken into consideration; however officers consider that the increase in ridge height is acceptable in terms of its impact on amenity.
- 6.18 A comment has been raised regarding a loss of privacy as a result of the proposed dormers and roof lights within the roof of the main dwelling. The proposed dormers would look over the front garden of the application site and is slightly angled towards the neighbouring property. These properties have large front gardens and small back gardens, therefore the main amenity space is likely to be to the front of the property. Following a visit to the application site, it is considered that the windows would not directly overlook the front garden of the neighbouring property, Grey Gables, as any views would be oblique. As such, it is not considered that the new windows within the roof would result in a loss of privacy to adjoining land users.
- 6.19 Neighbouring residents have raised objection relating to the already approved two storey rear extension and the impact on these properties as a result. This element of the proposal has not changed as part of the revised scheme and therefore the acceptability of this element of the scheme has been established as part of planning application ref. 18/00603/FUL.
- 6.20 As such, based on the above the proposal in its revised form is considered to be appropriate.

7. CONCLUSION AND RECOMMENDATION

- 7.1 As discussed above, following the submission of revised plans, the proposed increase in height of the ridge of the main dwelling as part of this revised scheme is considered to be in accordance with the relevant policies and guidance in terms of achieving an acceptable standard of design and will not result in a harmful impact on neighbouring amenity.
- 7.2 Whilst it is unfortunate that the ridge of the existing dwelling has been increased without prior consent from the Local Planning Authority, it is considered that when weighing up the changes made, and that it is considered that there would be no harmful impact on surrounding amenity as a result. On balance, when weighed up against relevant policies and guidance, the proposal is not considered to warrant a refusal of planning permission.
- 7.3 The recommendation is to therefore permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that order), the new first floor rear elevation windows which serve the two en-suite bathrooms as shown on drawing no's. 18/619 810 C and 18/619 830 F; shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications

and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to overcome concerns regarding design and impact on neighbouring amenity;

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

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APPLICATION NO: 18/02560/FUL		OFFICER: Miss Claire Donnelly	
DATE REGISTERED: 20th December 2018		DATE OF EXPIRY : 14th February 2019	
WARD: Prestbury		PARISH: PREST	
APPLICANT:	Mr And Mrs Bence		
LOCATION:	Tree Tops, Southam Road, Cheltenham		
PROPOSAL:	Internal & external alterations including single storey side extensions, two storey rear extension and new triple bay garage with link (revised application to previously approved application ref. 18/00603/FUL; changes include alterations to existing roof) (part retrospective)		

REPRESENTATIONS

Number of contributors	13
Number of objections	9
Number of representations	0
Number of supporting	4

2 Mill Lane
 Prestbury
 Cheltenham
 Gloucestershire
 GL52 3NE

Comments: 9th February 2019

As neighbours who adjoin Tree Tops we supported the original application to develop and enhance Tree Tops and continue to do so. There are several other comments suggesting that this type of development should be encouraged or Prestbury will find a multi-house development on this type of site. We entirely agree. No development of any nature does not affect various views nor how buildings look when one is passing them. However, it is our understanding that the applicants have been ready to make adjustments in response to comments and have already done so.

For the good of Prestbury we should be encouraging such development and all of us accept that compromise is required to arrive at a reasonable outcome for all concerned. We should also have more faith in the CBC Planning staff. They deal with these situations all the time, are well used to the workings of developers and would spot deliberate attempts to circumvent their processes much more easily than neighbours or passers by.

We encourage this development.

3 Mill Lane
 Prestbury
 Cheltenham
 Gloucestershire
 GL52 3NE

Comments: 25th December 2018

We note the revised planning application proposes to reinstate the first floor accommodation above the triple garage that was initially included in the original application but removed before the original application was approved.

We object to the revised planning application, because of the following concerns:

1/ Loss of Privacy: as the triple garage gable end wall will abut our boundary and the first floor accommodation will be above our boundary fence, we are very concerned the round portal shaped window in the gable end wall will directly overlook our property. We would much prefer there be no round portal window included in the gable end wall, or that the glass used in such window be opaque (unclear) to eradicate this concern.

2/ Noise or disturbance: as the first floor accommodation will abut our boundary we are very concerned about being disturbed by noise generated by certain uses of the first floor accommodation. We would much prefer there to be a restriction on the use of the first floor accommodation - e.g. not to be used for music playing.

Robinswood
Noverton Lane
Prestbury
Cheltenham
Gloucestershire
GL52 5BB

Comments: 6th January 2019

I live in one of the properties adjoining Tree Tops. I have the following comments on planning matters.

The revised application to now include Velux windows in the roof of the main property directly affects the privacy of my property. Additionally, the change of use from presumed spare bedrooms to a snug suggests more frequent use of the space, including during the daytime. I note that the cill is specified at 1.6m above the floor level, from which I infer that they are not designed to look through but just to provide additional light. If those Velux windows were fitted with obscured glass and unable to be opened, my concerns about privacy would be allayed. This seems a reasonable compromise.

The application to increase the height of the roof of the main property makes the Tree Tops house a more significant feature as seen from my property and reduces the sense of separation between our properties. I accept that this visual impact on my property may not provide sufficient reason alone to object to the revised application but it may combine with other factors for the council to consider.

The proposed revised front elevation of the property is significantly less attractive, in my view, with the additional metre of masonry and foreshortened roof, affecting the visual impact of the property as seen from Southam Road. Further, the proportions of the front elevation of the house would now be inconsistent with the garage: I think this accentuates the strange proportions of the house.

Finally, I wish to make a point about the planning process itself, which is about planning matters in the wider sense. I did not object to the initial application because I thought the design was a reasonable compromise between improving the property while maintaining the overall visual impact and privacy for my property. I look forward to a positive and friendly relationship with the new occupants of Tree Tops. However, I wish to register with the planning committee my reaction to this part-retrospective revised application and the building work that preceded it. I am dismayed at the apparent disrespect to the neighbours of Tree Tops and cynical disregard for the authority of the council in the way that the architect and builder have ignored the approved plans, removing the existing roof and replacing it with a structure that is about a metre higher than permitted and changing the front elevation so that it does not resemble the approved plans. I can only imagine those involved thought nobody would notice and it would become a fait accompli.

Comments: 12th February 2019

I refer to your letter of 5 February 2019 drawing my attention to a further set of revised drawings seeking part-retrospective permission for the structure of the main house that has already been built. My original objections still stand because the revised drawings do not provide sufficient information and are inconsistent, reducing my trust in what has been submitted.

The revised drawings show that the rear Velux windows will be different because different line types have been used but the drawings do not explain what the different lines mean, specifically whether the windows are now to be fitted with obscured glass and non-opening lights. An explanation of the line types on the drawings would address this.

The front elevation of the building is marginally improved by the use of the banding detail though the front elevation remains unattractive in my opinion: the additional masonry parapet above the band seems unnecessarily high.

More significantly, the drawing set is inconsistent and this reduces my confidence that the drawings are accurate. For example, the parapet referred to above is a continuation of the building line according to the elevation drawings but is stepped back according to the plan view. For a second example, the front elevation of the revised drawings is inconsistent with the photographs on this website of what has actually been built. I draw your attention to the stonework (or absence of stonework) above the side door. What has been built reflects the plans submitted in December but not the plans submitted in February. Does this demonstrate poor quality drawings or is the intention to remove the stonework as shown in the revised drawings?

Given the inconsistency in the drawings described above, I cannot tell whether some changes are artefacts of errors or genuine changes that will be honoured. Submitted drawings must be accurate otherwise an unprincipled builder could later claim that unpalatable aspects of the drawings were just innocent errors.

When coupled with the past apparent contempt for the planning process, this further reduces my confidence and trust that what will be built is accurately reflected in any of the drawings that have been submitted so far. Would it be possible for the submission to be supplemented with the drawings that the builders actually used for the construction work done so far?

It should be of significant concern to the council that its procedures can be cynically manipulated. The challenge to the council is whether a builder should be allowed to knowingly build beyond what was agreed (and to which many of us did not object because we actually welcome improvements to the property) and then be given retrospective permission. It is a matter of principle, important to the law-abiding residents it serves, that the council should enforce its own planning process or risk seeing the authority of its process be undermined for all future applications.

Grey Gables
Southam Road
Cheltenham
Gloucestershire
GL52 3BB

Comments: 8th January 2019

[Supporting photos available to view in Documents tab]

Thank you for your letter of 21st. December 2018. We strongly object to the above application as follows:

Alterations to existing roof (retrospective).

The roof height and front wall of the property have been increased by approximately 1.2 metres and two large dormer windows at a high level have been incorporated directly overlooking our garden and affecting our privacy. These dormer windows also directly overlook the windows of our master bedroom. Neither of the alterations were incorporated in the original or revised applications in March and June 2018. These extra building works are therefore in breach of planning approvals and have been subject to visits by the enforcement officer. The increased height of the building has also obscured our views to Cleeve Hill.

Increase in height of proposed triple garage roof with room over and two dormer windows including a link from garages to main building.

We again object to this as the new dormer windows will be overlooking our property.

In conclusion we consider the proposed alterations will not only affect our privacy and views to the Cotswold Hills but will also make the extended property now appear too large and overdeveloped. The impact of the development has been made more obvious when viewed from the main road by the removal of several mature trees on the site.

We made no objections to the initial plans as a gesture of goodwill to our proposed new neighbours but are appalled that the applicants can blatantly violate planning permissions and show no concern for their neighbours in this way. If these were their desired improvements they should have been included in the original planning applications and therefore given us the opportunity to review the plans and make any necessary comments at the outset.

Comments: 13th February 2019

Thank you for your letter of 5th. February 2019. We strongly object to the above application as follows:

Alterations to existing roof (retrospective).

The roof height and front wall of the property have been increased by approximately 1.2 metres and two large dormer windows at a high level have been incorporated directly overlooking our garden and affecting our privacy. These dormer windows also directly overlook the windows of our master bedroom. Neither of these alterations were incorporated in the original or revised applications in March and June 2018. The increased height of the building has also obscured our views to Cleeve Hill. Also, the revised plans of 5th. February appear inconsistent and do not concur with the actual building works that have already been carried out without planning approval.

These extra building works are therefore in breach of planning approvals and have been the subject of visits by the enforcement officer. We consider these extra works to be a serious abuse of planning regulations and if the retrospective plans are approved, may set a precedent for any future similar building works in the area.

6 Finchcroft Lane
Cheltenham
Gloucestershire
GL52 5BG

Comments: 31st January 2019

As a local who walks their dogs daily past Tree Tops, i dismiss the objections raised with reference to the proposal and give my unequivocal support for it

Tree Tops is a tired and outdated dwelling with substandard build quality. The plans to improve and extend the property should be welcomed rather than rejected

The new proposal is a small amendment with little impact and frankly should require far less attention than it is experiencing. To create a lighter larger living space to accommodate a family

should not be restricted; rather more embraced. Far too many times in village areas like Prestbury do we see local comment on trivial planning matters like this when it all it does is create significant stress and anxiety both emotionally and financially for the family who all they want is to settle in a beautiful area. Those of us who embrace life in the Prestbury Parish can ill afford to reject progress otherwise the knock on effect on local services, schools and facilities will be catastrophic

Lets look at the bigger picture

3 The Stables
Mill Lane
Prestbury Cheltenham
GL52 3NE

Comments: 2nd January 2019

The proposed modifications to the height of the structure will have a negative impact on the privacy of the surrounding homes, something that was recognised in the Officer Report published by the council on 21 June 2018 that acknowledged initial concerns regarding the height of the proposed two storey garage and indicated that the proposed reduction in height to single storey would overcome those concerns. For there now to be an attempt to increase the height of the buildings again is surely unacceptable. Any alterations should be limited to those already approved by the Council.

5 The Stables
Mill Lane
Prestbury
Cheltenham
Gloucestershire
GL523NE

Comments: 12th February 2019

Letter available to view in Documents tab.

Comments: 7th January 2019

I object to the proposed application on the following grounds :

1. - Loss of light. The comment(3.6) on the Planning Statement indicates that 'the front pitch of the roof has changed slightly'... 900 mm is not what i would define as a 'slight change'. it is 900 mm which were not validated and which have seriously affected my light.
2. - Loss of privacy. The guidance of Cheltenham's councils SPD (planning statement 3.10) says that 'extensions should not dominate or detract from the original building but plays a supporting role to the original construction'.... what happened to the original 2 storey extension then ? this 2 storey extension has dramatically affected my outlook. It comes within inches of my boundaries and has seriously affected my privacy. The owners have now a plunging view of my kitchen, landing and bathroom.
3. - A first floor extension on the triple bay garages would only accentuate/increase my loss of light and privacy.

4 The Stables
Mill Lane, Prestbury
Cheltenham
GL52 3NE

Comments: 9th January 2019

I refer to your letter of 21st December 2018 and wish to object to the proposed alterations at Tree Tops.

The extended building already dominates the view from my kitchen at No 4 The Stables owing to its close proximity to my boundary. The rear windows overlook my garden adversely affecting privacy. Further the increased height of the roof (which I understand was not approved) restricts even more light to the properties at The Stables. My main concern is the proposed alterations to the garage section, to include first floor accommodation which will block more light and obscure pleasant views of trees which my neighbours and I have enjoyed for so many years. It is unfair and unacceptable to have so much enjoyment of views and light taken away. The retrospective planning application to include further building to this already huge property smacks of sharp practice and should not be allowed.

In conclusion I would comment that the submitted plans, both original and retrospective are misleading and inaccurate in scale.

7 The Stables
Mill Lane
Prestbury
Cheltenham
Gloucestershire
GL52 3PG

Comments: 8th January 2019

We are residents of The Stables, Mill Lane, Prestbury and wish to submit the following comments relating to the above planning reference.

The visual impact of the oversized and out of scale extension to "Treetops" now dominates the back gardens of 5 houses within "The Stables" development.

The effect of such a large imposing building now restricts the spring and Autumn sunshine and the roof has not even been put on yet, even now it completely overlooks the back gardens and rear of the houses. As the windows in the new extension are so high they look directly into the much smaller scale houses of the Stables.

Added to this is the controversial felling last Autumn of a beautiful 75-100 year old copper beech tree which now exposes more of this dominating building to the surrounding houses regrettably leaving only the 40 ft Leylandis which are far from beautiful.

This building, which is much taller and closer than shown on the original plans, now comes right to the boundary fence of the Stables. The total development has been done with complete disregard to its immediate neighbours

41 The Burgage
Prestbury
Cheltenham
Gloucestershire
GL52 3DL

Comments: 31st January 2019

I've lived in Prestbury for 12 years and am therefore very familiar with Tree Tops. I'm astonished that anyone could possibly object to a change that is not materially different to what was originally approved and will not negatively impact on anyone.

We should be encouraging property improvements such as this and support minor proposals for alterations rather than deliberately being awkward for no rational reasons.

Small villages must think long & hard about how they reinvent themselves in this challenging economy and instead should welcome new residents with open arms who want to invest in the village and in this instance make a minor change to their plan.

I hope common sense prevails.

19 The Grove
Hales Road
Cheltenham
Gloucestershire
GL52 6SX

Comments: 8th January 2019

These objections to the application are made on behalf of the owner of 6 The Stables as follows:

1. The changes to the main house do not comply with Policy SD4 of the Joint Core Strategy and Policy CP7 of the Local Plan. The increase of the parapet height due to the increased ridge height gives the Georgian elevation poor proportions. What architectural merit it had will be reduced so contravening the above policies which seek enhancement not devaluation. The house adjoins the Prestbury Conservation Area, so its architectural integrity is an important consideration. Also, the removal of the curved heads to the dormers and replacement with ordinary pitched roofs again diminishes the architectural quality of the original approved elevation.

2. The addition to the roof over the garages to contain living accommodation does not comply with the councils adopted Supplementary Planning Document: Residential Alterations and Extensions (2008) that requires new extensions to be subservient to the parent dwelling. If the roof had not been raised nearly a metre this unfortunate relationship would have been even worse. Is this a true reflection of what will be built? Can the builder be trusted not to add another 90 centimetres? There is no section to clarify whether the elevation is deliverable. Also, the plans have no spot height which were shown on the original application which again leaves a concerning vagueness.

3. The link between the garages and the main house is now a pitched roof. There is no justification for this. Why can it not remain as a flat roof which is more architecturally appropriate and would limit its impact on the adjoining land.

4. The information in the application is unhelpful to people trying to understand the impact of these changes. It should clearly show the differences between what was approved in application 18/00603/FUL and what is proposed in easy to read plans. The inclusion of the original drawings of the original confuse rather than clarify.

Possibly if the applicant had gone through some early consultation with officers, which is advised in most guidance, then surely a better design solution could have been achieved.

155B New Barn Lane
Cheltenham
Gloucestershire
GL52 3LH

Comments: 30th January 2019

As a resident of Prestbury for over 15 years, I have been following with great interest the progress of the works at Tree Tops on what was to be honest a large property that had fallen into a state of disrepair.

What I believe people are missing here is that could have easily been sold to a developer and three or more units rammed in. The Mews houses to the rear of this site and accessed off Mill Lane are a monstrosity and example of over development that the objections seem to be suggesting is happening at Tree tops.

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Prestbury as a village is dying, this year alone we have lost the doctors surgery and the Kings Arms, we must face the facts we have an ageing population and if we are not careful will soon be swallowed up by Bishops Cleeve.

Having just read the objections online I am extremely disappointed that the plans of a young family to move to the village, modernise what was a very tired property into a family home are coming under such attack with quite frankly some very misguided conspiracy theories.

From what I can see, all this young family have tried to achieve here is a large family home with the space associated with modern living. If they need to raise the roof pitch slightly to make the rooms usable then I am at a loss to what detriment it is to our beautiful village.

The fact our tax payer's money is being wasted on such a minor matter as a roof level requiring to be raised by less than a metre, is blatant NIMBY behaviour.

Common sense needs to prevail here, as community we have bigger planning challenges to invest our time in, hassling a family with objections based on personal preference or because neighbours feel they will in some way be affected is short sighted and ill founded.

I remain in full support of this amendment to planning and wish the owners every success is setting up their family home.

Shandon
Noverton Avenue
Cheltenham
Gloucestershire
GL52 5DB

Comments: 16th January 2019

I am writing to register an objection to the above revised application.

I became aware of this construction while walking in Mill Lane recently, and it appeared that it was already significantly higher than surrounding properties. The current construction bears little resemblance to the original approved plans, and I understand that following complaints from neighbours, a revised application has been submitted to seek retrospective approval.

The differences between the original plans and the construction that has been completed to date is substantial, which leads me to conclude that this was the applicants original intention from the start.

One of the reasons given for increasing the overall height etc. was to give more headroom. As the plans were produced by a professional architect, should the question of inadequate headroom not have been established at the design stage? This therefore appears to be an attempt to bypass the established planning procedures.

The extra ridge height is very evident from Mill Lane and the Parkland to the north and detracts from its views towards Prestbury. There is also the question as to whether the site is being overdeveloped in relation to its location.

These building works are therefore in breach of planning approvals for the site, and detract from the area as a whole; in particular the amenity of those properties directly bounding the site.

I urge the planning department to reject this revised application and insist the original plans are followed. Had this been a minor and unavoidable deviation it may have been permissible, but

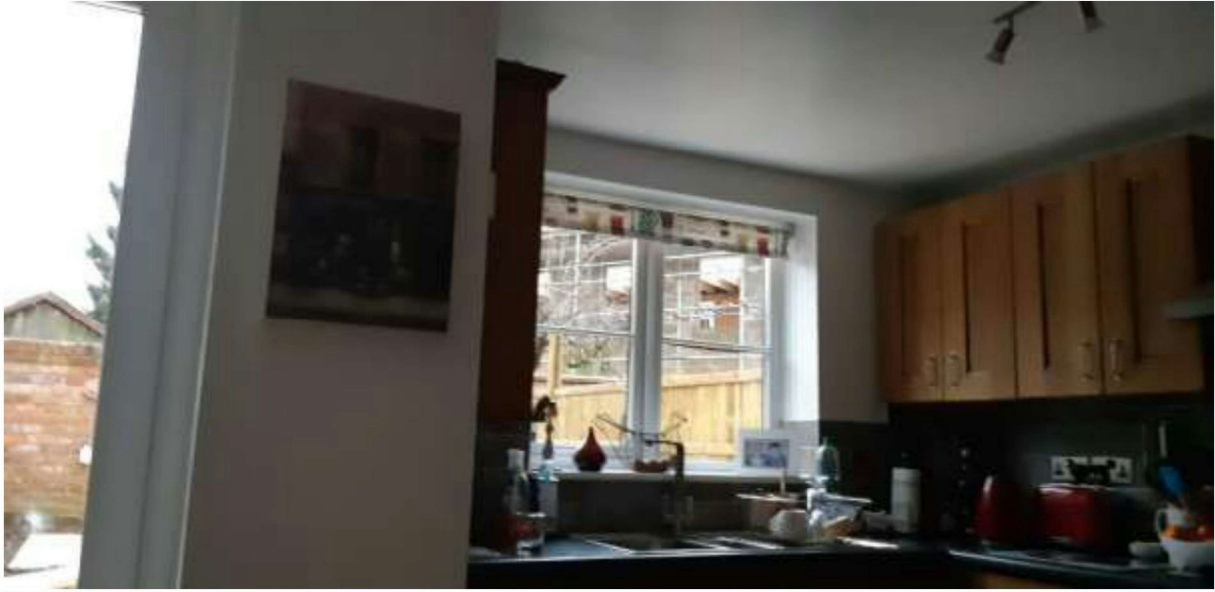
applicants and their professional advisors should not be encouraged to use retrospective applications to gain advantage over others who play to the rules.





To substantiate my earlier objection the enclosed photos show Tree Tops is seriously affecting my privacy and light. It is a very imposing construction made even worse by the extra meter they have craftily constructed without permission.

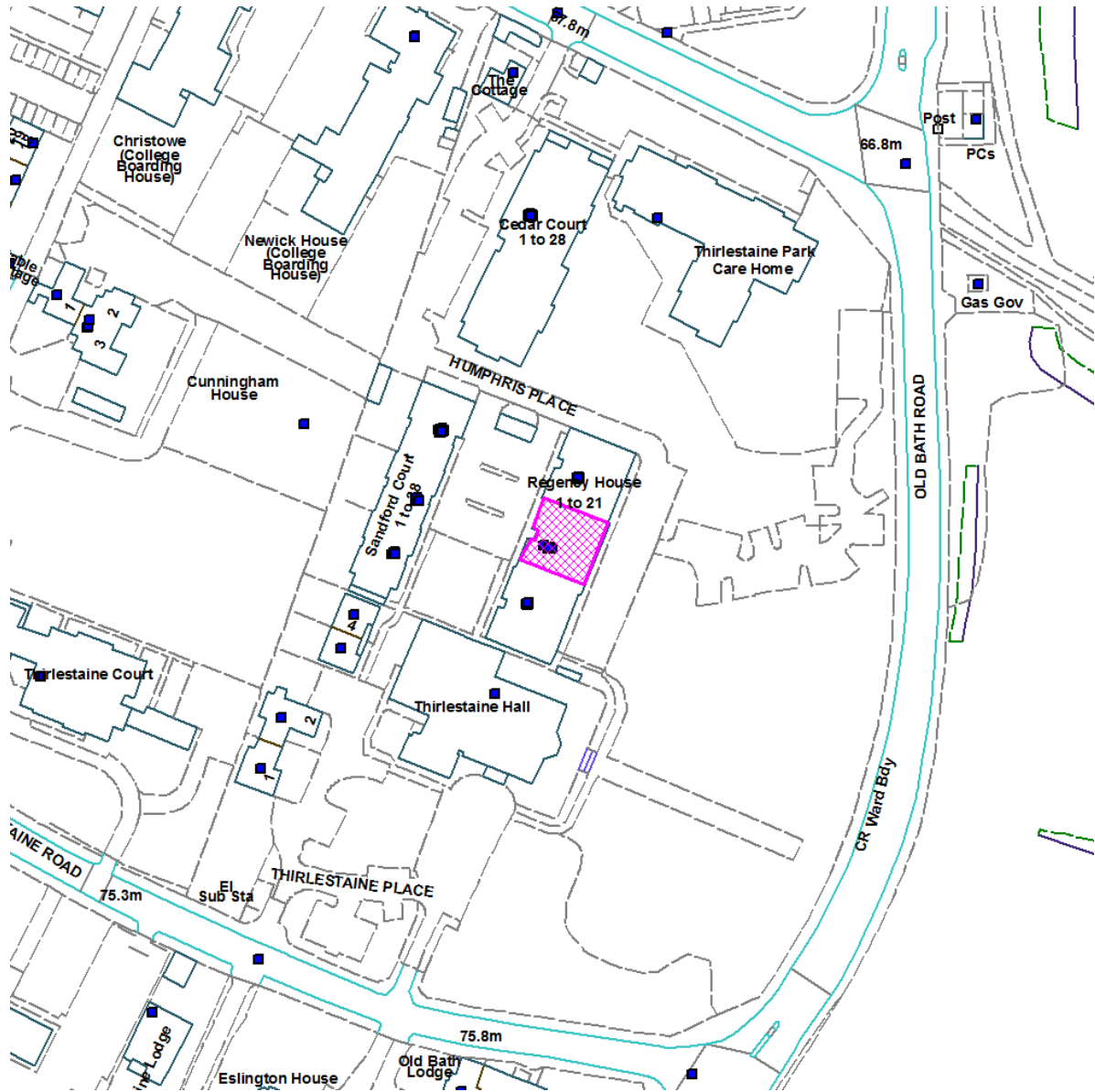




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APPLICATION NO: 18/02630/FUL	OFFICER: Mr Daniel O Neill
DATE REGISTERED: 28th December 2018	DATE OF EXPIRY: 22nd February 2019
DATE VALIDATED: 28th December 2018	DATE OF SITE VISIT: 22nd January 2019
WARD: College	PARISH:
APPLICANT: Mr Edward Vickers	
AGENT: N/A	
LOCATION: 14 Regency House, Humphris Place, Cheltenham	
PROPOSAL: Erection of an external awning over sitting room window	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an area of land associated with Regency House, a newly developed residential site located on Humphris Place, within the grounds of Grade II listed Thirlestaine Hall. The site is located within the College Character Area, one of 19 character areas that form part of Cheltenham's Central Conservation Area.
- 1.2 The proposal is for the erection of an external awning over sitting room window for 14 Regency House, Humphris Place.
- 1.3 The application is before committee at the request of Cllr Klara Sudbury due to the impact of the proposed development on the character and appearance of the area. Members will visit the site on planning review.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

Relevant Planning History:

12/00870/FUL 12th November 2012 OBL106

Demolition of former office buildings and redevelopment to create a mixed residential and care redevelopment of the site for a total of 147 units including the conversion of Thirlestaine Hall, Villas and Cottage

12/00870/LBC 12th November 2012 GRANT

Demolition of former office buildings and redevelopment to create a mixed residential and care redevelopment of the site for a total of 147 units including the conversion of Thirlestaine Hall, Villas and Cottage

12/00870/CAC 12th November 2012 GRANT

Demolition of existing former office buildings associated with the Chelsea Building Society

12/01889/FUL 20th June 2013 OBL106

Proposed amendments to assisted living block (building C) to include 4 additional assisted living units (24 to 28 units); revision to fenestration at ground level and internal layout; revisions to boundary wall at Thirlestaine Hall Cottage and relocation of cycle storage for the assisted living building

12/01889/LBC 20th June 2013 GRANT

Proposed amendments to assisted living block (building C) to include 4 additional assisted living units (24 to 28 units); revision to fenestration at ground level and internal layout; revisions to boundary wall at Thirlestaine Hall Cottage and relocation of cycle storage for the assisted living building

13/00175/DISCON 3rd June 2014 DISCHA

Discharge of conditions 3, 7, 9, 11, 15, 18, 19 and 40 of planning permission ref: 12/00870/FUL

13/00280/ADV 8th May 2013 GRANT

Erection of three strings of illustrated hoarding, seven free standing sign boards and six flag poles and flags

13/00380/DISCON 5th August 2013 DISCHA

Discharge of conditions 3, 6, 7, 21, 22, 24, 33, 40 and 41 in respect of building D (also identified as building 6) only on planning permissions 12/00870/FUL and 12/01889FUL.

13/00733/DISCON 3rd June 2014 DISCHA

Discharge of conditions on planning approval 12/00870/FUL. Nos 4 (schedule of works) , 6 (design and details of finishes) , 8 (method statements , 11 (sample panel of new render) , 13 (external lighting plan) , 26 (pedestrian improvements) , 27 (Sandford Road Accessd Works) , 36 (installation of fire hydrants), 38 (measures re seagulls) and 41 (landscaping)

13/00734/DISCON 3rd June 2014 DISCHA

Discharge of conditions on planning approval 12/00870/LBC. Nos 3 (detail and finishes) , 4 (method statements) and 5 (render sample)

13/01379/AMEND 4th November 2013 PAMEND

Non-material amendments to planning approval 12/00870/FUL- 1. Building drawn to brick dimensions vertically and horizontally, 2. roof feature above main entrance added, 3. false window to side of central door to 2nd floor terrace changed, 4. window sizes amended to brick dimensions vertically and horizontally, 5. external door next to sun lounge beneath balcony removed, 6. WG36, WF31, WS42 moved 440mm to accomodate shower in corner of ass. bath, 7. roof lights increased in size and 8. replacement of ground floor windows - WG61, 58, 57, 54, 53, 50, 49, 45, 44, 41, 39, and 37 with door to garden area

14/01711/DISCON 29th January 2015 DISCHA

Discharge of condition 37 (Mangement plan - observatory) on planning permission ref: 12/00870/FUL

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

Supplementary Planning Guidance/Documents

Central conservation area: College Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Building Control

4th January 2019

No comment.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	46
Total comments received	6
Number of objections	6
Number of supporting	0
General comment	0

- 5.1** Letters of notification were sent to 46 neighbouring properties, a site notice was displayed at the entrance to Humphris Place on Sanford Road and an advert was published in the Gloucestershire Echo.
- 5.2** 6 letters of objection have been received and have been summarised but are not limited to the following points:
- Impact on the character and appearance of the existing building
 - Impact on the setting of the listed building
 - Impact on the wider conservation area
 - Visual Amenity
 - Precedent Set
- 5.3** Supporting comments have been sent to the officer from neighbouring properties of 14 Regency House indicating their approval for the erection of an awning.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The main considerations to this application are size, style, materials and colour of the proposed awning, impact upon the character of the existing building, impact on the wider conservation area and neighbouring amenity.

6.3 The site and its context

- 6.4** The application site was recently redeveloped, formerly part of a commercial use operated within the grounds of the listed building Thirlestaine Hall, where a number of office blocks previously existed. The redevelopment created a complex of residential units now known as Cedar Court, Sanford Court and Regency House, as well as the erection of Thirlestaine Care Home.

- 6.5** The proposal is located at number 14, a residential unit on the third floor of Regency House, to which the awning will be located on the balcony overlooking the complex garden/car park.

- 6.6** The whole complex is bound by Sanford Road, Thirlestaine Road and Old Bath Road.

6.7 Design and Scale

- 6.8** The proposed awning will extend 2.3 metres in width across the sitting room glazed door and project at a maximum depth of 2 metres. It is considered acceptable in size as the balcony is measured at approximately 4 metres in depth. As such it would not dominate or detract the appearance of the existing building.

6.9 The proposed style, materials and colour compliments the existing fenestration and is clearly intended to be read as a modern addition but relatively simple in its form. It is in keeping with the more modern design of the building and as such should not harm the character and appearance of the existing building.

6.10 In light of the above the proposal complies with the objectives of Policy CP7 of the Local Plan and Policy SD4 of the JCS in relation to design.

6.11 Impact on the setting of the listed building and conservation area

6.12 A visit to the site was conducted in order to consider the impact on the setting of the listed building, Thirlestaine Hall, and the wider conservation area.

6.13 In regards to the impact of the proposal on the setting of the listed building, it is considered that the redevelopment of the site has already compromised the setting of the listed building. The proposed awning is approximately 40 metres away from the listed building and is located the facing woodland area. A proposal of this scale and in this location is not considered to cause any significant harm to the setting of the Thirlestaine Hall.

6.14 Similarly, when considering the impact on the wider conservation area, the site has a dense level of vegetation that forms the woodland area and the boundary of the site. A large number of mature trees are present in this area. Any views from the surrounding public realm, specifically Old Bath Road, will be limited. Therefore, it is considered that the proposal would not result in any unacceptable harm to the conservation area.

6.15 It is considered therefore, that the proposed awning complies with Policy SD8 of the JCS relating to the conservation of the historic environment.

6.16 Impact of neighbouring amenity

6.17 The location of the proposed awning is not considered to result in any unacceptable impact on neighbouring amenity in terms of loss of light or loss of privacy. No objections were received from the neighbouring properties adjacent to 14 Regency House.

6.18 A number of objections were submitted regarding the visual amenity of the proposal and it is acknowledged that the awning will be visible for occupants of the complex but only from the woodland area where the car park is located. It is considered that these views will also be broken by the dense level of vegetation and natural foliage. Additionally, it is considered not to be visible from other residential properties, as the proposed site is on the western elevation of Regency House overlooking the woodland area.

6.19 Additionally, some objecting comments raised the idea that an umbrella system could be deployed as a viable alternative to the proposed awning. It should be noted that planning permission would not be required, paving the way for an umbrella system that could be visually garish in design and more intrusive.

6.20 Therefore, the proposal is not considered to result in any unacceptable visual impact towards neighbouring properties, and their visual amenity. As it stands the proposal complies with Local Plan Policy CP4 and JCS Policy SD14 relation to impact on neighbouring amenity.

6.21 Other considerations

6.22 Objections raised by local residents regarding any future precedent set for further applications have been duly noted. It has been made aware to the applicant that this application has been considered on its own merits. Any future application for further awnings would need further careful consideration. The cumulative impact of further

awnings which may differ in design and scale could impact on the appearance of the existing building and impact on the wider conservation area.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Having considered all of the above, the application is considered to be in accordance with all relevant Local Plan policies, adopted JCS policies and national policies.
- 7.2 Officer recommendation is to permit the application, subject to the conditions set out below:

8. CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

APPLICATION NO: 18/02630/FUL		OFFICER: Mr Daniel O Neill	
DATE REGISTERED: 28th December 2018		DATE OF EXPIRY : 22nd February 2019	
WARD: College		PARISH:	
APPLICANT:	Mr Edward Vickers		
LOCATION:	14 Regency House, Humphris Place, Cheltenham		
PROPOSAL:	Erection of an external awning over sitting room window		

REPRESENTATIONS

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

25 Sandford Court
 Humphris Place
 Cheltenham
 Gloucestershire
 GL53 7FA

Comments: 23rd January 2019

The application is for a fabric awning to be erected on the external elevation front fascia wall of number 14 Regency House.

One of the councils originally building condition is condition 35.

Text of condition 35 states:

No wires, pipe work, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect and maintain the character and appearance of the area in which this development is located in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design. Careful consideration has been given to the detailed design of this development and its relationship with neighbouring properties."

I am sure you can appreciate that if this condition was to be rescinded, it would lead to numerous planning applications for awnings of every design and colour being erected on the development, then opening the floodgates for other paraphernalia fittings on the exterior elevations of the buildings at Thirlestaine.

The condition 35 is in place to protect the structure of the buildings as well as the aesthetics of the development.

Presumably the many conditions first specified by the Council form a contract with the developer Berkeley Homes, this then would be part of the contract Berkeley Homes made with the purchasers of the apartments and houses situated in the Thirlestaine development.

Thirlestaine development is quite unique within the greater Cheltenham area so surely the application should be refused and the applicant advised to seek a alternative solution such as a free standing umbrella system.

We really need to maintain Thirlestaine Hall and the buildings and grounds in its curtilage as it's Heritage Value to Cheltenham is so important.

.....

Another issue apart from condition 35 for the Planning Officer and Planning Committee to consider is Chiroptera (scientific name for bats). Natterer's bats and Bechstein's bat are a protected species and native to Gloucestershire and I understand local colonies regularly visit the Thirlestaine conservation garden areas.

The Proposed permanent fitted awning is on a fourth floor patio of Regency House which is directly opposite to the tree canopy area, and as bats use an echolocation system for navigation, a permanent fabric awning of this type would interfere with this habitat and should be thoroughly investigated when considering this application, keeping in mind the many more awning and paraphernalia planning applications that would arise should this application be approved.

I respectfully request you reject this application.

3 Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ED

Comments: 15th January 2019

I strongly oppose the erection of this awning which fixes to the fabric of the building known as "Regency House".

There are very stringent guide lines to structures added to the outside of buildings inside the development at Thirlestaine Park (no 35 in terms and conditions) and if planning permission is granted for this awning it will pave the way for numerous other structures to be added to other properties at Thirlestaine Park. In theory, all owners will be able to apply for planning permission for outside awnings for all individual dwellings over the whole site. This includes balconies, terraces etc and will end up with a hotch potch of different structures. Some people will maintain them, others won't. All these apartments are leasehold, so presumably need permission from the freeholder.

An alternative for this awning would be a free standing awning or parasol with no damage to the fabric of the apartment block. They come in a wealth of sizes and styles. I'm sure the applicant would be able to find one which is suitable as an alternative.

The applicant says there are no objections from the immediate neighbours. I understand from one of the owners of an adjacent property that this is because, if planning permission is granted for 14, Regency House, he intends to erect a similar structure.

I'm sure many more will follow suit.

This is a beautiful development with beautiful gardens. Please let us ensure that we do our best to keep the site this way.

7 Thirlestaine Hall
Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ES

Comments: 18th January 2019

I refer the Panning Officers/Committee to Planning Condition 35 in relation to this development. Approval of this application will almost certainly lead to similar requests and is highly likely to have a detrimental impact on the general appearance of this site.

17 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 23rd January 2019

I consider the proposed awning to be entirely out of keeping with the design, appearance and character of the building.

The proposed awning is more suited to a Benidorm hotel rather than a fine regency building in Cheltenham and would have a seriously negative influence on its character.

With less than half the sunshine hours of Spain (Met Office statistics) the value of the proposed structure is highly questionable.

The proposed awning would be fully visible to anyone within the beautifully manicured gardens.

27 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 21st January 2019

I object to this planning application for the erection of a fabric awning to the front fascia wall of 14 Regency House.

One of the council's original building conditions for the Thirlestaine Park development is listed under condition 35 which states:

"No wires, pipe work, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and maintain the character and appearance of the area in which this development is located in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design. Careful consideration has been given to the detailed design of this development and its relationship with neighbouring properties."

Adding an awning to the building will go against this and will no doubt open the way for other similar planning applications for awnings in all shapes, sizes and colours to be made by other owners at Thirlestaine Park which will have a lasting visual impact for owners as well as affecting

the external elevations. Surely an alternative freestanding umbrella system could be used which would not affect the building itself.

The Thirlestaine Park development was built by Berkeley Homes to a high standard and needs to be kept that way for all to enjoy now and in the future.

1 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 23rd January 2019

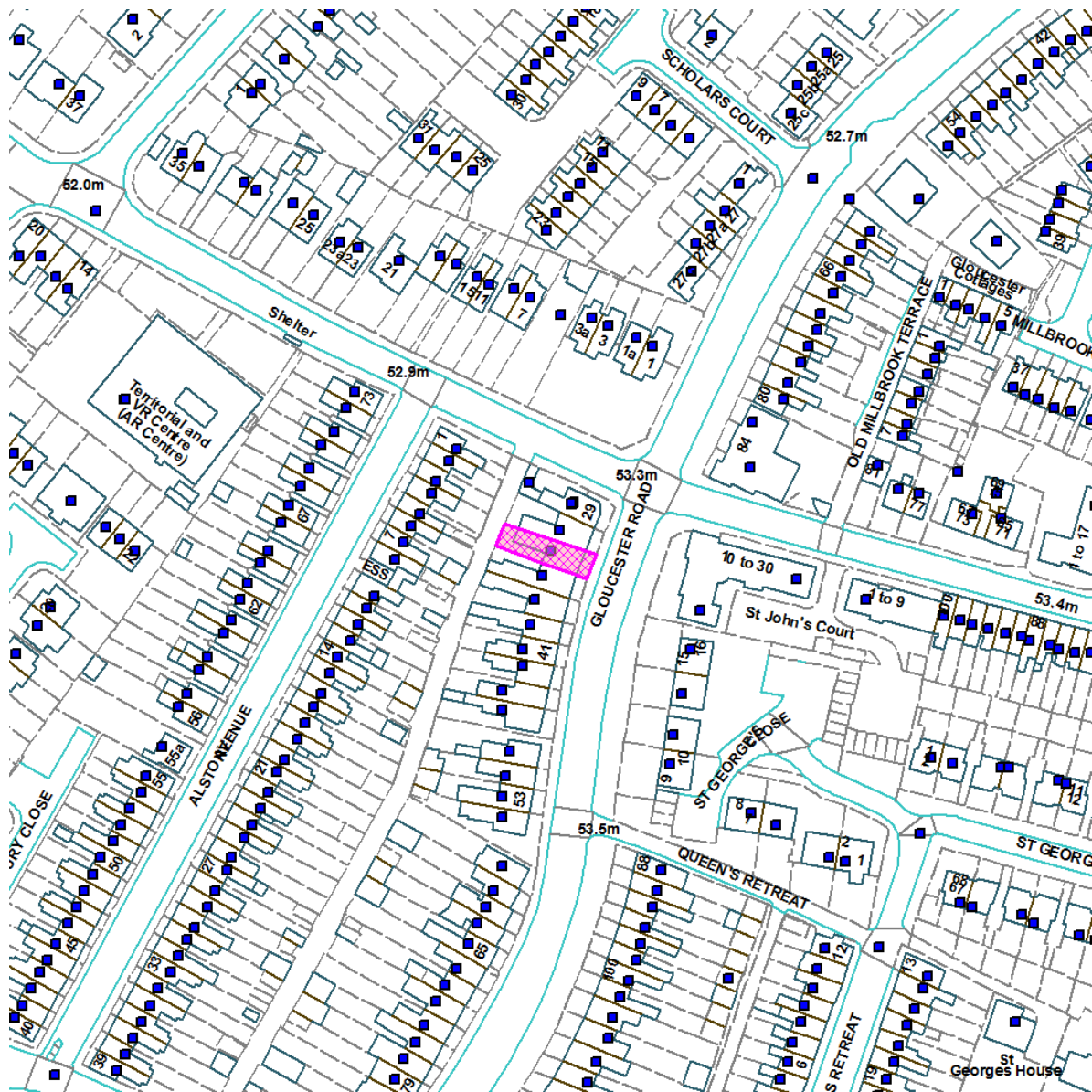
We very strongly object to application 18/02630/FUL at 14 Regency House. If this proposal is allowed it would set a precedent for other owners to apply for awnings over their balconies and could end up with a 'Hotchpotch' of awnings on all buildings on Thirlestaine Estate which are against the conditions (Condition 35) by which the apartments were sold.

This is a unique development in Cheltenham and owners purchased their properties with the expectation that it would be kept as conditions of sale promised.

We confirm that we very strongly object to this proposal and request that it be firmly rejected.

APPLICATION NO: 19/00051/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 15th January 2019		DATE OF EXPIRY: 12th March 2019
DATE VALIDATED: 15th January 2019		DATE OF SITE VISIT: 28 th January 2019
WARD: St Peters		PARISH:
APPLICANT:	Mr Tim Young	
AGENT:	Agent	
LOCATION:	33 Gloucester Road, Cheltenham	
PROPOSAL:	Retrospective change of use to a 7-person HMO which has been in constant use since July 2015	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to 33 Gloucester Road; a two storey, mid terrace dwelling which backs onto a private lane. The property is located within the ward of St Peters and is not in a conservation area.
- 1.2 The applicant is seeking retrospective planning permission for the use of the property as a HMO for 7 occupants. The HMO has been in use since July 2015.
- 1.3 The property has been licensed by the council for the use of the property for 7 occupants.
- 1.4 The application is at planning committee at the request of Councillor Willingham.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m

Relevant Planning History:

There is no planning history for this application site.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD11 Housing Mix and Standards

SD14 Health and Environmental Quality

INF1 Transport Network

Saved Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Building Control

18th January 2019

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

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters have been sent to 26 neighbouring properties, no responses have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 allows a change of use from a single residential dwelling to a small HMO, up to 6 occupants, without the need for planning permission.

- 6.3 The main considerations in relation to this application are the principle of the change of use to a HMO, the impact on neighbouring amenity and any highway safety implications.

6.4 Principle of change of use

- 6.5 The relevant policy within the current Local Plan relating to HMOs has been deleted and therefore there are no specific policies relating to HMO development. The text supporting policy SD11 of the Joint Core Strategy sets out that requirements and standards for HMO's will be set out within district plans where appropriate.

- 6.6 The emerging Cheltenham Plan has been submitted to the Planning Inspectorate, it is not yet adopted so the policies within this document cannot be given significant weight. Within the emerging plan is policy HM5 relating to HMO standards, however this policy is directly related to the ward of St Pauls due to the proximity to the University. This policy would therefore not relate to the Ward of St Peters where this site is located. Further to this policy, the LPA is looking into Article 4 directions alongside this emerging policy in terms of HMO's, again however, this specifically relates to the ward of St Paul's.

- 6.7 It is considered that the property provides adequate living space to accommodate 7 people.

- 6.8 Based on the above, given the current policies and emerging policies and the site unlikely to be covered, there is no objection to the principle of the change of use of the dwelling house to a large HMO.

6.9 Impact on neighbouring amenity

- 6.10 Policy SD14 of the Joint Core Strategy and saved Local Plan policy CP4 require development not to cause unacceptable harm to the amenity of the locality of neighbouring properties. Further to this, emerging Cheltenham Plan policy HM5 states that high concentrations of HMOs can have a negative impact on communities including increased noise nuisance, anti-social behaviour or unkempt gardens.

- 6.11 Letters have been sent to neighbouring properties, and no responses have been received. It is considered that due to the area not having a particularly high concentration of HMO's and given that the HMO has been in use since 2015, the change of use would not result in an unacceptable increase in anti-social behaviour or loss of amenity for neighbouring residents.

- 6.12 The proposal is therefore considered to be in accordance with policies SD14 and CP4 in terms of protecting the existing amenity of neighbouring properties.

6.13 Highway safety and parking

- 6.14 An issue with high numbers of HMO's in an area is the increased demand and need for parking. There is no allocated parking at this address, nor for the neighbouring properties. However, on-street parking is available on this section of Gloucester Road and within the vicinity of the site.
- 6.15 The site is within a sustainable location and is in walking distance of the town centre and amenities, as well as having good access to the public transport network. The rear of the site can be access down a private lane, the property has sufficient amenity space to the rear for the storage of bins and bicycles.
- 6.16 It is considered that there would be no highway safety concerns as a result of the dwelling in use as a large HMO and would comply with policy INF1 of the Joint Core Strategy.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons set out above, the proposed development is considered to be in accordance with the relevant policies.
- 7.2 As such, the recommendation is to therefore permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

APPLICATION NO: 19/00056/FUL	OFFICER: Mr Ben Hawkes
DATE REGISTERED: 15th January 2019	DATE OF EXPIRY: 12th March 2019
DATE VALIDATED: 15th January 2019	DATE OF SITE VISIT: 16th January 2019
WARD: Charlton Kings	PARISH: Charlton Kings
APPLICANT: Mr Matthew Harber	
AGENT: n/a	
LOCATION: 66 Beeches Road, Charlton Kings, Cheltenham	
PROPOSAL: Double storey extension to the side of the property and a single storey extension to the rear of the property. Existing single garage in garden to be demolished to allow for the proposed works.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a semi-detached property located within a residential area on Beeches Road.
- 1.2 The applicant is seeking planning permission for the erection of a two storey side extension and single storey rear extension following the demolition of an existing detached garage.
- 1.3 For transparency, the application is at planning committee as the applicant's wife works for the council within the Place and Growth Division.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Smoke Control Order

Relevant Planning History:

None.

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Building Control

17th January 2019

The proposed works require Building Regulations approval. For further information, visit the Cheltenham Borough Council website

Gloucestershire Centre For Environmental Records

23rd January 2019

Report available.

Parish Council
5th February 2019

No objection

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 7 letters were sent to neighbouring properties, no letters of representation have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The main considerations in relation to this application are design and impact on neighbouring amenity.

6.3 The site and its context

- 6.4 The application site is red brick semi-detached property on Beeches Road, located near to the junction with Ravensgate Road. There is a clear pattern of development on this part of Beeches Road which is characterised by pairs of semi-detached properties, it is noted that many properties have been extended with various single and two storey side and rear additions.

6.5 Design

- 6.6 The proposed works include the addition of a two storey side extension and single storey rear extension. The two storey side extension takes a traditional form, includes a pitched roof and is set back from the front elevation of the property by approximately 1 metre. The front facing materials are red brick and concrete roof tiles to match the existing building. The proposed single storey rear extension has a more contemporary design and includes a flat roof, overhanging roof detail and use of render to finish.
- 6.7 The principle of a two storey side extension and single storey rear extension in the proposed location is considered to be acceptable. The extensions will sit comfortably within the plot and will read clearly as subservient additions to the existing building.
- 6.8 The design of the side extension is in keeping with the design and character of the existing building and is typical of what you would expect in this location. This extension will sit comfortably as an addition to the property and will not result in any unacceptable harm to the character of the street scene.
- 6.9 Whilst the rear extension is not directly in keeping with the design of the existing building, it is a relatively modest single storey addition that will not be acknowledged from the public realm. A modern addition in this location is not considered to result in any unacceptable harm to the design of the existing building or its surroundings and is therefore considered to be acceptable.

6.10 The proposal is considered to be compliant with the requirements of the local plan policy CP7, adopted JCS policy SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).

6.11 Impact on neighbouring amenity

6.12 Officers have duly noted a number of openings located in the side elevation of number 64 Beeches Road, these windows face towards the proposed development. These openings include a ground floor window serving a hall way, a door serving the kitchen and two first floor windows that serve a landing and bathroom. The only light source serving a habitable room and therefore afforded protection in terms of light is the door into the kitchen. Whilst light to this door may be affected by the development, this is a secondary light source, a further window in the rear elevation serves this same room and will not be affected by the proposal. The proposed two storey side extension is therefore not considered to result in any unacceptable loss of light.

6.13 The upper floor windows in the proposed side extension are located in the front and rear elevations and therefore will not result in any loss of privacy to neighbouring land users. A sky light is proposed in the roof to serve the central hallway and due to its high level position is acceptable.

6.14 The proposed single storey rear extension will run adjacent to the attached neighbours existing single storey rear extension. Whilst the proposal has a greater depth and will extend beyond the neighbours existing extension it does not fail the light test. Bi-folding doors to the rear and high level windows to the side are not considered to result in any unacceptable loss of privacy to any neighbouring land user.

6.15 In addition, no letters of objection have been received from any neighbouring land user as a result of the consultation process.

6.16 The proposal is considered to compliant with local plan policy CP4 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

6.17 Environmental Impact

6.18 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 Having considered all of the above, officer recommendation is to permit the application, subject to the conditions set out below:

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All external facing brickwork and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

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