CHELTENHAM
BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Thursday, 16 December 2021
6.00 pm
Council Chamber - Municipal Offices

Membership	
Councillors:	Garth Barnes (Chair), Paul Baker (Vice-Chair), Barbara Clark, Bernard Fisher, Stephan Fifield, Paul McCloskey, Tony Oliver, John Payne, Richard Pineger, Diggory Seacome and Simon Wheeler

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

Important Notice

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This meeting will be recorded by the council for live broadcast online at http://www.cheltenham.gov.uk and www.youtube.com/user/cheltenhamborough. At the start of the meeting the Chair will confirm this.

If you make a representation to the meeting you are consenting to the use of those sound recordings for broadcasting and training purposes.

Agenda

1. APOLOGIES

2. DECLARATIONS OF INTEREST

3. DECLARATIONS OF INDEPENDENT SITE VISITS

4. MINUTES OF LAST MEETING (Pages 3 - 12)
18 November 2021

5. PLANNING/LISTED BUILDING/CONSERVATION AREA CONSENT/ADVERTISEMENT APPLICATIONS, APPLICATIONS FOR LAWFUL DEVELOPMENT CERTIFICATE AND TREE RELATED APPLICATIONS – SEE MAIN SCHEDULE

5a	**20/01788/FUL Land at Shurdington Road** Planning Application Documents	(Pages 13 - 340)
5b	**21/01447/FUL Lypiatt House, Lypiatt Road** Planning Application Documents	(Pages 341 - 348)
5c	**21/02019/FUL St Marys Church, Well Walk** Planning Application Documents	(Pages 349 - 368)
5d	**21/02385/FUL & LBC 76 Andover Road** Planning Application Documents Planning Application Documents	(Pages 369 - 424)

6. APPEAL UPDATES (Pages 425 - 426)
Details of Appeals for information.

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

Contact Officer: Democratic Services,
Email: democraticservices@cheltenham.gov.uk

Planning Committee

Thursday, 18th November, 2021
2.30 - 5.30 pm

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Barbara Clark, Councillor Bernard Fisher, Councillor Tony Oliver, Councillor John Payne, Councillor Richard Pineger, Councillor Diggory Seacome and Councillor Simon Wheeler
Officers in Attendance:	Claire Donnelly (Planning Officer), Nick Jonathan (Solicitor), Emma Pickernell (Senior Planning Officer), Lucy White (Senior Planning Officer) and Andrew Robbins (Interim Head of Planning)

1. Apologies
Cllrs Fifield and McCloskey sent apologies. There were no substitute members.

2. Declarations of Interest
Cllr Oliver declared that his daughter and partner were part of the Management team at Pittville Campus, so would not take part in item 5e.

Cllr Clark declared that she would be speaking on behalf of the residents of Grosvenor Place South in item 5g, so would speak and leave the room.

Cllr Payne declared that part of Pittville Campus was in his ward and that he sat on the Liaison Group with the university, but confirmed that this application had not been discussed.

All members knew the applicant of 5c as he was a Member of the Cabinet.

3. Declarations of independent site visits
Cllr Clark has visited 5a, b, d (from the street), e, f and i

Cllr Oliver has visited 5a, b, d, f and i and has previously visited c, g and h

Cllr Payne has visited 5a, b, d, h and i and has previously visited c, e and g.

Cllr Baker has visited 5a, b,d,f,g and i

Cllr Pinegar has visited 5a, b, d, e, g, h and i

Cllr Fisher has visited 5a, g and i.

Cllr Seacome has visited 5b and 5d.

4. Minutes of last meeting
The minutes of the meeting held on 14th October were approved unanimously and signed as a correct record.

5. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

6. 20/00749/FUL Manor Farm, Church Road, GL51 9RB
Senior Planning Officer, Lucy White, introduced the report relating to the demolition of redundant outbuildings and construction of four dwellings on land that formed part of the Manor Farm group of residential and agricultural buildings in Church Road, Swindon Village.

The application was before Committee due to objections received from the Parish Council and Civic Society.

There were no speakers on the item.

In response to a Member question regarding the height of surrounding fences, the Planning Officer informed Members that the detail of appropriate fencing would be considered at a later stage and formed part of the landscaping suggested condition.

The Chair went to the debate where the design of the scheme was questioned as not being the best and not in keeping, however design was subjective and another member had a different view. Concern was expressed regarding flooding in this area with the nearby Wymans Brook which had recently been upgraded to a major water course and the fact that foundations had not been raised to a better height to prevent flooding. Another member praised the Officers on the new revamped design and felt the reduction in the number of dwellings from 5 to 4 was positive and was happy with the additional conditions including the landscaping.

In response to the flood issue, the Planning Officer confirmed that the floor levels had been set appropriately and the footprint of the dwellings were within Flood Zone 1 and both the Environment Agency and Council's Drainage Officer considered this to be an acceptable scheme.

There being no further questions or comments, the Chair moved to vote on the Officer's recommendation to permit.

FOR : 8
AGAINST : 1
ABSTAIN : 0

PERMITTED

7. 21/01447/FUL Lypiatt House, Lypiatt Road, Cheltenham GL50 2QW

The Planning Officer, Claire Donnelley, introduced the report relating to the construction of a single storey carport and garage building with pitched roof to Lypiatt House, Lypiatt Road. The application was retrospective and before Committee due to an objection from the Civic Society.

There were no speakers on the item.

In response to Member questions, the Planning Officer confirmed that what was there at the moment was being changed as Officers did not consider the design to be suitable and if approved, the changes as per the submitted proposed elevations would have to be completed within 5 months. It was also confirmed that after discussion the applicant wished to retain the front elevation as it was, so with timber frame and timber doors and Officers felt that given the other changes made, this would be acceptable. The building was not a listed building.

During the Member debate the Chair stated that he and the Vice Chair asked for this item to come to the Committee rather than a delegated decision, as they were not happy with the rural design and the look of the door and the hinges being out of keeping.

There was concern among Members as to the design and whether the doors suited the elegance of the building. Painting the doors could be an improvement. Members took offence to the statement in the application that this would keep people in employment as it was a garage. The alterations were made without consent and retrospective permission should be looked at as a new application. If this was a new application it would not be supported. It was stated that the proposed changes were not in keeping with the building

and area. Whereas there was acknowledgement that the hotel itself may have suffered during Covid and sympathy for the business that was not a reason to grant permission. A proposal for deferral was put forward as the applicant had been amenable and it was a huge waste to pull things down if a compromise on the frontage could be made.

The Officer advised that a motion for deferral would be required and the committee needed to be specific with the choices of either removal of the front doors or to paint them white. Members thought that although painting would be acceptable removal would be better.

The Chair moved to vote for deferral:

FOR : 7
AGAINST : 2

DEFERRED

8. 21/01464/LBC Hampton House, Shurdington Road, Cheltenham, GL53 0NH

The Planning Officer, Claire Donnelly, presented the report, which related to the replacement of three lost windows and stable doors, a lost floor and front door at Hampton House, Shurdington Road, Cheltenham. It was a Grade 2 listed building and was before the Committee because the applicant was a member of the Council. The Officer recommendation was to refuse.

The Interim Head of Planning, Andy Robbins, added that there were aspects of the application which Officers had no issue with, including the reintroduction of the stable doors and the implementation of the front door. They also had no objection in principle to the three windows, but were not happy with the form of glazing proposed. The applicant proposed double-glazing within historic openings, but the Conservation Officer's view was that this would require wider profile timber work and have different reflective qualities. In a building of this period, a single-glazed design would avoid causing this issue.

Speaking in favour of the application, Cllr Horwood thanked the Head of Planning for his contribution. He emphasised that while the building was not accommodation, it was used for storage and as a workshop and as such, he was often in there for hours on end. Some councils were now permitting double-glazing on listed buildings. He pointed out that the building was not part of the house that had the listed status, but was added much later and only had the status because it was within its boundaries. It was only visible to a couple of neighbours, for whom the impact would be minimal. Secondly, planning guidance balanced merits against harm to heritage assets. This did not apply in this case as no harm was being done. The original windows had been gone for over 50 years and were covered with wood or plastic. Replacing them with quality windows would be a huge improvement. He concluded that the recommendation to refuse was not necessary, sensible or desirable, and that the application would make the building both greener and more beautiful.

In response to Member questions, the following responses were given:

- It was not possible to say exactly when the building was built, nor exactly how its original windows looked, but it was clearly of some age.

The Chair moved to the debate and Members made the following comments:

- There was a clear environmental reason to allow the double glazed windows, to aid insulation and reduce heat loss.
- Double-glazing was now the norm, and to require single glazing would be a step backwards.
- The proposed changes would have minimal impact, and the reasons to refuse in the report were unduly harsh.

- The building was not of any particular significanc and was not exactly attracting visitors.
- Conservation concerns needed to be balanced with environmental concerns.

There being no further comments, the Chair moved to vote on the Officer's recommendation to refuse.

FOR : 0
AGAINST : 9
ABSTAIN : 0

The Chair moved that the application be approved, subject to conditions on materials which the Planning Officers would oversee. The Head of Planning advised wording this as 'and other such design details as required'.

FOR : 9
AGAINST : 0
ABSTAIN : 0

GRANTED unanimously

9. 21/01591/FUL 52 Fairfield Parade, Cheltenham, GL53 7PD

The Planning Officer, Claire Donnelly, presented the report, which related to rear extensions and internal alterations at 52 Fairfield Parade, Cheltenham. It was deferred at the last meeting to allow members to carry out their own site visits, and was at the committee at the request of Cllr Maughfling.

Speaking against the application, Jonathan Bardgett, who lived next door, thanked the committee for taking the time to consider the application again. He stood by his previous statements regarding the impact of the application, and his request that members make a modest amendment that would still allow a considerable extension for neighbours. There were ample planning grounds to make this amendment: the proposal was overly dominant, out of keeping and scale with the surroundings, would alter ambience and light internally and externally, adversely impact the symmetry of the buildings, and set a precedent for overly modern extensions. As a neighbour undergoing a long period of convalescence after major surgery, to reduce the amenity of the garden would adversely affect his quality of life. He asked that the length of the extension be restricted to the same size as the existing one next door.

Speaking against of the application, Cllr Guy Maughfling thanked the previous speaker for his contribution, which he described as good NIMBYism. The proposed extension would block off a significant part of the neighbour's garden with a clear adverse effect on neighbour amenity. College ward was a lovely part of the town and was subject to a large number of planning applications. It was important to resolve disputes resulting from these in an amicable way. The objector was not asking for the application to be struck down entirely, but was offering a reasonable solution that would suit all parties, and for this reason, he wholly supported his objection.

The Chair moved to the debate and Members made the following comments:

- It was useful that members had had extra time to visit the site.
- The application complied with the light test and the windows were securely glazed.
- The properties were well orientated, with the afternoon and evening sun hitting the bottom of the gardens.
- The lack of symmetry would lead to a lopsided look, and it must be possible to find a solution to this.

- There were reasonable arguments on both sides but any decision had to be made on clear planning grounds, and there were not clear planning grounds to refuse it. There would be no loss of privacy, and it being slightly less pleasant for neighbours was not enough to justify refusing on grounds of loss of amenity.

There being no further comments, the Chair moved to vote on the Officer's recommendation to permit.

FOR : 7
AGAINST : 0
ABSTAIN : 2

GRANTED

10. 21/01696/FUL Pittville Student Village, Albert Road, Cheltenham GL52 3JG

The Planning Officer, Lucy White, presented the application, which related to the temporary dual use of up to 205 bedrooms for either student accommodation (C1) or serviced apartment accommodation (Class C1) for an 18 month period commencing in August 2021 at Pittville Student Village, Albert Road, Cheltenham. It had been brought to committee at the request of Cllr Fifield due to the lack of parking provision and the subsequent effect on residents. The Officer recommendation was to permit.

Speaking in favour of the application, Catherine Hoyte stressed that the university recognised residents' concerns. Any lettings would be managed by the university and travelling by car would be discouraged, with individuals pointed towards public transport. The university had committed to making 75 spaces available between 6pm and 8am. These would not be commercial, but would include visiting lecturers and students from other institutions. She emphasised that the university's commitment to the protection of neighbouring amenity would continue, and they would work with local groups to identify problems. The university took complaints seriously and worked to address them when they occurred. The project was temporary and could be monitored throughout. The way we all lived, worked and studied had changed, and the university needed to be flexible to respond to these circumstances.

In response to Member questions, the following responses were given:

- Dual use referred to the filling of accommodation not taken up by students during the academic year, as well as during the summer breaks. Students would be offered the accommodation first and unused rooms would be let out. This also included things like conferences and summer schools during the summer break, and only involved accommodation and not things like lecture halls.
- All University of Gloucestershire students who lived in student halls of residence managed by the university were not allowed to bring cars to the town. Any parking issues raised at the Community Liaison Group meetings were largely caused by cars not owned by students. There was also restricted or no parking in nearby streets.
- The site would continue to be managed by the university, who were also responsible for marketing the dual use accommodation.
- There was no dedicated coach parking on site, but drop-offs would be possible. It was up to the university to explore dedicated coach parking, the highways authority did not consider this.
- 100% of the rooms would be offered to students first each academic year, and only those rooms that were not taken up would be let out.

The Chair moved to the debate and Members made the following comments:

- This was a sensible use of unused space. Some students did not want to live in university accommodation and this accounted for that choice.
- The application would attract more people to the town.
- The application raised the question of why so many rooms were not taken up by students. The accommodation was very expensive (a single bedroom was £130 a week and a studio was £203 a week) so students were turning to the private sector. The Planning Officer noted that this was not necessarily due to the price, and suggested that the pandemic was the primary factor. More students were choosing to stay at home or go to university in their local area.
- Parking had always been an issue for residents, with lots of students parking in the Pump Room car park for example. This was due to it being exceptionally difficult to park near the campus.
- The application was only for 18 months, so any issues could be monitored over that time.
- It would be better to keep the university in control rather than buy-to-let landlords.
- They must avoid the incentive to price students out of the rooms in order to attract racegoers. The Head of Planning reiterated that rental prices were not a matter for Planning Committee. Restricting occupancy on a seasonal basis would need a clear planning reason.

There being no further comments, the Chair moved to vote on the Officer's recommendation to permit.

FOR : 7
AGAINST : 0
ABSTAIN : 1

GRANTED

11. 21/01746/FUL 271 Gloucester Road, Cheltenham GL51 7AA

The Planning Officer, Claire Donnelly, presented the report relating to the demolition of an existing dilapidated coach house and construction of a new coach house to be used as an annex ancillary to 271 Gloucester Road. The application was before Committee due to an objection from the Civic Society and at the request of Cllr Baker.

There were no speakers for this item and no questions from Members, so the Chair moved to debate, during which the following comments were made:

- Objections not acceptable as bricks will eventually become porous, but if brick work could emulate more what was being demolished that would be more acceptable.
- The coach house was built before the house and was a very nice building but the fact it had not been looked after was not a reason to demolish it. Heritage should be preserved.
- There were no planning grounds to refuse this application, but a shame owners could not see the historic significance of the building and restore it and a shame it can be knocked down.
- A loop hole in planning regulations that an old historic building such as this can be knocked down.
- Unfortunate that planning laws and tax regulations encourage demolition as VAT can be saved if demolished.
- A member questioned why there were not any planning laws to protect such an old building. The Planning Officer replied that the main house was locally listed but it did not extend to the coach house and permitted development allowed for demolition as it was not within a conservation area. In order for the demolition to be permitted development, the applicant would need to inform the council of their method of demolition but otherwise there was no restriction. The rebuild required planning

permission so this together with the demolition had been submitted as one application.

The Head of Planning confirmed there had not been an oversight with regard to the listings and that the coach house had been deemed to not be of such importance to be nationally listed.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to permit.

FOR : 5
AGAINST : 2
ABSTAIN : 2

PERMITTED

12. 21/01815/FUL Lidl Foodstore, Grosvenor Terrace, Cheltenham GL52 2SA

In the absence of Planning Officer, Victoria Harris, the Interim Head of Planning, Andy Robbins, introduced the application relating to the change in use of an existing supermarket to a self-storage business use at the former Lidl food store in Grosvenor Terrace. This application was deferred at the last meeting because of the design of the proposed office building and the impact on the amenity of neighbours and the long opening hours. The applicants had amended their scheme and proposed a flat roof structure instead of a shipping container; on the same footprint and with a mixture of materials. The applicant had also amended the opening hours to 8am – 6pm Monday to Saturday and 10am – 4pm on Sundays, which put their hours of operation in line with other similar businesses and those of the High Street which should reduce the impact on neighbourhood amenity.

Mr Richard Lanyon spoke on behalf of the applicant in support of the application stating they had taken on board the concerns of the committee and had reduced the hours and amended the design. He said they were different to other out of town self-storage facilities and catered for residents and small businesses alike, based on local convenience and did not have noisy lorries. He pointed out that they were situated next to a car park anyway. The Lidl space was redundant so they were investing in an empty space which had been subject to anti-social behaviour whilst empty, and reoccupying the site would help prevent this. He said the new usage would create employment and regenerate this area.

Cllr Barbara Clark, ward councillor, spoke on behalf of the residents stating they were pleased about the conditions attached to change in use. She requested confirmation that the opening times were 10am - 4pm on Sunday and wished it recorded that no container would be used for office space and that the opening hours were reduced to mirror other similar businesses. She also requested a condition be attached that the unit would never become, under this change of use, a distribution centre for other large businesses such as Amazon. She concluded that although not happy, the residents were satisfied with the planning conditions and thanked the Planning Officers. Cllr Clark then left the Chamber.

The Interim Head of Planning corrected his error and confirmed Sunday opening was from 10am and not 9am as he had inadvertently said.

In reply to a question about the Lidl frontage, the Officer confirmed there would be no changes to the very front of the building other than signage which would be changed.

During the debate, a member congratulated the applicant and Planning Officers and cited this as a good example of planning, where discussion and amendments had resulted in an application that could be supported.

Another member thought it was a lost opportunity for the Council to regenerate this part of the town with some flats and town houses as it was Council land.

There being no further comments or questions, the Chair moved to vote on the Officer's recommendation to permit.

FOR : 7
AGAINST : 1
ABSTAIN : 0

PERMITTED

13. 21/02102/CONDIT Homelea Farm, Springbank Road, Cheltenham GL51 0LT

The Planning Officer, Claire Donnelly, presented the report relating to a variation of condition 1 of the planning permission, to extend the temporary permission for a further two years.

There being no questions or comments, the Chair moved to vote on the Officer's recommendation to permit.

FOR : 9
AGAINST : 0
ABSTAIN : 0

GRANTED unanimously

14. 21/02038/FUL 320 Swindon Road, Cheltenham Glos GL51 9JT

The Planning Officer, Emma Pickernell, introduced the report relating to the demolition of all existing buildings and the erection of 24 dwellings and other associated works at 320 Swindon Road otherwise known as Mauds Elm. The application was before committee as the site applicant was Cheltenham Borough Homes.

There was one public speaker in support of the application, Alison Salter, as a representative from Cheltenham Borough Homes. She stated that the site was currently a derelict site which had been subject to anti-social behaviour and arson. They were hoping that by renovating this site it would breathe some life back into the area and provide quality affordable housing.

In response to a Member question regarding the tightness of turning at the mini roundabout in the vicinity, the Interim Head of Planning explained that this was not related to the proposal and there was no evidence to suggest that it would affect the development.

During the debate Members praised the development as an exemplar design that should be used for future developments. There were concerns raised with regards to the method of construction that could be greener and the Officer confirmed that Cheltenham Borough Homes would explore the use of the materials to be used.

There being no further questions or comments, the Chair moved to vote on the Officer's recommendation to permit.

FOR: 9
AGAINST: 0
ABSTAIN: 0

PERMITTED unanimously

15. Appeal Updates

Noted.

16. Any other items the Chairman determines urgent and requires a decision

There were none.

Chairman

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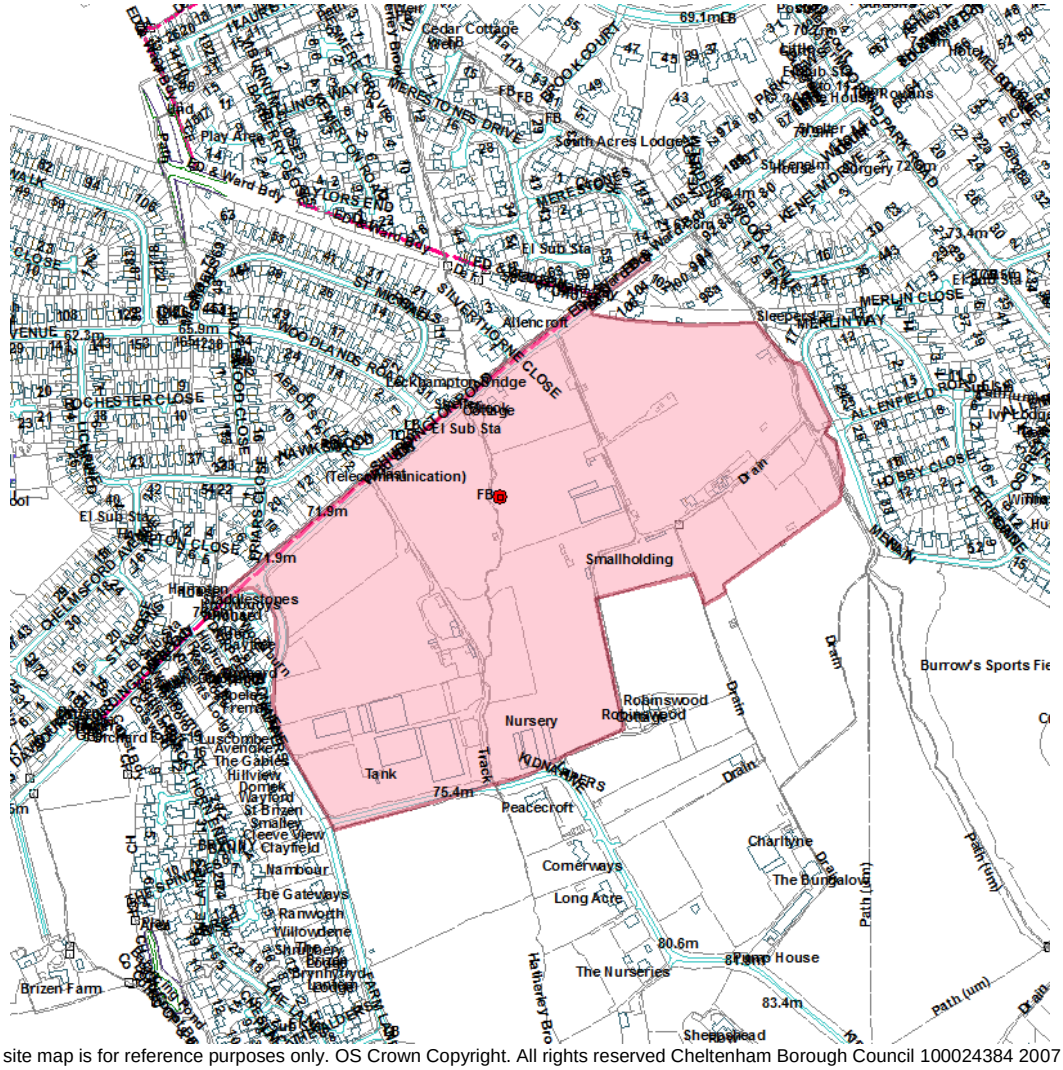
APPLICATION NO: 20/01788/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 16th October 2020		DATE OF EXPIRY: 15th January 2021
DATE VALIDATED: 16th October 2020		DATE OF SITE VISIT:
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Miller Homes	
AGENT:	RPS Consulting Services ltd	
LOCATION:	Land At Shurdington Road Cheltenham	
PROPOSAL:	Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other associated infrastructure	

RECOMMENDATION: Permit subject to conditions and a S106 agreement



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1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application site is located on the southern side of Shurdington Road (A46) at the southwestern edge of the borough and comprises some 18.075 hectares of land. The site is outside of, but immediately adjacent to, Cheltenham's Principal Urban Area (PUA) and forms part of the Leckhampton mixed-use allocation in the Cheltenham Plan (policy MD4).

1.2 To the east, the site is bound by the Moorend Stream with residential properties in Merlin Way beyond. Kidnappers Lane runs along the western and south-western boundary of the site with residential properties adjacent at its northern end. The north-eastern boundary is formed by fields in pasture and small holdings. Hatherley Brook crosses the site centrally from south to north. Residential properties are located on Shurdington Road to the north, and opposite the site.

1.3 The site is relatively level, sloping gently from south to north. There are also a number of mature trees and hedges within the site and along field boundaries. Public rights of way run along the southern boundary of the site running west from Kidnappers Lane to a path adjacent to Merlin Way to the north.

1.4 Part of the site extends into the northern part of the Leckhampton area of Local Green Space (LGS) located southeast of the site.

1.5 The site is not within a protected landscape; however, the Cotswolds Area of Outstanding Natural Beauty (AONB) and Green Belt lies to the south of the site.

1.6 The new Leckhampton High School is currently under construction on the southern part of the MD4 mixed-use allocated site, on Kidnappers Lane.

1.7 The application seeks full planning permission for a new residential development of 350 dwellings, to include a policy compliant (40%) level of affordable housing which equates to 140 dwellings. The scheme would also provide for cycleways, footpaths, landscaping, access roads and other associated infrastructure, public open space, a community orchard and allotments, children's play space, and SuDS features.

1.8 The application has been submitted following extensive pre-application discussions.

1.9 In addition to drawings, the application has been accompanied by a number of detailed reports and statements some of which have been revised/addended during the course of the application; and all have been available to view on the Council's website (with superseded documents marked as such where appropriate).

1.10 The application is before the planning committee at the request Councillor Baker. The reasons for the referral are *"the size and scale of the application, its likely impact upon the neighbourhood and the opportunities to make this a carbon neutral development."*

1.11 The application was also called-in by former Councillor Sudbury *"due to the interest in the near and wider area of the development. This is particularly in relation to highways improvements, density of the development and provision of onsite space for wildlife and humans to play as well as environmental impact of the type of construction."*

1.12 In addition, objections have been received from the Parish Council and Civic Society.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:
Airport Safeguarding over 45m
Flood Zone 2

Relevant Planning History:

13/01605/OUT **REFUSE** **31st July 2014**

Residential development of up to 650 dwellings; mixed use local centre of up to 1.94ha comprising a local convenience retail unit Class A1 Use (400sqm), additional retail unit Class A1 Use for a potential pharmacy (100sqm), Class D1 Use GP surgery (1,200sqm,) and up to 4,500sqm of additional floorspace to comprise one or more of the following uses, namely Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses including a potential dentist practice, childrens nursery and/or cottage hospital; a primary school of up to 1.72ha; strategic open space including allotments; access roads, cycleways, footpaths, open space/landscaping and associated works; details of the principal means of access; with all other matters to be reserved

17/00832/SCOPE **ISSUED** **7th August 2017**

Environmental Impact Assessment Scoping request for residential development, associated open space, amenities and infrastructure

19/02303/OUT **PERMIT** **18th June 2020**

Outline application for the construction of up to 12 new dwellings, to include road and drainage infrastructure, parking and landscaping with all matters reserved except means of access to the site

21/00045/REM **UNDETERMINED**

Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of outline planning permission ref. 19/02303/OUT for the construction of up to 12 new dwellings, to include road and drainage infrastructure, parking and landscaping with all matters reserved except means of access to the site

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

Section 2 Achieving sustainable development
Section 3 Plan-making
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 13 Protecting Green Belt land
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design
L1 Landscape and Setting
BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure
BG2 Cotswold Beechwoods Special Area of Conservation Air Quality
H2 Land Allocated for Mixed-Use Development
MD4 Leckhampton
SL1 Safe and Sustainable Living
GI1 Local Green Space
GI2 Protection and replacement of trees
GI3 Trees and Development
CI1 Securing community infrastructure benefits
CI2 Sports and open space provision in new residential development
CI4 Broadband Provision

Adopted Joint Core Strategy 2017 (JCS) Policies
SP2 Distribution of New Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD6 Landscape
SD7 The Cotswolds Area of Outstanding Natural Beauty
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 Infrastructure
INF4 Social and Community Infrastructure
INF6 Infrastructure Delivery
INF7 Developer Contributions

Supplementary Planning Guidance/Documents
Development on Garden Land and Infill Sites in Cheltenham (2009)

4. CONSULTATION RESPONSES

Strategic Land Use Team
27th January 2021

The site

The application site is situated outside of the existing urban area but within an area allocated for housing development in the adopted Cheltenham Plan.

Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore, in determining this application, the following must be considered:

The adopted development plan for the area:

- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017)
- The Cheltenham Plan (July 2020)
- Relevant saved policies of the Cheltenham Borough Local Plan Second Review 2006

Relevant material considerations, which include:

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (nPPG)

Joint Core Strategy

Relevant JCS policies:

- Policy SP2: Distribution of New Development
- Policy SD3: Sustainable Design and Construction
- Policy SD4: Design Requirements
- Policy SD6: Landscape
- Policy SD7: The Cotswolds Area of Outstanding Natural Beauty
- Policy SD8: Historic Environment

- Policy SD9: Biodiversity and Geodiversity
- Policy SD10: Residential Development
- Policy SD11: Housing Mix and Standards
- Policy SD12: Affordable Housing
- Policy SD14: Health and Environmental Quality
- Policy INF1: Transport Network
- Policy INF2: Flood Risk Management
- Policy INF3: Green Infrastructure
- Policy INF4: Social and Community Infrastructure
- Policy INF6: Infrastructure Delivery
- Policy INF7: Developer Contributions

Cheltenham Plan

Relevant Cheltenham Plan policies:

- Policy D1: Design
- Policy L1: Landscape and Setting
- Policy BG1: Cotswold Beechwoods Special Area of Conservation Recreation Pressure
- Policy BG2: Cotswold Beechwoods Special Area of Conservation Air Quality
- Policy H2: Land Allocated for Mixed-Use Development
- Policy SL1: Safe and Sustainable Living
- Policy MD4: Leckhampton
- Policy GI1: Local Green Space
- Policy GI2: Protection and Replacement of Trees
- Policy GI3: Trees and Development
- Policy CI1: Securing Community Infrastructure Benefits
- Policy CI2: Sports and Open Space Provision in New Residential Development
- Policy CI4: Broadband Provision

Principle of Development

Paragraph 11 of the NPPF states:

> *Plans and decisions should apply a presumption in favour of sustainable development.*
>
> *For decision-taking this means:*
>
> > *c) approving development proposals that accord with an up-to-date development plan without delay; or*
> >
> > *d) 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:*
> >
> > > *i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
> > >
> > > *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

In this case, the development plan is made up of the JCS and Cheltenham Plan. Distribution of development is set out in the JCS. Policy SD10 states:

2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans

The site is located within the Leckhampton mixed-use allocation in the Cheltenham Plan. In Policies H2 and MD4 the site, shown on the map below, is allocated for approximately 350 dwellings and a secondary school (subject to a separate planning permission).



The Cheltenham Plan Policy MD4 also contains the following site specific requirements:

- Approximately 350 dwellings on land north of Kidnappers Lane
- Provision of a secondary of school with six forms of entry on land to the south of Kidnappers Lane
- Safe, easy and convenient pedestrian and cycle links within the site and to key centres
- A layout and form that respects the existing urban and rural characteristics of the vicinity
- A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development
- A layout and form of development that respects the visual sensitivity and landscape character of the site as part of the setting for the AONB

The current proposal conforms to the general principle of policy MD4 in that it provides for 350 dwellings within the boundary of the site. It should be noted that a smaller site on Shurdington Road is excluded from this application but is within the MD4 boundary. When combined the total number of dwellings will be above the 350 in the policy. However, the

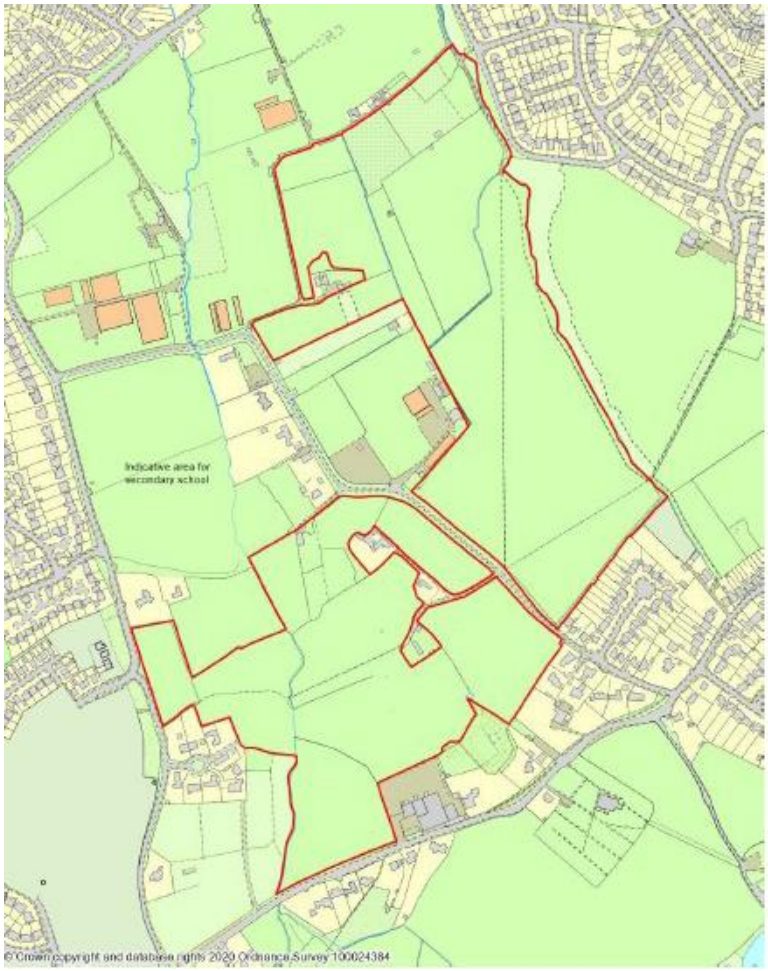
figures in Policy H2 and MD4 are approximate and the general principle of a total of around 370 dwellings on the allocation is acceptable.

Local Green Space

Policy GI1 of the Cheltenham Plan says:

> *Development will not be permitted within a Local Green Space, designated either within the Cheltenham Plan or an approved Neighbourhood Plan, unless there are very special circumstances which outweigh the harm to the Local Green Space. Particular attention will be paid to the views of the local community in assessing any development proposals that affect a designated Local Green Space.*

The outline for the Leckhampton LGS is shown in red on the map below:



Part of the site falls within the northern part of the LGS area. Various smallholdings in differing states of repair currently occupy the area. A well-used footpath runs along the northern end of the LGS. The rural feeling experienced on the footpath was part of the reason that the LGS in that area was included for protection. Although the application includes changes to the LGS area, they do not include any building. The resulting allotments and green space area are likely to provide an enhance enjoyment of the Local Green Space.

Landscape and Design

Although the site is allocated for development in the Cheltenham Plan JCS Policy SD6: Landscape still applies. Of particular importance are the following two paragraphs:

> *2. Proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area, drawing, as appropriate, upon existing Landscape Character Assessments and the Landscape Character and Sensitivity*

Analysis. They will be required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area;

3. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. Planning applications will be supported by a Landscape and Visual Impact Assessment where, at the discretion of the Local Planning Authority, one is required. Proposals for appropriate mitigation and enhancement measures should also accompany applications.

Transport
Transport issues within the site's locality are difficult, with particular issues at peak times on Shurdington Road and Church Road. With the new secondary school being built it is especially critical that this development can prove that highway performance will not be impacted.

Five year housing land supply
Cheltenham Borough Council cannot currently demonstrate a five year housing land supply. Therefore, the 'tilted balance' of paragraph 11 is relevant. However, footnote 6 of the NPPF says that LGS and AONB policies in the NPPF are not out-of-date and still apply to this application.

Conclusions
The general principle of development on this site has been established in the Cheltenham Plan. The contribution that the site will make to housing supply and affordable housing supply also weigh in favour of the proposal. However, the proposals should also meet policy requirements set out in MD4 as well as other relevant JCS and Cheltenham Plan policies. Particular care should be given to the impact of the development on the AONB, Local Green Space and highway network.

GCC Highways Development Management

21st December 2020

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that this application be deferred.

The justification for this decision is provided below.

The Highway Authority and the Applicant are discussing this application to ensure that the Transport Assessment and scheme designs reflect current national and local policy, and the proposals are complementary to the consented secondary school highway works. Whilst these discussions continue with the Highway Authority it is asked that this application is not determined.

The Highway Authority therefore submits a response of deferral.

26th November 2021 – revised comments

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning

(Development Management Procedure) (England) Order, 2015 has no objection subject to conditions and financial obligations.

The justification for this decision is provided below.

This application forms part of the Cheltenham Plan, allocation MD 4, the policy details site specific requirements. From a transport perspective the site should provide “safe, easy and convenient pedestrian and cycle links within the site and to key centres” and references the findings of 13/01605/full which was determined by the planning inspectorate to be reflected in any future scheme.

The proposal seeks to provide 350 dwellings which are served off 2 vehicle access points from the Shurdington Road. The accesses proposed are a priority junction and a new roundabout. The roundabout proposal also realigns Kidnappers Lane. No other vehicle accesses are proposed external to the site. The proposal also includes a series of walking and cycling connections to the existing community and within the proposal itself.

The applicant has prepared a Transport Assessment which considers the impact of the proposal from a multimodal perspective, this includes modelling on the potential impact on the Shurdington Road which is recognised as a congested corridor. It also considers routes to key destinations and how access to those services could be improved.

The local and national policy for access focuses on prioritising walking and cycling trips, we must also consider the vehicle impact but his must be read against the NPPF tests of “severe” or have “an unacceptable impact on highway safety”.

In principle the proposal is acceptable as it provides the anticipated number of dwellings in the Cheltenham Plan, and consequently the traffic generation from the allocation was considered at the time of the adoption of the plan. It still remains necessary to consider the impact on local junctions and what mitigation might be required.

The proposal is expected to generate approximately 127 departures and 51 arrival vehicle trips in the AM peak and 79 departures and 126 arrives in the PM peak, these are 08:00-09:00 and 17:00-18:00 respectively. This is split between the 2 access points and the transport modelling shows trips are dispersed around the network.

This has potential implications at the junctions of Moorend Park Road and Leckhampton Lane.

With regards to Moorend Park Road there is already a consented scheme in place to improve this junction associated with the Farm Lane development, this improvement is being refined and provide the optimum solution for this junction recognising the competing demands of different road users, not further alteration is required beyond the consented proposals.

The Leckhampton Lane Junction is proposed to be amended to provide a degree of space for right turning traffic. There is a balance to be had in providing more capacity and maintaining pedestrian space, and considering the needs to pedestrians is a key priority as such the reduction of footway width is not acceptable. Furthermore, increasing capacity could result in an increase of rat running whereas the A46 is the more suitable route. Therefore, the proposal looks to provide an improvement within the current kerblines. This approach is considered to be acceptable.

The Kidnappers Lane junction with Shurdington Road is proposed to be closed and replaced with a cycleway. An alternative roundabout junction is proposed, this is considered to be a more suitable solution recognising the additional turning movements the development will generated alongside the new secondary school trips. It also allows for improved walking and cycling infrastructure to be provided as more space becomes available.

The proposal gives significant potential to deduce the walking distances from the existing residential communities to the new Leckhampton Secondary School. New and improved connections will be made from Merlin Way, Shurdington Road and Kidnappers Lane, the routes in the site accommodate pedestrians and cyclists, and provide more attractive routes than otherwise would exist. The proposal also provides missing footway infrastructure on the A46. This is considered to be a benefit of the scheme and contributes to its sustainability credentials.

The proposed streets within the proposal create a low-speed environment which includes measures to prioritise walking and cycling movements. Car and bicycle parking provision is agreed including electric vehicle provisions, but some refinement of details on these points is required so conditions are proposed to address this.

The proposal also includes a travel plan which will be secured by planning condition and ensured through a financial bond.

The proposal does require a consultation for highway legislation beyond any planning consultation to enable the development, and the proposal is reliant on this occurring. It is therefore necessary to included conditions which limit the developments construction until those processes have been progressed and orders implemented. The applicant should submit details of the required traffic regulation order to prohibit driving along the length of Kidnappers Lane which is to be closed at their earliest opportunity given the timescale associated with the implementation of such an order.

Overall, the proposal is considered to be acceptable and proposes suitable mitigation through offsite improvements, enhanced walking and cycling connections and planning obligations.

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

<u>Conditions</u>
Conformity with Submitted Details
The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawing CB_70_064_001 Rev R.
Reason: To ensure conformity with submitted details.

Highway improvements Southern Development Parcel
The Development served from the proposed southern (roundabout) access hereby approved shall not be occupied until the highway improvements works comprising:

- Roundabout, realignment of Kidnappers Lane, crossings and active travel infrastructure as shown on drawing 04649-PA-001 Revision P08
- Closure of the Junction of Kidnappers Lane and A46 Shurdington Road

Have been constructed and completed.
REASON: To ensure the safe and free flow of traffic onto the highway.

Highway improvements Northern Development Parcel
The Development served from the proposed northern access (priority junction) hereby approved shall not be occupied until the highway improvements works comprising:

- Priority Junction, Crossings and footway improvements as shown on drawing 04649-PA-002 Revision P06

Have been constructed and completed.
REASON: To ensure the safe and free flow of traffic onto the highway.

Highway improvements
The 50th Dwelling hereby approved shall not be occupied until the highway improvements works comprising:

- Junction Improvement at Leckhampton Lane as shown on drawing 04649-PA-003 Revision P04

Have been constructed and completed.
REASON: To ensure the safe and free flow of traffic onto the highway.

Highway improvements
The Development hereby approved shall not be occupied until the highway improvements works comprising:

- Controlled Crossing as shown on drawing ITB2049-GA-056 rev C

Have been constructed and completed.
REASON: To ensure the safe and free flow of traffic onto the highway.

Bicycle Parking
The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
REASON: To promote sustainable travel and healthy communities

Electric Vehicle Charging Points
Notwithstanding the details submitted the development hereby permitted shall not be first occupied until at least 1 parking space for each proposed dwellings or 1 per 10 spaces for communal parking areas, has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.
Reason: To promote sustainable travel and healthy communities.

Residential Travel Plan
The Residential Travel Plan hereby approved, dated 09 October 2020 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.
REASON: To reduce vehicle movements and promote sustainable access.

Construction Management Plan
Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;

- Arrangements to receive abnormal loads or unusually large vehicles;
- Joint highway condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Provision for street tree planting
No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

Informatives
Works on the Public Highway
The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement
A Monitoring Fee
Approving the highway details
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

Traffic Regulation Order (TRO)
You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward, involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

Highway to be adopted
The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Street Trees
All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

Public Right of Way Impacted
There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works. We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

Impact on the highway network during construction
The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

Protection of Visibility Splays
The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

Construction Management Plan (CMP)
It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public
Informing, respecting and showing courtesy to those affected by the work;
Minimising the impact of deliveries, parking and work on the public highway;
Contributing to and supporting the local community and economy; and
Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

Planning Obligations
Specific Purpose – Travel Plan Bond and Monitoring
Contribution - £65,250.00
Trigger – Prior to the First Occupation of any Dwelling
Retention Period – 10 Years from the First Occupation of Any Dwelling

Specific Purpose – Public Right of Way Enhancement, Connection to Merlin Way
Contribution - £15,000
Trigger – Prior to commencement
Retention Period - 5 years from Receipt

Ryder Landscape (acting as Council's Specialist Landscape Advisor)
2nd February 2021
See Appendix B

12th November 2021 – updated comments
See Appendix C

22nd November 2021 – further update
See Appendix D

Housing Enabling
2nd February 2021
Report available to view in Documents tab.

1st October 2021 – revised comments
Level of Affordable Housing Provision
The Joint Core Strategy Policy SD12: Affordable Housing states that "on sites of 11 dwellings or more… a minimum of 40% affordable housing will be sought within the Borough of Cheltenham".

This application will comprise of approximately 350 residential units. Therefore at 40% in line with JCS Policy SD12: Affordable Housing the Council will be seeking 140 affordable homes.

The latest LHNA that has been commissioned also requires a mix of approx. 70:30 rented to intermediate housing.

The majority of the principles surrounding affordable housing delivery on this scheme have been covered in the Housing Enabling comments dated 02.02.21.

Dwelling Mix

The Council and applicant (Miller Homes) are in agreement regarding the affordable housing mix to be provided on this scheme, captured in the dwelling mix table below. To be clear, having regard to local needs and affordability considerations, we will seek the following mix of affordable dwellings on this scheme:

Clustering and Affordable Housing Distribution

40%	Social Rent	Affordable Rent (Capped at LHA)	Shared Ownership	Total	%
1b2p M4(2) Cat 2 flat, 50m2.	12	0	0	12	9%
1b2p flat, 50m2.	12	0	0	12	9%
1b2p Bungalow, M4(3) (2)(b), 60m2.	4	0	0	4	3%
1b2p Bungalow M4(2) Cat 2 , 50m2.	4	0	0	4	3%
1b2p House, 50m2.	0	0	4	4	3%
2b4p House, 71m2.	0	18	18	36	26%
2b4p House, M4(2) Cat 2, 79m2.	0	14	0	14	10%
2b4p Bungalow M4(2) Cat 2, 71m2.	0	4	0	4	3%
3b5p House, 82m2	0	10	12	22	16%
3b5p M4(2) Cat 2 House, 93m2	0	3	0	3	2%
3b6p House, 93m2.	0	8	8	16	11%
4b7p House, 108m2.	6	0	0	6	4%
4b7p House, 121m2, Cat 2.	1	0	0	1	1%
5b8p House, 121m2.	2	0	0	2	1%
Total	41	57	42	140	100%
%		98 (70%)	42 (30%)	100%	

Examining the clustering and affordable housing distribution, this officer is satisfied that the revised affordable housing plan (reference CB_70_064_004 Affordable Housing Plan REV G-OVERALL) meets the majority of our affordable housing requirements.

Nevertheless, to facilitate the creation of resilient communities, this officer would strongly suggest making the following alterations to the affordable housing plan, as set out below:

- Swapping Plots 250/251/252 with Plots 244/245/246
- Switching Plot 308 with Plot 128
- Switching Plot 307 with Plot 109

- Switching Plots 93/94 with Plot 170/171

Discussions with our Registered Provider partners has supported relocating these homes to assist in creating sustainable communities.

This officer is happy to discuss with the agent to reach a practical solution to this issue.

Accessibility
This Officer would expect the proposed 4 x 1b2p M4(3) wheelchair accessible homes (60m^2) to meet M4(3)(2)(b) wheelchair accessible standards. This point should be reflected within the Section 106 agreement, affordable housing schedule and accompanying affordable housing plan.

22nd November 2021 – further revised comments
Following on from this Officer's previous Housing Enabling comments concerning the Land off Shurdington Road, Planning Reference 20/01788/FUL dated 02.02.2021 and 01.10.2021 respectively, the Council and Miller Homes (represented by Pioneer Property Services) have agreed with the Housing Strategy and Enabling Officer on the following affordable housing mix, comprised of 41 social rented homes, 57 affordable rented homes and 42 shared ownership homes: (please refer to table below).
The affordable housing mix agreed between the Housing Strategy and Enabling Officer and Miller Homes satisfies the policy requirements of JCS Policy SD12: Affordable Housing.

Description	Persons	Sqm	Sqft	Social Rent	Affordable Rent	Shared Ownership	Total
1-bed flat M4(2)	2	51	544	24	0	0	24
1-bed bungalow M4(3)(2)(b)	2	60	647	4	0	0	4
1-bed bungalow M4(2)	2	50	539	4	0	0	4
1-bed house	2	51	549	0	0	4	4
2-bed coach house	4	71	764	0	0	6	6
2-bed house	4	71	764	0	18	12	30
2-bed house M4(2)	4	79	850	0	14	0	14
2-bed bungalow M4(2)	4	72	779	0	4	0	4
3-bed house	5	84	908	0	3	4	7
3-bed house	5	83	893	0	7	8	15
3-bedhouse M4(2)	5	93	1001	0	3	0	3
3-bed house	6	93	1001	0	4	8	12
3-bed house	6	95	1021	0	4	0	4
4-bed house	7	118	1274	6	0	0	6
4-bed house M4(2)	7	121	1303	1	0	0	1
5-bed house	8	127	1372	2	0	0	2
Grand Total				**41**	**57**	**42**	**140**

For ease of reference, the affordable housing mix captured in Table 1 above will supersede all previous discussions between the Housing Strategy and Enabling Officer and Miller Homes and represents the final agreed affordable housing mix.

Amendments to Affordable Housing Mix dated 01.10.21
Above and beyond previous comments provided by the Housing Enabling Officer relating to this scheme, Miller Homes have agreed that 4 x 1b2p Social rented M4(3)(2)(b) bungalows will be provided on this scheme (subject to planning permission being granted), instead of 4 x 1b2p Social Rented M4(3)(2)(a) bungalows. In summary, this will mean that disabled households can immediately access these properties, instead of waiting in potentially unsuitable accommodation for minor adaptations to be made to these new properties.

In exchange for this agreement regarding the M4(3) bungalows, the Council has not to make any further changes to the latest proposed scheme layout (Revised Affordable Housing Layout, Reference CB_70_0064_003 G, dated 31.08.21).

Section 106 Agreement
The Council will ensure that both the latest affordable housing planning layout, referred to above, and the final Affordable Housing Mix table (see Table 1) are captured within the final iteration of the Section 106 agreement relating to this scheme. This will give the Council confidence that the affordable homes will be delivered as agreed.

Architects Panel

8th December 2020

Design Concept
The panel had no objection to the principle of this large housing development and believed the site provided a great opportunity for a high quality design solution that could set the standard for future housing schemes in Cheltenham.

The main criticism of this scheme is that the laudable statements made in the Design and Access Statement, setting out the designer's good intensions, have not been followed through in the submitted proposals. The scheme has certain commendable aspects, for example the central "green corridor", the public orchard and the allotments, the linking footpaths and cycle routes, but the built areas don't meet up to the design expectations promised.

The overall impression of the development is that it is a series of very similar private housing estates connected together by a string of non-descript access roads with no unique sense of place.

Page 5.4 of the D&A refers to four distinct "character areas" that define the design. The panel couldn't see these manifested in the submitted design proposals. The scale, layout and type of architecture is too similar to generate different character areas of interest. The resultant scheme puts too much emphasis on the network of roads and the needs of the private car and not enough on unique place making requirements set out in the Cheltenham Borough Council Guidance Notes.

The D&A talks of a wide range of different types of housing but the scheme doesn't offer the variety that could be made available or how these enhance the character and sense of place. The panel felt the introduction of more apartments or even terrace housing would increase the number of dwellings, add more variety of built form as well as opportunities for more open amenity spaces. A better, more 'design' and 'character' led approach, with greater variety, areas with a higher density and less traffic and road domination should be encouraged as more units could be accommodated within a better overall environment.

Design Detail
The architecture is not offensive but rather bland. Attempts to add interest by applying different cladding materials to standard house types is not enough to create variation of form and certainly doesn't relate in any way to the local architecture of Cheltenham as the D&A suggests.

Given current concerns over global warming, the panel was surprised that sustainable design did not have more of an influence over the design of the houses and the overall site layout. The reluctance to consider on site renewable energy options but to rely on "fabric first" high levels of insulation to satisfy sustainability policy, needs to be questioned in more detail. Statements disregarding Codes for Sustainable Homes, and simply saying the design will exceed the Building Regulations, are not enough and full construction details should be submitted and properly appraised by the planning authority to ensure this development goes a long way to meet government targets. Promoting the use of UPVC windows, for example, is not going to reduce the impact of global warming.

The landscaping proposals along the main access roads and where the streets are narrow is not fully resolved. Hedges planted right against house external walls is not an appropriate way to provide token greenery, and many trees look too close to some properties which will threaten their long term survival. Incorporating access roads that are predominantly pedestrianised could enable space for more planting and prevent additional road parking which will be inevitable with the current road design.

The quality of the detailing and materiality are essential to the success of any scheme of this scale, on a site leading into historic areas of Cheltenham and in a location as prominent as Shurdinton Road. The panel felt sufficient detail must be provided to assess proposals and to secure a high quality of materials and detailing (eg articulation of brickwork) in the planning application and through the use of planning conditions if the LPA are minded to approve a scheme of this scale and importance.

Overall the panel felt the scheme represented a wasted opportunity in that what is proposed is not particularly special but rather yet another mediocre housing scheme. With a little more imagination the development could be so much more exciting architecturally, introduce more variety and thus create a more unique sense of place.

Recommendation
Not supported

Cheltenham Civic Society
8th December 2020
The Civic Society supports the principle of developing this plot, but this scheme has been designed for the benefit of the developers rather than the people who will be living here for years to come. It needs more attention to detail to make it somewhere people will want to move to, and to stay.

Traffic
We share the concerns expressed by many commenters about the traffic issues that will be generated by this development, as well as by the planned secondary school and other neighbouring new residential developments. The roundabout at the western end of the development is a positive development. However, the north-eastern access is likely to be used by more than half of the traffic from the new houses, a minimum of 400-500 vehicle movements a day, a significant proportion of which will be making a right turn towards Cheltenham. There needs to be more thought given to this junction.

There are no shops or services on site or within easy walking distance. The nearest shops in Woodlands Road are nearly a mile away. Morrisons and the nearest pharmacy are twice that distance away. The adjacent Redrow development is also entirely housing. This will create the need for many more car journeys.

The service entrance to the Cheltenham Secondary School designated for "Staff, Deliveries/Coach Vehicular Entrance" will also feed onto Kidnappers Lane to the west of the entrance to the Millers site. Kidnapper's Lane currently has no pavements along its full length from Farm Lane to Church Road. The 'school side' of Kidnapper's Lane consists of a wide

tree and vegetation filled verge which could be widened as part of the current construction work. The lack of at least one pavement on this part of the road alongside the Millers development would be a considerable risk to the increased pedestrian and cycling traffic. This matter was raised during public comments on the school's proposals but needs to be made again. The pedestrian crossing points improve access to the bus stops on Shurdington Road.

Space Standards

This is a very high density development: the result of trying to fit 350 units onto the site. This has resulted in some very small units, more appropriate to a city centre development than this semi-rural location. If you compare the size of plots and properties surrounding this site, the proposed density is immediately visible.

If these proposed houses are to provide a sustainable lifetime home for residents they need more space. This could be just by increased plot area to allow space for future extension and privacy. The pandemic lockdown has highlighted the need to be able to work from home, children requiring space in their bedrooms for home schooling, worries about food supply encouraging people to grow some of their food, and difficulties of crowded households and relationships. There needs to be space for securely storing bikes, recycling boxes and wheelie bins, gardening equipment, possibly a greenhouse or conservatory, and desk space for adults and children to work.

The lack of capacity for residents to adapt their homes to their changing needs will lead to a high turnover of occupants, which is detrimental to sustaining a community.

Community spaces

We welcome the innovative plans for a community orchard and allotment space. We would like more detail on how they will be managed, and for this to be pinned down in the planning permission.

Given this innovative green infrastructure, perhaps Miller Homes should consider working towards the Building with Nature accreditation scheme. This could give it a wider, national profile and could be a selling point when marketing houses - and would encourage the developers to do even better.

The play areas are limited and there is no space for informal games, e.g. football within the development. Has there been any discussion with the new secondary school as to whether leisure facilities can be made available?

Other than the green infrastructure, this development is all houses. There are no community or commercial buildings. The lack of a centre will make it hard to create a community. Residents will have to travel the best part of a mile away to access goods and services. The distance to local services means this is likely to be a very car dependent community as mentioned earlier.

Carbon emissions

This development makes no contribution to Cheltenham's Carbon neutral goal: indeed, it is likely to be a net producer of carbon emissions.

Given it is a very car-dependent development, could EV charging points be built into every home?

There is a lot of emphasis on the high standard of insulation, but not on the sources of the energy. Despite the government commitment to no new gas boilers being installed after 2025, Miller Homes' Energy & Sustainability Statement assumes that all dwellings will be provided with gas fired heating systems. Instead the estate should be built with its own Combined Heat and Power (CHP) system or ground source heat pumps, and solar panels wherever possible. These measures would make a positive contribution to carbon neutrality and could be a selling point for potential buyers.

Severn Trent Water Ltd
22nd November 2020
Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

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

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Please note it you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 0345 266 7930

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

CBC Tree Officer
15th December 2020
1) Agree with most quality categorisations (as per BS 5837)-regarding the quality of all trees, hedgerows and groups of trees.
2) The quality of most trees within such groups, hedges and individually are not high but cumulatively, they are significant and the area has a significant arboricultural texture-ie tree cover is significant. Much cover is non-native trees-some of which have an incongorous nature for the setting, but most will have arboricultural merit. The Tree protection plan is helpful, but unless studied in detail does not give a clear "snapshot" of the extent of tree removals and retention. A clearer tree removal/retention plan would be welcome.
3) To mitigate for lost countryside, some open space is earmarked for designation. However the tree planting potential is limited within these open spaces as there will be pressure for land not only from trees.

4) Other than open space, there appears to be insufficient scope for street trees as soft landscape features within the proposed built up areas. Deer were seen whilst on site on 24/11/20. As such, it will be necessary that all new tree planting is sufficiently protected from deer.
5) Many trees on the boundary and alongside the brook are in a poor state of repair and are in an inappropriate structural condition for retention without significant remedial works. For example, whilst the re-pollarding of many of the willow trees will be necessary, future management needs to consider significant costs of future management. The same can be said for trees on the boundary and their management into the future. This has been referred to in para 4.3.6 of the Arb Impact Assessment, but there is no detail
6) G61-small (B2-moderate quality) apple copse-recent very heavy handed "pruning"/topping has taken place leaving the trees as 1.5-2metre poles. This has significantly reduced their visual amenity and arboricultural value.
7) It is noted that there is to be several incursions into the proposed Root Protection Area of several individual and groups of trees. A method statement for low impact construction methods is necessary as a part of any application process.
8) There is no landscape plan-such a plan should be included as a part of the application and not left to be a planning condition.

Conclusion

- It is considered that whilst much of the arboricultural fabric of the boundary and alongside the brook is to be retained, there appears to be little scope for new tree planting to mitigate for anticipated losses. The reduction in the number of dwellings would facilitate a less compact application and more potential for greater planting
- A clearer tree removal/retention plan should be produced so as to be more easily able to visualise the scale of tree retention and loss.
- More detail is necessary to address the current condition of trees to be retained if the areas in which they are located are to retained as public open space.
- A full landscape plan is required.
- Details of service runs and their location should be submitted as a part of the application.
- Foundation design of all structures must take account of local soil type and tree species

29th September 2021 – revised comments
The revised removal and retention drawing is helpful and it is now easier to understand the full implications of existing on site trees.

Whilst there is no objection to proposed tree removals (such trees are mostly of limited value individually), it is unclear as to what is being planted to mitigate for the their removal.

Whilst there is indicative tree planting shown on the updated Planning Layout (Drawing no CB_70_064_101Rev N/K/N) and the proposed street trees are welcome, it is unclear what species of tree are to be planted and generally, it is considered that there is insufficient tree planting numbers being proposed within the street scene.

Where possible, a rich palette of new trees should line Shurdington Road. Significant potentially very large landscape trees eg Sequoiadendron/Quercus sp/Pinus sp (giant redwood/oak species/pine species) could also make a positive statement and local landmark if planted on the roundabout entrance into the estate.

It is noted that many trees are to be planted within the proposed open spaces. Again there is little/no detail.

It would be much preferable if a detailed landscaping scheme is submitted as a part of the application rather than being left as a condition attached to any permission. Such a landscape scheme must show species, sizes, locations, protection (taking account of the

local deer population) and tree pit details. Where trees are to be planted within the street scene, new topsoil should be incorporated into tree pits and trees should be protected temporarily with wire cages. The use of root deflectors should also be incorporated so as to help ensure new trees are not under pressure for removal following root related surface disruption. The palette of trees to be planted should be a mix of native and exotic trees and take account of the proposed site, and adjacent constraints (lamp columns, parking areas/honey dew, falling tree debris etc. Similarly there are no trees are shown to be planted within proposed new rear gardens. This should be reconsidered and new appropriate species should be planted within larger rear gardens as a minimum.

It is noted that the TPOd trees (T33, 34, 36+ 38 (3 oak + an ash)) are to be retained.

Paragraph 5.6.1 of the tree survey /AIA states that "the proposed hard surfaces encroach into the RPA's of sixteen trees (T9, T18, T19, T22, T23, T26, T28, T32, T52, T56, T57, T59, T60, T63, T66 & T69) however for thirteen of these trees the encroachment is well within the Design Recommendations set out in BS5837:2012 which states that up to 20% of the RPA can be surfaced without adversely affecting trees. For ten of these trees the percentage of encroachment ranges from 0.3% to 8.9% and for T18, T56 & T60 it is 14.7%, 13.4% & 12.4% respectively". A Method Statement should be created detailing how such hard surfaces are to be laid down within the Root Protection Area of all of the above and any other retained trees. This Method Statement should incorporate the use of hand digging and the avoidance of severing any roots with a diameter greater than 25mm.

Such a Method Statement should also describe a timetable of arboricultural monitoring so as to ensure construction conundrums are addressed by a suitably qualified and experienced arboriculturist.

The Tree Protection Plan shows the location of tree protective fencing is not shown to the BS5837 (2012) standard. It is essential that such robust protection is clearly stipulated so as to help ensure retained trees are successfully retained with no significant impact during the course of any construction.

It is noted that many of the retained trees are located along the course of the brook bisecting the site. Whilst the majority of these trees are "B" class trees, a high proportion of them are willow and ash. It is anticipated that many/most of the ash will succumb to ash die-back and as such their management must become under a formal management regime. Similarly, many of the willow are very large and have not been actively managed for many years. As such, it is necessary that a short, medium and long term management plan is submitted and agreed so as to ensure trees along the brook can be safely retained into the future, not only as a source of ecological diversity but also as an acceptably safe play space for children.

GCC Lead Local Flood Authority (LLFA)

25th November 2020

I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation.

Flood Risk

As discussed in the Flood Risk Assessment (June 2019), hydraulic modelling has been carried out and approved by the Environment Agency. The layout has been designed so that all the properties and sustainable drainage features are outside of flood zone 2 and the areas at risk of surface water flooding according to the Risk of Flooding from Surface Water map.

Surface water management

Discharge strategy

The site is on Charmouth Mudstone, which is not conducive for infiltration. The proposal is therefore to discharge surface water into the Hatherley Brook and it's tributary.

Discharge rates
The maximum surface water discharge rate (56.1 l/s for the 1 in 100 year rate plus 40% for climate change) will be limited to approximately the greenfield runoff rate for QBar (47.5 l/s).

Drainage strategy and indicative plan
Surface water will be stored in three ponds that serve the three hydraulic catchments on the site. They have been designed to store water in events up to the 1 in 100 year rainfall event plus 40% for climate change and simulations of the network on MicroDrainage show that they are a suitable size. The ponds will offer management of water quality and the opportunity for providing amenity and biodiversity benefits.

The MicroDrainage simulations show that the development will not flood in a 1 in 30 year rainfall event and that the flooding of the network in a 1 in 100 year rainfall event will be confined to the highways. Although this meets the Non-statutory technical standards for sustainable drainage, the flooding from manhole SB11 (Catchment B1) appears to be directed off the site onto the Shurdington Road. While this is an acceptable strategy for exceedance flows, in events up to 1 in 100 year rainfall event, surface water should not be leaving the site in this manner.

Exceedance flow paths
In rainfall events that exceed the design of the drainage, surface water will be directed along the highways to the balancing ponds and to their respective watercourses or off the site at the two access points.

LLFA Recommendation
The applicant has demonstrated that the strategy meets national standards for sustainable drainage and should not be putting the development itself or elsewhere at increased risk of flooding. If the applicant is able to minimise the flooding at manhole SB11 (Catchment B1), as described above, then the LLFA will recommend no objection subject to the following condition:

Condition: No development shall be brought in to use/occupied until a SuDS 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, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

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.

27th September 2021 - revised comments

I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation.

In addition to our previous comments from 25th November 2020 the LLFA also recommends the following condition for the management of surface water during the construction period of the development. There have been a number of recent developments that have caused surface water issues to neighbouring properties during their construction and considering the location of this development in the upper part of the catchment, it is important that surface water is managed appropriately.

Condition: No development shall commence on site until a Construction Phase Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will outline what measures will be used throughout the period of the construction of the development to ensure surface water does not leave the site in an uncontrolled manner and put properties elsewhere at increased risk of flooding. The construction phase shall be implemented in accordance with the approved plans until the agreed Sustainable Drainage System Strategy is fully operational.
Reason: To ensure the construction phase of the development has a satisfactory means of drainage that does not increase the risk of flooding from the site.

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.

7th December 2021 – further revised comments

I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation.

Following the LLFAs comments on the 25 November 2020 and 27 September 2021, another Drainage Plan (B17427-PPL-501-P4) has been submitted. This shows that the pipe between manholes SB1-11 and SB1-12 has been upsized, which will minimise the amount of highway flooding in the 1 in 100 year rainfall event plus 40% for climate change.

LLFA Recommendation
As before, the LLFA has no objections subject to the following conditions:

Condition: No development shall be brought in to use/occupied until a SuDS 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, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

Condition: No development shall commence on site until a Construction Phase Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will outline what measures will be used throughout the period of the construction of the development to ensure surface water does not leave the site in an uncontrolled manner and put properties elsewhere at increased risk of flooding. The construction phase shall be implemented in accordance with the approved plans until the agreed Sustainable Drainage System Strategy is fully operational.

Reason: To ensure the construction phase of the development has a satisfactory means of drainage that does not increase the risk of flooding from the site.

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.

Environment Agency
26th November 2020
Thank you for referring the above consultation, which we received on 6 November 2020. Based on the information submitted, we do not object to the proposed development and would offer the following comments to assist your consideration at this time.

Flood Risk
Having assessed the Flood Risk Assessment (FRA) submitted by Patrick Parsons dated June 2019 in conjunction with the hydraulic modelling addendum prepared by Jeremy Benn Associates (JBA) dated 28 April 2017, we can confirm that the modelling work undertaken by JBA has been reviewed by the Environment Agency as part of an official flood map challenge and the subsequent outlines incorporated within the Flood Map for Planning.

Hence the extents shown within Figure 1.1 of the FRA are deemed to be representative of the current flood risk and show the majority of the site located in Flood Zone 1.

The addendum prepared by JBA also looked at the impacts of the latest climate change guidance as set out in Table 1.1 of the FRA as well as potential blockage scenarios.

Neither of these additional runs impacts upon the proposed layout as shown in the "Overall Planning Layout" dated 23.09.20. However, for the record we would wish to point out that there are inaccuracies within the penultimate paragraph of text of the FRA document within the introductory section of chapter 2.1.
For "More Vulnerable" development the considered lifetime of the development is 100 End years, not the stated 50 years. As a result the relevant climate change uplifts for such developments are 35% and 70% as set out in Table 1.1 and not the 20% and 40% quoted. Fortunately the modelling report has used the correct allowances.

In conclusion as all extents for all forms of flooding will be contained within the green open space corridors either side of the watercourses, we have no objections to the proposals from a flood risk perspective.

I trust the above will assist in your determination of the application and please do not hesitate to contact me if you have any queries.

29th September 2021 – revised comments
Thank you for referring the above consultation, which we received on 9 September 2021. Based on the revised plans and additional information submitted, we have no further comments to add in addition to those provided in our letter dated 26 November 2020 (reference SV/2020/110793/01-L01).

For completeness however, we would just raise the following:

On 27 July 2021 the guidance on considering climate change in Flood Risk Assessments (FRAs) and planning decisions was updated to reflect the latest projections in UK Climate Projections 2018 (UKCP18) relating to peak river flow allowances. Where a valid planning application has already been submitted to the Planning Authority we will not raise concerns on the use of the previous allowances. However, in the interests of longer term sustainability, you may wish to use the new allowances where practicable. More information is available here: https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances. Any new or future applications, including variations, will need to use the new allowances.

GCC Archaeology

27th November 2020
Thank you for consulting the archaeology department on this application.

An archaeological evaluation was undertaken by Cotswold Archaeology between October and November 2011 within the proposed development site. The evaluation has identified a limited number of archaeological features within the site, comprising ditches, pits and postholes. Although a number of the features encountered remain undated, the remainder ranged in date from the Romano-British to the modern period and included a Roman ditch, an area of medieval activity, and agricultural features dating to the medieval, post-medieval and modern periods.

The evaluation has established there is potential for archaeological remains within the proposed development site as outlined in the Heritage Statement submitted with the application. I therefore recommend that a programme of archaeological investigation is made a condition of planning permission so to ensure archaeological remains impacted by the proposed development can be investigated and recorded. Details will need to be discussed with this department.

To facilitate the archaeological work I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework

I have no further observations.

22nd June 2021 – revised comments
Thank you for consulting the archaeology department on the additional details submitted with the application. Further archaeological evaluation was carried out in February 2021 in the

northern part of the site and the report has been submitted with the application. The subsequent evaluation identified further pits and ditches dating to the medieval period.

My advice provided previously on this application remains the same, for an archaeological condition to be placed on planning permission to allow for programme of archaeological investigation (excavation) in areas where archaeological remains of interest have been identified in the two phases of evaluation within the site. For convenience I reiterate the recommended condition:-

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework

I have no further observations.

1st October 2021 – revised comments
Thank you for consulting the archaeology department on the additional information submitted in regards to this application. I can confirm that I have no further comments to make from those made previously.

Ramblers Association
22nd November 2020
The inclusion of non-motorised routes across the proposed development is welcome however the plan falls short and should commit to further developments to fully support and implement the objectives of the Gloucestershire Strategy for Walking and Cycling and the DEFRA Rights of Way Circular 1/09. The objectives of the DoT Gear Change document should also be included.

The development plan should explicitly recognise the need to improve connectivity with the existing extended PROW network and develop for the future, recognising the potential for further development. The the development should actively seek to enhance the network to encourage the use of the network for walking, and cycling, for recreational and commuting of all age groups. Footpath green route should be established not only within the development but to link with the neighbouring areas.

The connection to PROW ZCH80 is an obvious corridor for members of the school adjacent to the southern boundary of the site. The bridge over the Hatherly Brook must be widened and the surfaces improved to facilitate connection with CHL6 and the new hoggin path.

It clearly wrong that development on the scale that is proposed here should not seek to enhance the amenity of the PROW CHL6 and the further links to the PROW network.

The plan should also recognise the importance of the development as route to the school and improve the alignment with school entrances, enhance width to safely accommodate cycling and walking where necessary, improved crossings and pavement widths. It is noted that the track running from the Shurdington Road along the eastern edge of the 'Brooke Cottage' development is marked as an existing right of way, although this is not how on the Gloucestershire definitive map. It is important that the developer secures the permanent status of the new routes as PROWs.

Major developments such as this should be championing the future direction of increased use of walking routes and facilitate this through the design and implementation of improved non-motorised routes.

Building Control

9th November 2020

Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

4th December 2020

See Appendix A

18th October 2021 – revised comments

The Parish Council is grateful for being given the extra time to make these comments. They should be read in conjunction with the Parish Council's main comments submitted on 4 December 2020. All of those earlier comments remain apposite except that the revised plans have addressed the issue of the cycle track and footpath which should now be able to run all the way from Merlin Way to the new secondary school.

These additional comments are in response to documents added to the application documents since that date including points raised in the Miller Homes covering letter to the revised plans. The Parish Council is also responding to representations made by local residents to the earlier consultation. Particular concerns of residents are over the possible risk of flooding to areas west of the A46 and the problem of traffic congestion and road safety taking into account also the new secondary school adjacent to the site.

Risk of flooding during the construction phase

The issue of flood risk to the development and to downstream areas of Cheltenham has been discussed in detail in the Parish Council's response of 4 December 2020. The Council would like however to strongly support the comments by the Lead Local Flooding Agency on the need for a Construction Phase Surface Water Management Plan particularly to avoid any the risk of flooding to properties along the A46 during construction, through for example heavy water flows down roads onto the A46. Storms with rainfall of around 40 mm/hr occur several times a decade on the scarp of Leckhampton Hill feeding into Hatherley Brook and Moorend Stream. It must be anticipated that such a storm will occur at least once during the construction phase with heavy rainfall on the site as well as high flow along the two watercourses.

There are underground water flows in the gravel and sand beds in the area and some houses on the west side of the A46 experience water flow into their gardens coming under the A46. Residents are concerned that this might be made worse by the development disturbing possible underground flows within the site. It might be prudent during construction to note any gravel beds and flows that are encountered. Residents are also concerned to ensure that there is provision for management of the balancing ponds for the whole life of the development because of the overflow risk to housing along the A46 and along Hatherley Brook and Moorend Stream.

Leckhampton with Warden Hill Parish Council

In its comments of 4 December 2020 the Parish Council recommended that the longer term flooding risk to downstream housing along Hatherley Brook might need to be considered. This was not because of risk of flooding due to runoff from the site but because building on the site will remove any future option to build very large retention ponds on the site in order to help protect downstream housing from flood flow in Hatherley Brook caused by the more severe storms expected with global warming.

Highways and traffic congestion Taking into account the likely extra traffic generated by the new secondary school, the traffic congestion on the A46 is a major impediment to sustainable development. Although the Miller Homes covering letter seems to suggest that the traffic issues are nearly resolved there are no revised plans showing how the traffic congestion can be successfully mitigated. Enough time must be allowed for public consultation on any future traffic proposals before the application can go forward to the planning committee. The validity of the MD4 allocation, of which the Miller development is part, also depends on meeting the condition set by Inspector Burden that the proposed traffic mitigation at the A46/Moorend Park Road junction must be shown to work. An additional highways issue has arisen more recently over the multitude of crossing points and traffic lights proposed to be installed on the A46 between the Moorend Park Road junction and Kidnappers Lane. We understand that this issue has arisen because the Kendrick Homes development was given outline planning permission ahead of the Miller Homes development and was allowed a separate access to the A46. We believe there is still time to reduce the associated road crossings and we also believe that the two developments ought to share a single road access onto the A46.

Future of the northern part of the smallholdings The issue over the northern part of the smallholdings, which was covered in the Parish Council's response of 4 December 2020, remains unresolved. Following that response the Council drafted a letter to each of the smallholders seeking to ascertain whether they would be interested in continuing as tenants if that option was available. The land agents, Bruton Knowles, agreed to forward the letters to the tenants but then changed their mind. The Council understands this was on the instruction of the landowner. The Council has therefore been unable to clarify the position in the way agreed previously with Miller Homes. Even if the existing tenants did not want to continue their tenancies others might be interested including residents in the new housing. Part of the northern smallholdings along the public footpath could easily be converted into a line of allotments. But it is not clear that this would actually conserve the rural character and interest of the path. The way forward needs to be resolved urgently if the application is to go to the Planning Committee in the near future.

Open space and local footpath network
The additional response from Natural England dated 11 October 2021 asks for 6.5 ha of on site green and open space to be designed, delivered and managed for the lifetime of the development. The figure of 6.5 ha corresponds to the proposed open space shown in the Revised Overall Planning Layout if one includes the balancing ponds, course of Hatherley Brook and roadside green area. The purpose of this 6.5 ha area is to provide
sufficient recreation space to make it less likely that residents would want to drive to the Cotswold Beechwoods for walking and dog walking.

A whole session of the Local Plan Examination in Public (EIP) in 2019 was devoted to this issue of protecting the Cotswold Beechwoods reflecting their high national priority for conservation. The biggest threat to the Beechwoods comes from residents of the Gloucester - Cheltenham area driving up to the Beechwoods for country walking and dog walking. The residents who do this regularly, rather than walking closer to their homes, are motivated by wishing to walk in open countryside.

In the EIP session in 2019 attention was drawn to the proximity of the Miller Homes and Kendrick Homes developments to the footpath network of the Leckhampton Fields Local Green Space (LGS). Some 2 ha of the LGS is actually included in the 6.5 ha of open green space within the Miller Homes site. The open countryside and footpath network provided by the LGS is a big asset to the Miller Homes application. But conversely the public footpath through the Miller site is very important to the footpath network providing local walking routes for the very many existing residents that walk on the Leckhampton Fields. This emphasises the importance of keeping the LGS and its footpath network as rural as possible not just for the future residents in the Miller Homes estate but for the very many existing local residents who might otherwise be more inclined to drive up into the Beechwoods.

Encouraging residents to walk locally is very beneficial to health and wellbeing and helps to reduce carbon emissions compared to driving into the Cotswolds. The Council notes that the footpaths through the community orchard and allotments and through the other green space areas in the site will contribute to the footpath network. This is an important benefit of the development to the wider community.

The application is proposing to try to preserve the rural character of the public footpath as it passes through the site by planting a tall hedgerow along the north side of the path to screen the housing from view from the path. In addition overhanging trees could be planted that could create an avenue. But it will take many years for hedges and trees to grow to sufficient height. One might therefore also want to consider something quicker growing to provide screening in the short term such as a trellis fence supporting vigorous climbing plants. A construction phase plan is needed to ensure that use of the footpath network is not interrupted during construction and so that the beauty and rural character of the path is preserved over both the short term and long term.

There must be maximum retention of existing hedges and trees. Currently the revised plans show the existing hedge being removed along the public footpath at its western end where the path turns south to run through Robinswood Field. The plans show only a small hedge in this area or no hedge at all so that the public footpath would be passing directly by houses. The plans need to retain the whole of the existing hedgerow either side of the public footpath in this area and also along the footpath in Robinswood Field where the hedge contains a wide variety of trees including damsons and sloes.

Protection of other hedgerows and trees
The Revised Overall Planning Layout, like the original layout dated 15 Oct 2020, raises concerns over protection of the hedgerows. In particular the tall dense hedgerow along the public footpath in Robinswood Field is barely shown in either layout and this raises concern over whether there might be some intention to remove or severely cut back this hedgerow. The hedgerow is shown more boldly in the revised land use plan, but nevertheless there seems to be an ambiguity between the plans that needs to be corrected. Not only must this hedgerow be shown appropriately in the plans but there must be very clear instructions and safeguards to ensure its full protection. The hedgerow is protected by law (https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management) as a countryside hedgerow for its length and age and the land on both sides is also valued landscape.

Unfortunately it is well known that developers do often cut down protected hedgerows and trees accidentally and sometimes deliberately, for example to damage landscape in the hope of gaining planning permission or to improve the saleability of properties by opening up views. When Inspector Ord in her JCS findings in July 2016 ruled that development should be confined to the Northern Fields the developers (Bovis Homes and Miller Homes) immediately erected a 1.9 metre chain link fence along the footpath in Robinswood Field. Given the height and cost of this fence its only realistic purpose was to urbanise the landscape in the hope of countering the JCS decision. It was Bovis Homes that did this and not Miller Homes, but it shows the need to avoid any ambiguity and to have strong safeguards. The hedgerows along Kidnappers Lane are also very important for screening the housing from view from Leckhampton Hill and Miller Homes in discussion with the Parish Council undertook to protect and reinforce them. These hedgerows are clearly shown as being retained on the revised layout.

The CBC Tree Officer in comments dated 29 September 2021 has recommended that many more trees should be planted within the development include more large trees. The Parish Council strongly supports this recommendation. As far as the Council can discern the site layout does conserve the existing large trees on the site except in the east corner of the site adjacent to the Moorend Stream footpath where a significant tree seems to be missing from the revised overall planning layout. This tree is at the point where the Hoggin footpath through

the community orchard is supposed to connect to the public footpath along Moorend Stream. This footpath connection also seems to be missing from the layout. This may simply be because the public footpath is not clearly shown, but it is important to remove any ambiguity and ensure that the Hoggin path does link to the Moorend Stream path so that the community orchard can form part of the wider footpath network. This was certainly the clear intention of Miller Homes in earlier discussions with the Parish Council.

Electric vehicle charging points
The proposal to include EV charging points is very sensible and welcome. However the Parish Council is puzzled by the strategy which appears to be to install charging points only for those houses that have their own driveway. It seems more important to provide collective charging points for those houses that do not have driveways and instead use collective parking spaces. Houses that have their own driveway can easily connect cars directly to their home electricity supply and fast charging is not needed for vehicles parked at home on the drive. The opposite is true for vehicles parked in the collective parking spaces where charging would otherwise require running a long electricity cable across pavements and roads potentially creating serious hazards. Given the government policy to phase out petrol and diesel it would surely make best sense to install EV charging that serves all properties.

Valued landscape and development on area R2/R3
In its response of 4 December 2020 the Parish Council argued that development cannot be permitted on areas R2/R3 because they are valued landscape. The covering letter from Miller dated 20 August 2021 seeks to rebut this argument on the basis that R2/R3 are in the allocation and the valued landscape designation should not be used to exclude them. However the Parish Council is not arguing for R2/R3 to be removed from the allocation but only that the land cannot be used for housing or any other purpose that does not sufficiently protect the valued landscape. The land can be used for green and open space like the other green and open space within the site. As noted in the Parish Council's response of 4 December 2020, Inspector Ord in her JCS findings explicitly excluded R2/R3 from the area where she recommended that housing could be permitted. In the final JCS session on Leckhampton she strongly rejected arguments from the JCS team to allow further development saying that it would cause too much damage to the landscape.

Neighbourhood Plan Policies
The Council's draft neighbourhood plan that is currently at the Reg 14 consultation stage and is emerging evidence in the planning system has a section of policies on protecting the valued landscape and development on the Northern Fields that bears directly on the application. This is in addition to the policy on MD4 in the Cheltenham Plan that "development at this location will need to take into account landscape impacts, highways issues and green space". Also relevant is the Cheltenham Plan Policy L1: Landscape and setting - "Development will only be permitted where it would not harm the setting of Cheltenham including views into or out of areas of acknowledged importance." This applies particularly to areas R2/R3 and the need to preserve a good urban edge as viewed from Leckhampton Hill and to not allow development to break through this edge.

Gloucestershire Centre for Environmental Records
29th November 2020
Biodiversity report available to view.

Historic England
20th November 2020
Thank you for your letter of 10 November 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

16th September 2021 – revised comments
Thank you for your letter of 8 September 2021 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Natural England

25th March 2021
Thank you for your consultation on the above dated 28 January 2021 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 INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES – HABITATS REGULATIONS ASSESSMENT (HRA - STAGE 2 'APPROPRIATE ASSESSMENT') NEEDED

As submitted, the application could, in combination with other new residential development in the Council's area, have potential significant effects on The Cotswolds 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:
(i) Further consideration of how the proposed open/green space on the application site will accommodate the recreation needs of new homeowners.
(ii) Measures to safeguard the SAC through education and awareness raising among new homeowners.
The Council should carry out an appropriate assessment of the proposed scheme and associated safeguarding measures.

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

The application site lies within the setting of the Cotswolds Area of Outstanding Natural Beauty (AONB) and we provide comments on this theme and other natural environment issues below.

Protected landscapes – Cotswolds Area of Outstanding Natural Beauty (AONB)

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.

We note the application site's inclusion in the adopted Cheltenham Plan. Your decision should be guided by paragraph 042 of the National Planning Policy Framework Policy Practice Guidance which states:

How should development within the setting of National Parks, the Broads and Areas of Outstanding Natural Beauty be dealt with?
Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies e.g. SD7 of the Gloucester, Cheltenham and Tewkesbury joint core strategy (JCS). Chapter 8 of the Council's adopted plan (July 2020) also refers.

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.

Internationally and nationally designated sites – additional information required

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 5.5Km of the Cotswolds 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 . 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.

Natural England notes that the Council's ecology advisors have stated that an HRA is required (email 8.2.21). As competent authority under the provisions of the Habitats Regulations, it is your responsibility to produce the HRA.

Natural England therefore advises that an Appropriate Assessment should now be undertaken, and the following information is provided to assist you with that assessment and to identify what information you may need from the applicant to inform your assessment:

Policy SD9 'biodiversity & geodiversity' of the adopted Gloucester, Cheltenham and Tewkesbury JCS and Cheltenham policy BG11 refer. Most recently a visitor survey of the SAC has been published2 indicating a 15.4km zone from within which visitors travel to the site, most often by private car. Work has been commissioned by the collaborating Local Planning Authorities to identify suitable mitigation measures within the zone. Until those measures have been identified and agreed we advise that the following should be considered in an HRA when determining applications for residential development within the zone of influence:

- 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. Suitable information in the form of a Homeowner Information Pack.

With regard to alternative recreation resources available within the site and off site, consideration is needed in respect of residual effects and how these may be mitigated. In terms of off-site recreation provision reference should be made to the adopted Joint Core Strategy Green Infrastructure Strategy (2014) for contextual information regarding potential enhancements that support new or improved informal recreation opportunities in the locality. Our separate advice below regarding green infrastructure is also relevant may serve to support mitigation measures addressing recreation pressure both on the SAC and local designated sites with public access (our SSSI advice refers below).

With respect to Homeowner Information Packs (HIP); in terms of format the HIP should present information describing informal recreation opportunities in the following sequence:

- Public space on your doorstep
- A short drive by car or bus
- Further afield – e.g. The Cotswolds, the Severn Estuary, the Forest of Dean.

The proposed HIP leaflet for Hunts Grove, Quedgeley (produced by Crest Nicholson. Gloucester City Council and FPCR provides a useful example).
Please re-consult Natural England when your appropriate assessment is available.

Sites of Special Scientific Interest (SSSI)

The following SSSIs with public access lie within 5km of the application site:

- Leckhampton Hill & Charlton Kings Common SSSI
- Cleeve Common SSSI
- Crickley Hill & Barrow wake SSSI
- Cotswold Commons & Beechwoods SSSI (& National Nature Reserve)

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.

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.

Green infrastructure

Multi-functional green infrastructure (GI) can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England notes the incorporation of GI into this development.

Adopted Joint Core Strategy policy INF3 and the JCS Councils' Green Infrastructure Strategy 2014 refer.

Careful consideration should be given to what opportunities exist to integrate green infrastructure delivery with measures that serve to offer alternative walking, running and cycling routes for new residents. Such measures may form part of a package that positively manages additional recreation pressure on local resources such as the SSSIs named above and the Cotswold Beechwoods SAC.

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 07554 459452.

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.

11th October 2021 – revised comments
Thank you for your consultation on the above dated 09 September 2021 which was received by Natural England on the same day. We are grateful for the extra time to reply.

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. This advice letter supplements and updates our previous response dated 25.3.21 (our reference 341806).

SUMMARY OF NATURAL ENGLAND'S ADVICE
NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would, in combination with residential and tourist related development in the wider area:

- have an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservationhttps://designatedsites.naturalengland.org.uk/.
- damage or destroy the interest features for which the Cotswolds and Commons and Beechwoods Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

Mitigation as set out in the submitted 'shadow' Habitats Regulations Assessment (HRA) Appropriate Assessment must be secured.

(i) 6.5Ha of on site green and open space to be designed, delivered and managed for the lifetime of the development

(ii) Education & awareness raising measures in the form of a Homeowner Information Pack for each new dwelling.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation
Natural England notes that the Habitats Regulations Assessment (Including stage 2 - Appropriate Assessment) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this appropriate assessment to fulfil your duty as competent authority.
Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all 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 all mitigation measures are appropriately secured in any permission given.

Note - In order to secure the proposed green and open space illustrated in the submitted 'Planning Layout' drawing a suitable Landscape and Ecology Management Plan (LEMP) should be drawn up. This should include the final design details of the green and open space and reference suitable provision for its creation, management, monitoring and funding for the lifetime of the development. A suitable planning condition should be drawn up to secure the LEMP.

Note – With regard to section 5.7 of the Shadow HRA and associated Appendix A (Alternative Green Space Assessment) we draw the Council's attention to the following important information about the creation of a suitable Homeowner Information Pack:

In terms of format the Homeowner Information Pack should present information describing informal recreation opportunities in the following sequence:

- Public space on your doorstep
- A short drive by car or bus
- Further afield – e.g. The Cotswolds, the Severn Estuary, the Forest of Dean.

The proposed HIP leaflet for Hunts Grove, Quedgeley (produced by Crest Nicholson. Gloucester City Council and FPCR provides a useful example).

Sites of Special Scientific Interest (SSSI)
Our previous advice in relation to SSSI still stands, i.e:

The following SSSIs with public access lie within 5km of the application site:

- Leckhampton Hill & Charlton Kings Common SSSI
- Cleeve Common SSSI
- Crickley Hill & Barrow wake SSSI
- Cotswold Commons & Beechwoods SSSI (& National Nature Reserve)

Our advice above in relation to the Cotswold Beechwoods SAC applies similarly to these SSSIs. Provided that suitable safeguarding (provision of on site green and open space) ,

education and awareness raising measures are incorporated into the proposed scheme we would not anticipate damaging effects on the notified features of these SSSIs.

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.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

If you have any queries relating to the advice in this letter please contact me on 07554 459452.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

Vision 21
2nd December 2020
This proposal has just come to my attention and Vision 21 has serious concerns about it.

Irrespective of an inadequacy in transport infrastructure provision surrounding this development, if permission is given, 350 new houses will be built in the next few years. Vision 21 is concerned that they will be built only to current standard energy specifications, which we know are much lower than what we realistically now need to have in place if we are to meet the Government target of a net zero carbon UK by 2050, let alone meet Cheltenham's 2030 climate ambitions. As such, this development needs to be built with the future in mind and it needs to be net carbon neutral.

The approach that the energy and sustainability consultants have recommended is as follows:

It is proposed that following current national policy guidance and local planning requirements as set out, the dwellings are constructed to meet - and exceed where possible - the appropriate national standards through an approach which seeks to consider a range of sustainable construction issues.

This sounds good but the statement lacks ambition and is nothing more than a grouping of weasel words. This is evident by the fact that there isn't any commitment to install electric vehicle charging points as standard. There is no mention of installing any micro-generation technology (solar panels or heat exchangers for example), nor any mention of installing any district heat and power system. They are planning to instal gas boilers to heat the homes.

This latter point is particularly galling, since in its Spring Statement the Government has announced that by 2025, all new homes will be banned from installing gas boilers and will instead be heated by low-carbon alternatives. The ban is inspired by an attempt to reduce Britain's carbon emissions and follows recommendations from the Committee on Climate Change in their recently published report "UK housing: Fit for the future?" that fossil fuel heating be replaced with renewable alternatives such as heat pumps.

This development needs to be a demonstration of how Cheltenham intends to develop a carbon neutral future, which means the scheme, as presently put forward, must be rejected and replaced with a new proposal that lives up to Cheltenham Boroughs' aspirations in which:

- All homes should be insulated to a standard that allows for them to be heated by heat exchange
- Heat exchangers (air, ground or water) should be installed in all of them (some use of water may be possible given the creation of several water bodies in the scheme)
- Solar panels should be installed on all south facing roofs
- Electric vehicle charging points should be installed on every home

I hope you are able to give the matter your consideration.

Environmental Health

22nd October 2021

AIR QUALITY

Initial response due to report being wrong - using corrupted data.

Revised report has corrected the data used in its modelling and assessment, but still has some errors:

AQMA changed September 2020. This is referenced in Sections 4.4 - 4.7, which are considerably out of date. Details of the revised AQMA have been available on the CBC website for a considerable time, along with a copy of a Detailed Modelling Report, prepared in October 2019. The report uses 2015 monitoring data, which again is slightly out of date, as data up to 2020 is available via the CBC website, although the 2020 monitored levels were considerably abnormal, due to prolonged periods of lockdown. The 2015 data set does include monitoring points in closer proximity to the application site, so its use is appropriate, here. Together, these factors mean this report makes a conservative assessment of predicted pollution levels.

Appendix B1 details "Model Verification". Results of modelling reported in Table B2 suggest a lack of accuracy in the model used to predict levels of NOx (and hence NO2). So modelled NO2 results are factored by the "trend line gradient" to produce the values in another table labelled B2 on pg. 66 (this should actually be Table B3, I presume). These results show better correlation between the model and measured results, which are just within the 25% error recommended in LAQM TG16, with the exception of one location. Therefore we can consider the modelled results a valid estimate of levels of pollution affecting the area and its surroundings.

Off-site effects of development

NO2 2022 Prediction

Table 6.1 details predicted changes in annual NO2 levels at existing residential receptors. This shows negligible changes at all locations, and predicted levels are well below legal limits (none are within 10% of limit.)

PM10 & PM2.5 2022 Prediction

Similarly the predicted changes to levels of PM10 and PM2.5 are deemed "negligible", and within current limits.

2026 Prediction

Table 6.4 Includes predicted levels of NO2, PM10 and PM2.5 at the same locations. These also all fall within current legal limits.

New Population Exposure

Similar to the above modelled effects, the report indicates in Table 6.5 predicted levels of NO2, PM10 and PM2.5 at residential locations within the development. As with off-site effects, predicted levels are expected to be well within legal limits.

In considering all the modelling outlined above, we must note that this report indicates compliance with current legal limits. There is widespread expectation that legal limits are likely to be reduced in coming years, and WHO has recently published revised Air Quality Guideline (AQG) Levels which are considerably lower than current legal limits, but this has not been adopted into UK law at this stage. Therefore there are no valid local air quality reasons to refuse this application.

Impacts during construction

The "Dust Impact Risk Assessment" provided indicates a medium risk of impact on sensitive properties. I would therefore suggest a condition is attached to any permission for this development to include a requirement for the developer to submit a dust management plan for approval before the commencement of works on site. Alternatively, this may form part of a larger Construction Management Plan. The dust management plan should include, as a minimum mitigation measures identified in section 7.2 of this report.

6th October 2021 - Noise Control

The detail is noted of the applicant's Acoustic Design Statement ref JAE11502_Report01_Rev0. The document outlines a scheme to control noise at the development, principally from traffic on Shurdington Road.

It is noted that the elevated daytime, external noise levels indicate that external amenity areas of housing should not be located on the North-west edge of the site alongside the road. Furthermore, additional mitigation is required to reduce daytime noise exposure at those properties.

It is noted that the elevated night-time, internal noise levels also require that a good acoustic design process must be demonstrated in this development. In particular,

o there is a likely need to follow the recommendations of the submitted acoustic report outlined in:-
o the Acoustic Design Statement (Section 4 of the report)
o Appendix C: Façade Schedule, with respect to those plots identified as requiring improved façade design.

o Evidence of the scheme to be submitted to the Local Planning Authority should include suppliers' test data confirming the performance of the details of glazing systems and ventilation provisions.

The following recommended condition takes account of the requirements for suitable and sufficient noise control:-

Condition
Noise attenuation scheme
Before use of the development commences, a noise mitigation scheme shall be submitted in writing and approved in writing by the Local Planning Authority detailing measures to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance. The scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.
Reason: To protect the amenity of the locality, in accordance with Local Planning Policy.

Land Contamination

Given past employment use at the site, the following three Contaminated Land Conditions should be applied:-

Condition CLN08A
Site invest risk assess and remediation

Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:
a) a survey of the extent, scale and nature of contamination
b) an assessment of the potential risks to:
- human health
- property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
- adjoining land
- ecological systems
- groundwaters and surface water
- archaeological sites and ancient monuments
c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.
Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.
The site investigation, risk assessment report, and proposed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

Condition CLN09A
Implementation of remediation scheme
Prior to the commencement of development, other than that necessary to comply with the requirements of this condition, the approved remediation scheme necessary to bring the site to a condition suitable for the intended use shall be implemented in full. Following the completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

Condition CLN10A
Unexpected contamination
In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted. Following completion of measures identified in the approved

remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

GCC Community Infrastructure Team
7th October 2021
SECTION 1 – General Information
This application has been assessed for impact on various GCC community infrastructure in accordance with the "Local Development Guide" (LDG). The LDG was updated in March 2021 (following a targeted consultation which took place in Spring 2020). The LDG is considered a material consideration in the determination of the impact of proposed development on infrastructure.

https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-localdevelopment-guide/

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

In support of the data provided please note the following: -

Education
Following a recent Planning Appeal Decision, Gloucestershire County Council (GCC) has undertaken to review its Pupil Product Ratios (PPRs) which are used to calculate the impact of new development on school capacity and in turn justify the developer contributions being sought towards the provision of additional education infrastructure.

GCC is committed to undertaking a full review of its Pupil Product Ratios (PPRs), which will subsequently be consulted upon. In the meantime, GCC has reviewed its PPRs, taking account of comments made by the Planning Inspector in the above appeal, and, using information that is currently available adjusting its calculations per 100 dwellings. This information can be found in the Interim Position Statement on PPRs which was published by Gloucestershire County Council in June 2021. The Interim Position Statement (IPS) is available on Gloucestershire County Council's website which you can access on the below link.

https://www.gloucestershire.gov.uk/education-and-learning/school-planning-and-projects/gloucestershireschool- places-strategy-and-projects/

The latest School Places Strategy 2021 – 2026 is also available on the Gloucestershire County Council website (see the link above). The School Place Strategy (SPS) is a document that sets out the pupil place needs in mainstream schools in Gloucestershire between 2021-2026. The SPS examines the duties placed upon GCC by the Department for Education (DfE) and it explains how school places are planned and developed. The 2021-2026 update was approved by Cabinet on 24 March 2021 and came into effect on 1 April 2021.

Cost Multipliers - The DfE has not produced cost multipliers since 2008/09, so in the subsequent years GCC has applied the annual percentage increase or decrease in the BCIS Public Sector Tender Price Index (BCIS All-In TPI from 2019/20) during the previous 12 months to produce a revised annual cost multiplier in line with current building costs, as per the wording of the s106 legal agreements. GCC calculates the percentage increase using

the BCIS indices published at the start of the financial year and uses this for all indexation calculations during the year for consistency and transparency.

This assessment is valid for 1 year, except in cases where a contribution was not previously sought because there were surplus school places and where subsequent additional development has affected schools in the same area, GCC will reassess the education requirement.

Any contributions agreed in a S106 Agreement will be subject to the appropriate indices.

Libraries

- Under the provisions of the Public Libraries and Museums Act 1964, Gloucestershire County Council is a Library Authority and has a statutory duty to provide a comprehensive and efficient library service for all persons desiring to make use of it. This duty applies not only to the existing population of the County, but also to new residents generated through new development which add to the demand on a specific library which those new residents can be expected to use.
- New development will be assessed by the County Council to determine its likely impact on existing local library services and the scope of resultant mitigation works that are required.
- Consideration will be given to the existing capacity of the library using the national recommended floorspace benchmark of 30 sq metres per 1,000 population (as set out in the Public Libraries, Archives and new development: A Standard Charge Approach, 2010).
- Planning obligations required towards improving customer access to services within the footprint of an existing library will be in the form of a financial contribution, and calculated using the County Council's established per dwelling charge of £196.00.
- Planning obligations required towards new library floorspace and fit out (i.e. extension to an existing building or construction of a new library building) will be considered by the County Council on a case-by-case basis.

SECTION 2 – Education and Library Impact - Site Specific Assessment

A summary of the likely contributions (note these figures can be subject to change over time because of for example; updated multipliers and education forecasts) is found below.

Education: SUMMARY: Developer Contributions for 20/01788/FUL Land At Shurdington Road Cheltenham

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Multipliers	Total Pupil Yield from QD	Contribution Requested (£)	Number of places requested
Primary	**Hatherley-Leckhampton Primary Planning Area**	**350**	**£14,954**	**134.75**	**£796,300.50**	**53.25 places (Surplus places have been credited to development.)**
Secondary - 11-16	Cheltenham Secondary Planning Area	350	£19,312	59.50	£0.00	0 places
Secondary - 16-18	Cheltenham Secondary Planning Area	350	£22,803	21.00	£0.00	0 places

Calculation: Multiplier x Pupil Yield = Maximum Contribution)

GCC has included the planning area for each of the phases of education as without further investigation of the schools; an appropriate project may not be achievable on a particular site.

Please see further clarification of this education summary below.

This application is for a full planning application for a residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other associated infrastructure.

- 9161840 Hatherley-Leckhampton Primary Planning Area
    - o 9161800 Swindon Road Primary Planning Area
    - o 9161810 Whaddon Primary Planning Area
    - o 9161970 Brockworth Primary Planning Area
- 9162500 Cheltenham Secondary Planning Area
    - o 9162600 Gloucester Secondary Planning Area (for catchment school)

The schools factored into the review are determined by identifying the site from the LPA planning portal and then identifying the closest schools using the following publically available tools to provide straight line distance, before calculating travel distances (if further information is required please refer to tab 2 of the corresponding excel education data sheet)

- https://www.gloucestershire.gov.uk/education-and-learning/find-a-school/
- https://get-information-schools.service.gov.uk/

Primary Places Impact:
The proposal is for 350 dwellings. This number of dwellings would be expected to generate an additional demand for 134.75 primary places. There is some surplus capacity available across the primary schools <=2 miles which has been credited to the development. Gloucestershire County Council is seeking a primary contribution of £796,300.50 towards places arising from this development (if further information is
required, please refer to tab 3 of the corresponding excel education data sheet).

- The closest school to the development location is Warden Hill Primary School (0.4 miles) in the 9161840 Hatherley-Leckhampton Primary Planning Area. All of the 8 schools in this primary planning area are <=2miles from this development.
- There are 6 other schools <=2miles, including one school which has selective admissions based on faith.
  All 14 schools have been included in the assessment.
- Schools should be considered to be full at 95% capacity to allow for some flexibility for in-year admissions; see Local Development Guide https://www.gloucestershire.gov.uk/planning-andenvironment/planning-policy/gloucestershire-local-development-guide/ page 14, pt. 56.
- When assessing forecast surplus or shortfall we look to the penultimate year of forecasts as they are calculated using NHS GP data; therefore the final year of forecasts will not include all births for that forecast year.
- When considering forecast data and the schools within the scope for a development we can determine 95% of the relevant forecast year to ascertain the level of surplus/deficit of places in order to calculate whether there are places to credit to a development.

	Closest School	Planning Area Schools	All Schools <=2 miles
Total Capacity	420.00	3150.00	4613.00
95%	399.00	2992.50	4382.35
Forecast year 2023/24 for school(s)	411.00	2911.00	4307.00
Surplus places available to credit to development	-12.00	81.50	75.35
Primary Yield from proposed development	**134.75**	**134.75**	**134.75**
Number of places required	*134.75*	**53.25**	59.40

Secondary (11-16) Places Impact:
The proposal is for 350 dwellings. This number of dwellings would be expected to generate an additional demand for 59.50 secondary (11-16) places. Gloucestershire County Council is not currently seeking a contribution for secondary (16-18) places arising from this development (if further information is required, please refer to tabs 5 & 7 of the corresponding excel education data sheet).

- This development site falls in the catchment area for Cheltenham Bournside School (1 mile) and Chosen Hill School (3.9 miles), this school is in the Gloucester Secondary Planning Area and is forecast to be full from Gloucester developments.
- The data shows that the development will be closest to The High School Leckhampton (0.5 miles), a new school which opened September 2021 to Y7 only with a PAN lower than its final PAN. It has opened on a temporary site as the school is not yet built.
- The current forecast period indicates there are likely to be adequate places in the short term as the new school grows and it should be noted the Academy Trust have identified a priority admissions map https://www.hsl.gloucs.sch.uk/attachments/download.asp?file=5&type=pdf which should include this development site.
- There are another 5 schools in the Cheltenham Secondary Planning Area, including a grammar school with selective admissions based on a test. All schools have been included in the data.
- As with primary, we review based on 95% capacity being considered to be full to allow for some flexibility.

	Catchment School(s) #	All Non Selective Schools	Total All Schools
Total Capacity	3450.00	7706.00	8906.00
95%	3277.50	7320.70	8460.70
Forecast year 2027/28 for school(s)	3228.00	7042.00	8340.00
Surplus places available to credit to development	49.50	278.70	120.70
Secondary Yield from proposed development	59.50	59.50	59.50
Number of places required	10.00	**0.00**	**0.00**

Post 16 Places Impact:
The proposal is for 350 dwellings. This number of dwellings would be expected to generate an additional demand for 21 secondary (16-18) places. Gloucestershire County Council is not currently seeking a contribution for secondary (16-18) places arising from this development (if further information is required, please refer to tab 5 of the corresponding excel education data sheet).

6th Form Data		Current Jan 2021		6th Form Forecast 2021						
Secondary School	6th form capacity	Y12	Y13	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
All Saints' Academy	250	85	87	164	159	172	206	226	224	220
Cheltenham Bournside School	460	173	168	329	340	363	389	390	389	389
Balcarras School	361	201	192	384	391	395	411	408	377	370
Pate's Grammar School	450	231	238	497	528	537	540	532	542	548
Chosen Hill School	350	114	81	208	200	198	198	207	202	199
Total for Y12 and Y13		804	766							
Combined Totals		**1570**		1582	1618	1665	1744	1763	1734	1726
Total 6th Form Capacity	**1871**									

Library Impact - Site Specific Assessment

The nearest library to the application site, and the library most likely to be used by residents of the new development, is Up Hatherley Library.

The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of £68,600 is therefore required to make this application acceptable in planning terms.

The financial contribution will be put towards improvements to existing library provision to mitigate the impact of increasing numbers of library users arising from this development.

A contribution to GCC of £68,600 is required (based on 350 dwellings), and which would be used at Up Hatherley Library to improve customer access to services through refurbishment and upgrades to the existing building, improvements to stock, IT and digital technology, and increased services.

SECTION 3 – Compliance with CIL Regulation 122 and paragraphs 54 and 56 of the NPPF (2021)

Regulation 122(2) of the Community Infrastructure Levy Regulations, 2010 provides that a planning obligation may only be taken into account as a reason for granting planning permission where it meets the following tests:

a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.

As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

Amendments to the Community Infrastructure Levy Regulations 2010 were introduced on 1 September 2019. The most noticeable change of the amendment is the ‘lifting’ of the ‘pooling restriction’ and the ‘lifting’ of the prohibition on section 106 obligations in respect of the provision of the funding or provisions of infrastructure listed on an authority’s published ‘regulation 123 list’ as infrastructure that it intends will be, or may be, wholly or partly funded by CIL (as a result of the deletion of Regulation 123).

Any development granted planning permission on or after 1 September 2019 may now be subject to section 106 obligations contributing to infrastructure that has already benefited

from contributions from five or more planning obligations since 6 April 2010 and authorities are allowed to use funds from both section 106 contributions and CIL for the same infrastructure. However, the tests in Regulation 122 continue to apply.

The Department for Education has updated its guidance in the form of a document entitled "Securing developer contributions for education (November 2019), paragraph 4 (page 6) states:

> *"In two-tier areas where education and planning responsibility are not held within the same local authority, planning obligations may be the most effective mechanism for securing developer contributions for education, subject to the tests outlined in paragraph 1 [the 3 statutory tests set out in 1.3 above]. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty over the amount and timing of the funding you need to deliver sufficient school places. We recommend that planning obligations allow enough time for developer contributions to be spent (often this is 10 years, or no time limit is specified)"*

Regulation 122 test in relation to education contributions required for 20/01788/FUL Land At Shurdington Road Cheltenham

The education contribution that is required for this proposed development is based on up to date pupil yield data and the Interim Position Statement is necessary to fund the provision of the additional primary places generated by this development. The proposal is for 350 dwellings all of which are qualifying dwellings for education.

This number of qualifying dwellings would be expected to generate an additional demand for 134.75 primary places. There is some surplus capacity available across the primary schools <=2 miles which has been credited to the development. Gloucestershire County Council is therefore seeking a contribution of £796,300.50 towards 53.25 places. This primary contribution will be allocated and spent towards primary provision in the Hatherley-Leckhampton Primary Planning Area.

The primary contribution that is required for this proposed development is directly related to the proposed development in that the contribution has been calculated based on specific formulas relative to the numbers of children generated by this development.

This developer contribution is fairly and reasonably related in scale and kind to the development. The contribution requirement has been calculated using an up to date formula related to pupil yields data and the scale of growth and based only on the numbers of additional pupils arising from the proposed qualified dwellings.

Regulation 122 test in relation to the library contributions required for 20/01788/FUL Land At Shurdington Road Cheltenham

The contribution is necessary to make the development acceptable in planning terms as it will be used on improvements to existing library provision to mitigate the impact of increasing numbers of library users arising from this development.

The contribution is directly related to the development as it is to be used at the library nearest to the application site which is at Up Hatherley Library and is based on the total number of new dwellings generated by the development (350 dwellings).

The contribution is fairly and reasonably related in scale and kind to the development as it is calculated using GCC's established per dwelling tariff (£196). The calculation for library contributions is £196 multiplied by the total number of proposed dwellings (in this case 350 dwellings x £196 = £68,600).

SECTION 4 – CIL/S106 Funding Position

There are currently no mechanisms or mutually agreed financial arrangements in place between the LPA as CIL Charging Authority and GCC to fund GCC strategic infrastructure from the CIL regime to mitigate the impact of development as it occurs.

The level of CIL charged on a development does not cover the amount of developer contributions that would be required to contribute towards the strategic infrastructure necessary to mitigate the impact of that development.

Wild Service (acting as Council's Specialist Ecological Advisor)

8th February 2021

I have reviewed the Preliminary Ecological Appraisal (HDA 2020) and my response with regards to Ecology is provided below.

Ecology

Sites of Nature Conservation Concern

The site is located within 5.4km of the Cotswolds Beechwoods SAC also lies near Leckhampton Hill SSSI (1.6km) and Badgeworth SSSI (2.5km). Current knowledge indicates that the proposed development of 350 dwellings could result in a small contribution towards a cumulative increase in recreational pressure in combination with other plans or projects. The proposed green spaces included in the plan will provide on-site public open green spaces, which while welcomed will not be extensive in size.

It will therefore also be necessary for a Home Owner Information Pack (HIP) to be provided to each household detailing local green spaces and links to them via public transport, footpaths and cycle tracks. The HIP should also highlight the sensitivities of nearby site of nature conservation concern and provide guidelines on how visitors can minimise their impact on such sites.

It may also be necessary for developer contribution towards maintaining Chiltern Beechwoods SAC and Leckhampton Hill SSSI in order to mitigate for the predicted small rise in visitor numbers to these areas, which in combination with the increases in visitor numbers to these sites from nearby new developments such as Redrow's development on Church Lane, Redrow's proposed development on Farm Lane and Hitchen's proposed development on Kidnappers Lane; will impact negatively on these protected and sensitive sites. It is advised that other developers in the area would also be requested to contribute to a protected sites management fund, with the proportion contributed to be proportional to the number of houses to be built (and hence the precited visitor pressure on sensitive sites)

Habitats and Species

The habitats of highest nature conservation interest directly associated with the site are the Hatherley Brook and its woodland which flows through the centre of the site, and the unnamed stream which flows along the eastern site boundary will be retained and enhanced. Measures to protect the integrity of this receptor are recommended in the Ecology report including provision of appropriate buffers, and measures to avoid adverse
effects of lighting, recreation, invasive species, pollution and changes in hydrology. However, some woodland will be lost due to development.

The traditional orchard is also a valuable ecological feature and Priority Habitat under the NERC Act 2006 and some of this habitat will be lost due to the development. The network of established and hedgerows (some of which are species rich and qualify as 'important' under the Hedgerow Regulations 1997 – e.g., hedgerows 30 and 31 along southern boundary) provide valuable habitat. Some species rich hedgerows will be lost due to the development. Recommendations for the enhancement of associated woodland, woodland edge and grassland habitats are also provided.

Bat surveys undertaken in 2019 have confirmed bat roosts in trees T15, T5, T47 and building B23. The wooded brook corridor, hedgerows and tree lines provide foraging habitat for various species including particularly light sensitive lesser horseshoe, brown long-eared and barbastelle. The retention and protection (including avoidance of lighting) of such foraging corridors and at roosts is recommended. It is noted that T15 and B23 will need to be removed in the current proposals and application for a Bat Mitigation Licence from Natural England with details of mitigation and compensation is proposed.

The reptile surveys undertaken in 2019 (based on six rather than seven visits) recorded a large slow-worm population on site. The site is considered to be of local value to slow-worms and retention and enhancement of suitable habitat for this species is recommended.

Badger surveys in 2019 revealed two used outlying setts C and D, while outlying setts B and E were not in use during the surveys. Under the current development proposals sett C needs to be closed and sett D needs to be temporarily closed under a Natural England badger licence. No update surveys have yet been undertaken to confirm current activity levels at these setts.

While the terrestrial habitat on site was identified as being suitable for great crested newts (GCN) , surveys undertaken in 2017 did not find evidence of GCN being present in any of the ponds within 500m of the site. No update surveys have been undertaken.
A dormouse survey undertaken in 2017 did not find any evidence of dormice and no update surveys have been undertaken.

No evidence of water vole or otter using the watercourses was found during the surveys for these species undertaken in 2019.

The breeding bird survey undertaken in 2010 reported an assemblage of bird species of moderate ecological value with 13 notable bird species. The avian habitats of greatest interest within the site were identified to be the hedgerow, treelines, scrub, orchard and woodland, occurring on field boundaries and around the site margins. Mitigation and enhancement/planting recommendations to enable the recorded bird species to survive on the site are recommended in the Ecology report. No update surveys undertaken.

<u>Recommendations</u>
1. While the Ecology report outlines the impacts of the development on nearby protected sites particularly the SAC, a formal shadow Appropriate Assessment (AA)report should be prepared by the applicant's ecologist and should assess the impact of this proposed development in combination with other developments in the area (recently undertaken and proposed developments as mentioned above). The AA should also confirm the production of a HIP and consider whether developer contribution to the management of Cotswolds Beechwood SAC and Leckhampton Hill SSSI is necessary in order to mitigate for recreational pressures of the development on the SAC and SSSI. (Any proposed contribution to be decided following discussion between the developer and Cheltenham Borough Council (CBC).) This shadow Appropriate Assessment would be required prior to determination.

2. The HIP should be submitted to CBC for review prior to commencement.

3. Updated dormouse surveys are required to establish the presence or absence of dormice, due to the former dormouse surveys being over three years old and the recent discovery of dormouse on the Leckhampton School site in 2019. The results of these surveys along with the updated mitigation and landscaping recommendations should be submitted to CBC prior to determination.

4. Should dormice be present than it will be necessary to obtain an EPS Mitigation Licence from Natural England. Confirmation of an EPS licence for dormice will need to be sent to CBC prior to commencement.

5. The bat surveys of suitable roosting features were undertaken in 2019 and should any of these features need to be removed (such as known roosts Building B23 and Tree T15, T5, T47) then the bat surveys will need to be updated to confirm the presence or absence of roosting bats. The results of these surveys along with the updated mitigation and landscaping recommendations and should be submitted to CBC prior to determination.

6. Should bats be roosting in any features to be removed (i.e., currently B23 and T15), then it will be necessary to obtain an EPS Mitigation Licence from Natural England. Confirmation of an EPS licence for bats will need to be sent to CBC prior to commencement.

7. An update badger survey of the site should be undertaken to confirm current activity levels at the four outlying setts and confirm that no new setts have been excavated recently. The survey results along with updated mitigation recommendations should be submitted to CBC prior to determination.

8. Confirmation of a Natural England badger licence to destroy Sett C and temporarily close Sett D will need to be sent to CBC prior to commencement.

9. Surveys of ponds within 500m of the site found no evidence of GCN in 2017, however, Habitat Suitability Index assessments of ponds within 500m of the site (not separated by major dispersal barriers) should be updated. Any ponds identified as average of above suitability for GCN should be surveyed to determine presence/absence of GCN from ponds (eDNA or bottle trapping methods are acceptable). These updated results should be used to update the GCN mitigation recommendations in the Construction and Ecological Management Plan (CEMP) and the habitat enhancements in the LEMP. The survey results along with updated mitigation recommendations should be submitted to CBC prior to determination.

10. As the site currently supports a very good population of slow-worms of local importance, it is essential that sufficient tall grassland areas are retained/created to enable this species to survive, especially considering the development of neighbouring areas will reduce the available habitat. This habitat should be incorporated in into the Landscape and Ecological Management Plan (LEMP).

11. The breeding bird surveys were undertaken in 2010 and no update survey has been carried out since. Prior to determination, confirmation from the project ecologists is required to explain whether the current habitats on site have changed sufficiently to require an updated breeding bird survey or not. Should the project ecologists deem it necessary to update the breeding bird survey, then the results of the updated bird survey are required prior to determination.

12. Hedgehogs have been recently recorded on the nearby Leckhampton School site (2019)and as the current development proposals could risk harming this NERC Priority Species, mitigation and enhancement for hedgehogs is recommended (e.g., hedgehog tunnel installation as base of fences). Mitigation for hedgehogs should be incorporated into the Construction Ecological Management Plan and Landscape and Ecology Management Plan. To be submitted to CBC prior to commencement.

13. Retention and protection of watercourses, woodland, hedgerows (especially species-rich) and orchard is recommended and where it is not possible to retain these habitats in their entirety, compensatory planning is required in order to achieve positive Biodiversity Net Gain (see point 13 below).

14. A Construction and Ecological Management Plan should be submitted to CBC for approval prior to commencement. The CEMP should include and expand on the mitigation recommendations for protected/notable species and ecological valuable habitats (including

orchards, Hatherley Brook, wooded areas, hedgerows) outlined in the Ecology reports. This should include an invasive species method statement for those Schedule 9 species found on site, a reptile translocation and mitigation strategy, bat mitigation, bird mitigation, badger mitigation, hedgehog mitigation including hedgehog tunnels in fencing (as this species is known to be present in the locality) and dormouse mitigation (as this species is now known to be present in the locality). The CEMP should also include a bat sensitive lighting plan for the scheme as outlined in the Ecology report of 2020. The lighting plan should show light spill around the site in lux and must demonstrate that bat foraging corridors and roosting features will not be illuminated.

15. A 10-year Landscape and Ecology Management Plan should be submitted to CBC for approval prior to commencement. The LEMP should expand on the habitat enhancement and creation recommendations outlined in the Ecology reports. The LEMP must include detailed management prescriptions for retained and created habitats (including for Hatherley Brook, the stream, the orchards, hedgerows and wooded areas, grassland).

16. It is noted that some areas of valuable habitat (parts of the traditional orchard, species rich hedgerow and woodland) will be lost due to the development. Therefore, a Biodiversity Net Gain (BNG) report is required in order to demonstrate that the development can achieve positive biodiversity net gain using the DEFRA metric. Should positive net gain not currently be possible, the current scheme will need to be modified to achieve this. The BNG report should be submitted to CBC for approval prior to commencement.

National Planning Policy Framework (NPPF) and Local Plan Policy (Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031) (adopted December 2017)) Context:

· NPPF Para 170 – 177 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework
· SD9 Biodiversity and Geobiodiversity
· INF3 Green Infrastructure

Wildlife legislation context:
· Wildlife and Countryside Act 1981 (as amended)
· Conservation of Habitats and Species Regulations 2017
· Natural Environment and Rural Communities Act (NERC) 2006
· Protection of Badgers Act 1992

7th April 2021 – updated comments
I have made revisions to the following comments, which I have identified by the number given in my original planning reply:

3. Dormouse surveys are out of date and will need to be updated this year, 100 tubes to be set out to double survey effort and thus shorten standard survey time to determine presence/absence. We would need to review dormouse report detailing mitigation/enhancements prior to determination.

5. Bat surveys currently relatively up to date, so update bat surveys to confirm presence/absence of roosting bats on trees/buildings to be removed prior to works should be conditioned. As part of that condition we would need to review a bat report detailing mitigation/enhancements to confirm that surveys had occurred along with any mitigation and if/once planning permission granted we would need to see any bat mitigation licence if bats were found to be present.

7. Badger surveys are relatively up to date, so update badger surveys of any setts to be removed prior to works should be conditioned. As part of that condition, we would need to review a badger report to confirm surveys had occurred along with any

mitigation/enhancements and once/if planning granted we would need to see the badger licence as a condition.

9. Pond 340m away will need update Habitat Suitability Index assessment and report with suitable recommendations for mitigation/enhancements/further surveys as necessary will need to be submitted to us for review prior to determination.

11. Breeding bird survey is out of date, however, as site is now considerably smaller than when the previous survey was undertaken one update survey visit is considered proportionate. The bird report detailing mitigation/enhancements will need to be submitted to us for review prior to determination.

6th October 2021 – additional comments

I have reviewed the Newt Technical note and appreciate that it was not possible to survey the pond 4 as no access permission was given. However, the Newt Technical Note has provided further information/analysis relating to the GCN query. I therefore can agree with the applicant's ecologist's conclusion that it is considered highly unlikely that Great Crested Newts (GCN) would be present at the site based on their latest review of survey information and other local projects.

It is also noted that the reptile mitigation methodology (translocation) will minimise the risk of any GCN (in the unlikely event any are found) being harmed during the works. (Presumably this reptile mitigation will be conditioned.)

In the unlikely event that a Great Crested Newt is encountered during site works, then works should stop and the project ecologist should be contacted on how best to proceed. (This could be a condition too)

I have also reviewed the updated bird survey report, which concluded that 'the site is considered to be of no higher than moderate local interest for birds on the basis of the quality and extent of habitats present, the species of nature conservation interest recorded and their respective abundance'. However, the proposals for the site should seek to maintain and enhance opportunities for bird species of nature conservation interest recorded during the survey and in order to maximise biodiversity net gain for the project. It is noted and recommended that habitats of higher ornithological interest including woodland edges, hedgerows, scattered mature trees, orchard and scrub, will be largely retained along the Hatherley Brook corridor and other areas of public open space.

The recommendations for natural habitat retention and creation in Sections 6.5 of the Bird Survey report should be followed and could be conditioned. These are outlined below:

- Retention of mature trees, hedgerows and scrub within the development areas where possible to do so;
- Enhancement of retained habitats within the stream corridors including woodland, scrub and grassland habitats through the provision of replacement/complementary species-rich native tree and scrub planting, retention of deadwood habitats where safe to do so, and sensitive management of the existing woodland, scrub and retained semi-improved grassland to improve sward diversity;
- Creation of ‘ecotone’ habitats bordering the retained woodland associated with the Hatherley Brook corridor comprising a gradation from woodland to scrub to rough and meadow grassland habitats;
- Inclusion of new native tree, species-rich scrub, hedgerow and orchard planting within the landscape scheme;
- Use of high value plants for foraging birds within the landscape planting scheme. This should include fruit and nut producing species in addition to those with high pollen and nectar yields (attracting invertebrate prey); and

- Provision of a range of bird boxes situated on new buildings and/or existing trees within the site.

In addition, the bird mitigation recommendations of Sections 6.6 and 6.7 of the Bird Survey Report should also be followed and could be conditioned, as outlined below:

- It is recommended that any hedgerow, scrub or tree management works should be carried out during January and/or February, in order to allow the majority of fruit and nuts to be eaten by birds prior to removal and to avoid impacts on nesting birds (see below).

- All breeding birds should be afforded the basic level of protection provided by the 1981 Wildlife and Countryside Act (as amended), i.e. protection of nest sites during the breeding season. It is recommended that any tree felling, ground clearance, hedgerow management, scrub clearance and building demolition works are done outside of the bird nesting season (generally taken as March to September inclusive) to avoid risk of an offence being committed. In the event that this is not possible, these works should be overseen by a suitably qualified ecologist who would check for nesting birds prior to and during works. In the event that nesting birds are present, it will be necessary to delay works in the vicinity of an active nest until nesting is complete.

19th November 2021 – additional comments
I have reviewed the Dormouse report and note that sufficient survey effort was used and no dormice were found to be present.

However, due to the known presence of this species to the south of the site , it is considered possible that Dormice may use the site on an occasional or transitory basis. In the event that site clearance is delayed for a period of more than two years after the 2021 Dormouse survey was undertaken, in view of the close proximity of a Dormouse population to the site it is recommended that the site be re-surveyed for dormice (using dormouse tubes with a search effort of 20 points or more as described in the Dormouse conservation handbook) to confirm the continued absence of this species.

As a precautionary measure, in case any displaced dormice south of the site move to the development site, it is recommended that any sections of hedgerow, woodland, orchard and scrub to be removed are carried out in accordance with the precautionary Reasonable Avoidance Measures (RAMs) set out in the Dormouse Report and included below in order to minimise risk of killing/injuring dormice:

- Woody vegetation removal works should be undertaken between October and May inclusive which is outside the Dormouse breeding season (with due regard given to potential presence of nesting birds if works are carried out between March and May).
- Clearance should only be carried out during periods of dry weather when the air temperature remains above 5°C.
- Any woody vegetation to be removed should be carefully cut down using hand held tools prior to removal from the site. Where trees are to be removed, consideration should be given to use of soft felling techniques (i.e. gentle lowering of cut vegetation to ground level).
- Contractors should be briefed prior to works to ensure that cutting is carried out in a sensitive manner, and that evidence of Dormouse (e.g. nests) can be identified if found during works.
- A suitably qualified ecologist should be present during vegetation cutting to check clearance areas for the presence of Dormouse nests or other evidence of Dormouse prior to and during works.
- In the unlikely event that a Dormouse is encountered, the works must stop and Natural England notified to agree an appropriate course of action.

The above measures should also be detailed in the CEMP along with other mitigation methods, which should be submitted to CBC prior to commencement.

Considering the disturbance caused by the ongoing development to the south of the site, retention and inclusion of dormouse habitat planting is necessary, to ensure that future populations of dormice can expand into this area. This could also serve as an enhancement/biodiversity net gain for the area. The Biodiversity Net Gain (BNG) report should demonstrate that the development can achieve positive biodiversity net gain using the DEFRA metric, especially for dormouse habitats. Should positive net gain not currently be possible, the current scheme will need to be modified to achieve this. The BNG report should be submitted to CBC for approval prior to commencement.

More specifically, in order to maintain suitable habitat for Dormouse at the site, opportunities provided by the existing hedgerows, woodland, scrub and orchard habitats should be included within the scheme and these habitats should be retained where possible. Where appropriate, new native tree, native species-rich hedgerow and native shrub planting should include native fruit and nut producing species of high value to foraging Dormice and other wildlife, and should seek to enhance connectivity provided by habitats along the site boundaries. Habitat retention and creation of new habitats should be detailed in the LEMP, which should be submitted to CBC prior to commencement.

As dormice are nocturnal and sensitive to light pollution, the lighting scheme design for the proposed development should avoid light spill onto areas of scrub, trees, woodland, orchard and hedgerow habitat within and adjacent to the site, in order to avoid potential impacts on nocturnal wildlife such as dormice. A lighting plan showing light spill as lux contours and demonstrating avoidance of illuminating hedgerows and other dormouse habitat, should be submitted to CBC for approval prior to commencement.

5. PUBLICITY AND REPRESENTATIONS

5.1 On initial receipt of the application, letters of notification were sent to 100 nearby properties. In addition, 8 site notices were posted and an advert was published in the Gloucestershire Echo.

5.2 On receipt of revised plans, further letters were sent to 224 neighbours/objectors, and revised site notices were posted.

5.3 During the course of the application, in response to the publicity, 141 representations have been received; 132 of which are objection. There have also been a number of repeat and additional objections from some local residents. All of the comments have been made available to Members separately but the main concerns are summarised below:

- impact on the local highway network / increase in traffic on Shurdington Road
- use of shared pedestrian and cycle routes
- new toucan crossing
- lack of infrastructure to support the development
- landscape impact
- increased air pollution
- biodiversity impacts
- loss of green space
- drainage and flooding /sewerage
- overdevelopment
- design is out-of-keeping with surrounding developments
- lack of sustainability credentials

5.4 The applicant also undertook their own consultation exercise prior to the submission of the application. A public exhibition was held in September 2018 at the Brizen Young People's Centre which was attended by 182 people including local residents, representatives from local societies and groups and Borough and Parish Councillors. Other engagement methods used included a freephone telephone line, project website and dedicated e-mail address for interested parties to receive further information and provide feedback. The feedback mostly centred on highway impacts (specifically the A46) and the lack of local infrastructure to support the additional dwellings.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key issues in determining this application are:

- the principle of developing the site for housing;
- design, layout and sustainability;
- access, parking and highway safety impacts;
- drainage and flooding;
- landscape and visual impact;
- ecological impacts;
- amenity impacts;
- affordable housing and developer contributions / s106 obligations.

6.2 Policy Background / Principle of Development

6.2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2.2 Paragraph 11 of the National Planning Policy Framework sets out a presumption in favour of sustainable development which in decision making means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) 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:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

6.2.3 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted polices of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS).

6.2.4 Material considerations include the National Planning Policy Framework 2021 (NPPF), and Planning Practice Guidance (nPPG).

6.2.5 JCS policy SD10 advises that *"Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans".*

6.2.6 As previously noted, this site forms part of the Leckhampton mixed-use allocation in the CP (policy MD4); the policy includes the following site specific requirements:

- Approximately 350 dwellings on land north of Kidnappers Lane
- Provision of a secondary school with six forms of entry on land to the south of Kidnappers Lane
- Safe, easy and convenient pedestrian and cycle links within the site and to key centres
- A layout and form that respects the existing urban and rural characteristics of the vicinity
- A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development
- A layout and form of development that respects the visual sensitivity and landscape character of the site as part of the setting for the AONB

6.2.7 It is acknowledged that outline planning permission for up to 12 dwellings has already been granted on a small parcel of land within the MD4 site boundary (but excluded from this application); however, the figures given in policy MD4 are approximate.

6.2.8 Furthermore, although part of the site falls with the Leckhampton LGS wherein CP policy GI1 seeks to prevent development "*unless there are very special circumstances which outweigh the harm to the Local Green Space";* the application does not propose any buildings within the LGS.

6.2.9 As such, the general principle of the proposed development must be acceptable subject to other material considerations addressed in the report below.

6.3 Design, Layout and Sustainability

6.3.1 Chapter 12 of the NPPF places great emphasis on the importance of design in decision making, and states at paragraph 126 that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.

6.3.2 CP policy D1 requires all new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development, and the character of the locality and/or landscape. The policy reiterates the requirements of JCS policy SD4 which calls for proposals for development to:

- respond positively to, and respect the character of, the site and its surroundings, and be of a scale, type, density and materials appropriate to the site and its setting;
- create clear and logical layouts;
- avoid or mitigate any potential disturbance, including visual intrusion, noise, smell and pollution;
- ensure that landscaped areas are of a high quality design;
- be designed to contribute to safe communities including reducing the risk of fire, conflicts between traffic and cyclists or pedestrians, and the likelihood and fear of crime;
- provide access for all potential users, including people with disabilities, and ensure the highest standards of inclusive design; and
- be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes.

Layout

6.3.4 The Design and Access Statement (DAS) which accompanies the application sets out how the layout has evolved during the design process, with the layout now proposed largely agreed at pre-application stage; albeit further changes have been secured during the course of the application. The layout seeks to respond to the constraints and opportunities of the site, with the development addressing a central green corridor, and existing landscape features given prominence within the development.

6.3.5 The DAS also states that the layout has been designed to deliver a sequence of routes, streets and blocks of varying character to ensure that the development creates a distinctive sense of place, but one that responds and connects physically and visually to surrounding development and the wider landscape setting. Four character areas are proposed across the site, the DAS going on to state that *"The aim of the character areas is not to provide stark variation, but subtle detail, tonal and occasional material changes,…to ensure that the development has an overall cohesive sense of place and is distinctive in terms of high quality and indigenous features."*

6.3.6 The site would be accessed from the Shurdington Road in two places. The eastern access would serve the eastern part of the site only; whilst the main access to the west would also serve the new secondary school to the south of the site.

6.3.7 A network of pedestrian footways and cycleways would provide linkages throughout the development with desire lines to and from the school to the site and surrounding development having dictated the routes to enable safe routes for children and parents that are overlooked by development and enable walking and cycling opportunities.

6.3.8 Improvements have also been secured during the course of the application to include a footpath/cycleway up to the site boundary to the east with a view to improving connectivity through to Merlin Way; albeit GCC would need to use their powers to complete the link on third party land. The layout also now provides for a footway up to the boundary with the smaller development site to the north that benefits from outline planning permission, to ensure the potential for a future link in this location. Moreover, throughout the site, the cycleways have been widened from 3m to 3.5m, and enhanced cycle crossing points have been introduced to make cycling safer and a more desirable mode of transport than the car.

6.3.9 In addition, the layout provides for a Locally Equipped Area of Play (LEAP) located along the Hatherley Brook corridor, with two further Local Areas of Play (LAPS).

6.3.10 SuDS infrastructure comprising three balancing ponds would also be located along-side the green corridors; and would, in addition to providing surface water attenuation, provide amenity and biodiversity benefits.

6.3.11 Additional green open space, community orchards and allotments would be provided on the designated LGS land.

6.3.12 The majority of buildings proposed across the site are two storeys in height with single storey garages; however, some limited focal buildings within the site are up to three storeys high. The general scale of the buildings is considered to be appropriate in this context and largely consistent with nearby developments. Accommodation across the site ranges from one bedroom apartments to five bedroom houses.

6.3.13 The layout has been designed to ensure that the affordable homes are integrated with open-market homes to promote social inclusion, and are distributed throughout the site.

Design

6.3.14 The buildings themselves take a relatively traditional pitched roof form which is considered to be appropriate for the context. The DAS sets out that a simple palette of external materials is proposed, with subtle variations in brick type and roofing tile, that would "*present a defined and attractive development*".

6.3.15 Officers are satisfied that such a simple but varied palette of materials would ensure that overall the development would have a coherent appearance and create an identity of its own, whilst responding to nearby developments.

6.3.16 The external design of the affordable units, in terms of elevation, detailing and materials, is broadly consistent with the open market homes to ensure that visually they are seamlessly integrated into the wider scheme.

Sustainability

6.3.17 NPPF paragraph 152 states that:

> *The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*

6.3.18 NPPF paragraph 154 b) goes on to state that new development should be planned for in ways that "can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards".

6.3.19 JCS policy SD3 also requires development proposals to be designed and constructed in such a way as to maximise the principles of sustainability, and to:

- demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, minimising waste and avoiding the unnecessary pollution of air, harm to the water environment, and contamination of land or interference in other natural systems. In doing so, proposals…will be expected to meet national standards;
- be adaptable to climate change in respect of the design, layout, siting, orientation and function of both buildings and associated external spaces; and
- incorporate principles of waste minimisation and re-use.

6.3.20 The policy also requires major applications to be accompanied by an Energy Statement that indicates the methods used to calculate predicted annual energy demand and association annual Carbon Dioxide (CO2) emissions.

6.3.21 The Energy Statement (ES) which initially accompanied the application set out that the scheme would achieve a 1.29% CO2 reduction beyond that required by Part L of the Building Regulations through improved fabric measures.

6.3.22 However, during the course of the application, in response to concerns raised by a number of parties, the ES has been updated to include feasibility appraisals of additional renewable or low carbon energy systems. As a result, it is now intended to include solar PV panels on those dwellings which have suitable roof orientations; a Solar Analysis Plan demonstrates that 146 of the properties are suitable.

6.3.23 The revised ES sets out that following the introduction of the solar PV panels, the scheme would now deliver an overall reduction in site wide CO2 emissions of 20% over the 2013 Part L Building Regulations standards.

6.3.24 The application now also proposes an electric vehicle (EV) charging point for every dwelling with an allocated parking space, and 1 EV charging point per 10 spaces for those properties sharing communal parking areas.

6.3.25 Officers are therefore satisfied that, following the introduction of solar PV panels and EV charging points, the sustainability credentials of the proposed development are now acceptable and would go some way to meeting Cheltenham's 'Climate Emergency' commitments. It is important that the scheme achieves a high level of sustainability while remaining a viable and deliverable development.

6.3.26 Accordingly, as a whole, the proposed scheme is considered to meet the requirements of CP policy D1, and JCS policies SD3 and SD4.

6.4 Access, Parking and Highway Safety

6.4.1 Adopted JCS policy INF1 requires all development proposals to provide safe and efficient access to the highway network for all transport modes; and provide connections where appropriate, to existing walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. The policy states that planning permission will only be granted where the impacts of the development are not considered to be severe, and requires developers to assess the impact of proposals through a Transport Assessment.

6.4.2 The above policy generally reflects the advice set out within the NPPF at Section 9; however, the following paragraphs of the NPPF set out additional relevant requirements:

> *110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
>
> > *a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
> > *b) safe and suitable access to the site can be achieved for all users;*
> > *c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
> > *d) 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.*
>
> *111. 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.*
>
> *112. Within this context, applications for development should:*
>
> > *a) give priority first 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, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
> > *b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.4.3 As previously noted, the application proposes two vehicle access points from Shurdington Road; a priority junction and a new roundabout. The roundabout proposal also realigns Kidnappers Lane, with the existing junction with Shurdington Road proposed to be closed and replaced with a cycleway.

6.4.4 A new Toucan Crossing point is proposed to the east of the site on the Shurdington Road which would form part of a series of wider infrastructure improvements.

6.4.5 From a highways perspective, the access, parking and highway safety impacts associated with the proposed development have been fully assessed by the Highways Development Management Team (HDM) at the County Council, as the Highway Authority acting in its role as Statutory Consultee, and their full comments can be read in Appendix A.

6.4.6 In their initial response, HDM requested a deferral to allow for continued discussions to take place with the applicant to ensure that the Transport Assessment and scheme designs reflect current national and local policy, and that the proposals were complementary to the consented secondary school highway works.

6.4.7 Subsequently, HDM have now responded to advise that no highway objection is raised subject to conditions and financial obligations.

6.4.8 With regard to the highways impact of the development, particularly on the Shurdington Road, which has been raised as a concern by many of the objectors, HDM set out that the applicant has prepared a Transport Assessment which considers the impact of the proposal from a multimodal perspective, to include modelling on the potential impact on the Shurdington Road which is recognised as a congested corridor. It also considers routes to key destinations and how access to those services could be improved.

6.4.9 In terms of trip generation, the proposed development is expected to generate 127 departures and 51 arrival vehicle trips in the AM peak (08:00-09:00) and 79 departures and 126 arrives in the PM peak (17:00-18:00); and these would be split between the two access points. The transport modelling shows the trips would be dispersed around the network and this has potential implications at the junctions of Moorend Park Road and Leckhampton Lane.

6.4.10 With regard to the Moorend Park Road junction, HDM advise that there is already a consented scheme in place to improve this junction associated with the Farm Lane development.

6.4.11 They further advise that the Leckhampton Lane junction is proposed to be amended to provide a degree of space for right-turning traffic but there is a balance to be had in providing more capacity whilst maintaining pedestrian space. In considering the needs of

pedestrians as a key priority, a reduction in the footway width is not acceptable. Furthermore, increasing capacity could result in an increase of rat running whereas the A46 is the more suitable route. The proposal therefore looks to provide an improvement within the current kerblines, and this is considered to be acceptable.

6.4.12 In addition, HDM acknowledge that the proposal has the significant potential to reduce walking distances from the existing residential communities to the new Leckhampton High School; with new and improved connections made from Merlin Way, Shurdington Road and Kidnappers Lane. Within the site, the proposal would create a low-speed environment which includes measures to prioritise walking and cycling movements; the proposed pedestrian and cycle routes providing more attractive routes than would otherwise exist. The proposal also provides missing footway infrastructure on the A46 which is considered to be a benefit of the scheme and contributes to its sustainability credentials.

6.4.13 HDM therefore conclude that:

> *Overall, the proposal is considered to be acceptable and proposes suitable mitigation through offsite improvements, enhanced walking and cycling connections and planning obligations.*
>
> *The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.*

6.4.14 Officers are therefore satisfied that the proposed development is acceptable in highway terms, and is compliant with JCS policy INF1 and the relevant paragraphs of the NPPF.

6.5 Drainage and Flooding

6.5.1 Adopted JCS plan policy INF2 advises that development proposals must avoid areas at risk of flooding, and must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. Additionally, where possible, the policy requires new development to contribute to a reduction in existing flood risk; and to incorporate Sustainable Drainage Systems (SuDS) where appropriate.

6.7.2 The application has been accompanied by a Flood Risk Assessment (FRA) which has been reviewed by the Lead Local Flood Authority (LLFA) at the County Council, as a statutory consultee for surface water flood risk and management. Again, the comments can be read in full at Section 4 above.

6.7.3 The FRA sets out that detailed hydraulic modelling has been carried out to assess the existing flood risk to the site, to include blockage analysis of culverts crossing the A46, Shurdington Road. The outcome of this model has been reviewed by the Environment Agency (EA), with the published Flood Zones subsequently updated to reflect this.

6.7.4 Much of the site is located within Flood Zone 1. Where parts of the site fall within areas of Flood Zone 2, the layout has been designed so that the housing and sustainable drainage features are located outside of zone 2 and areas at risk of surface water flooding.

6.7.5 It is proposed that surface water would be discharged into the Hatherley Brook and its tributary; with surface water stored in three SuDS ponds serving three hydraulic catchments on the site. The LLFA have confirmed that *"They have been designed to store water in events up to the 1 in 100 year rainfall event plus 40% for climate change and simulations of the network on MicroDrainage show that they are a suitable size"*.

6.7.6 In their initial response however, the LLFA also highlighted that:

> *The MicroDrainage simulations show that the development will not flood in a 1 in 30 year rainfall event and that the flooding of the network in a 1 in 100 year rainfall event will be confined to the highways. Although this meets the Non-statutory technical standards for sustainable drainage, the flooding from manhole SB11 (Catchment B1) appears to be directed off the site onto the Shurdington Road. While this is an acceptable strategy for exceedance flows, in events up to 1 in 100 year rainfall event, surface water should not be leaving the site in this manner.*

6.7.7 The Drainage Strategy has therefore been updated to show an increase in the size of the pipe between manholes SB1-11 and SB1-12 which the LLFA have welcomed; confirming that this *"will minimise the amount of highway flooding in the 1 in 100 year rainfall event plus 40% for climate change."*

6.7.8 The LLFA therefore raise no objection subject to conditions; one of which requires a Construction Phase Surface Water Management Plan to be submitted. The LLFA noting that *"There have been a number of recent developments that have caused surface water issues to neighbouring properties during their construction and considering the location of this development in the upper part of the catchment, it is important that surface water is managed appropriately".*

6.7.9 In addition, the application has been reviewed by the Environment Agency who conclude that *"as all extents for all forms of flooding will be contained within the green open space corridors either side of the watercourses, we have no objections to the proposals from a flood risk perspective."*

6.7.10 It is noted that some local concerns have been raised in relation to sewerage and Severn Trent have been consulted on the application. In their response they raise *"no objections to the proposals"* subject to the subsequent approval of a detailed scheme for the disposal of foul and surface water.

6.7.11 Officers are therefore satisfied that the proposed development is acceptable in relation to flooding and drainage, and is compliant with JCS policy INF2 and the relevant paragraphs of the NPPF.

6.6 Landscape and Visual Impact

6.6.1 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; and this is reiterated in CP policy L1.

6.6.2 Additionally, JCS policy SD7 requires all development proposals within the setting of the Cotswolds AONB *"to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities"* and be consistent with policies set out in the Cotswolds AONB Management Plan (CMP).

6.6.3 The relevant CMP policies are CE1 and CE11. Policy CE1 requires development proposals that are likely to impact on the landscape of the Cotswolds AONB, to have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced.

6.6.4 Policy CE11 goes on to advise that proposals for major development in the setting of the AONB, including site allocations in Local Plans, must comply with national planning policy and guidance, and have regard to guidance on major development provided in Appendix 9 of the CMP.

6.6.5 Whilst the application site is not within the AONB, or Green Belt, it is in reasonably close proximity and, as such, the landscape impacts associated with the development must be considered.

6.6.6 The application has been accompanied by a Landscape and Visual Appraisal (LVA) and Green Infrastructure Strategy (GIS) both of which have been reviewed, in conjunction with the other documents that support the application, by Ryder Landscape Consultants (RL) acting as the Council's specialist Landscape Advisor.

6.6.7 In their initial review of the application (see Appendix B), RL highlighted a number of anomalies and missing information in the submission, and further design detail and additional information was sought to address his concerns.

6.6.8 Following the submission of additional information, and subsequent reviews by RL (Appendices C and D), officers are satisfied that, overall, the landscape and visual impacts of the development are acceptable. With regard to the landscape effects on the AONB, particularly on views from Leckhampton Hill, RL comments that *"these have been assessed fairly and as debated at Inquiries and summarised by different Planning Inspectors the landscape and visual effects on the AONB are deemed acceptable."*

6.6.9 With regard to local landscape changes, RL considers the effect on the application site to be *"Moderate at least and the type of effect will be Adverse"* but acknowledges that *"This landscape effect is inevitable as a result of development and I know was taken into account when the area was allocated under MD4."* They go on to consider the impact on the nearby Lotts Meadow site to be Minor, and the effect on the land north of the new secondary school to be Minor/Negligible.

6.6.10 RL also agrees with the LVA conclusions that the majority of quality trees and hedgerows have been retained as landscape features and that the scheme makes the most of the two brooks that cross the site as Green Infrastructure associated with the development.

6.6.11 They also welcome the additional street trees that have been incorporated into the proposals during the course of the application in response to paragraph 131 of the updated NPPF.

6.6.12 As such, whilst RL have some residual concerns, officers are satisfied that specific matters of detail can be resolved through the discharge of conditions.

6.7 Ecological Impacts

6.7.1 JCS policy SD9 seeks to ensure that all development, wherever possible, makes a positive contribution to biodiversity and geodiversity, 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. The policy reflects the advice set out within the NPPF at paragraph 180.

Protected species

6.7.2 As submitted, the application was accompanied by an Ecological Appraisal (EA), Badger Survey, Bat Survey, Dormouse Survey, Reptiles Survey, and Water Vole and Otter Survey; all of which have been reviewed by Wild Service (the Ecological Consultancy for the Gloucestershire Wildlife Trust) acting as the Council's specialist Ecological Advisor (WS). Their detailed responses can be read in full at Section 4 above.

6.7.3 The surveys confirmed bat roosts in some trees and one building on site; a large slow-worm population; and Badger setts. No evidence was found of Great Crested Newts, dormice, or water vole or otters.

6.7.4 The Dormouse Survey, however, was undertaken in 2017 and therefore an updated survey was requested and subsequently submitted. WS in reviewing the updated survey were satisfied *"that sufficient effort was used and no dormice were found to be present".* An updated Bird Survey Report was also requested and reviewed.

6.7.5 WS advise that a Construction and Ecological Management Plan (CEMP) would need to be conditioned should permission be granted to include and expand on the mitigation recommendations for protected/notable species and ecological valuable habitats (including orchards, Hatherley Brook, wooded areas, hedgerows) outlined in the various reports. This should include an invasive species method statement for species found on site, a reptile translocation and mitigation strategy, bat mitigation, bird mitigation, badger mitigation, hedgehog mitigation including hedgehog tunnels in fencing (as this species is known to be present in the locality) and dormouse mitigation (as this species is now known to be present in the locality). The CEMP would also need to include a bat sensitive lighting plan for the scheme as outlined in the Ecology report of 2020.

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

6.7.6 Natural England (NE) have been consulted on the application. In their initial response, they raised concerns that the proposed development, in combination with other new residential developments in the area, could have potential significant effects on The Cotswolds Beechwoods Special Area of Conservation (SAC) and therefore sought additional information in order to determine the significance of these impacts and the scope for mitigation.

6.7.7 Following the submission of additional information, NE now raise no objection to the proposed development subject to appropriate mitigation being secured by condition; namely, the provision of the 6.5 ha of on-site green open space, and the provision of Homeowner Information Packs providing information on informal recreation opportunities within the local area.

6.7.8 NE also highlight the need to secure a CEMP as per the advice of the Ecological Advisor.

6.8 Amenity Impacts

6.8.1 Adopted CP policy SL1 states that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality. CP paragraph 14.4 advising that:

> *In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise, smells, dust, fumes, vibration, glare from artificial lighting, hours of operation, and traffic / travel patterns.*

6.8.2 Adopted JCS policy SD14 reiterates this advice and also seeks to ensure high quality developments that *"protect and seek to improve environmental quality".*

6.8.3 In addition, paragraph 130 of the NPPF highlights the need to ensure that developments achieve a high standard of amenity for both existing and future users.

Air Quality

6.8.4 As submitted, the application was accompanied by an Air Quality Assessment (AQA); however, there were a number of errors in the original report, as identified in an objection from Clean Air Cheltenham. The Council's Senior Environmental Health Officer (EHO) agreed with the points raised in the objection and confirmed that whilst data was taken from

the Council's website, a series of errors were made in transposing the data and therefore the modelled data was wholly incorrect.

6.8.5 The Air Quality Assessment has therefore been updated during the course of the application to address these errors and subsequently reviewed again by the EHO whose comments can be read in full at Section 4. The EHO concludes that

> *In considering all the modelling outlined above, we must note that this report indicates compliance with current legal limits. There is widespread expectation that legal limits are likely to be reduced in coming years, and WHO has recently published revised Air Quality Guideline (AQG) Levels which are considerably lower than current legal limits, but this has not been adopted into UK law at this stage. Therefore there are no valid local air quality reasons to refuse this application.*

6.8.6 The EHO has however advised that the assessment of Construction Dust in the AQA indicates a medium risk of impact on sensitive properties; and therefore suggests a condition requiring the submission of a Dust Management Plan, should permission be granted, to include, as a minimum, the mitigation measures identified in section 7.2 of the AQA.

Noise

6.8.7 From a noise perspective, the Acoustic Design Statement submitted with the application has been reviewed by the EHO who notes *"that the elevated daytime, external noise levels indicate that external amenity areas of housing should not be located on the North-west edge of the site alongside the road"* and that *"additional mitigation is required to reduce daytime noise exposure at those properties".* They go on to note *that "the elevated night-time, internal noise levels also require that a good acoustic design process must be demonstrated in this development.*

6.8.8 A condition is therefore recommended that requires a suitable noise mitigation scheme to be submitted and agreed, should permission be granted.

Land Contamination

6.8.9 Additional conditions relating to contaminated land have also been suggested by the EHO but no fundamental objection is raised in this respect.

Toucan crossing

6.8.10 The amenity concerns raised by the resident at 104 Shurdington Road in relation to the proposed Toucan Crossing outside his home have been duly noted; however, the transport statement sets out this is the preferred location in order to allow for vehicles to be able to turn right out of the development onto Shurdington Road whilst the lights are red to traffic. Detailed design matters would need to be agreed through a S278 agreement with the local highways authority.

6.9 Affordable Housing and Developer Contributions / S106 Obligations

Affordable housing

6.9.1 Paragraph 60 of the NPPF states that to support the government's objective of boosting the supply of homes, the needs of groups with specific housing requirements must be addressed. Within this context, paragraph 62 goes on to state that the size, type and tenure of housing needed for different groups in the community should be reflected in strategic policies.

6.9.2 JCS policy SD12 seeks the provision of affordable housing in new residential developments. In Cheltenham, outside of Strategic Allocation sites, a minimum of 40% affordable housing is sought on sites of 11 dwellings or more.

6.9.3 As previously noted, this application proposes a policy compliant level of affordable housing, which equates to 140 dwellings.

6.9.4 The affordable housing provision has been amended during the course of application in liaison with the Council's Housing Enabling Officer, whose comments are set out in full in Appendix A.

6.9.5 The agreed affordable housing mix comprises 41 social rented homes, 57 affordable rented homes and 42 shared ownership homes, and satisfies the policy requirements. The affordable housing provision would be secured via an S106 Agreement.

Developer contributions

6.9.6 JCS policy INF6 states that where site proposals generate infrastructure requirements, new development will be served and supported by adequate on and/or off-site infrastructure and services which are fairly and reasonably related to the scale and type of development proposed. Regard to the cumulative impacts on existing infrastructure and services must also be considered. Planning permission should only be granted where sufficient provision has been made to meet the needs of new development and/or which are required to mitigate the impact of the development upon existing communities.

6.9.7 In addition, JCS policy INF7 advises that financial contributions will be sought through the S106 and CIL mechanisms as appropriate. The S106 mechanism being used to secure site-specific obligations.

6.9.8 For a development of this nature, contributions towards education and libraries will normally be sought.

6.9.9 Gloucestershire County Council have commented on the proposed development and set out the infrastructure and services requirements for education and libraries provision arising from the development and the contributions required to make the development acceptable in planning terms. Their comments are set out in full at Section 4.

6.9.10 The contributions sought by the County are £796,300.50 towards primary education, and £68,600 towards improvements to existing library provision.

6.9.11 The necessary education and libraries contributions towards an off-site provision would be secured via an S106 agreement. There are no formal mechanisms or agreed financial arrangements currently in place between CBC (as CIL Charging Authority) and GCC to fund the required strategic (education and libraries) infrastructure from CIL.

Other S106 obligations

6.9.12 Additional obligations to be secured via the S106 agreement relate to the public open space, LAPS, allotments, and community orchard.

6.10 Other considerations

Public Sector Equalities Duty (PSED)

6.10.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.10.2 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

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

7. CONCLUSION AND RECOMMENDATION

7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 Furthermore, paragraph 11 of the National Planning Policy Framework 2021 sets out a presumption in favour of sustainable development which in decision making means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) 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:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

7.3 The site to which this application relates forms part of the Leckhampton mixed-use allocation in the Cheltenham Plan 2020 (policy MD4); as such, the general principle of developing the site for approximately 350 houses has already been established and remains acceptable.

7.4 The application has been submitted following extensive pre-application discussions, and has been subject to additional design refinements during the course of the application. Officers are therefore satisfied that the overall design and layout of the scheme is acceptable and would result in a high quality development that will create an identity of its own, whilst responding to nearby developments, and will be a good place to live.

7.5 The application proposes a policy compliant (40%) level of affordable housing; and would make a valuable contribution to the borough's housing stock.

7.6 The sustainability credentials of the proposed development have been improved during the course of the application to include solar PV panels and EV charging points, which will go some way to meeting Cheltenham's 'Climate Emergency' commitments, whilst ensuring that this remains a viable and deliverable scheme. Overall, as amended, the scheme would achieve a site wide 20% reduction in CO2 emissions over that required by the 2013 Part L Building Regulations standards.

7.7 The proposed development has been fully assessed by the Highways Development Management Team (HDM) at the County Council, as the Highway Authority acting in its role as Statutory Consultee. The applicant has worked closely with HDM to ensure that the Transport Assessment and proposal reflect current national and local policy, and that the proposals are complementary to the consented secondary school highway works. HDM now raise no highway objection subject to a number of conditions and financial obligations, concluding that "*Overall, the proposal is considered to be acceptable and proposes suitable mitigation through offsite improvements, enhanced walking and cycling connections and planning obligations."*

7.8 The application has been accompanied by a Drainage Strategy and Flood Risk Assessment (FRA) which have been reviewed by the Lead Local Flood Authority (LLFA) as a statutory consultee. Following the submission of revised information, the LLFA raise no objection to the proposals subject to conditions. The LLFA are satisfied that the "applicant has demonstrated that the strategy meets national standards for sustainable drainage and should not be putting the development itself or elsewhere at increased risk of flooding."

7.9 The FRA has also been assessed by the Environment Agency (EA) who conclude that "as all extents for all forms of flooding will be contained within the green open space corridors either side of the watercourses, we have no objections to the proposals from a flood risk perspective." In addition, Severn Trent raise no objection subject to a condition.

7.10 The application has been reviewed by Natural England and Wild Service (the Council's specialist Ecology Advisor) and the ecological impacts of the proposed development have been found to be acceptable subject a number of conditions, to include the submission of a 10-year Landscape and Ecology Management Plan (LEMP) prior to the commencement of development. The LEMP would be required to expand on the habitat enhancement and creation recommendations outlined in the Ecology reports, and include detailed management prescriptions for retained and created habitats (including for Hatherley Brook, the stream, the orchards, hedgerows and wooded areas, grassland).

7.11 With regard to the landscape and visual impacts of the development, officers are satisfied that, overall, the impacts are acceptable. Ryder Landscape Consultants (acting as the Council's specialist Landscape Advisor) have reviewed the application and, whilst there are some residual concerns, officers are satisfied that specific matters of detail can be resolved through the discharge of conditions.

7.12 With all of the above in mind, taking into account the economic, social, and environmental aspects of the application, officers are satisfied that the proposed development would be in accordance with relevant national and local planning policy.

7.13 The officer recommendation is to grant planning permission subject to a signed S106 legal agreement, and a schedule of conditions which will follow in an update.

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Application 20/01781/FUL. Land South of Shurdington Road, Leckhampton

Submission by Leckhampton with Warden Hill Parish Council

1. Introduction and recommendations

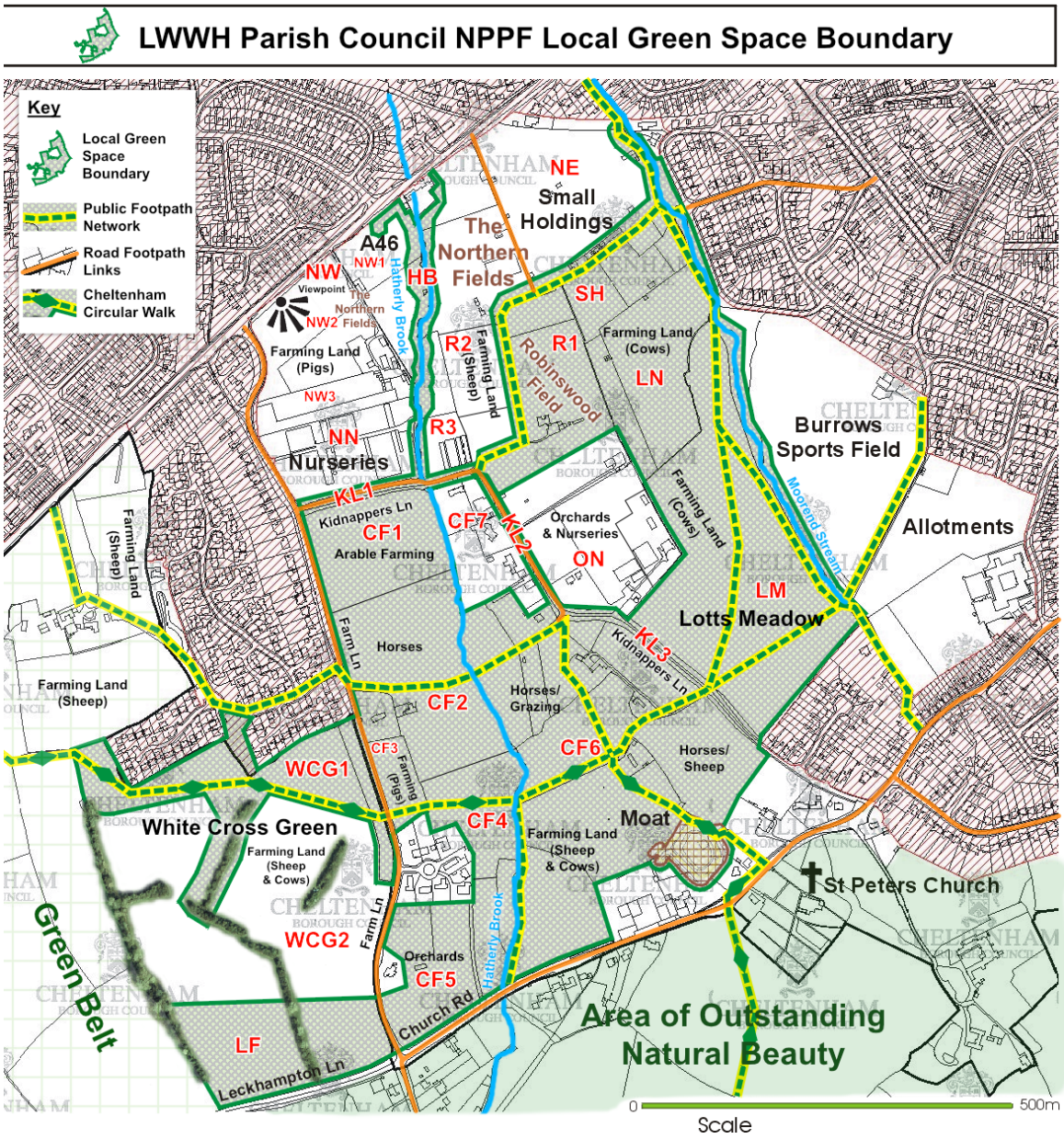
Application 20/01781/FUL is a sequel to an earlier application by Miller Homes jointly with Bovis Homes (13/01605/OUT) submitted in September 2013 for 650 dwellings and associated development on the Leckhampton Fields. That application was refused by Cheltenham Borough Council in 2014 and the subsequent appeal in 2015 was refused by the Secretary of State in April 2016. The grounds for the refusal both by Cheltenham Borough Council and by the Secretary of State were primarily based on landscape damage and severe cumulative traffic congestion and the same issues arise in the case of application 20/01781/FUL.

The joint Bovis-Miller application 13/01605/OUT formed part of the Leckhampton Strategic Allocation that was proposed in the draft Gloucester-Cheltenham-Tewkesbury Joint Core Strategy (JCS). This proposed allocation was for around 1200 dwellings with around 830 in Cheltenham Borough and another 370 in Tewkesbury Borough on the part of the Leckhampton Fields west of Farm Lane. The proposed allocation was found to be unsound by the JCS Examiner, Inspector Elizabeth Ord, in 2016 on landscape grounds. Inspector Ord expressly recommended that any development on the Leckhampton Fields should be confined to the areas NE, NW1, NW2, NW3 and NN in the map below that Inspector Ord used in making her recommendations. These areas are collectively referred to as the Northern Fields. Inspector Ord did not consider the issue of traffic congestion and stated that as she had relied on the assurances by Gloucestershire Highways over traffic congestion elsewhere in the JCS area it would be inconsistent not to rely on them for Leckhampton.

The proposed development west of Farm Lane by Redrow Limited (on the land marked on the map as WCG1, WCG2 and LF) was permitted by Tewkesbury Borough Council in 2016. The planning decision was taken to the High Court by the Leckhampton Green Land Action Group (LEGLAG) through judicial review but the Court permitted the development because although Inspector Ord had found it to be unsound in her preliminary findings in December 2015 TBC had granted planning permission before Inspector Ord's made her interim findings in summer 2016.

The present application by Miller Homes is located primarily on the Northern Fields in accordance with Inspector Ord's JCS recommendation but it also proposes development on the areas R2 and R3 where Inspector Ord concluded that development was unacceptable on landscape grounds. The R2/R3 area is also part of the area identified by the Secretary of State in 2016 as valued landscape that should be protected and enhanced in accordance with the National Planning Policy Framework (NPPF).

> Para 170 Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)



Map 1 as submitted to the JCS Examination in 2015. The map shows the Local Green Space as refined in 2015 and examined by Inspector Elizabeth Ord as part of the Examination of the Gloucester-Cheltenham-Tewkesbury Joint Core Strategy in 2015 and 2016. Inspector Ord explicitly used this map in her findings on Leckhampton, recommending that on landscape grounds any development needed to be limited to areas NE, NW1, NW2, NW3 and NN, excluding area HB along Hatherley Brook. Inspector Ord rejected development on areas R2, R3 and SH on landscape grounds. Importantly the boundary of the area SH (the smallholdings) does not follow the public footpath but rather the northern fence of the strip of smallholdings along the north side of the footpath.

The Parish Council welcomes the application in terms of providing more housing including 40% affordable housing that is much needed. The Council believes it will be a good development in which to live. But the Council has to object to the application on grounds of unacceptable damage to valued landscape in respect of areas R2 and R3 as discussed below in section 2. The Parish Council also has to object to the application on grounds of severe cumulative traffic congestion as discussed below in section 3.

Traffic congestion and the protection of the valued landscape and amenities of the Leckhampton Fields including the smallholdings and footpaths are the two main areas of concern among local residents. Some residents, particularly in Warden Hill, are also concerned that the proposed development could increase the risk of flooding. This is discussed below in section 6.

The Council's main recommendations are:

A. The proposed development on the valued landscape areas R2 and R3 should be removed. The boundary hedge at the north end of R2 needs to be enhanced with tall trees to screen the housing north of R2 from view from Leckhampton Hill.

B. Because of the failure of the traffic mitigation that was the condition for including the development in the Cheltenham Plan and the high risk of severe cumulative traffic congestion, the development needs to be refused for the present until the traffic impact from the new secondary school and other existing development is sufficiently clear and the cumulative traffic congestion is shown to be acceptable.

C. The valued landscape and interesting character of the smallholdings area needs to be protected on both sides of the smallholding footpath and a sufficiently high screening hedge and trees provided along the northern border of the smallholdings to hide the development from view from the public footpath. The proposals need further work between Miller Homes and the Parish Council.

D. The treatment of ecology issues is generally good, but some surveys need updating particularly regarding dormice. The protection of hedgehogs also needs addressing. An enforceable Landscape and Ecology Management Plan (LEMP) and Construction Ecological Management Plan (CEMP) should also be produced. A Biodiversity Net Gain Report would be helpful.

E. There are possible flooding risks that need to be kept in mind during development, notably the risk to properties on the north side of the A46 from water flowing from the Northern Fields including flows under the A46. With climate change there is a possible risk that very heavy run-off down Hatherley Brook from a major storm could cause flooding in residential area west of the A46 along the course of the Brook. The future vulnerability along Hatherley Brook needs to be checked since development on the Northern Fields will remove the option to use the land to hold flood water back if needed.

F. Consideration should be given to making the development more supportive of CBC's aspirations for Carbon Neutral Cheltenham and for promoting cycling by connecting the cycle ways externally.

G. The Council also recommends that roads in the development should be given historic names relating to the field names and the use of the Northern Fields for agriculture since Saxon times.

2. The valued landscape

The Leckhampton Fields were identified as valued landscape in the Secretary of State's findings from the Bovis-Miller Appeal Inquiry in September 2015. The case that the fields qualified as valued landscape was put to the Inquiry by the Parish Council and was based both on the intrinsic landscape quality of the fields themselves and also their impact on the view from Leckhampton Hill.

The areas R2 and R3 are part of the valued landscape and Inspector Ord in her findings also recommended against allowing any development there. The Cheltenham Plan however included R2 and R3 in the proposed development allocation. The reason for this is unclear but it was not necessarily in conflict with the JCS or with the valued landscape since R2 and R3 could be included in the allocation as amenity space that adequately protects the valued landscape. However, the proposal by Miller Homes to build housing on R2 and R3 is clearly in conflict with the requirement in NPPF paragraph 170 to protect and enhance valued landscape.

In 2016 CBC rejected the application by Robert Hitchins Ltd to build around 45 dwellings on land east of Kidnappers Lane on the grounds of the damage to the valued landscape. Unlike the area R2/R3 the Hitchins site was not itself part of the valued landscape. It was the impact of the development on the valued landscape of Lotts Meadow and Kidnappers Lane that formed the grounds for refusal. This refusal was upheld by Inspector Bridgwater at appeal. In the case of R2/R3 the proposed development is actually in the area of valued landscape as well as affecting the surrounding areas and the view from Leckhampton Hill. So the grounds for rejection are even stronger.

CBC rejected a second application by Robert Hitchins for an estate of 25 houses on the same site east of Kidnappers Lane, again on the grounds of the damage to the valued landscape. However, at appeal CBC decided to withdraw its case. Partly this was because of CBC's lack of a 5 year land supply but it was also on the view of CBC's landscape consultant that the new secondary school along Farm Lane weakened the grounds of valued landscape because of the likely urbanising effect on Kidnappers Lane. Because CBC withdrew it case from the appeal and the Parish Council could not take the financial risk of continuing alone the issue of whether or not the valued landscape would be significantly degraded by the new school was not tested. However, even if the new secondary school has harmed the valued landscape this is not grounds for allowing the valued landscape to be harmed elsewhere. The right balance must be struck between providing new housing and conserving the valued landscape.

In its case on valued landscape at the Bovis-Miller appeal in September 2015 the Parish Council made clear that it did not include the Northern Fields in the valued landscape and would welcome development there. The Northern Fields do have landscape merit and the importance of the so-called Pig Field view of Leckhampton Hill across the Northern Fields from the junction of Kidnappers Lane and the A46 was cited in CBC's evidence for refusing the Bovis-Miller application. But the Northern Fields are more distant from Leckhampton Hill and are also screened by trees along Kidnappers Lane, Hatherley Brook and the smallholdings. So provided that a well screened urban edge was maintained and also enhanced along the northern boundary of R2 the Parish Council believed that the Northern Fields could be excluded from the valued landscape. Building on area R2/R3 as proposed in the application would, however, break through the screened urban edge.

The Parish Council also proposed in its 2015 public consultation that sympathetic rural-style development could be possible on the old nurseries on area ON. This is the land where Robert Hitchins now have permission for 25 dwellings. The Parish Council worked with Hitchins on this but was hoping to achieve a community farmstead form of development that would fit better into the landscape rather than the estate type of development that Hitchins actually proposed. The Hitchins development, even though it is designed to have a more rural layout and incorporate screening trees, now makes it all the more important to avoid development on R2/R3.

The impact on the view from Leckhampton Hill was a key issue both in the Bovis-Miller appeal and in the JCS Examination. As cited in evidence to the Appeal, Leckhampton Hill is a nationally significant viewpoint, one of only 28 viewpoints in England and 47 in the whole of Great Britain identified in the tourist information in the 4 miles to the inch and 3 miles to the inch AA roadmap of Great Britain (see Annex 1). This is the most widely owned tourist guide to Britain and identifies in each location the most significant tourist attractions.

In the view from Leckhampton Hill, Cheltenham sits in the middle-ground, adding considerably to the interest and beauty of the view and fitting well into the landscape because of Cheltenham's high degree of tree cover. But it is crucial that the view is not a view of Cheltenham with hills in the background but rather a landscape that Cheltenham is part of. This is why the Leckhampton Fields between Leckhampton Village at the base of the scarp and the urban edge are so important, ensuring that the urban edge does not come too close to the Hill. The extensive public consultation that the Parish Council carried out in January 2015 as an input to CBC's study on local green space showed how greatly the view from Leckhampton Hill is valued by so many residents. In seeking to defend that view the Parish Council has been fighting a battle for the people of Cheltenham as much as for the residents in the Parish.

Removing the proposed housing on area R2/R3 would reduce the number of dwellings from 350 to 306, a reduction of 44 (5 bedroom x 3, 4 bedroom x 11, 3 bedroom x 18, and 2 bedroom x 12). However the allocation for up to 350 dwellings in the Cheltenham Plan on land north of Kidnappers Lane also includes the 12 dwellings on the Bovis Homes development in area NE and the 25 dwellings on the Robert Hitchins land in area ON. So the removal of the 44 houses on R2/R3 would still leave 343 overall on land north of Kidnappers Lane compared with 350 as specified in the Cheltenham Plan.

To meet the full 350 in the Cheltenham Plan it might be possible for Miller Homes to accommodate a further 7 on the Northern Fields. Alternatively, if the whole of the group of 15 dwellings proposed in the application straddling the boundary of R2 and NE (7 in NE and 8 in R2) were permitted this would bring the total to 351 dwellings. To be acceptable this would require planting a new boundary hedge in line with the existing boundary of the smallholdings with a good density of semi-mature tall trees to provide screening as quickly as possible.

The Council therefore recommends that to protect the valued landscape and Leckhampton Hill and for consistency with previous planning decisions and with the recommendations of the JCS the application by Miller Homes should be refused. But a revised application with housing confined just to the Northern Fields could be permitted, subject to being sustainable from the point of view of

cumulative traffic congestion and protection of the valued landscape including the valued landscape of the smallholdings.

3. Traffic congestion

The Miller Homes application is part of an allocation in the Cheltenham Plan for up to 350 dwellings together with the new secondary school. When CBC agreed to include the secondary school in the draft Cheltenham Plan in December 2017 there was particular concern about the impact it would have on the long morning traffic queue inwards on the A46 at the junction with Moorend Park Road (MPR). This traffic queue has the potential to become very much longer and together with the traffic congestion in Church Road was the reason for the Secretary of State's finding of severe cumulative traffic congestion in rejecting the Bovis-Miller Appeal in April 2016. So in deciding to include the new secondary school in the Cheltenham Plan CBC imposed the condition that it must not lead to severe cumulative traffic congestion.

This issue was covered again at the transport hearing in the examination of the Cheltenham Plan by Inspector Wendy Burden in February 2019. At the hearing Miller Homes and GCC Education jointly presented a proposed mitigation scheme to solve the traffic problem by adding an additional inward lane at the A46/MPR junction. The A46 has a single inward lane, but very close to the junction it splits into two lanes. The addition of a third short right turning lane in place of the existing traffic island had already been included as a mitigation measure for the traffic generated by the 377 dwellings on the Redrow development west of Farm Lane, but has not yet been implemented. The revised scheme presented by Miller Homes and GCC Education proposed instead to make the straight ahead and left turning lanes longer. This could enable the junction throughput to be increased by allowing more left turning vehicles to enter the longer left turning lane when the lights were red and to move ahead in parallel with the vehicles in the straight ahead lane when the traffic lights turned green. This increased the throughput by 3 to 4 vehicles in each cycle adding up to around 100 vehicles per hour.

There was no time at the hearing to investigate the feasibility of the proposal, but Inspector Burden concluded on the basis of the scheme that the new secondary school could be included in the Cheltenham Plan provided that the scheme worked successfully and gave sufficient increase in throughput. Subsequently however the collaboration between Miller Homes and GCC Education broke down and GCC Education proceeded independently with its school application and abandoned the mitigation scheme.

At a meeting between the Parish Council and Miller Homes on 9 March 2020 Miller Homes were still putting forward the scheme in order to cope with the impact of their development. But the problem with the scheme is that there is insufficient road width to accommodate the additional lane. Miller believed that they could make the inwards lanes around 2.7 metres wide by maximally squeezing the width of the single outgoing lane. However this was difficult because of the risk of collisions between the opposing traffic schemes. In the present application Miller are now proposing that the lanes should be 2.5 metres wide. A 2.5 metre land width is the minimum width allowed for roads that are car-only. But the A46 is a major road with a bus route and buses are 2.55 metres wide as also are large lorries. A refrigerated lorry can be up to 2.6 metres wide. Government guidance is that:

> ‘Where roads are wide enough the bus lane should be 4.25 metres wide and the minimum preferred width is 4m; this allows buses to overtake cyclists safely and reduces the likelihood of interference from general traffic in the adjacent lane. The minimum recommended width is 3 metres’. ‘

Clearly the mitigation measure with the lanes 2.5 metres wide is infeasible and the application therefore fails to meet Inspector Burden’s condition for allowing the allocation of the Miller development plus the secondary school to be included in the Cheltenham Plan. Since the secondary school now has planning permission this means that it is the Miller Homes application that now falls outside the approved Cheltenham Plan.

The question therefore is whether the application is still feasible even after removing the houses on R2/R3. The Parish Council discussed the issue with Chris Mead and Mike Sendall of GCC Highways at a meeting in January 2020. The Parish Council in its submission on the secondary school had proposed that the scheme might be made feasible by acquiring a strip of land about 1.5 metres wide from the front gardens of the 4 large houses closest to the junction. However Chris Mead said that GCC was against using compulsory purchase and also that the scheme might not in fact provide suitable mitigation. He observed that Cheltenham has the worst traffic problem in Gloucestershire and that too often a road improvement in one location just causes more traffic or makes the congestion worse elsewhere.

The A46 / MPR junction limits the flow of traffic into central Cheltenham on the A46, helping to manage the traffic flow in central Cheltenham. The A46 queue with its single lane provides a safe way to hold back the traffic. The long queue also helps to deter commuting and deter parents from taking children to school by car. The Secretary of State however took the position in the 2016 findings of the Bovis-Miller appeal that people must be able to commute and to take their children to school at the appropriate time. Certainly there is evidence cited by the Department of Transport that where congestion has forced people to commute at inconvenient times such as much earlier in the morning this has adversely affected the local economy. This is the reason that the Cheltenham Chamber of Commerce objected to the Bovis-Miller application in 2014.

The key question is how much extra traffic the secondary school will add in the peak morning period, but this is very uncertain. What matters most is what happens in the autumn and spring terms and on wet days. These are the months that the queue is worst and on wet days is already likely to extend beyond the Up Hatherley Way roundabout. Once the queue extends beyond the roundabout the traffic in the queue wanting to turn left at the roundabout becomes trapped in the queue and in this way the queue lengthens faster. Before Covid-19 intervened the queue was now starting south of Brockworth. But it was not a solid queue. It has a gap south of Shurdington caused by the flow being held back at the A46/A417 roundabout and another gap north of Shurdington caused by traffic queuing through Shurdington. If traffic in the queue that wants to turn off becomes trapped the congestion escalates and the queue can become solid right to the A417 or further. This was illustrated by flow modelling in the Parish Council’s evidence to the Bovis-Miller Inquiry.

There is considerable uncertainty over the school catchment. The catchment used in modelling the traffic for the school planning application was considerably different and more benign than the catchment that was actually announced in July after the school planning application had been permitted. The catchment as now defined covers

primarily Leckhampton Ward, College Ward and Charlton Park Ward extending beyond Sandy Lane to the boundary of the Balcarras School catchment and taking in what is referred to as the Leckhampton Triangle, the gap between the catchments of Bournside School and Balcarras School. This gap has widened over the years because of increasing population and because of parents locating their homes close to Balcarras School because of its high academic achievement and rating as OFSTED outstanding.

Detailed discussion of the traffic issues and possible mitigation is contained in the attached Annexes 2 and 3. Annex 2 is the submission on the secondary school that the Parish Council made to the consultation on the Cheltenham Plan in 2018 and anticipated the catchment that has now been announced. It discusses not only the traffic issues but also analyses routes for walking and cycling to the school. Annex 3 is the submission made to the GCC consultation on the new school in 2019 and is based on the more benign catchment actually used for the traffic modelling by GCC Education. It discusses several possible mitigations including the extra lane at the A46/MPR junction and also altering the catchment so that it is much more local. This requires adjusting the catchments between the new school and Bournside. The traffic surveys by the Parish Council showed that there is a fairly quick route to Bournside School from the Leckhampton Triangle area via Old Bath Road, A40 and Park Place and The Park. Annex 3 also discusses the limitations of any alternative routes for A46 traffic via Warden Hill Road, Alma Road and Hatherley Road, all of which are congested with long queues in the morning peak period.

Since Balcarras is managing the new secondary school the hope is that the new school will also be outstanding. If so this could encourage parents to relocate closer to the new school allowing the catchment to be more local. But for the present many pupils will be travelling 1 to 2 miles to the school and there is no public transport available from these areas. As noted in Annex 2, the Parish Council investigated with Stagecoach the feasibility of having a school bus. But the cost was too great for parents to bear and GCC would not provide free transport.

The important features of the traffic problem as discussed in the Annexes are as follows:

- Church Road is very congested in the morning school run period and this is likely to worsen with the expansion of Leckhampton Primary School to 3 form entry. GCC has estimated that the expansion will add around 90 double journeys to the school each morning by parents bringing children to school by car.

- Because of the congestion in Church Road many drivers who previously used Church Road as a route round south Cheltenham have over the past five years switched to the route via the A46/MPR junction. As a result the queue on Moorend Park Road (MPR) has lengthened and the MPR traffic has taken up an increasing proportion of the traffic light sequence. Based on 2019 traffic surveys at the junction, the throughout for inward traffic on the A46 has fallen by over 100 vehicles per hour in the peak period since the surveys that the Parish Council made at the junction in 2013.

- Pupils coming to the school by car from the Leckhampton Triangle will mainly use the route along the A46 because Church Road is saturated. Each car turning left at the A46/MPR junction takes up time that otherwise could allow one car or perhaps more to pass inwards through the junction on the A46. On the return

journey via the A46 each car adds one car to the A46 queue. Moreover if too many cars want to turn right from the A46 onto MPR this completely blocks the traffic further back where it is single lane. So as noted in Annex 2, one car travelling to the school and back via the A46/MPR junction could on average add 2 to 5 additional vehicle lengths to the A46 queue. Moreover if the end of the queue reaches beyond the Up Hatherley Way roundabout the effect would be even greater because of turning off traffic being trapped in the queue.

- On the assumption used in the context of the Bovis-Miller application that each new household adds 0.6 vehicles on average to the morning peak traffic with 50% going into Cheltenham and 50% elsewhere, it takes 3.3 new homes to contribute one car to the queue. So 120 parents travelling to and from the school via the A46 and MPR adding one vehicle length each way are equivalent to 792 new homes. Adding this to the 377 new homes west of Farm Lane and the 37 approved on the Leckhampton Fields brings the total to the same level as the 1200 homes proposed for the JCS Leckhampton strategic allocation that was the basis for the Secretary of State's finding of severe cumulative traffic congestion. Therefore the secondary school alone based on the catchment as now announced could lead to severe cumulative traffic congestion even without any development on the Northern Fields.

It is often argued that school run traffic does not cause so much disruption to the traffic system because it is more concentrated in time. However, the A46 queue forms from about 07:20 and lasts until 09:20 or later. So extra vehicles add to the queue whatever time they join it in the peak period. Moreover if many vehicles join at the same time they drive the end of the queue beyond the Up Hatherley Way roundabout and cause more trapping of vehicles in the queue. So concentrated school run traffic can cause more harm than if it were spread over a longer part of the peak morning period.

There is of course a great deal of uncertainty about what will actually happen, but optimistic assumptions are already built into the school traffic assessment by GCC that a very high proportion of pupils will travel to and from the school by foot or cycle. Even for these optimistic assumptions and based on a more benign catchment the traffic modelling for the school planning application predicted 141 parent car arrivals at the school in the morning peak period.

Therefore unless the mitigation measure at the A46/MPR junction can be made to work by acquiring the extra land, the proposed development must be refused on the basis of severe cumulative traffic congestion at least until there is more clarity about the impact of the secondary school. The secondary school will not reach full capacity until the intake in September 2025. But the position could be fairly clear by the end of 2024. Even then, however, it could still show that the traffic congestion is severe.

The Parish Council therefore recommends that the application needs to be refused for the present and Miller Homes need to acquire the extra land required to make the A46/MPR mitigation scheme viable.

4. Smallholdings (area SH)

As can be seen from Map 1, the boundary of the Local Green Space as submitted to public consultation in January 2015 ran along the northern fence of the line of smallholdings on the north side of the smallholding footpath. This was the map used by Inspector Ord in her JCS findings on Leckhampton. In February 2019 at the Leckhampton hearing in the examination of the Cheltenham Plan, Miller Homes proposed to Inspector Burden that the LGS boundary should be moved to lie along the footpath thereby running through the smallholdings. Inspector Burden referred to John Rowley who replied that the boundary did not go through the smallholdings and Inspector Burden dismissed Miller Homes' proposal. However, when the revised draft local plan was published the boundary had been moved to lie along the public right of way. John Rowley confirmed that this had been done in error because the footpath looked like a more obvious boundary. The error was discovered too late to correct because the local plan had already gone out to final consultation. John Rowley pointed out however that the inclusion of the northern strip of the smallholdings in the LGS would only protect the land from being built on whereas much stronger protection was provided by the valued landscape.

The smallholdings on both sides of the footpath are part of the varied and interesting landscape character than contributes to the valued landscape. The footpath is also very heavily used by local residents for walking and dog walking and it is very important to retain its rural character as part of its amenity as a local walking route. This requires retaining the strip of smallholdings as part of the valued landscape and screening the housing development north of the smallholdings from view from the footpath by planting trees and a new hedge along the boundary. The plan for the site therefore needs to be amended to provide this.

The application proposes using the southern part of the smallholdings as a community meadow and orchard and for allotments. The smallholdings are still used for sheep and hens but have largely fallen into disuse because in recent years the smallholders have been offered such short leases of the land that some felt it was not worth their while to continue. It is uncertain whether the smallholders will move back if offered longer leases. The proposed conversion of the southern part of the smallholdings to a community orchard and allotments retaining the old orchard has ecological and landscape merit.

The Council therefore recommends that further work is needed. At an earlier meeting between Miller Homes and the Parish Council it was agreed that once Miller Homes published its final plan for the smallholdings it would consult further with the Parish Council and the Parish Council would in turn consult local residents as part of neighbourhood planning.



View 1: Satellite view of smallholdings and areas R2 and R3



View 2: Close up of the northern strip of the smallholdings and footpath



View 3: Satellite view of the line of trees along Hatherley Brook with the triangular area R3 to the right of the trees and the rectangular area R2 further right

5. Ecology

The Ecology report gives comprehensive assessment and recommendations for ecological mitigation and enhancement for protected species, backed by a fairly comprehensive array of ecological surveys, analysis and reports. It covers in some detail the issue of recreational pressure on surrounding sites of nature concern, notably the Cotswold Beechwoods SAC, Badgeworth SSSI, Leckhampton & Charlton Kings Common SSSI. The green space planned in the development and particularly the availability of the Leckhampton Fields Local Green Space should greatly help reduce any impact of the development on the SAC. This was an issue raised strongly by Natural England at the examination of the Cheltenham Plan in 2019.

The retention of orchards, stream corridors and hedgerows/rough grassland (where feasible) is welcomed as are the plans to create native habitat areas - traditional orchard using local fruit varieties and creation of allotments (both good for wildlife as well as community function), hedgerows, woodland patches and meadow planting.
Further details should be given in a Landscape and Ecology Management Plan (LEMP) for the site to ensure that these habitats (retained and new) will be created and managed/maintained appropriately.

The LEMP needs to be created and agreed before any development begins on the site. It should specify key issues such as the correct seed used and soil type considered for

establishment of wild flower meadows. It should be long term and ensure that suitable habitat for all species identified on the site is provided and enhanced. It should also provide details on timing so that habitat creation/enhancements are started early on in the development process, especially as reptiles will need suitable tall grassland habitat to be translocated into. Himalayan balsam is growing in the brook and control of this species needs to be considered in the LEMP.

While the ecology survey and many protected species surveys have been updated, the dormouse survey and great crested newt surveys were last undertaken in 2017 and the breeding bird surveys were last undertaken in 2010. These surveys need to be updated, most especially the dormouse surveys in the light of dormice being found in 2019 on the site of the new secondary school. The dormouse population may have been encouraged to move northwards along Hatherley Brook following the disturbance and habitat damage caused by the very dense Redrow development west of Farm Lane where dormice were also found. Should dormice be present now on the Northern Fields this will have implications for the hedgerow/woodland retention and planting plans. These surveys need to be updated before any development begins and the dormouse survey ought to be done before planning approval is granted and certainly before any development begins.

A Construction Ecological Management Plan (CEMP) is needed with details on mitigation for each species highlighted as being present on the site. This should include a detailed lighting plan, informed by bat activity surveys, to ensure that bat foraging habitats (hedgerows, wood and stream) are not illuminated and that appropriate types of lighting are used. This is especially important as particularly light sensitive species such as lesser horseshoe and barbastelle bats have been recorded.

No consideration has been given to the need to protect hedgehogs, which were found on the site of the new secondary school. As this species is highly endangered and a NERC Priority Species, mitigation and enhancements for this species should be considered in the CEMP (such as the creation of 13x13cm holes at base of fences to allow hedgehog passage through gardens and the creation of log piles/hedgehog homes).

Biodiversity Net Gain (BNG) analysis is expected to become mandatory from spring 2021 and should be considered for this development. The consultants should prepare a BNG report using the DEFRA BNG Metric calculations, looking at habitats lost versus habitats created and considering their ecological values and areas. BNG calculations were undertaken for the secondary school site and proved a useful tool in highlighting natural habitats and hedgerows to be retained and planted. The BNG calculations will ensure that the proposed green infrastructure plans result in positive BNG for the development.

The Parish Council therefore recommends that some surveys need updating particularly regarding dormice, the protection of hedgehogs needs addressing, and an enforceable Landscape and Ecology Management Plan (LEMP) and Construction Ecological Management Plan (CEMP) should be produced. A Biodiversity Net Gain Report would be helpful.

6. Flood Risk

Leckhampton Hill, because of its height and position, receives very heavy and intense rainfall. This has been measured by the Parish Council for many major storms over the past 15 years at a location on the lower scarp above Leckhampton Village with an elevation of 100 metres. The measurements show that the rainfall intensity on the scarp tends to be two to three times higher than in central Cheltenham and in the Severn Valley generally and care needs to be taken to use the right rainfall predictions for developments on or close to the Hill and to evaluate the likely runoff. This was a finding from the session on flood risk at the examination of the Cheltenham Plan in February 2019 in relation to the serious flooding of properties at Leckhampton View, a newly built development on the scarp at the top of Leckhampton Road that was flooded on 12 June 2016. The flooding was caused by a 5 year storm with an estimated rainfall of 30 mm on the scarp and lasting about 45 minutes.

The Hill experiences intense short storms with rainfall averaging 40 to 45 mm/hour and with durations of 45 to 75 minutes. They occur about every 5 years on average but more frequently in the past decade. The Hill also experiences longer storms the most notable being the storm on 20 July 2007 when 130 mm of rain fell in 8 hours with a peak rainfall of 23 mm over an hour. That storm was part of several days of heavy storms that caused the worst flooding of the Severn Valley for over 200 years and flooded many parts of Cheltenham. The 20 July storm followed a heavy storm the previous day that saturated the ground.

The 20 July 2007 storm was assessed as a 57 year storm in the Flood Risk Assessment by Halcrow dated August 2010 for the Warden Hill Flood Relief Works (CBC planning reference 10/01427/). Warden Hill was flooded by Warden Hill Stream, a small watercourse that starts on the land west of Farm Lane and flows down through Brizen Farm. The flood defences installed in 2011 are designed to protect against flooding by holding the flood water on the land at Brizen Farm and they also have conduits to carry water away safely.

In addition to the flooding in Warden Hill, around 60 dwellings in south Cheltenham were also flooded from Hatherley Brook and Moorend Stream. This is relevant because development on the Northern Fields will remove any option to protect in the future against flooding from Hatherley Brook by holding flood water back on the Northern Fields in the same way that the Warden Hill scheme holds back water on the Brizen Farm land.

The Leckhampton Fields contain a mix of lias clay with deposits of alluvial soil, sand and gravel. Some houses north of the A46 opposite the Northern Fields experience flooding in their gardens and reportedly internally in at least one case. The flooding appears to be caused by water flowing under the A46 from the Northern Fields. This was considered in the flood risk analysis for the 2013 Bovis-Miller application along with the risk that underground flow could perforate the balancing ponds. The conclusion then was that it is impossible to predict what may happen and remedial measures will be needed if problems arise either to the balancing ponds or the housing north of the A46. One concern of residents is that the foundations of the roads and drainage on the site could pick up underground flows and channel them down to the A46.

From the specifications given, the three balancing ponds appear to have sufficient capacity to handle a worst case storm of about 100 mm. For example, pond C serves a

stated impermeable area of 3.34 ha and for a 100mm storm the pond would need to capture 3340 cu metres of rainfall. The ond has a stated capacity of 2880 cu m and an outflow of 23.5 litres per second. The difference of 460 cu metres could be handled by the outflow if the storm was spread over at least 5.5 hours. Given the distance of the site from Leckhampton Hill this seems a reasonable assumption to take at least for a 30 year storm. If in an extreme storm the balancing ponds were to overflow into Hatherley Brook the amount of overflow would be small compared to the flow from Leckhampton Hill.

The Flood Risk analysis considers that on the basis of the Environment Agency flood risk map there is very low risk of flooding to any houses on the development. However, given the flooding of Leckhampton View in 2016 and the large catchment of Hatherley Brook on the scarp of Leckhampton Hill it would be prudent to make a more detailed assessment of the likely flooding of Hatherley Brook in future major storms rather than just relying on the Environment Agency. The Parish Council has therefore made the following rough assessments. As the detailed land profile of the Northern Fields is missing from the published Flood Risk assessment the Parish Council has had to use the less precise data from the OS 1:25000 map.

The catchment of Hatherley Brook south of Church Road has an area of about 200 ha. This lies largely on the impermeable lias clay scarp but includes the more permeable limestone on the top of the Hill which dips at 3 degrees to the east. However the top of Leckhampton Hill is very steep and most of the rainfall will run off. In the storm of 20 July 2007 the ground was already well saturated by a storm on 19 July. When the peak of the storm arrived several hours into the storm the ground would have been completely saturated. The peak rainfall that day was 23 mm over an hour, quite a lot less than the 40 mm per hour that typically occurs for shorter 5 year storms. For the 23 mm per hour rainfall and assuming 50% runoff from the catchment into Hatherley Brook the inflow into the brook would have been about 6400 litres/sec during the peak rainfall. This is shown in Table 1A and extrapolated to a 30 year storm and 100 year storm with and without adding 40% for climate change. These extrapolations are necessarily crude because it is not clear whether for a more major storm the peak rainfall and the total rainfall should be scaled in the same ratio or whether the duration of the storm would be longer or shorter.

Without CC	mm/hr	Litres/sec
30 year storm	19	5280
50 year storm	23	6389
100 yr storm	30	8306
Incl +40% for CC	mm/hr	Litres/sec
30 year storm	27	7392
50 year storm	32	8944
100 yr storm	42	11628

Without CC	Mm/hr	litres/sec
30 year storm	29	11249
50 year storm	35	13611
100 yr storm	46	17694
Incl +40% for CC	Mm/hr	litres/sec
30 year storm	40	15748
50 year storm	49	19056
100 yr storm	64	24772

Tables 1A (left) and 1B (right)

Table 1B shows the inflow assuming 70% capture of the runoff into Hatherley Brook and peak rainfall of 35 mm/hr for a 50 year storm without climate change which accords more closely to the rainfall in the shorter intense storms with around 40 mm/hr

Stream profile: Square sided stream bed plus sloping margins for overflow	Without climate change			With +40% for climate change		
	Church Rd to Footbridge	Footbridge to Kidnappers Lane	Kidnappers Lane to A46	Church Rd to Footbridge	Footbridge to Kidnappers Lane	Kidnappers Lane to A46
Length of section (m)	239	442	375	239	442	375
Top elevation (m)	84.5	80.0	73.5	84.5	80.0	73.5
Bottom elevation (m)	80.0	73.5	67.5	80.0	73.5	67.5
Drop (m)	4.5	6.5	6.0	4.5	6.5	6.0
Channel base width (m)	1	1	1	1	1	1
Channel base depth (m)	0.7	0.7	1.2	0.7	0.7	1.2
Slope of margins (1 in ..)	27	16	32	27	16	32
Stream gradient (1 in ..)	53	68	63	53	68	63
Manning co-efficient	0.18	0.18	0.18	0.18	0.18	0.18
30 year storm						
Width of overflow (m)	**18.4**	**13.8**	**20.8**	**21**	**16**	**24**
Depth incl overflow (m)	1.38	1.56	1.85	1.48	1.70	1.95
Max overflow depth (m)	0.68	0.86	0.65	0.78	1.00	0.75
Channel area (sq m)	13.9	13.5	15.4	17.8	17.7	20.0
Wetted perimeter (m)	39.23	30.05	45.02	44.43	34.46	51.42
Hydraulic radius (m)	0.35	0.45	0.34	0.40	0.51	0.39
Mean velocity (m/s)	0.38	0.39	0.34	0.41	0.43	0.37
Flow (litres/sec)	5320	5309	5276	7383	7644	7457
50 year storm						
Width of overflow (m)	**19.8**	**14.9**	**22.6**	**23**	**17**	**26**
Depth incl overflow (m)	1.43	1.63	1.91	1.55	1.76	2.01
Max overflow depth (m)	0.73	0.93	0.71	0.85	1.06	0.81
Channel area (sq m)	16.0	15.5	17.9	21.1	19.8	23.1
Wetted perimeter (m)	42.03	32.26	48.62	48.43	36.47	55.43
Hydraulic radius (m)	0.38	0.48	0.37	0.44	0.54	0.42
Mean velocity (m/s)	0.40	0.41	0.36	0.44	0.45	0.39
Flow (litres/sec)	6377	6407	6442	9278	8892	9082
100 year storm						
Width of overflow (m)	**22**	**16.5**	**25.1**	**25.1**	**18.9**	**28.7**
Depth incl overflow (m)	1.51	1.73	1.98	1.63	1.88	2.10
Max overflow depth (m)	0.81	1.03	0.78	0.93	1.18	0.90
Channel area (sq m)	19.4	18.7	21.7	25.0	24.2	27.8
Wetted perimeter (m)	46.43	35.46	53.62	52.63	40.27	60.83
Hydraulic radius (m)	0.42	0.53	0.40	0.47	0.60	0.46
Mean velocity (m/s)	0.43	0.44	0.38	0.46	0.48	0.42
Flow (litres/sec)	8296	8253	8325	11575	11609	11617

Table 2A Manning Equation calculation for flow rates shown in Table 1A

Stream profile: Square sided stream bed plus sloping margins for overflow	Without climate change			With +40% for climate change		
	Church Rd to Footbridge	Footbridge to Kidnappers Lane	Kidnappers Lane to A46	Church Rd to Footbridge	Footbridge to Kidnappers Lane	Kidnappers Lane to A46
Length of section (m)	239	442	375	239	442	375
Top elevation (m)	84.5	80.0	73.5	84.5	80.0	73.5
Bottom elevation (m)	80.0	73.5	67.5	80.0	73.5	67.5
Drop (m)	4.5	6.5	6.0	4.5	6.5	6.0
Channel base width (m)	1	1	1	1	1	1
Channel base depth (m)	0.7	0.7	1.2	0.7	0.7	1.2
Slope of margins (1 in ..)	27	16	32	27	16	32
Stream gradient (1 in ..)	53	68	63	53	68	63
Manning co-efficient	0.18	0.18	0.18	0.18	0.18	0.18
30 year storm						
Width of overflow (m)	**24.7**	**18.6**	**28.2**	**28.2**	**21.2**	**32.2**
Depth incl overflow (m)	1.61	1.86	2.08	1.74	2.03	2.21
Max overflow depth (m)	0.91	1.16	0.88	1.04	1.33	1.01
Channel area (sq m)	24.2	23.5	26.9	31.2	30.1	34.6
Wetted perimeter (m)	51.83	39.67	59.83	58.84	44.88	67.83
Hydraulic radius (m)	0.47	0.59	0.45	0.53	0.67	0.51
Mean velocity (m/s)	0.46	0.47	0.41	0.50	0.52	0.45
Flow (litres/sec)	**11112**	**11149**	**11117**	**15582**	**15541**	**15528**
50 year storm						
Width of overflow (m)	26.7	20.1	30.5	30.5	22.9	34.8
Depth incl overflow (m)	1.69	1.96	2.15	1.83	2.13	2.29
Max overflow depth (m)	0.99	1.26	0.95	1.13	1.43	1.09
Channel area (sq m)	28.1	27.2	31.2	36.3	34.9	40.1
Wetted perimeter (m)	55.84	42.68	64.43	63.44	48.29	73.03
Hydraulic radius (m)	0.50	0.64	0.48	0.57	0.72	0.55
Mean velocity (m/s)	0.48	0.50	0.43	0.53	0.54	0.47
Flow (litres/sec)	**13548**	**13569**	**13537**	**19060**	**18932**	**18920**
100 year storm						
Width of overflow (m)	**29.6**	**22.3**	**33.9**	**33.7**	**25.4**	**38.6**
Depth incl overflow (m)	1.80	2.09	2.26	1.95	2.29	2.41
Max overflow depth (m)	1.10	1.39	1.06	1.25	1.59	1.21
Channel area (sq m)	34.2	33.2	38.2	44.0	42.6	49.0
Wetted perimeter (m)	61.64	47.09	71.23	69.85	53.30	80.64
Hydraulic radius (m)	0.56	0.70	0.54	0.63	0.80	0.61
Mean velocity (m/s)	0.52	0.53	0.46	0.56	0.58	0.50
Flow (litres/sec)	**17646**	**17687**	**17697**	**24662**	**24714**	**24676**

Table 2B Manning Equation calculation for flow rates in Table 1B

In Tables 2SA and 2B the Council has used Manning's equation to estimate how much the Brook will overflow and the maximum depth of flooding for the cases shown in Tables 1A and 1B. This is based on the approximate channel profile and gradient derived from the height contours on the OS 1:25000 map. The rate of flow and degree of flooding depends on the friction applied to the flow by the channel. This is represented in Manning's equation by the Manning roughness coefficient. A value of 0.18 has been taken for this, which is a composite of the value of 0.1 for natural vegetation, 0.2 for wood/forest and 0.26 for pasture and for grass in a built-up area. The higher the value one takes for the Manning coefficient the slower is the flow and the deeper and more extensive is the flooding. The drag depends on the amount of contact between the flow and channel. This is represented by the hydraulic radius, which is the channel area divided by the wetted perimeter.

Uncertainties over what value to assume for Manning's coefficient, over how climate change will affect peak rainfall and over the percentage of runoff captured by the Brook make any calculation very approximate. With that proviso, Manning's equation gives the results shown Tables 2A and 2B for the width of overflow each side of Hatherley Brook and for the maximum depth of flooding in the overflow area. The profile of the brook is modelled as a rectangular section for the stream bed with the surrounding margins sloping up with uniform gradient.

The Brook has been divided into three sections as shown. The central section between the footbridge and Kidnappers Lane has a higher gradient and narrower stream profile. For each section the top and bottom elevation and the channel width and slope are derived from the contours on the OS 1:25000 map. In Tables 2A and 2B the width of overflow shown in bold has been adjusted to bring the resulting flows given by Manning's equation into very close match to the flows in Tables 1A and 1B.

The contours in the OS 1:25000 map indicate that on the Northern Fields the Brook currently flows along a shallow 'valley' about 1.5 to 2 metres deep and 50 to 100 metres wide. Table 2A show that even for a 100 year storm with +40% for climate change the flooding should all be contained in this space and not produce wider flooding. However, on the Land Use Plan there are some houses quite close to the Brook; one only 12 metres away, another at 18 metres and others at around 25 metres. To see whether these might be vulnerable to flooding one needs the detailed map of the planned ground levels as some land is to be raised to provide gravity feed to the balancing ponds.

For the higher flow rates in Table 2B the situation looks more risky with a predicted width of overflow of around 39 metres each side of the brook in the case of a 100 year storm with +40% for climate change. One could also argue that a Manning constant of 0.26 (the value for pasture and grass in housing development) would be a more appropriate value than 0.18 for the Northern Fields. This would also make the flooding worse. **These calculations are obviously crude but they do indicate that properties close to the brook might be vulnerable to flooding despite what is shown on the Environment Agency flooding map.**

For any major storm the flood water will overtop the A46 because of the limited capacity of the culvert under the A46. But even in the worst case it should not have sufficient depth to reach to Woodlands Road and Salisbury Avenue and then flow down into Warden Hill. **There might, however, be some downstream risk to Merestones and areas further west along Hatherley Brook and this should be assessed because**

the development will remove any future option to use the Northern Fields to hold back flood water in order to protect the residential areas downstream in the same way that Brizen Farm land has been used to protect Warden Hill.

7. Air Quality, Carbon Neutral Cheltenham and promoting cycling

Measurements of nitrogen dioxide (NO2) levels in the vicinity of the A46/MPR junction show that they can exceed the permitted limit of 40 µg m-3 in certain months but are below but close to the permitted limit when averaged over a year. These measurements were made in the past by CBC and in the last two years by Parish Council using a professional monitoring service. The high level comes from the traffic queues in both directions on the A46 and in both directions on Moorend Park Road. If one looks at the extra traffic that is likely to be generated by the new secondary school and by the proposed Miller Homes development it is fairly likely that together they might take the annual average above the permitted limit just in that location. But one cannot be sure of this because the amount of traffic to the school in the morning and afternoon period is so uncertain.

The Air Quality Report concludes from air quality monitoring and modelling that the impact of the Miller Homes development on the NO2 levels will be negligible. It is not clear how much reliance can be placed on this because of various technical weaknesses in the methodology used.

1) The majority of the location of the receptor sites are identified incorrectly – so all the modelling in invalidated.
2) Incorrect data for all 4 sites used in model verification. Again, this invalidates the modelling process, on which the report is based.
3) The methodology fails to follow DEFRA guidance in LAQM.TQ16 regarding dispersion modelling. The modelled results fall way outside the margins given by DEFRA of acceptable levels of error.

.Evidence for these deficiencies is provided in Appendix 1 submitted separately.

Although the Air Quality Report concentrates mainly on dust and on NO2 levels, these are not the only issues. Of increasing concern is the danger of particulates. These arise from vehicle engines, particularly diesel, and also from brakes and other moving parts. They will not reduce in the same way as NO2 when petrol and diesel cars are phased out. The Air Quality Report considers the published background levels of particulates but does not appear to consider the impact of traffic on the A46.

Nitrogen dioxide is inflammatory. It is very harmful in high concentrations and that it is the reason for the short term exposure limit of 200 µg m-3 over an hour. But low levels of NO2 are fairly safe. In contrast, particulate expose is cumulative, particularly for very small particulates that are difficult for the body to remove and pass deep into the lungs, into the blood stream and into cells, causing cancer, cardiovascular disease, mental impairment and other adverse impacts in children and adults. Importantly, unlike NO2, fine particulates persist for a long time in the air and spread very widely. So a traffic queue down the A46 generates particulates that are blown by the prevailing south-west wind up the A46 into Cheltenham and add to the background across the local area. The background levels quoted in Table 6.3 for pm2.5 are between 9.4 and 11.0 µg m-3 and this is well below the limit quoted for pm2.5 of 25 µg m-3. But the World Health Authority has long advised that 25 µg m-3 is far too high and that the limit ought to be at 10 µg m-

3 or lower. The evidence is that there is no safe exposure level to pm2.5, especially for children.

Another factor that is not considered in the Air Quality Report is the hazard to drivers and passengers in cars and buses who are exposed to particularly high levels of pollution from other vehicles in the traffic queue that is sucked in and concentrated inside their vehicle.

The real message on the air quality not explained in the Air Quality Report is the importance of avoiding long queues of slow moving traffic, particularly on the A46.

On the issue of Carbon Neutral Cheltenham, the Parish Council has been in contact with Cllr Max Wilkinson in his role as Cabinet member for climate change and the Parish Council has also noted the submission on the application by Vision 21. The application proposes to build the new houses only to current government energy and emission specifications and this seems a great pity. The Parish Council recognises that CBC has no power currently to enforce stronger energy standards. However the Government is considering new restrictions on gas boiler installation and so the situation could be different if approval of the application were delayed because of the issue of severe cumulative traffic congestion.

It is not clear whether Miller Homes may give purchasers of houses the option to have a more carbon neutral and sustainable technology. But the public is becoming increasingly concerned over climate change and many purchasers may want to move towards a zero carbon lifestyle.

Both for carbon neutrality and for reducing traffic congestion it is important to promote more cycling. The Parish Council recommends that the cycle tracks in the development need to be better connected externally. In particular the cycle track would be much more useful for encouraging cycling to the new secondary school if it connected to Merlin Way as recommended in the survey of cycle routes to the school in Annex 2.

The Parish Council therefore recommends that the application needs to do more to address both the need for reducing carbon emissions and the need to increase cycling and to support cycling to the new secondary school.

Annex 1

The 47 viewpoints identified in the AA 4 miles to the inch road atlas of Great Britain and also in the AA 3 miles to the inch atlas. 28 are in England, 6 in Wales and 13 in Scotland.

Page	Ref.			E	W	S
5	R4	Dunkery Beacon	Exmoor, Somerset	1		
6	E8	Wellington Monument	Blackdown Hills, Somerset	1		
7	P10	Bulbarrow Hill	Dorset	1		
8	E7	Pepperbox Hill	Hants	1		
8	K14	Bernbridge Down	Isle of Wight	1		
9	Q9	Dunction Hill, South Downs	W Sussex	1		
10	C5	Epsom Down, North Downs	Surrey	1		
12	G5	Foel Eryr	Pembrokeshire		1	
14	F7	Sugar Loaf	Black Mts., Monmouthshire		1	
14	J14	Portishead	Severn Estuary, N. Somerset	1		
14	K7	Symonds Yat Rock	Gloucestershire	1		
15	P8	Robinswood Hill	Gloucestershire	1		
15	Q7	Barrow Wake	Gloucestershire	1		
15	R7	Leckhampton Hill	Gloucestershire	1		
15	T14	Barbary Castle	Marlborough Downs, Wiltshire	1		
16	D1	Magpie Hill	Warwickshire	1		
16	F11	Wittenham Clumps	Oxfordshire	1		
18	H15	One Tree Hill	Essex	1		
20	N4	Town Hill	Powys		1	
21	U8	Clee Hill	Shropshire	1		
22	K14	Central Forest Park	C. Stoke	1		
23	L12	Windmill Hill	Worcestershire	1		
23	M9	Barr Beacon	Birmingham	1		
23	T6	Beacon Hill	Leicestershire	1		
28	B5	South Stack	Anglesey		1	
28	K4	Great Orme Head	Conwy		1	
29	S9	Waun-y-Llyn	Flintshire		1	
30	H11	Mersey View	Cheshire	1		
31	P9	Werneth Low	Derbyshire	1		
31	R7	Holme Moss	Peak District, Derbyshire	1		
31	T11	Hathersage Booths	Peak District, Derbyshire	1		
32	B14	Highoredishy	Derbyshire	1		
36	J9	Sutton Bank	Yorkshire Moors, N Yorkshire	1		
37	P8	Hole of Horcam	Yorkshire Moors, N Yorkshire	1		
43	S4	Lyle Hill	Inverclyde			1
44	E3	Queen's View	E. Dunbartonshire			1
45	M4	Cockleroy	W. Lothian			1
45	R5	Blackford Hill	Edinburgh			1
46	H11	Scott's View	Eildon Hills, Border			1
46	J15	Carter Bar	Cheviot Hills, Border			1
49	U15	Queen Elizabeth Forest Park	Stirling			1
50	D6	Queen's View, Loch Tummel	Perth and Kinross			1
51	R5	Blackford Hill	Edinburgh			1
52	D8	Bealach-Na-Ba	Highlands			1
52	K14	Glen Garry	Highlands			1
56	J12	Knockon Cliff	Highlands			1
57	Q16	Struie Hill	Highlands			1
				28	6	13

Annex 2

LWWHPC submission to the Cheltenham Plan Consultation dated 9 April 2018

Analysis of the GCC proposal for a new secondary school in Kidnappers Lane

1. Background

Gloucestershire County Council has assessed that the shortfall in secondary school places across Cheltenham will become so serious by 2019 that it needs very urgently to build a new 900 student secondary school in south Cheltenham. According to Tim Brown (GCC Head of Education) speaking at the public meeting held by Leckhampton with Warden Hill Parish Council on 14 March 2018, there will be a shortfall of 154 places across Cheltenham for Year 7 students in September 2019 rising to 213 in 2021. GCC is proposing that the new school would be additional to the new secondary school already planned in north-west Cheltenham to serve the major housing development there under the Gloucester-Cheltenham-Tewkesbury Joint Core Strategy (JCS).

At the 14 March meeting some residents contested GCC's analysis and also questioned whether the increasing demand is really in south Cheltenham. Tim Brown's evidence on the demand seemed to depend more on the fact that the primary schools in south Cheltenham are full or nearly full rather than on demographics. Nationally there is an increased demand for secondary school places similar to that identified by GCC in Cheltenham, as Tim Brown pointed out at the meeting. But this national trend is substantially due to ethnic minority households with large families. Cheltenham has only a small ethnic minority population and very little in south Cheltenham. The problem in south Cheltenham may be due instead to families in other parts of Cheltenham choosing to send their children to the south Cheltenham schools, both primary and secondary.

Given GCC's figures on the scale of the shortfall, it seems very surprising that the requirement for the new school was not identified earlier and was not included in the JCS. However, GCC's decision on the school may have been opportunistic. The opportunity to locate the new school at Leckhampton only arose very recently. Until 2016 the land where it is now proposed to put the school was part of a strategic housing allocation for 1150 to 1250 new dwellings on the Leckhampton Fields proposed in the draft JCS. GCC had given an option to developers David Wilson Homes to build on the 6 hectares of land that GCC owned within this strategic allocation. However, in 2016 the JCS Inspector concluded that the Leckhampton strategic allocation was unsound and it was accordingly removed from the JCS. The 6 hectares of land owned by GCC will now be part of the Leckhampton Fields Local Green Space. This means that the land cannot be used for housing and this has created the potential for GCC to use it instead for a school playing field.

Whilst it is good that GCC has looked at this opportunity as a way of solving the shortfall across Cheltenham, there is a risk that GCC has embraced it too firmly without a proper understanding of the problems involved, particularly over traffic congestion. A sequential analysis was undertaken by consultants for GCC to decide on the best site for the school. But this was a very superficial study that ignored the key issue of traffic congestion and instead put a lot of weight on GCC's ownership of the playing field land

and on an argument that the extreme urgency of providing the new school by 2019 required locating it in Cheltenham rather than in Tewkesbury Borough because the Cheltenham Local Plan was some 6 months more advanced than the Tewkesbury Local Plan. This argument of urgency has since faded because according to Tim Brown the new school is now unlikely to open even partially until 2021.

Through ignoring the issue of traffic congestion, GCC's decision on where to locate the new school is seriously flawed. Nevertheless, Cheltenham Borough Council (CBC) agreed in December 2017 to include the new school in the Cheltenham Plan but with the proviso that this is subject to detailed traffic analysis being undertaken and proving that the proposed location is sustainable.

The Parish Council, based on its own traffic modelling and understanding of the traffic issues, is seriously doubtful that the school can be sustainable and is concerned that a decision could be pushed through that will have very bad consequences. The Parish Council is also very concerned that this will end up with many parents in the Parish and also in College and Charlton Park Wards being left with no local secondary school to which they can send their children. Many local parents are very worried about this as was evident at the meeting on 14 March.

Severe cumulative traffic congestion was one of the main grounds together with valued landscape on which the Secretary of State in 2016 rejected the appeal from Bovis Homes and Miller Homes to build 650 houses on the Leckhampton Fields, including on the land now proposed by GCC for the new school buildings. As discussed later in section 7, the extra traffic that would be generated by the new school if located on the proposed site could potentially create traffic congestion far worse than the severe cumulative congestion that was the basis for the Secretary of State's decision. This would be strong grounds for rejecting any planning application for the school and also for judicial challenge if the planning application were allowed.

Tim Brown said at the meeting on 14 March that a high level 15 year traffic profile had been done with no red flags identified. But high level traffic models are too large-scale to deal with the severe local congestion that is of concern in this case. GCC is now committed to undertake a full detailed traffic analysis and one purpose of this paper is to examine the issues that such an analysis would need to consider as well to provide an input to the Cheltenham Plan consultation.

2. Factors in the shortfall of education capacity in south Cheltenham

There are two secondary schools on the south side of Cheltenham: Bournside School with around 1800 students in the south-west of the town and Balcarras School with around 1200 students in Charlton Kings in the south-east of the town. The proposed site for the new school building is on the Leckhampton Fields at the junction of the A46 and Kidnappers Lane. The 6 hectares of land that GCC owns lie immediately south along Farm Lane. The site is 0.6 miles from Bournside School and 2.1 miles from Balcarras.

The shortfall in secondary school places in south Cheltenham is concentrated particularly in what is known as 'the Old Bath Road gap' (also known as the Leckhampton Triangle), which is the area that is mid-way between Bournside and Balcarras schools. This gap is partly due to the high educational standards of Balcarras and Bournside schools and particularly of Balcarras, which is not only Ofsted

Outstanding but is also rated highly in national league tables for GCSE and A-level results. Many parents move from other parts of Cheltenham to live, often temporarily, within the Balcarras catchment area when their children are reaching secondary school age. Parents in north Cheltenham also seek to send their children to schools in south Cheltenham and the primary schools in south Cheltenham are also full or nearly full.

An obvious question is whether it makes sense to locate a new secondary school on the south side of Cheltenham to meet a rising demand across the whole town. If children are travelling from north to south to attend schools this increases the problem of traffic congestion and pollution. Cheltenham is one of 33 boroughs and districts in the UK that have been ordered by the UK government to reduce high levels of pollution that exceed EU limits. Cheltenham is currently undertaking a strategic study into how to tackle its traffic congestion, which is forecast to become a lot worse because the development planned in the JCS will increase the size of Cheltenham by 20% by 2031. The proposed new school development at the location proposed will exacerbate this.

Balcarras School has recently changed its sibling admission policy to avoid parents moving temporarily to live close to Balcarras in order to get their first child admitted to the school and then moving away again and using the sibling admission policy to secure places at Balcarras for their other children. Under the new admission policy, parents have to continue to live within the Balcarras catchment area. Despite this, however, the Balcarras catchment area has shrunk to a radius of only 0.8 miles and is set to shrink further. It is this shrinking of the Balcarras catchment that has widened the ‘Old Bath Road’ gap.

One answer to the shortfall that would be very welcome to parents would be to expand Balcarras School, which borders open land. However, Balcarras and Bournside schools are both academies and are outside the direct control of the County Council. If the secondary schools in north Cheltenham were of the same excellence as Balcarras there would be less reason for parents in the north of the town to send their children to school in the south. But that is much easier said than done, and the outstanding academic results at Balcarras may reflect the professional and highly aspirational families in its catchment area as well as the excellence of the school itself.

3. The proposed new school and its site

GCC proposes that the new secondary school will have 900 students covering school Years 7 to 11 but will not include a sixth form (Years 12 and 13) because currently there is still a small surplus of sixth form capacity in Cheltenham. A sixth form might be added to the school at a later date and Years 7 to 11 may also need to expand to serve the demand from planned housing development in Cheltenham that is in the Local Plan but does not yet have planning approval. This means that the size of the proposed school could increase to around 1200, making it similar in size to Balcarras School.

Balcarras School is one of the organisations bidding to operate the new school. The hope is that the winner of the competition to run the school will achieve the same level of excellence as at Balcarras. This would help to reduce the artificial situation created by parents moving very close to Balcarras and could possibly help to redistribute the catchment areas. This could help the Balcarras catchment to expand again rather than shrinking further. However, as with the schools in north Cheltenham, to create a school with the outstanding performance of Balcarras is easier said than done. So assessing

the impact of the proposed school on the traffic congestion has to be based on the current situation and on the shrinking Balcarras catchment area, as explained by Tim Brown on 14 March.

The proposed site for the new school is on the Leckhampton Fields, which are largely valued landscape and subject to protection under paragraph 109 of the National Planning Policy Framework (NPPF) which says 'The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes….'. The 6 hectares proposed for the school playing field is also in the Leckhampton Fields Local Green Space (LGS) which under the NPPF is equivalent to Green Belt in terms of planning protection. According to recent case law, planning permission would be unlikely to be granted for a private playing field in Green Belt and this is also likely to apply to LGS as having equivalent protection under the NPPF. However, permission might exceptionally be granted in the case of a school playing field, although this might be subject to legal challenge. As LGS and valued landscape, the playing field would need to be kept as green field and there could be no buildings, floodlighting or artificial grass, or other development. There would also presumably be the same constraints on use as for a playing field in Green Belt. The public right of way across the land would need to be preserved and is an important part of the Leckhampton Fields Circular Walk and network of footpaths. The hedgerows and trees along Kidnappers Lane by the school would need to be enhanced to protect the valued landscape and rural character of Kidnappers Lane and to appropriately screen the school buildings from view from Leckhampton Hill, as was previously planned if the site had been used for housing.

The proposed location for the school buildings themselves is on part of the land along the A46 identified as being suitable for housing development in the Joint Core Strategy. This is subject to protecting the valued landscape to the south and the important views towards Leckhampton Hill from the A46. Through neighbourhood planning, the Parish Council has been working with the developer, Miller Homes, on how to achieve the required protection. There is an important viewpoint known as the 'Pig Field View' at the corner of the A46 and Kidnappers Lane immediately northwest of the proposed site of the school buildings.

Miller Homes are fighting the proposed school and it seems very likely that compulsory purchase of the land will be required. Compulsory purchase could be refused or could be very protracted because of the issue of severe traffic congestion.

4. Effect of the school on traffic congestion

The adverse effect on the traffic congestion due to students coming to the school by car would depend greatly on where they came from. A return trip from Warden Hill or Up Hatherley west of the school would not add to the A46 traffic queue if it went via Woodlands Road and down the A46 to the school and returned via Up Hatherley Way. In contrast, a return trip to the school from the areas to the east via Moorend Park Road (MPR) and the MPR/A46 junction could add the equivalent of 2.5 to 5 cars to the A46 queue, depending on how difficult it is to turn right from the A46 into Moorend Park Road on the return journey.

CBC officers have estimated that the school traffic could be accommodated by reducing the number of houses in the planned Miller Homes development by 120 dwellings, from

370 to 250. However this reduction hugely underestimates the scale of the traffic problem. In modelling the peak morning traffic on the A46, the standard assumption is that 0.6 cars are added to the traffic (mobilised) for each dwelling. That standard assumption was used by both the developers and the Parish Council in the case of the Bovis-Miller application and appeal. The further assumption for the location of the Miller Homes development is that half of these vehicles go inwards into Cheltenham on the A46 and other half travel the other way to other destinations in Cheltenham or elsewhere. This means that it takes 3.3 new dwellings to add one additional car to the morning traffic queue on the A46 into Cheltenham. Hence, one car journey there and back to the school via the MPR/A46 junction, by adding 2.5 to 5 cars to the A46 queue, would be equivalent to adding 8 to 16 new houses on the Miller Homes site. Reducing the number of houses on the site from 250 to zero would on this basis only compensate for around 16 to 32 there-and-back car journeys to the school via the A46/MPR junction.

The proposed site is served by the number 10 bus route with a bus every 10 minutes during school hours. This bus service was a factor in the sequential analysis for selecting the site. But the number 10 bus, which runs up the A46 to the MPR/A46 junction and then to The Park, would just connect the school to areas of Cheltenham close to Bournside School from which students would be attending Bournside. It therefore has little relevance for the new school. There is no public transport link to the areas that have the shortfall in second school capacity, which are to the east in Leckhampton, College and Charlton Park wards. Students from these areas would therefore be likely to come to the school by car, particularly from those areas more than 1.5 miles walking distance from the site, but even from distances of a mile.

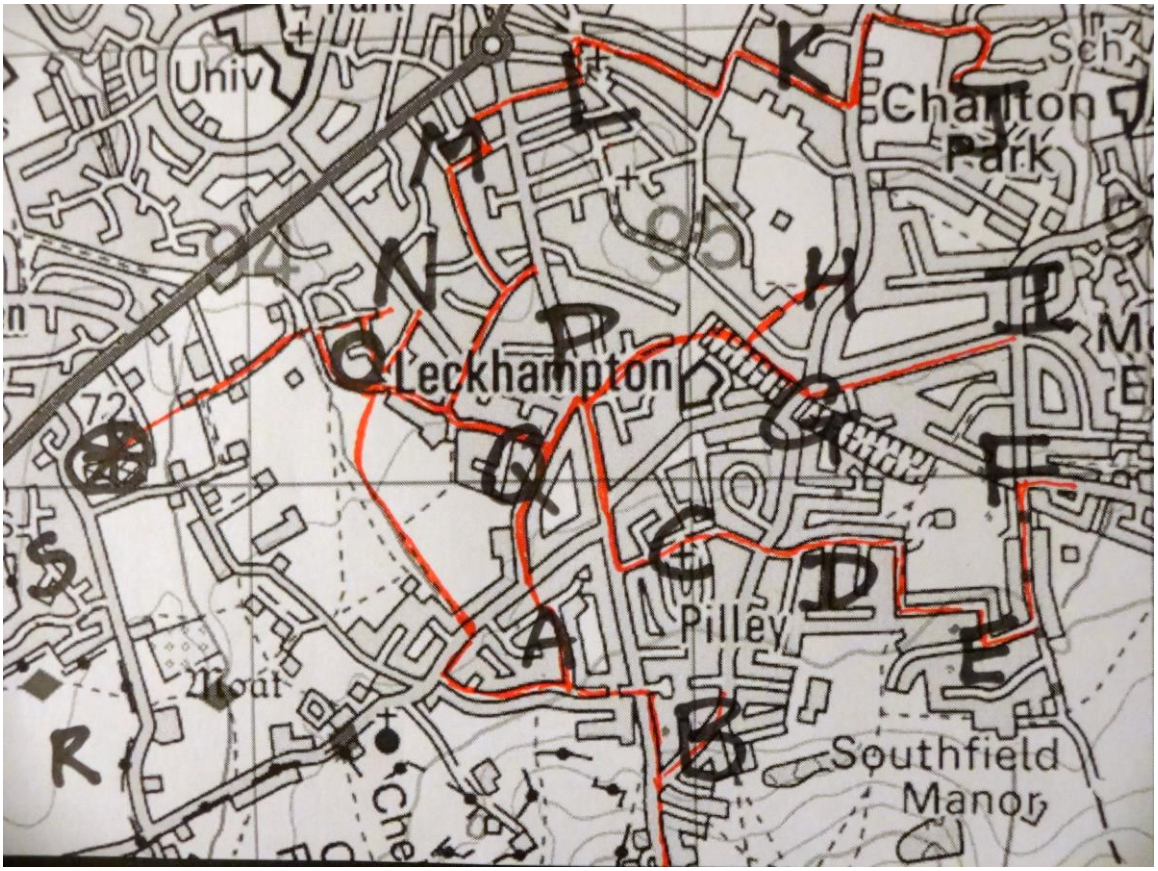
It is therefore important to examine how to encourage students to travel to the school by foot and bicycle and also to examine which car routes to the school would add least to the traffic congestion. This is covered in sections 5 to 7 below.

5. Possible safe walking and cycling routes

The site proposed for the new school building is shown by the star on the left side of the map below. The 6 hectares of land proposed for the school playing field are directly to the south of the school along Farm Lane on the other side of the Kidnappers Lane from the school building. Kidnappers Lane runs from the A46 diagonally through the Leckhampton fields to its T-junction with Church Road. The A46 (Shurdington Road) is the dark-coloured highway running diagonally SW to NE in the top left corner of the map. The roundabout at the top of the map is the Bath Road roundabout at the junction of Shurdington Road and Leckhampton Road. Leckhampton Road runs roughly north-south in the centre of the map. Moorend Park Road (MPR) is the road through the area marked N crossing the A46 in the direction of The Park. The number 10 bus route referred to earlier runs up the A46 to the intersection of the A46 and Moorend Park Road and then turns left and continues round The Park and into Cheltenham.

In the morning peak period, a long traffic queue of vehicles travelling into Cheltenham forms on the A46 south-west from the A46/MPR junction. The flow of traffic into Cheltenham on the A46 exceeds the capacity of the junction in the peak morning period. The maximum throughput of the junction for the A46 traffic is normally around 900 vehicles per hour but this falls during the peak period because a larger fraction of the traffic light cycle is taken up by vehicles crossing or turning left and right from Moorend Park Road. Increasing the traffic through the junction from Moorend Park Road

increases the MPR share of the traffic light cycle and thereby further reduces the throughput of the traffic on the A46. In this way additional traffic on Moorend Park Road through the junction lengthens the A46 traffic queue as discussed earlier.



On the map, Church Road is the road running from the bottom left corner past St Peter's Church and through area A (Leckhampton Village) to a double roundabout junction with Leckhampton Road. It continues into Charlton Lane on the other side of Leckhampton Road and this road continues round to Charlton Kings providing the only route round south Cheltenham other than using the A40 and A46 through the centre of town. Traffic through Church Road also connects via Kidnappers Lane and a short stretch of the A46 to Up Hatherley Way, providing a route to the M5 junction 11 and to Gloucester.

Church Road and Kidnappers Lane are narrow lanes and are dangerous for cycling even for adults in the morning peak period. Kidnappers Lane is also dangerous for walking because it is a narrow country lane, kept so as valued landscape, and it is necessary to walk in the road. Kidnappers Lane also has a high traffic level in the peak morning period from 07:45 to 09:00. Hence, Church Road and Kidnappers Lane do not provide safe routes for students to access the proposed new school.

On the map, the Old Bath Road runs from the A40 (Thirlestaine Road) at area K to join Leckhampton Road at area B. Old Bath Road too is a somewhat hazardous road with quite high levels of traffic and speeding and neither the Old Bath Road nor Leckhampton

Road provide really safe on-road cycle routes. Leckhampton Road however has wide pavements that could provide enough room for parallel pedestrian and cycle lanes. There is a problem of large tree roots from the avenue of large trees on both sides of Leckhampton Road. These roots make the pavement uneven and hazardous in places for cycling. But the pavement could be resurfaced to cover smoothly over the roots.

In using pavement area for cycle lanes there is always the problem of how to cross side roads safely. Drivers on the side roads tend to see cyclists on the main road but less easily notice cyclist on the pavement area. So, whilst some use of Leckhampton Road could be made for cycle routes, it would probably be better as far as possible to use routes through side roads where it may be possible to cycle safely on the roads themselves.

The map shows several routes marked in red through the various community areas. These routes avoid main roads and might provide sufficiently safe routes for cycling. They all connect to area O and would need a route from area O to the school. For walking this could possibly be along the existing footpath through the Smallholdings if it were extended to the school. This is shown by the red line on the map. For cycling a separate cycle track would be needed. This could possibly be provided as part of the housing development by Miller Homes. The smallholdings path would not be suitable for cycling because it is only a footpath on private land and is heavily used by walkers and dog walkers.

The various potential cycling routes, described starting from area O, are as follows:.

Route 1A – from/to areas A and B:
Merlin Way – Peregrine Road – Burrows Field and Moorend Stream footpath to Church Road (COMMUNITY A – Leckhampton Village); then via Collum End and Liddington Road to COMMUNITY B (Leckhampton Road south, Leckhampton Hill and Pilley South)

Route 1B – from/to areas Q, A, B:
Merlin Way – Peregrine Road – Arden Road – Hall Road (COMMUNITY Q – Hall Road / Arden Road) to Church Road (COMMUNITY A – Leckhampton Village), across Church Road at the school crossing patrol and via Thompson Drive, Giffard Way and Liddington Road to COMMUNITY B (Leckhampton Road south, Leckhampton Hill and Pilley South). Route IB could also extend down Old Bath Road to areas C, D, E and F, although route 2A probably provides a better route because of the risk of cycling on-road in Old Bath Road.

Route 2A – from/to areas C, D, E, F, G and I.
Merlin Way – Peregrine Road – Arden Road – Hall Road – across Leckhampton Road via traffic light controlled crossing – south up Leckhampton Road to Charlton Lane and Pilley Lane (COMMUNITY C – west Pilley) – east via Pilley Lane to Old Bath Road and COMMUNITY D (east Pilley) and then via Everest Road, Southfield Approach and Littledown Road (COMMUNITY E – Southfield Manor area), further to Sandy Lane and then north on Sandy Lane to COMMUNITY F (Sandy Lane and Bafford). This route could also extend along Sandy Lane to COMMUNITY I, with the advantage compared with Route 3A below of avoiding Charlton Lane and Greenhills Road which forms part of the high traffic route round south Cheltenham that continues through Church Road.

Route 2B – from/to areas C, D, E, F, G and I.

This route follows route 1B to Leckhampton Road at Liddington Road. It then continues down Leckhampton Road to Pilley Lane (COMMUNITY C – west Pilley) – east via Pilley Lane to Old Bath Road and across to Everest Road COMMUNITY D - east Pilley; then via Everest Road, Southfield Approach and Littledown Road (COMMUNITY E – Southfield Manor area), on to Sandy Lane and then north on Sandy Lane to COMMUNITY F (Sandy Lane and Bafford). As with route 2A, route 2B may also provide a safer route than route 3 below to COMMUNITY I (Moor End) by avoiding Charlton Lane and Greenhills Road.

From Area	To proposed new school		To Balcarras	To Bournside
	Direct line (miles)	By cycle or on foot (miles)	Direct line (miles)	Direct line (miles)
A	0.7	1.0	1.5	1.2
B	1.0	1.3	1.4	1.5
C	0.9	1.2	1.3	1.3
D	1.0	1.5	1.1	1.5
E	1.3	1.8	1.0	1.7
F	1.4	2.1	0.8	1.7
G	1.0	1.2	1.1	1.4
H	1.1	1.3	1.0	1.4
I	1.3	1.5	0.8	1.7
J	1.4	2.0	0.9	1.6
K	1.1	1.6	1.2	1.3
L	0.9	1.1	1.4	1.0
M	0.7	0.8	1.6	0.8
N	0.5	0.5	1.7	0.8
O	0.3	0.4	1.7	0.7
P	0.7	0.9	1.4	1.1
Q	0.6	0.7	1.5	1.0

Table 1: Straight line distance of each community area from the proposed new school and from Balcarras and Bournside schools and the distance by the suggested cycling/walking routes in the case of the proposed new school.

Route 3A – from to areas P, G and I:
Merlin Way – Peregrine Road – Arden Road – Hall Road – across Leckhampton Road via traffic light controlled crossing – Treelands Drive and Southcourt Close (COMMUNITY P) – via footpath along the old railway line (wide enough path to potentially be made into a dual footpath / cycle track) to Old Bath Road at Pilley Bridge (COMMUNITY G – Pilley Bridge and Charlton Lane east), then via Greenhills Road to COMMUNITY I – Moor End). The section of this route between Southcourt Close and the footpath along the old railway is too narrow to be a dual footpath / cycle track and students would need to dismount for this short section.

Route 3B – from/to areas P and H:
This route follows route 3A to the footpath along the old railway line. It takes the north branch of this footpath to Mead Road and across to Old Bath Road and COMMUNITY H (Mead Road, central Old Bath Road and Charlton Park Gate). Again, this branch of the footpath is too narrow for a dual footpath /cycle track and students would need to dismount.

Route 4 – from/to areas P, M, L, K and J:
From Merlin Way via Peregrine Road and Moorend Grove across Moorend Park Road at the mini-roundabout and continuing north on Moorend Road. Then via Moorend Crescent to COMMUNITY M (Leckhampton Parish north) and via Croft Street and across Leckhampton Road to Fairfield Avenue (COMMUNITY L - Naunton Park West), then via Fairfield Avenue / Fairfield Road to Fairfield Parade and Naunton Crescent, then via Naunton Lane and Naunton Park Road to COMMUNITY K (Naunton Park East) and COMMUNITY J (Charlton Park).

Route 5: from/to areas O and N:
Merlin Way / Allenfield / Osprey Way (COMMUNITY O – Birdland) to Moorend Park Road (COMMUNITY N – Moorend Park Road area).

These routes could all serve as walking routes as well as cycling routes provided there was no conflict between the cycling and walking. This means that the cyclists would have to dismount on any sections that were footpath only. This might be difficult to enforce given recent experience of cyclists using the footpath from Church Road to Burrows Field cycling and endangering walkers despite GCC 'No cycling' notices on the path. For walking it would also be possible to use the pavements on the major roads including Church Road, Leckhampton Road, Charlton Lane, Old Bath Road.

6. Improvements needed to footpaths and cycle routes

The likelihood of students cycling to the school will depend very much on whether the routes are safe. It is essential to provide safe crossings and probably traffic light controlled crossings on the major roads with high traffic flow, namely Leckhampton Road, Church Road and Old Bath Road. It is also important to have a good surface to cycle on with no potholes. Good lighting would be needed for use in winter months in afternoon/evening.

Route 1A: This route involves installing a cycle track along the west and south-west boundary of Burrows Field similar to the existing cycle track along the south-east boundary. The existing footpath between Burrows Field and Church Road should be retained as a footpath with cyclists dismounting over this stretch but its surface needs to be improved to be suitable for school shoes. The pavement on the south-east side of Church Road between the Moorend Stream footpath and Collum End Rise is wide enough to provide space for a cycle track to avoid the need to cycle on Church Road. However a means would be needed for students to safely cross Church Road. A simple marked crossing might be sufficient together perhaps with introducing a 20 mph speed restriction in Church Road through Leckhampton Village.

Route 1B: This route is an alternative to route 1A and would enable students to cross Church Road at the traffic patrol that serves Leckhampton Primary School. Its

disadvantage is that it would be risky for students to cycle down Hall Road during the period that parents are bringing children by car to the Primary School.

Route 2A: This route uses the side roads as far as Hall Road. There is a safety issue that parents bringing their children by car to Leckhampton Primary School park in Arden Road. But the route is far safer than cycling along the very narrow section of Moorend Road. There is an existing kerbside cycle track along the east side of Hall Road from Arden Road to the traffic light controlled crossing on Leckhampton Road. Currently this cycle track is very often blocked by parked cars and it would require double yellow lines to prevent the parking. The pavement along Leckhampton Road and Pilley Lane is wide enough that it could be split into a cycle lane and a walking lane. It would need resurfacing and suitably covering over the tree roots. Some way for students to safely cross Charlton Lane may be needed. The route uses the road in Pilley Lane and Everest Road as the pavements are not wide enough to accommodate a cycle lane. Pilley Lane, Everest Road, Southfield Approach and Littledown Road are side roads with relatively low traffic volumes.

Route 2B: This route provides an alternative to route 2A following route 1A to Liddington Road and then down the west side of Leckhampton Road to the traffic light controlled crossing near Pilley Lane; then along Pilley Lane, Everest Road etc. as in route 2A. The advantage of route 2B is that it avoids the need to cross Charlton Lane at the very busy Church Road - Leckhampton Road - Charlton Lane multi-roundabout. It might be possible for the route to be on-road between Liddington Road and Pilley Lane because there are usually no parked cars along this stretch of the road. The pavement is also wide enough to accommodate a cycle track if the tree roots are covered over.

Routes 3A and 3B: This route is on-road along Treelands Drive, Southcourt Drive and Southcourt Close. From the end of Southcourt Close it would use the existing footpath to and along the old railway line. The section along the old railway line is wide enough to be split into separate cycling and walking tracks. It would require resurfacing over its full width. This applies similarly to the branch of the footpath section north across Mead Road to OId Bath Road, but as noted already this section and that to Southcourt Close, are too narrow to include a cycle track and cyclists would need to dismount and walk on these sections. A traffic light controlled crossing would be required on Old Bath Road at Pilley Bridge.

Route 4: This route is on road but requires a traffic light controlled crossing in order to cross Leckhampton Road safely at Fairfield Avenue and also to safely cross Old Bath Road at Naunton Park Road.

Congestion and safety in Merlin Way area: All of the routes 1 to 5 converge at Merlin Way. This would produce a very large number of cyclists and pedestrians on what is just a residential side-road. Residents in Merlin Way and adjacent roads are expressing great concern about this. For safety and to reduce as far as possible the impact on residents it would be essential to avoid any students coming by car being dropped off in Merlin Way or its locality. This might require making Peregrine Road and Osprey Road ‘Residents Access Only’ during the time that students are coming to school and enforcing this restriction with cameras and fines. It would be important to make it easy to drop students off on Moorend Park Road itself. The road is just wide enough for a dropping off bay on the north side opposite Osprey Road. Currently cars park along this section of Moorend Park Road and so it would need to be double yellow lines to make it

available for dropping off. A safe crossing would also be needed across Moorend Park because traffic travels quite fast despite there being speed bumps.

It is well worth encouraging dropping off at this location rather than taking students all the way to the school because the route from the Bath Road roundabout down the A46 and left onto Moorend Park Road, dropping off at Osprey Road and returning via Leckhampton Road is the one route by car from areas A to Q that does not add to the A46 and Church Road traffic congestion.

7. Travel to the proposed new school by car

Looking at each of the areas A to Q: from areas A, B, C, D, E, F, G, H, I, O, N, P and Q, cars would be certain to travel to the school via Church Road or via Moorend Park Road. From areas J, K, L, M cars might alternatively travel via Shurdington Road (A46). This is significant because a route down the A46 to the school via the MPR/A46 junction would add nothing to the A46 traffic queue on the outward journey. A round trip route down the A46 from the Bath Road roundabout, turning left at the MPR/A46 junction and dropping students off in Moorend Park Road opposite Osprey Road and returning via Leckhampton Road, as discussed above in section 6, would add nothing at all to the A46 queue. This makes a route via Thirlestaine Road (A40) and the A46 attractive for reducing the impact on the traffic congestion. Unfortunately, however, there is a disincentive against using this route from areas G, H, I, J and K because of the traffic already queuing in Thirlestaine Road, in part caused by students coming by car to Cheltenham College senior and preparatory schools.

Areas A to Q comprise roughly 10% of the size of Cheltenham in terms of residential area. So, as a rough estimate, this would indicate that there will be around 600 students of year 7 to year 11 secondary school age in the catchment area A to Q, discounting those attending private schools and Pate's Grammar School. Around 420 of the 600 will be in the areas from which cars would be almost certain to travel to the school via Church Road or via Moorend Park Road. As discussed above, even the other 180 are probably as likely to travel via Church Road or Moorend Park Road as by the Thirlestaine Road / A46 route. So as a rough estimate, around 500 of the 900 students would be likely, if they came to the school by car, to travel via Church Road / Kidnappers Lane or via Moorend Park Road / A46.

Based on the average national trip rates by car for secondary schools of 20% to 40% and taking into account that there is no public transport connecting the proposed school to areas A to Q, it is reasonable to estimate that a third of students will come by car and more in poor weather. For areas close to the school, most would probably walk or cycle, except in bad weather. From areas D, E, F, I, J and K, most students would be likely to come by car.

From observation of students travelling to Bournside School in the morning, very few students from the areas east of Shurdington Road seem to cycle. Realistically, therefore, whilst one should encourage cycling and walking, not least for the health benefit of the exercise, it would be rash to depend on achieving any substantial level of cycling given that attempts to promote cycling in Cheltenham have so far not met with huge success.

Overall, therefore, a reasonable estimate would be that typically around 200 students from areas A to Q will travel to the school by car and around 165 of these will travel via

Church Road / Kidnappers Lane or via the Moorend Park Road. There are several detailed routes they could take and these have different impacts on the traffic congestion. The worst route is a there-and-back journey via the MPR/A46 junction already considered in section 4, which would add 2.5 to 5 cars to the A46 queue. If all 165 students travelled by this route the impact would be equivalent to building 1300 to 2600 new homes on the Leckhampton Fields. Even allowing that there would be some car sharing so that the number of car journeys would be less, the impact would be far higher than from the 650 houses in the proposed Bovis-Miller development that was rejected by the Secretary of State on the grounds of severe cumulative traffic congestion.

It might be thought that travelling there and back to the school via Church Road would not add to the A46 queue, but this is not so. Church Road and the A46 are a coupled traffic system. If Church Road is congested drivers facing the choice in Leckhampton Road whether to opt for the Church Road route or the route via Moorend Park Road and the MPR/A46 junction will choose the latter, which as already noted adds about 1.2 cars to the A46 queue by prolonging the MPR portion of the traffic light cycle. Similarly the worse the congestion becomes in Church Road, the more drivers in the other direction will switch from the A46 - Kidnappers Lane – Church Road route to the A46 – Moorend Park Road route which would have a very severe impact on the MPR/A46 junction if a lot of cars are turning right from the A46 onto Moorend Park Road and blocking the rest of the queue behind.

It is worth noting that there is no easy way to mitigate the traffic problems. Church Road is narrow, winding and hemmed in by housing and by the scarp of Leckhampton Hill. The MPR/A46 junction is confined by housing and the traffic stream can only split into two lanes very close to the junction. There may be sufficient road width to add a third lane at the lights. But because this lane would be so short it would just allow two or three additional cars per traffic light cycle. If more than five or six cars want to turn right at the junction into Moorend Park Road the right turning lane is filled and the right turning traffic then blocks all the other traffic. This is why it is very important not to have a lot of cars returning from the school up the A46 and turning right into Moorend Park Road.

There is no public transport to the school from areas A to Q and particularly from those areas that are over 1.5 miles from the new school. If a school bus route were provided and if it were well used this could considerably reduce the number of students coming by car. A suitable bus route might be: Thirlestaine Road – Old Bath Road – Charlton Lane East / Greenhills Road – Sandy Lane – Highlands Road – Littledown Road – Southfield Approach – Everest Road – Pilley Lane – Leckhampton Road to Bath Road roundabout – Shurdington Road to the school. This route could also continue via Up Hatherley Way – Caernarvon Road – Warden Hill Road to Bournside School and back via the A40 to Thirlestaine Road, thereby enabling students to travel to Bournside School as well as to the new school.

On the question of providing public transport, Tim Brown said at the public meeting on 14 March that public transport is only offered if the journey is at least 2 miles for primary and at least 3 miles for secondary. So it would not be provided for areas A to Q. It is conceivable that parents might be prepared to pay for a bus service if it were organised by the school or by GCC, but it would need to be cheap to parents. A survey of the views of local households was conducted by the Conservative Party in March and in answer to a survey question about public transport the great majority of parents said that they

would not send their children to the school by public transport. Parents might form car pools and take it in turns to take several students to the school, but in practice these arrangement rarely work well or endure.

8. Access from Warden Hill and Up Hatherley

This analysis has concentrated on pupils coming to the school from the areas east of the A46. As noted earlier, car travel to the school from the Warden Hill and Up Hatherley areas would be much easier from a traffic point of view, particularly if vehicles used a clockwise circuit via Woodlands Road, down the A46 to drop off at the school and returning via Up Hatherley Way. Students could also easily walk to the school from these areas. The traffic light controlled junction that will be needed at the intersection of Kidnappers Lane and the A46 should provide a way for students to safely cross the A46 to and from the school. Installing a footbridge across the A46 has also been suggested. A cycle track is being constructed along Up Hatherley Way from the west to as far as Caernarvon Road. At the meeting on 14 March, Tim Brown spoke in favour of extending this cycle track to the A46 and up the A46 to the site of the new school.

Based on the estimate of 600 of the 900 students coming from the areas A to Q and 80 from the Redrow Estate (area R) and from area S, there would be around 220 students from Warden Hill and Up Hatherley. This number would seem appropriate to the areas of Up Hatherley and Warden Hill that are closer to the new school than to Bournside.

9. Conclusion

The analysis shows that traffic congestion from students travelling to the new school by car appears certain to be very serious. Even in good weather conditions the traffic congestion would be likely to be comparable to the severe cumulative traffic congestion that caused the Secretary of State to reject the Bovis-Miller housing application. In wet weather the impact on the highway network could be devastating.

Pollution is also an issue and it is worth noting that measurement of the pollution level made by GCC outside Leckhampton Primary School in Church Road in March 2017 in the 08:00 to 09:00 period when children were travelling to school showed levels twice as high as at any other Gloucestershire school where measurements were made and sufficiently close to the EU limit for short-term NO2 exposure to be cause for concern. The Parish Council has recently purchased a mobile pollution monitor with which to carry out further measurements.

This paper has looked at the scope for students to cycle to the school and has identified possible cycle routes serving all areas A to Q that might make cycling to and from the school sufficiently safe and attractive. However it would be unsafe to rely on substantial levels of cycling given that few students cycle to Bournside from areas east of the A46.

For those areas that are within a mile of the school, many or most students may walk whereas most students from further away and particularly for walking distances of 1.5 miles or more will come by car because there is no public transport connecting the proposed site to areas A to Q or apparently any plans to introduce a service.

A better approach would be to expand Balcarras School or to adjust the shape of its catchment area sufficiently to accommodate areas E, F, H, I and J, which are the areas

that are closer to Balcarras than to the proposed new school and the areas from which students would be most likely to travel by car to the proposed new school. This would require of the order of 200 additional places at Balcarras across years 7 to 11 for these areas.

The Parish Council also put to Tim Brown at the meeting on 14 March that a way to greatly reduce the traffic problem would be to start the school day at 10:00 rather than at 09:00 so that the traffic from travel to the school does not overlap the morning peak congestion. There is also educational benefit in having this later school day because teenagers have a shifted body clock and are more awake and able to learn with a school day shifted later by one or two hours. Results across several countries from schools operating a later school day have shown that this significantly improves academic achievement. It is also argued by sleep experts that teenagers are suffering from sleep deprivation because of school starting times being too early and that this is damaging their mental and physical health.

Tim Brown said at the 14 March meeting that operating schools across Cheltenham with differing start times would create difficulties, but agreed that the idea should be considered. The survey conducted by the Conservative Party, referred to earlier, has shown that there is good public support from local people for a later school starting time.

10. Recommendation for the Cheltenham Plan

The sequential analysis on which GCC relied in making its decision on the location of the proposed school did not consider the traffic issues and GCC's decision is flawed. If the school is included in the Cheltenham Plan it must be accompanied at this stage with appropriate reservations to protect Cheltenham from being forced into accepting the school at this location if the traffic problems cannot be resolved.

The issues in section 3 relating to constraint on the playing fields due to valued landscape, LGS and the need to protect views of Leckhampton Hill from the A46 will need to be part of any planning approval but should also be made clear in the Cheltenham Plan.

If the proposed school is permitted, the proposed development of 200 to 250 new dwellings by Miller Homes on the land along the A46 adjacent to school should be postponed until the new school is up and running at full capacity and the impact on the traffic system is known in practice. This means waiting probably until 2027 given that the start date for the school has slipped from 2019 to 2021.

Attention needs to be given to the density of traffic in the vicinity of the school. The spine road through the new Redrow estate in Farm Lane creates a new traffic route from the A46 at Shurdington via Leckhampton Lane and the spine road to the A46 at Kidnappers Lane by the new school. Many drivers are likely to use this new route to bypass the peak morning traffic queue on the A46 and this flow will add to the complexity of traffic flow around the school.

Realistically, given the severity of the traffic issues, there is a high likelihood that it will not be possible to locate a new secondary school at the proposed site, or at least such a large secondary school. GCC therefore needs to have good contingency plans for other ways to handle the shortfall in secondary school places.

It is an obvious question, given the traffic issues, whether it would not be better for the school to be half the proposed size and for its catchment to be more local so that far fewer students would come to the school by car. A school of half the size proposed would still be sufficiently large to cover the full secondary school curriculum for years 7 to 11. Coupled with a modest expansion of Balcarras to cover areas east of the Old Bath Road and possibly a similar modest-sized secondary school elsewhere in Cheltenham, this might provide a more viable long term solution. It is one of the options that GCC should be carefully considering given the high risk that severe traffic congestion will make the 900 pupils school unsustainable at the proposed site.

CBC should examine proactively any problems that may be constraining Balcarras School from expanding or otherwise extending its catchment area to 1 mile in the west direction to take in all of Charlton Park that is closer to Balcarras than to the Kidnappers Lane site. Presuming that GCC did not include the new school in the JCS because it was planning to handle the shortfall partly by expanding the existing secondary schools in Cheltenham, it is likely that some expansion at Balcarras is not wholly out of the question, particularly if Balcarras should win the competition to operate the new school.

The question of whether the demand for more secondary school places now and in the future is really arising in south Cheltenham or in other parts of Cheltenham and being exported to south Cheltenham was not resolved at the meeting on 14 March and deserves clarification.

Cllr. Dr Adrian Mears CBE
Chairman
Leckhampton with Warden Hill Parish Council
9 April 2018

Annex 3:

LWWHPC submission on traffic congestion to the GCC consultation on the proposed new secondary school, dated 14 October 2019

1. Concerns over severe traffic congestion

The public feedback from the exhibitions on the school proposals earlier this year shows that local people are divided fairly evenly between supporting the proposed new school, opposing it and being undecided. Even those who support the school are in many cases concerned about the traffic implications, and for most of those who oppose the new school it is the traffic congestion that is their biggest worry.

The Application identifies two main routes for travel to the school: the A46 (Shurdington Road) and Church Road. The traffic congestion on both routes is already very bad in the peak morning traffic period. The A46 is the major route into Cheltenham from the south and south-west; Church Road is the major route round the south side of Cheltenham. The congestion affects not only local residents but also the ability of people to commute into Cheltenham from areas south and west via the A46, A417 and M5, and to travel round Cheltenham without needing to travel through the centre of the town. So it affects the economy of Cheltenham and also to a lesser extent of Tewkesbury, Cotswold, Stroud and Gloucester since Cheltenham provides employment for residents in these districts and vice versa. When Cheltenham Borough Council agreed in December 2017 to include the new secondary school in the Cheltenham Plan it was specifically on condition that the school's impact on the traffic system was shown to be acceptable. Inspector Wendy Burden in examining the Cheltenham Plan in February 2019 reinforced this condition.

There are two main concerns over the traffic congestion. One is about worsening the congestion in Church Road and increasing the likelihood of gridlock. This happens from time to time and blocks the traffic also on Charlton Lane and Leckhampton Road, with long queues in all direction. There are also concerns about the levels of pm2.5 and other traffic pollution in Church Road and possible impact on pupils at Leckhampton Primary School but more measurement is needed of the pm2.5 levels to properly assess this.

The other main concern is the risk that the traffic queue on the A46 could become very long with unacceptable journey times into Cheltenham from the A417. It is the A46 that connects Cheltenham to the A417 and Church Road that connects areas in the east of Cheltenham to the A46, A417 and M5 south. The £0.5 billion upgrade of the A417 should strengthen the Cheltenham economy and the area needs to have good connectivity to the A417.

1.1 Church Road

In the morning peak period Church Road is at maximum capacity. The traffic surveys in Church Road carried out by the Parish Council since 2012 show that the congestion in the school-run period to Leckhampton Primary School has worsened since 2012 and has caused the traffic throughput to fall. Church Road is narrow with parked cars in parking bays on the north side of the road because the Edwardian terraced houses have

no off-road parking. In the morning peak period the traffic initially flows alternately in each direction at reasonable speed, but in the school-run period the congestion prevents this and the traffic travels in a solid queue in each direction. These two queues have great difficulty in passing each other, with some vehicles having to mount the pavement and some drivers afraid to proceed. This causes the traffic to flow very slowly and reduces the overall throughput by 15% to 20%. Trying to add yet more traffic in the school run period would not increase the throughput and might make it decrease further. The situation will also be made worse by the expansion of Leckhampton Primary School from two form entry to three form entry, which according to GCC's estimates will add a further 88 double parent journeys by car to Leckhampton Primary and 13 additional staff journeys.

For these reasons it is not realistic to envisage Church Road providing a major access route to the new school. Parents bringing pupils by car will instead choose the longer but quicker route to the school via Moorend Park Road (MPR) and the A46, and even if some do try to travel via Church Road this will just displace other traffic from Church Road onto the MPR route. Therefore the A46 is the only viable route to the new school by car and as shown later this has a considerable impact on the A46 traffic queue. It may also have an impact on the traffic flow and congestion in Kidnappers Lane and Farm Lane near the proposed school and on the traffic flow at the junction of Kidnappers Lane with the A46.

1.2 A46 queue

The traffic queue on the A46 occurs in the workday peak morning period south-west from the junction of the A46 with Moorend Park Road (MPR). It forms by about 07:20 and extends to the junction of the A46 with Kidnappers Lane (0.5 miles) by about 07:45. Generally by about 08:15 the queue reaches as far as the Up Hatherley Way roundabout (0.86 miles) and sometimes further. On 24 September 2019, when the Parish Council was making a traffic survey and when the weather was wet, the queue was observed at 08:18 to have extended south of the Up Hatherley Way roundabout as far as the eye could see from the roundabout, probably at least 200 metres judging from the long line of car headlights. This would be a queue length of 1 mile or 200 vehicles at the average vehicle separation of 8 metres that has been measured in past traffic surveys.

Importantly, once the A46 queue extends beyond the Up Hatherley Way roundabout the traffic waiting to turn left onto Up Hatherley Way is trapped in the queue. This trapping causes the queue to lengthen more quickly. The same would happen again if the queue were to extend beyond the Leckhampton Lane junction with traffic turning off at Leckhampton Lane becoming trapped and again at the Badgeworth Lane junction. So the scenario is that as the queue becomes longer due to extra vehicles from development or from the school, it would trap more and more traffic and grow faster as a result.

1.3 Limited alternative routes to the A46

The A46 has single lanes inwards and outwards, with no scope for a bus lane. As noted already it is the only major route into Cheltenham from the A417, the other route via Leckhampton Hill being winding and narrow in places and having a 7.5 ton weight restriction. There are no easy alternative routes to the A46 for traffic heading to central Cheltenham. The Badgeworth Lane turn off south of Shurdington provides a route to the

west of Cheltenham but drivers then have to come into central Cheltenham on Hatherley Road or the A40, both very congested routes in the peak period. Leckhampton Lane north of Shurdington provides a route via Church Road and Leckhampton Road, but as noted already Church Road is very congested and the expansion of Leckhampton Primary School will make this worse. Leckhampton Lane also provides a route via Farm Lane to the A46 at Kidnappers Lane, passing the site of the proposed new secondary school. But because this route returns to the A46 it would not shorten the queue but would make it longer because traffic wanting to turn off at Up Hatherley Way would be trapped longer in the queue. North of Shurdington there is Chargrove Lane, but this is a narrow country lane where it is difficult for vehicles to pass and the route again means driving into Cheltenham via Hatherley Road.

At the Up Hatherley Way roundabout the traffic can turn onto Up Hatherley Way and travel into Cheltenham via Hatherley Road, Warden Hill Road or Alma Road. In the 08:00 to 09:00 period all of these routes are congested and have long journey times. Traffic surveys by the Parish Council show average journey time from the Up Hatherley Way roundabout to the A46 at Montpellier Terrace in the 08:00 to 09:00 period to be 18 minutes via Alma Road, 20 minutes via Warden Hill Road (passing the entrance of Bournside School) and 20 minutes via Hatherley Road. The journey time on the A46 is about 15 minutes and so there is no reason for drivers to divert onto these other routes if they are heading for central Cheltenham. It is also a 3.2 mile journey via the Hatherley Road route compared with 1.6 miles on the A46.

If, however, the journey time on the A46 is longer for some reason, as happened in 2018 when the A46 was being resurfaced, traffic does switch to these alternative routes. In this regard it is worth noting that if many cars returning from the new school were injected into the A46 queue at Kidnappers Lane this might increase the journey time on the A46 sufficiently to make the alternative routes quicker, at least towards the end of the school-run period. This could help to reduce the length of the A46 queue. But it would be wrong to think of this as in any way a solution to the traffic problem. The three alternative routes are really just one route because they all converge onto Hatherley Road and to the traffic light controlled junction of Hatherley Road with the A40. Diverting the A46 traffic makes this very congested and slow route into Cheltenham that much worse and also impacts the flow in both directions on the A40. For the Cheltenham traffic system as a whole it is certainly better for the traffic to be able to continue on the A46 rather than diverting.

2. Secretary of State’s Findings on Severe Traffic Congestion

These alternative routes including the route via Church Road and the various other mitigation schemes were considered and rejected as solutions in the 2015 appeal by Bovis Homes and Miller Homes to build 650 new dwellings on the Leckhampton Fields east of Kidnappers Lane. The Secretary of State rejected the Bovis-Miller appeal on the ground of severe cumulative traffic congestion and also on the ground of the damage to the valued landscape. The Secretary of State also in the appeal findings criticised Gloucestershire County Council for its complacency on the traffic congestion and noted that although the worst congestion is largely confined to the morning peak period this is the time when the most people have to travel and have no option to travel at other times.

The cumulative traffic congestion in the Secretary of State’s findings refers to the cumulative effect of the new housing developments that were being proposed in the

Gloucester-Cheltenham-Tewkesbury Joint Core Strategy. At the time of the Bovis-Miller Application in 2013 and of the Appeal inquiry in 2015, the JCS included a Leckhampton strategic allocation of around 1200 new homes on the Leckhampton Fields, and there was also a planned development of 1500 new homes at North Brockworth. The Bovis-Miller Application for 650 new homes was part of the proposed 1200 strategic allocation as also was the application by Redrow to build 377 new homes on land west of Farm Lane. GCC also planned to build around 180 new homes on its land at Farm Lane as the third part of the strategic allocation. This land is now the site for the proposed new school.

Since 2015 the development at North Brockworth has been approved and is proceeding, but the proposed Leckhampton strategic allocation was removed from the JCS in July 2016 by Inspector Elizabeth Ord, primarily on landscape grounds reflecting the valued landscape and the impact of development on the view from Leckhampton Hill. Although Inspector Ord was aware of the Secretary of State's findings on traffic congestion she did not consider this issue in her findings because she concluded that valued landscape alone was a strong enough reason to find the Leckhampton strategic allocation to be unsound.

Removing the strategic allocation reduced the planned development on the Leckhampton Fields from 1200 down to around 627, comprising the 377 homes currently being built by Redrow on Farm Lane and the 250 proposed in the emerging Cheltenham Plan to be built by Miller Homes on land adjacent to the school site. Additionally around 200 new homes are now planned at Shurdington and vehicles from these would also add to the A46 traffic.

3. Can the school avoid creating severe traffic congestion?

As noted in the Application, Miller Homes are proposing to build 363 new dwellings rather than the 250 in the Cheltenham Plan and this would erode even further any capacity to allow traffic to the new school. However, for the purpose of assessing the traffic issues it is right to take the figure of 250 that is in the emerging Cheltenham Plan rather than the developer's aspirations. Overall, therefore the number of new homes adding to the traffic congestion is now around 440 fewer (1200–377–250–133) than applied in 2015 at the time of the Bovis-Miller Appeal. The figure of 133 is an estimate for the 200 new homes at Shurdington taking into account that because they are further away they may contribute less to the A46 traffic queue than the housing on the Leckhampton Fields.

To see how much margin the 440 fewer houses provide in terms of traffic, one must convert housing numbers into vehicles. The assumption in the traffic modelling by Bovis-Miller for their application in 2013 was that each new household would add 0.6 vehicles to the traffic in the peak morning period. The GCC traffic consultant has confirmed in discussions with the Parish Council on the school that this is a sensible figure to take. On the assumption that half of the cars would travel into Cheltenham on the A46 and half in other directions not contributing to the A46 traffic queue, each new household was deemed to contribute on average 0.3 vehicles to the A46 queue. Hence 440 new households would be equivalent to 132 extra vehicles in the queue. In comparison, the Application forecasts a trip number to the school of 314 in the morning period (141 double trips by parents plus 32 one-way staff trips). Comparing 314 with 132 shows how challenging it is for the school to avoid creating severe cumulative traffic congestion.

Moreover, it would be wrong to think that it would be satisfactory if the traffic congestion is kept at the severe level. The traffic impact of the school must be small enough to keep the congestion well below severe.

4. Errors in the traffic modelling

According to the Application, the traffic modelling predicts that the school will not create severe traffic congestion. However, the modelling is flawed. The survey data used in the modelling was, according to the Application, gathered over a period of three weeks Monday to Friday from 2 July 2018 to 20 July 2018. Although this was still in term time for state schools it is not a typical time for traffic congestion in Cheltenham. The traffic congestion is at a minimum in the July-August period partly because schools are on holiday including in July for private schools, the University is on holiday, many people who work in Cheltenham are on holiday, and so forth. The traffic flow northbound on the A46 that was used for the modelling was 623 vehicles over the 08:00 to 09:00 period. This level of traffic would not have led to any queue on the A46 because it is less than the throughput capacity of the junction, which is between 670 and 1000 vehicles per hour inwards depending on the volume of traffic on Moorend Park Road and how much this takes up of the traffic light sequence.

The Parish Council has been helped in assessing the Paramics modelling by Ken Manley, Director of MHL Consulting Engineers. He has advised that the trip generation has very questionable assumptions about the modal split towards walking and cycling and on how the trip count will reduce over the period up to 2026, especially considering that the assumption about how many pupils will walk or cycle to school is already very ambitious. He also comments that looking at some of the junctions with heavier traffic flows the model is predicting speed being reduced by 40%, journey times increased by 47% and queuing increased by 30%, and although the report refers to these as acceptable impacts, the Local Authority should look very hard at this.

A second error in the traffic analysis in the Application is that it assumes that the large volume of traffic flowing via Pilley Lane and Charlton Lane will be able to travel to the school via Church Road. As noted already this will not be possible because, as discussed earlier, Church Road is already saturated in the school-run period and will be made even worse by the expansion of Leckhampton Primary School.

5. How much extra traffic would the secondary school create?

The Parish Council has independently analysed the likely car travel to the school based on the forecast journeys in Transport Appendix C of the Application that have been used by GCC's consultants for the traffic modelling. The Parish Council's analysis is shown in Table 1A. It predicts a modal split of 19% by bus, 57% by foot and cycle and 24% by car. If one also adds to the proposed catchment the year 7 to 11 pupils likely to come from the 377 new Redrow homes the modal split becomes 18% by bus, 60% by foot and cycle and 22% by car, assuming all of these pupils will walk the short distance to the school.

In Transport Appendix C the number of pupils adds up to 1083 and adding the pupils from the Redrow estate would bring it to 1158 based on the assumption that with 3, 4 and 5 bedroom houses the estate will generate 0.2 year 7 to 11 pupils per household. Normalising the numbers down to the school size of 900 the number of pupils arriving by

car works out at 213 without the Redrow Estate pupils and at 199 if they are included. If 50% of these pupils car-share two or three to a car, as assumed in the Application, the forecast number of parent cars arriving at the school works out as 149 or as 139 if the Redrow pupils are included.

These figures are in good agreement with the figure of 141 parent arrivals forecast in the Application. However, the estimate of 57% of pupils coming by foot or cycle in Table 1A is based on the assumption that for a walking distance of 1.6 km (1 mile) 80% of the pupils will walk or cycle. This may be realistic for good weather but is over-optimistic for cold or wet days. The Application quotes the Institution of Highways Transportation (IHT) publication “Guidelines for Providing Journeys on Foot”, which identifies 500 metres as a ‘desirable’ walking distance when planning for journeys to Schools, identifies 1 km walking distance as ‘acceptable’ and identifies 2 km as the ‘preferred maximum’. This means that 1.6 km is well beyond ‘Acceptable’ and closer to ‘Preferred maximum’. According to the National Travel Survey ‘Travel to School 2014’, the national average is for 40% of secondary school pupils to walk or cycle to school with 23% coming by public transport and 29% coming by car. It would therefore be prudent to take a higher figure than 22% or 24% for pupils travelling by car. If one were to take the figure of 29% and assumed 50% car sharing two or more to a car, the figure for parent arrivals at the school would rise to 183.

The key question is how many of the parent arrivals, whether around 141 or 183, would add to the A46 queue and by how much. A journey there-and-back to the school through the A46/MPR junction on the A46 in both directions does not add to the A46 queue on the outward journey but only on the return journey. In contrast, a there-and-back journey to the school via Moorend Park Road (MPR) would add at least two cars to the A46 queue, one by taking up more of the traffic light sequence on the outward journey turning from MPR onto the A46 and the other through being part of the A46 queue on the return journey. In addition, returning cars waiting to turn right at the junction from the A46 onto MPR could block the junction. The mitigation to add a short right-turning lane at the junction that is part of the package for the Redrow development and is referred to in the Application would not help sufficiently if many parents were returning at much the same time via the A46 and MPR, as is quite likely. The Parish Council has not included this risk in its assessment of the likely traffic impact, but it needs to be kept in mind.

A journey to the school and back on the A46 but not passing through the A46/MPR junction, can also add to the length of the queue by taking up space in the queue and also increasing the extent to which vehicles wanting to turn off at the Up Hatherley Way roundabout get trapped in the queue. Even a short journey in the queue from Up Hatherley Way to the school adds to the queue length by again holding back more of the traffic waiting to turn left onto Up Hatherley Way at the roundabout. A car journey from Shurdington to the school would add to the queue length both by occupying space in the queue and by holding back the left turning traffic. Therefore one needs to take account of the traffic that is in transit to the school in the queue as well as the traffic that actually uses the A46/MPR junction.

Both impacts are analysed in Table 1A. With the 50% car sharing assumption, the journeys through the A46/MPR junction add 105 vehicles to the queue or 98 vehicles with the Redrow estate included in the catchment. The effect of vehicles transiently in the queue, mainly pupils travelling from Shurdington, is to add 6 more vehicles. This is a small effect as it is assumed that almost all the pupils would travel by bus or walk.

These figures assume in line with Transport Appendix C that the traffic from roads to the east through Pilley Lane and Charlton Lane can all travel to the school through Church Road and Kidnappers Lane. However, as discussed earlier, Church Road will not provide a usable route because it is already saturated in the school-run period and the extra traffic will need to travel instead via Moorend Park Road and the A46. Table 1B shows that the effect of this is to increase the number of vehicles added to the A46 queue from 111 to 189 or from 104 to 178. The measured average vehicle spacing in the queue is about 8 metres and so this would add around 0.9 miles to the queue. Taking into account trapping of vehicles in the queue, the queue could become even longer.

6. Impact of housing development and Leckhampton Primary School

On top of these numbers for the school, the completion of the Redrow development of 377 homes is likely to add around 75 more cars to the queue and the 1500 new dwellings at North Brockworth could add another 80 assuming that 20% of vehicles from this development head into Cheltenham on the A46, howbeit with some turning off at Badgeworth Lane to destinations in west Cheltenham. Together with the impact of the secondary school this would bring the number of added vehicles to around 340, giving an extra queue length of 1.7 miles. If one made the more conservative assumption that 29% of children would come to the new school by car, in line with the national averages as discussed earlier, the number of vehicles added to the queue would increase to the order of 230 and the total number to the order of 380, equating to a queue length of 1.9 miles.

These estimates do not include the further 75 vehicles that could be added by the 250 new homes on the Leckhampton Fields included in the emerging Cheltenham Plan if this development is approved. Nor does it include the 40 vehicles from the 200 new homes at Shurdington in the emerging Tewkesbury Plan. Also not included is the potential impact of expanding Leckhampton Primary School which by worsening the congestion in and around Church Road could divert further traffic onto the route via Moorend Park Road.

This all adds up cumulatively to a bleak scenario in the peak traffic period and that is the reason that the Secretary of State found in 2016 that the cumulative traffic congestion was sufficiently severe to refuse the Bovis-Miller housing development. Whilst the alternative routes via Hatherley Road would reduce the full length of the queue this would increase the traffic burden on these already congested routes and the A40. So the Secretary of State’s finding should also be applied to the application for the new school. The Application must therefore be rejected and a new one submitted that has a much smaller impact on the traffic congestion.

7. Ways to improve the traffic congestion

7.1 Adjust the secondary school catchments

There are several possible ways to achieve this improvement. The first, which may be hinted at within the current Application and which we understand may be favoured by Balcarras School as sponsors for the proposed school, would be to make the catchment much more local and to include many homes in Warden Hill and Up Hatherley that are within 15 to 20 minutes walking distance of the school. The Application states that:

'Balcarras School have a strictly adhered admissions policy based on priority for pupils living in a local geographic area to the School, with those living closer to the School receiving higher priority for admission. With this in place, the furthest distance a pupil lives from Balcarras School is 0.9 miles. Taking this forward to the proposed new School, Balcarras School are confident that the catchment for the proposed new Secondary School will be very similar to that of Balcarras School. It is also likely that there will be some overlapping with the catchments of Bournside School and Balcarras School.'

Table 2 shows walking distances to the school site from various locations in Cheltenham and also direct line distances to the school site and to Balcarras School and Bournside School. The routes shown as bold numbers are those identified in the Application as the primary local walking routes to the school. The routes identified by letters are other routes from residential areas that connect to one of the primary routes. The primary route 6 is from the west end of Salisbury Avenue via Farmfield Road, A46, Kidnappers Lane and Farm Lane. It has a walking distance of 0.72 miles and a direct line distance of 0.66 miles. Route 7.1 from The Park has a walking distance of 0.79 miles and a direct line distance of 0.63 miles. Route 5 from the Up Hatherley Way roundabout has a walking distance of 0.53 miles and a direct line distance of 0.34 miles. Route V from Warden Hill Road via Winchester Way, Canterbury Walk and route 7.1 has a walking distance of 0.88 miles and a direct line distance of 0.78 miles. These four routes provide good walking access from the areas of Warden Hill and Up Hatherley bounded by Caernarvon Road, Warden Hill Road and the south and east perimeter of Bournside School. Including these areas in the catchment of the new school and also including the Merestones area south of The Park would create further capacity at Bournside School that could be used to reduce the traffic problem.

The proposed catchment as detailed in Transport Appendix C and on the Postcode Boundary Catchment map is widely spread over nine postcode areas (pupil percentage in brackets): GL50 1 (2.3%), GL50 2 (3.8%), GL51 3 (2.8%), GL51 4 (10.0%), GL52 2 (3.0%), GL52 6 (13.4%), GL53 0 (28.3%), GL53 7 (23.5%) and GL53 9 (12.8%). It is conspicuous that the GL51 3 area contributes only 2.8% despite Warden Hill and the east part of Up Hatherley being within easy walking distance of the school. Other parts of the proposed catchment in central and north Cheltenham are over 4 km from the proposed new school and would be better assigned to Bournside School. For the areas in GL52 1, GL52 6 and in GL53 7 around Sandford Park and the Bath Road the journey by the number 10 bus to Bournside would be 1.2 km shorter than to the new school. The number 94U bus also operates to The Park and provides a bus route to Bournside from GL52 6 areas whereas travel to Kidnappers Lane requires changing from the 94U onto the number 10 bus.

Pupils coming via Thirlestaine Road (A40) mostly by car can reach Bournside School much more easily via Suffolk Road, Park Place and The Park than to the new school via the congested Bath Road shopping area and the A46 to Kidnappers Lane. Importantly again, the route to Bournside has no effect on the A46 queue in either direction. The journey times from the A46 / Thirlestaine Road junction to Rowena Cade Avenue for the rear access to Bournside School varied between 1.9 minutes and 2.9 minutes for five journeys measured by the Parish Council in the 08:00 to 09:00 period in October 2019.

The Parish Council has also measured journey times by car from Pilley Bridge via the route of Old Bath Road, Thirlestaine Road, Suffolk Road, Park Place. Again this route

has no impact on the A46 queue. The measured journey times from Pilley Bridge to Rowena Cade Avenue varied from 6.8 to 8.7 minutes for five journeys measured between 08:00 and 09:00. So it appears that Bournside School could reasonably cover the roads in the so-called Leckhampton Triangle east of Old Bath Road where there is the particularly serious shortfall in secondary education capacity according to Tim Browne, GCC Director of Education, in speaking at the public meeting on the proposed school in 2018. The Parish Council understands Bournside School may have proposed this idea some years ago.

Because the schools are academies and control their own admissions, a binding agreement between them on catchments and on avoiding traffic impacts on the A46 queue and Church Road must be firmly in place before any revised Application is permitted. The traffic issues are too serious for the catchments to be left to chance or just to the goodwill of the schools.

7.2 Increase the throughput of A46/MPR junction

A second option on traffic would be to increase the throughput of the A46/MPR junction. At the Cheltenham Plan Examination in February, GCC and Miller Homes appeared to be jointly offering this option. But despite agreeing at the Examination to provide more details to the Parish Council they subsequently refused to do this and it appears they may have abandoned this option, or possibly never seriously considered it. Until the recent change in road marking at the junction, there was a short left-turning lane in parallel with the straight-ahead lane. Having the two lanes allows both traffic streams to approach the junction in parallel rather than in series. However, the left turning lane only had enough length for 2 vehicles because there was no road space for a longer lane. More recently the left turning lane has been removed in order to provide a dedicated short lane for traffic turning right. The Redrow mitigation, referred to in the Application, does little more than restore the short left turning lane that has been lost. But if one could make the left turning lane longer, this would increase the throughput of the junction in each traffic light cycle by up to as many left turning cars as could fit into the lane.

The problem with this option is that the road width is too narrow to permit a longer left turning lane and it would be necessary to purchase two or maybe 3 metres of extra width from the front gardens of houses on the west side of the road in order to extend the lane and also provide the proposed cycle/footpath to the new secondary school. There are four houses that are well set back from the road and that could potentially provide the required extra width and sufficient extra lane length to hold 4 or possibly even 5 left turning cars. The traffic surveys by the Parish Council show there are typically 25 to 30 cycles per hour in the peak period and in most cases there are sufficient left turning vehicles in each cycle to fill this extra length of lane. So it would be possible in this way to increase the junction throughput by100 or possible as much as 125 vehicles per hour. This improved throughput would also apply before and after the school run period and the improvement over the duration of the queue each morning might reduce the queue length by 200 or more vehicles. The Parish Council has suggested this option to Chris Mead, GCC Director of Planning, in discussion.

7.3 Expand Balcarras school

A third option, which the Parish Council has consistently recommended to GCC and in its evidence to the Cheltenham Plan Examination, is to expand Balcarras School

sufficiently to cover the shortfall in the Leckhampton triangle east of Old Bath Road. An expansion by around 300 places (2 forms of entry) would probably be sufficient and would still leave Balcarras School smaller than Bournside School. Balcarras is an outstanding school that is very popular with parents and it is government policy to encourage expansion of such schools. It also backs onto open land which although it lies in the AONB could be used to enlarge the playing fields. Expanding Balcarras School might also allow the new secondary school to be reduced to a size much more suitable to its constrained location and possibly the saving in cost could be applied to fund the expansion of Balcarras.

8. Need to avoid over-expanding the school capacity

The Parish Council believes that it may also be worthwhile to look again at the projected education need to check critically that such a large new secondary school is really required. The Parish Council is reluctant to put too much emphasis on this question of educational need for fear that it might divert attention from the major issue of the traffic congestion. But in 2015, when GCC was planning to sell its land in Farm Lane for housing, the Parish Council together with Councillor Iain Dobie as the County councillor for Leckhampton and Warden Hill tried to convince GCC up to the highest level that it should retain this land for playing fields for a potential secondary school. This reflected concerns that had been raised by many members of the public since 2011 about the shortfall in secondary education. In its response GCC insisted resolutely that no new school was needed. GCC also did not at any time raise the issue of the need for the new school in the JCS. It must therefore be presumed that GCC did have a plan for handling the projected increases in year 7 to 11 pupils without needing a new school in south Cheltenham and this suggests that there must still be an option to make the new school smaller. The Parish Council has made its own analysis of the education need, taking into accounts government projections for this area of Gloucestershire. This is set out in the separate Annex to the Council's submission.

If the new school with a size of 900 pupils did result in too large a capacity in Cheltenham there would be the risk that to fill all the places pupils might be coming from longer distances and this could add to the traffic congestion. So the Parish Council recommends that the GCC Planning Committee must make very sure that the long term need is correct.

9. Recommendations

This analysis shows that based on the present Application the school would be likely to create severe cumulative traffic congestion. As stated in the Secretary of State's findings on the Bovis-Miller appeal in 2016, GCC must guard against being complacent over the traffic congestion in the peak traffic period. The application should therefore be refused and a new application produced that carries much less risk. As suggested above, there are options that could greatly reduce the traffic impact.

The school run imposes a huge burden on the traffic system. It is very important to provide sufficient education capacity. But it is also very important to provide enough new housing and to protect valued landscape, which is also an issue for the school although not addressed in this annex. With new housing there is no way to avoid creating more traffic; people have to travel to work and to schools. But with this new school there is a

choice over traffic creation and it is the responsibility of both the County Council and the schools to minimise the traffic impact as resolutely as possible.

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20/01788/FUL - 350 houses - Land at Shurdington Road Cheltenham

Review of landscape elements

Purpose of note

To provide a professional review of the landscape elements of the proposal by Miller Homes to build 350 houses on land off Shurdington Road in Cheltenham. The note can then inform the determination of the planning application by Cheltenham Borough Council (CBC) as they consider the proposals against the landscape planning policies. It is also prepared to assist in forming any subsequent planning conditions that CBC may choose to apply should they grant consent. Where a panning condition is suggested the corresponding text is highlighted in blue.

Author of note

The note has been prepared by Stuart Ryder of Ryder Landscape Consultants who from time to time assists CBC in landscape matters at sensitive locations within the borough. He has appeared as Expert Witness at three Planning Inquiries concerning land at Leckhampton including the Site under consideration.

Scope of note

The note considers the landscape elements of the applicable planning documents presented by Miller Homes as the Applicant of this Full Planning Application. The documents reviewed are set below in table format.

Ref	Documents considered
1	***Planning Statement*** - specifically references to Landscape and GI Strategy matters.
2	***Landscape and Visual Appraisal*** – specifically Review Tables for landscape receptors and visual receptors and consider if assessment is fair and/or influenced design proposals
3	***Design and Access Strategy*** - specifically Chapters 7 & 8
4	***Surface Water Drainage Strategy –*** Plan only
5	***Ecological Assessment*** - specifically Figure 1 Ecological Proposals Plan to ensure matters listed are included in landscape proposals
6	***Enclosure Plans*** for north & south areas to comment on boundaries proposed and location on plans.
7	***Mitigation design*** - for landscape proposals to address adverse landscape and visual effects.
8	***Green Infrastructure Strategy*** – including review of proposed planting species
9	***Tree survey and Arboricultural Impact Assessment*** – to understand effects on the Site's landscape character and the Ste's contextual area

1 Planning Statement

The Planning Statement as prepared by the RPS Group has revision letter V2, status as Final and is dated 7 October 2020.

The Planning Statement acting as a summary for many other, more detailed reports was consulted first to define relevant areas of landscape interest.

The following points of note were identified in the Planning Statement review, where applicable cross referencing with other Application documents is given;

From the Executive Summary

- Page 5 – Footpath and cycleway reference linking east and west portions of the proposals – check in Transport Study that the route is sufficiently wide and safe to use for both pedestrians and cyclists.
- Page 5 – How were the desire lines to and from school decided? – Again reference to Transport Study would be useful.
- Page 8 – Last bullet – reference is made to formal recreation by this it is understood that it means play areas rather than any other facility? A kick-about area is referenced later at §7.14 and in the LVA.
- Page 10 – A statement is presented that '*A scheme will be secured for Open Space Maintenance*', careful agreement will be required for this element and consideration at the same time as detailed landscape / GI proposals are presented for discharge is recommended.

From the main body of the Planning Statement

- ***§2.6 – Tree retention*** where possible will be reviewed with regards to the tree works plan with particularly interest shown for amenity effects at boundaries and ability to retain high quality trees and hedgerows.
- ***§3.4 – Inspector Moore's opinion*** on the view to Leckhampton Hill is presented to illustrate that changes to it are not determinative in this application, however it is a useful reminder that the Inspector thought that the view to Leckhampton Hill could be addressed in the detailed design proposals and this should be considered in the review of the frontage proposals to Shurdington Road.
- ***§4.5 – Character Areas*** – initial reaction to the four proposed areas includes whether the access to Kidnappers Lane properties has been explored as individual properties of the lane as per the opposite side of the road and why the School link starts where it does rather than at the turn of the spine road / Hatherley Brook.
- ***§5 – Planning Policy Context*** appears to be in order citing the appropriate Landscape and Green Infrastructure Policies (GI) from the Adopted JCS, Local Plan, Cotswolds AONB and SPG. However no SPG's appear to be explored in the body of this section.
- ***§5.55 & §5.56 – Cotswolds AONB Management Plan*** – Acknowledgement is given that the proposals are in the setting of the AONB and compliance with the AONB's management plan policies is also claimed. I would recommend liaison with the AONB's Planning and Landscape Officer Mr John Mills to confirm they share this same opinion if you have not already approached them as a consultee.
- ***§7.10 – Open Space figures*** appear in excess of guide quantities, this is partly due to the inclusion of the Hatherley Brook corridor within the overall red line boundary rather than having two separate applications.

- ***§7.14 – Kick-about area*** – Siting and form of such facility needs to be considered when reviewing layout proposals as they can cause consternation to adjacent properties.
- ***§7.18 – Allotments*** – are part of GI proposals but hold limited landscape and ecological value as implied in this statement unless it is the overall GI that is being referenced as having landscape and ecological value.
- ***§7.19 – SuDS Ponds*** – educational value claimed and how this is to be delivered will require cross referencing in GI Strategy / Landscape Proposals.
- ***§7.22 – Footpath CHL/6*** – How would this be a rural footpath link, it is unlikely to have rural character but could still link out to a wider rural network. Of greater importance will be an appropriate surfacing and all year round usage.
- ***§7.25 – Public Open Space*** near to Merlin Way to benefit existing Leckhampton residents is noted and quality of link to ensure all year round access and usage will be important.
- ***§8.14 – Small Holdings*** – Cited in title of this section – confirm if any are to be retained and if so whether there are any agricultural tenancy rights conveyed by being classed as Small Holdings rather than as allotments.
- ***§8.14 – Public Body*** – to control allotments and community orchard, what happens if none are willing to adopt/own these public facilities? This is where a Landscape Maintenance and Management Plan is critical to confirm sustainable, long-term management arrangements.
- ***§9.5 – Community Buildings*** – last bullet in list makes reference to Community Buildings, what are these? Are they actually proposed?

2 Landscape and Visual Appraisal - LVA

Prepared by Hankinson Duckett Associates (HDA) and dated October 2020. The quality control check box would suggest the report has been written and approved for issue by the same person Brian Duckett a Director of the practice.

My review was restricted slightly by Appendix 1 – Methodology and other Appendices not being uploaded to the CBC Planning Portal but enough of the process was explained in the main body of the LVA to understand the process.

There are a number of anomalies in the main body of the report that should be brought to the Applicant's attention along with missing information that would improve the value of the LVA to the design and decision making process. Listed numerically these are;

- ***§3.2.2 – Railway*** - Reference to railway line is incorrect – there is none.
- ***§4.1.5 – LDA Report*** – No detailed analysis, this report was useful to the Inspector in the first Leckhampton Appeal
- ***HDA Figure 4*** – Does not clearly show where Character Areas CA1 to CA3 are.
- ***§4.3.3 – Area CA1*** - is assessed as having Low sensitivity but where is the justification for this judgement? Reference is also made to CA4 – is there 3 or 4 Character Aras discussed.
- ***§5.1.1- Viewpoints*** - Would have benefitted from re-confirming viewpoints with CBC.
- ***Visibility*** - Generally the level of visibility is discussed in photographs and mapping. When were the photographs taken? Is the level of visibility only to the open ground of the Site rather than where roofs and upper storeys may sit within the view?
- ***§5.2.14 – Term 'limited'*** - is used but what is the definition of this in the assessment methodology?
- ***Cumulative assessment*** - Where is the consideration of cumulative visual effects with the Bovis / Berry Nursery / School site?

- ***§6.1.2 – Storeys*** - Largely two storey with some three storey – where are the three storey houses going to be sited?
- **§6.2.3 – Informal kick-about area** - Need to check on details of informal kick-about area to confirm they do not clash with the community orchard.
- ***§6.2.4 – Hatherley Brook proposals*** - A lot is claimed for Hatherley Brook – is there sufficient space to do it all?
- ***§6.2.7 – TPO615*** - Use of native tree species and felling of Ash TPO615 for SuDS basin, could it be left on an island of raised ground or on a bank extension?
- ***§6.2.8 – Play areas*** – are they in a flood zone and will their siting have an impact on the wildlife value of Hatherley Brook?
- ***§7.2.1 – Significant landscape features*** - Makes reference to significant landscape features within the Site. What are they? A summary of them does not appear to be supplied in the baseline at 4.3.1.
- ***§7.2.2 – Consultation*** - Where or what was the earlier consultation with the CBC Landscape Architect?
- ***§7.2.7 – Definition of Moderate for landscape receptors*** - A Moderate impact on seven out of 30 landscape receptors. What is definition of Moderate – one is given under the earlier matrix but this makes reference to VR (presumed visual receptors) –is it the same for landscape receptors?
- ***§7.3.2 – Reference to Character Area CA2*** – Lott's Meadow unchanged, will this be so into the future if planting in Moorend Meadow reduces?
- ***§7.4.1 – The agreement of viewpoints*** – does the Applicant have a record as I have not seen it.
- ***§7.4.2 – Vistas*** - have been created through the proposed development framing views of Cotswolds Escarpment to the south – where are they on the proposal plan?
- ***§7.4.6 – Lott's Meadow*** - Again reassertion of no effect on Lott's Meadow. But what happens if there is?
- ***§7.4.9 – Kidnappers Lane hedgerow*** – how is this substantial hedge going to be maintained? Needs to be addressed in a Landscape Maintenance and Management Plan (LMMP) or equivalent.
- ***§7.5.1 – Confusing wording*** - Do not understand the start of paragraph making reference to matters within the Site where other viewpoints are off the Site. Is the Moderate description the same as the one given on Page 21?
- ***Cumulative Assessment*** - Lacking in Cumulative Assessment with Bovis / Kidnappers Lane / School site.
- ***§7.7.1 – Trees enhanced through additional management*** – What is this? Where is it described? How can it be Conditioned?
- ***§7.7.2 – Landscape features for enhancement*** - Where is the list of nine landscape features to be enhanced?
- ***§7.7.3 – Missing information*** - x ha – please complete
- ***§7.7.4 – Assertion*** - Why does it 'more than mitigate' – no explanation or evidence given.
- ***§7.7.5 & 7.7.6 – Missing*** - or paragraph numbering error?
- ***§7.7.7 – Some landscape features lost*** – will the new habitat be of the same landscape features or different?
- ***§7.8.2 – Character Area CA1*** - (The Site) is considered to experience a **Minor** effect. No type of effect is stated e.g. Positive / Neutral / Negative. In reality when comparing the landscape

change between the baseline condition and the end state the effect is going to be larger and this needs to be taken into the Planning Balance.

- No reference to cumulative landscape effects on wider CA2 and CA3 character areas.
- ***§7.9.1 –Minimising visibility*** - It is stated that the proposed development has been designed to minimise its visibility but this statement is not explained or evidenced.
- ***§7.9.2 – View to AONB retained through development*** – where? How is this achieved? There is no visualisation to explain this or obvious gap on the plan.
- ***§7.9.3 – Moorend Meadow footpath*** - Would the additional footpath in Moorend Meadow have a rural character given its context to the north?
- ***§7.9.7 – Visual amenity*** - After 10 years it is considered as no more than Minor Adverse on the visual amenity of the area – it will remain greater than that when compared to the baseline particularly in views from Shurdington Road. This is something that has been taken into account at the Inquiry, the Local Plan EiP and designation of the Site for housing. The more telling question is do these proposals contribute to the best possible visual amenity associated with new development at this Site?
- ***§7.10.1 – Cites compliance with Local Plan policies*** – GE5 to GE7 of the Cheltenham Local Plan. These policies references do not exist. It could be referencing GI1 to GI3 but this does not cover off Policy L1 or any of the JCS Policies.
- ***§7.10.5 – Minor Conclusion*** - Where is narrative to explain conclusion of Minor? It is not at 7.9.2.
- ***§6.7.3.2 – AONB and Visual Amenity*** - Apart from paragraph numbering issue it describes views from AONB then mixed up with a conclusion on the 'visual amenity of this area'.

Missing elements

I consider there to be the following gaps and under representation in the LVA;

- Clear description of landscape and visual mitigation.
- How the LVA process has influenced the layout of the proposals
- Cumulative assessments of the effects of the Bovis / Robert Hitchins / School developments.
- Clear narratives of overall effects conclusions.

The Landscape Institute now have an advice guidance note for reviewing LVIA and LVA's and the Applicant's may wish to use this to assess whether the submitted LVA could be updated to better advise CBC as they seek to determine the application.

3. Design and Access Statement (DAS)

Produced by the scheme architects Cooper Bailie Ltd it was Rev A of the DAS dated October 2020 that has been reviewed. Specifically Chapters 7 & 8 that address landscape and environmental matters. The DAS as often on larger applications is supported by a series of more detailed reports and is better classed as providing an overview.

§7.1 – HDA Landscape Strategy - Forward reference to HDA's Landscape Strategy – this is Figure 7 of the LVA.

§7.4 –Moorend Meadow – considers already well drained but does not provide the evidence for this.

§7.6 – Proposals for Moorend Meadow – appear appropriate for setting and utilising some of this area's existing landscape features. I would recommend additional large trees in the boundary

hedgerows to provide additional layers of screening between it and Lott's Meadow. Support the informal car park for the allotments but would also recommend that this is gated to restrict use to allotment holders.

§7.8 – Hatherley Brook proposals – it is described that a proportion is put over to SuDS features, what percentage of the central POS does this equate to? Hatherley Brook off plan reads more as green corridor rather than a versatile area of POS.

§7.13 LEAP – Appears well considered in principle but needs to be the subject of conditions addressing its overall size and number of pieces of the naturalistic play equipment suggested. Note in fourth bullet regarding the Disability Discrimination Act is inaccurate as it has been replaced by The Equality Act 2010.

§7.14 – LAP'S – suggests that there will be limited formal play equipment for these areas but some will still be required and should be conditioned along with the LEAP's. Both types of play areas need specific consideration in the site wide Landscape Maintenance and Management Plan (LMMP) including safety inspection regimes.

§8.4 – Open Space Totals – are given at 4.362 Ha / 10.778 acres including hedgerow widths. This equates to 38.2% as Green Infrastructure. It would be interesting to see a figure for open ground that is accessible and useable by new and existing residents rather than SuDS basins / streams / hedges/etc.

4 Surface Water Drainage Strategy

Produced by Patrick Parsons and dated 8/10/20 I reviewed the Site Wide Drainage Strategy drawing B17427-PPL-500 Rev P3.

The review did not address any of the engineering design or flow calculations but rather considered the proposals 'fit' with the proposed treatment of the site's external realm.

- ***Proposals overview*** – Logical to use the two existing surface water features on Site – Hatherley Brook and Moorend Brook to discharge surface water run-off to.
- ***The unnamed brook (LECK3)*** -is I believe the watercourse Moorend Brook named in the LVA.
- ***Three attenuation ponds*** - The two brooks are aided in managing large pluvial events by three attenuation ponds again set logically to the downstream end of the watercourses where they can gather and detain the greatest volume of surface water run-off.
- ***Wet or dry***? - Clarification on whether these ponds are to be kept in the wet or dry is recommended. Other documents do state they will be kept as wet ponds, if it is wet what depth of water is anticipated outside of flood conditions?
- ***Uniform side slopes*** - It is also recommended that the ponds do not have a uniform 1:4 side slope as this will increase their appearance as artificial features on the Site. Varying the side slopes will add visual amenity and increase their value for wildlife. Varying slopes between 1:4 and 1:8 is suggested.
- ***Pond planting*** - Planting of these ponds is required and should he conditioned along with the establishment maintenance and subsequent aftercare of the ponds. They should form a distinct part of the Landscape Maintenance and Management Plan.
- ***Pond ancillary features*** - It is also recommended that the ancillary features to the ponds such as the proposed stilling basins (rock armouring hatch indicated), headwalls, water level controls and any protective fencing are also conditioned on the grounds of ensuring positive visual amenity.

- ***Bovis site*** - From the plan it is unclear whether surface water is being discharged straight from the Bovis site to this one or how (if any) interaction with this scheme takes place.
- ***Daylighting pond discharge***s - Can the discharges from the three ponds to the two watercourse be made in day-lighted channels with weir points rather than drains and chambers to aid wildlife movement?
- ***Landscape areas*** - The solid red and green hatches on the plan are summarised as Public Open Space/Allotments/Soft landscaping – Not positively drained (also stated in Assumption Notes). However these facilities could require some field drainage to facilitate full seasonal use and an outflow from them should be considered in the overall layout. To evidence this I would direct the Applicant to consider the state of nearby Lott's Meadow in winter conditions and general soil conditions. What does any infiltration testing show?
- ***Existing field drains*** - On the same subject of field drains have any existing field drainage surveys been undertaken in the area of the three attenuation ponds as given the site's former use as a market garden there may be a historical field drain network in existence. Field drains left in the ground in the vicinity of the ponds may affect their ability to hold water or manage it as designed in a flood event.
- ***Environment Agency approval*** - Finally the key states that for the 1:100 and 1:1000 year events the JBA modelling has been approved by the Environment Agency – has the methodology and or model outputs been approved or rather accepted?

5 Ecological Assessment

Prepared by Hankinson Duckett Associates (HDA) the submitted Ecological Assessment is at Revision A and dated October 2020.

The only sections reviewed are the Conclusions and the Ecological Proposals Plan.

- ***§6.1 – Chiltern Beechwood SAC*** – Mis-naming of local Beechwood SAC as Chilterns SAC rather than Cotswold Beechwood SAC, accurately named elsewhere in report.
- ***§6.2 – Hatherley Brook and Woodland*** - Has recreation pressure on Hatherley Brook been taken into account especially as protected species homes are located there. Also reference made to associated woodland , where is this woodland as it is not on Site?
- ***§6.3 – Section 5 proposals*** – this third paragraph makes back reference to Section 5 which lists the ecological proposals that 'subject to securing these measures' will mean the site can be maintained and potentially enhanced for wildlife. A list of suggested conditions is provided at 5.15 that could be applied to assist delivery of the ecological works. These include and a Landscape and Environmental Management Plan (LEMP).
- ***§6.4 – Designated areas*** – is this reference to off-site designations such as the Cotswold Beechwood SAC as there are none on Site.

Ecological Proposals Plan

- The position of the protected species is noted and accords with retained green space.
- New feature trees near to Pond C – are these for ecological or landscape benefit?
- Use of nectar and pollen rich plants with formal planting points to rear gardens in a residential area – should CBC be expected to receive proposals plans for these areas or condition such garden planting?
- Management of Moorend Meadow is cited but not explained.
- How many bat roosts and bird boxes are proposed on trees and new buildings? – Perhaps condition a percentage or all properties facing the brook corridors and site boundaries.

- Gaps in hedgerows to be filled with native stock of local provenance but who manages, cuts, lays, beats up and when do these activities take place – another topic for the LEMP.

6 Enclosure plans

There are three enclosure plans submitted all prepared by scheme architects Cooper Baillie with latest revisions dated September 2020;

- CB 70_064_009 Rev D – Scheme wide enclosure plan
- CB 70_094_109 Rev D – North enclosure plan
- CB 70_094_309 Rev B – South enclosure plan

Each plan depicts where the four types of proposed enclosure are to be set through the use of co-ordinated coloured lines.

Enclosure typology comments

Red Line – Brick column and close boarded timber fences

Usage – Publicly visible side and rear garden enclosures. This appears appropriate for such locations.

Details – Brick types should match associated housing brick. The boarding should be a more substantial board rather than feather edge with a straight, planed edge to give a higher quality effect.

Turquoise Line – Larch lap fence panels with timber post

Usage – Demarcation of rear garden boundaries. This appears appropriate for such use and locations.

Details – A cheaper fencing type that is prone to post rotting and subsequent wind damage, likely to be changed to concrete posts and panels within 8 to 12 years by individual property owners. No indication of whether higher 1800mm panels are to be used along whole length of garden or just as 'modesty' panels next to the homes and then stepping down to 1200mm panels so rear gardens do not appear as 'hemmed-in' by entirety of tall panels.

Blue line – 1800mm close board fence

Usage – Either side of rear access routes. Suggestion for modifications given below.

Details – Timber posts are likely to rot leading to partial fence collapse so concrete posts and gravel boards should be considered for these routes. Such fencing does not look as sympathetic as entire timber fences but it is easier to replace panels which will be critical if these are access routes. The gravel board can be retained in baulk timber to lessen the amount of visible concrete or possibly substituted to a plain concrete gravel board.

Yellow Line – 1200mm estate rail

Usage – Minimum usage at entrances to shared parking courts and areas. Appropriate subject to suggested modifications below.

Details – The estate rail shown has too large a gap at its bottom and does not look like any traditional estate rail fence because of this and the limited number of rails. The curved corner instead of finishing at a straight end post does not add to a sense of authenticity. Recommend at least another bottom rail and straight posts throughout. No reference to finish / paint colour(s).

Overall the type of enclosures appear appropriate but I would still recommend a condition to ensure that their actual finishing detail is to an agreed quality of finish.

Fencing usage on plans

The following comments address where the fencing is and is not used around the proposals.

- There is a distinctive lack of fencing to Shurdington Road where the Estate fencing could improve the appearance of the road corridor and development if placed to define the SuDS pond area at the end of the Hatherley Brook corridor. Note it is not suggested to surround all the pond(s).
- Likewise Estate fencing could assist in better creating a semi-defensible frontage to the properties to the western end of Shurdington Road where only a hedge is indicated on the enclosure plans.
- Estate fencing would assist in controlling vehicular access to the SuDS Pond A from the eastern road where currently it appears open on the enclosure plan.
- Again vehicular control is required to prevent general use of the emergency link between the two halves of the proposals.
- In the same area of the vehicular link fencing control at the bridge / culvert over Hatherley Brook is required.
- No fencing is shown at the current SuDS Ponds headwalls – are they small enough not to require it?
- Western cycle path near to current Kidnappers Lane position requires vehicle control to restrict unlawful use.

I have included the external realm remarks here as the external realm boundaries and enclosure is not addressed fully in the landscape or GI proposals.

7 Landscape Strategy

Based upon Illustrative Landscape Strategy 436.16/101C dated September 2020 prepared by Hankinson Duckett Associates (HDA).

In addition the Land Use Plan and Hard Surfacing Plan prepared by Cooper Baillie have also been reviewed.

Landscape Strategy

Is a single plan with 11 points keyed onto the overall drawing. These 11 points are reviewed below with further comments on potentially omitted items discussed after that.

1 – LAP's – locations of LAP's shall provide for some natural play opportunities but miss out on natural supervision as indicated. Possibly keep open to path or housing sides and not enclosed by planting. 3 No. LAP's are shown on the landscape strategy.

2 – Merlin Way path link – is a good idea to allow existing residents access but not in an unbound surface as it will be popular requiring a surface finish that can be used all year round. Recommend either coloured tarmac or resin bound aggregate but not bound gravel or Hoggin that would not withstand the anticipated usage.

3 – Junior Footpath Pitch – referred to in other documents as informal kick about area. If it is to be a more formal pitch who pays for its formation and management? It would also extend the urban form of the proposals out towards Lott's Meadow.

4 – Enhanced planting – one objective of this planting and on the other side of Moorend Meadow is to continue to provide the layers of vegetation that gives screening to views from Lott's Meadow. This should be stated somewhere and the species chosen accordingly.

5 – Mown grass paths - but mown by whom?

6 – Community orchard to retain some of the old fruit trees – but managed by whom? Who sets up any community groups? Do they need a small base and set up equipment, possibly associated with new allotments?

7 – Allotment car park – good idea as people will drive to these features with tools. As suggested earlier should be gated to restrict use to allotment holders. Car park surface could be Hoggin given frequency of use and desire for permeability.

8 – Allotments – Have these allotments been discussed with CBC's Allotment Officer? Are they going to be hedged or fenced to provide a degree of security? Will they have a mains water supply?

9 – Woodland belt – This is not a woodland belt but is minor screen planting at the southern corner of the proposals to give Robinswood Cottage some separation. The effectiveness of this can only be judged when detail design is provided in terms of species choices and treatment of the existing boundary hedgerow.

10 – Focal area – For what? It appears to have little detail on the proposal plans.

11 – LEAP – Appears sensibly located central to the two halves of development. Enclosure through fencing is required taking account of anti-bullying and dog stop measures. Appropriate fall from height surfacing will also be required.

Landscape matters not clear at this moment in time

The following matters appear not to have been addressed in the Illustrative Landscape Strategy.

1. The treatment of the Shurdington Road corridor so a positive image of the development can be presented and a key route into Cheltenham kept attractive.
2. The creation of some form of entrance character other than the highway geometry of the entrance roundabout.
3. There is limited tree planting within the estate. This is particularly important given the lack of front gardens or size of front gardens effectively preventing any garden planting. The street tees as shown require space to succeed and a careful design and installation to provide adequate soil volumes for growth, water / drainage balance / permeable surfacing / vehicle protection. I would recommend a specific condition requiring full details of street tree planting are submitted at the same time as the highway proposals. Within the Landscape and Environmental Management Plan (LEMP) their establishment care and aftercare should be explicitly stated. The success of their establishment should be reported on annually and replacement of failed stock also take place annually.
4. Given the lack of green space to the front of properties tree planting should be provided in the rear gardens to provide some shade / transpiration and general visual amenity benefit.
5. Benches are indicated in some communal areas. These and all other street furniture that are not included in the proposals should be conditioned and details of such things as benches' hard standing, maintenance access for emptying bins / dog bins, vehicle gates and barriers shall be supplied along with a maintenance strategy.

6. The view to Leckhampton Hill from Shurdington Road does not appear to have informed the landscape response or the wider layout of the proposals. Could the applicant be asked to explain how they have addressed this matter?
7. Lack of landscape maintenance and management details whether in the form of a specific Landscape Maintenance and Management Plan (LMMP) or included in a combined Landscape and Environmental Management Plan (LEMP). This should be conditioned and be submitted at the same time as the detailed landscape proposals as pre-commencement conditions.

Hard Surfacing Plan

Produced by Cooper Baillie the Hard Surfacing Plan reviewed was CB_70_064_010 Rev D dated 24/9/20.

The review concentrated more on the types of surfacing proposed rather than the proposed locations that appeared appropriate.

- ***Focal tarmac*** – What is meant by this? Coloured? Chippings? Imprinted asphalt? It appears to be used for one road and the raised speed islands. Ease of future repair and patching – aim to keep services out of these areas.
- ***Hoggin*** – As stated above the use of Hoggin for path surfacing is not recommended in this location given the anticipated high footfall and need for clean all year round access. Please can the Applicant suggest alternative and bound surfaces.
- ***Surfacing in LEAP's & LAP's*** – unclear what is proposed but safety surfacing is required to suit the proposed play equipment.
- ***Other surfacing types*** – considered appropriate subject to final choices and designs to suit permeability and SuDS proposals.
- ***Footpath CH6/L*** – what is proposed for this footpath where it runs through and adjacent to the development?

It is recommended that a hard surfacing condition is applied to the proposals that addresses these points and ensures the proposals meet with all necessary highway design standards.

8 Green Infrastructure Strategy

Prepared by Hankinson Duckett Associates (HDA) and dated September 2020 this document does not appear to have a specific reference number to cite.

§1.4 – Last line Outline Management Plan – Why would only an Outline Management Plan be produced when a full one is required?

§4.1.3 & §4.1.5 – Local Green Space – has now been designated so text is out of date.

§4.1.6 – Hatherley Brook and Moorend Stream – are not prominent features as stated, their corridors with associated riparian trees are more prominent but again not at a grand, prominent scale. They are however the most significant GI that the site displays.

§4.1.10 – Green Shurdington Road corridor – new hedge and associated trees are proposed but no comment on scale of planting – frontage is appropriate for advanced hedging stock for instant effects.

§4.1.11 – Kidnappers Lane Hedgerows – retained but no management mentioned – currently large and unmanaged.

§4.1.7 – Finer Grain Open Space – Incorrect paragraph number. Reference is made to features of high landscape / ecological value – where is a clear list of such features to retain? (LVA/Ecological Assessment/Tree Survey). I would recommend a plan to clearly locate and define these elements to save later confusion / argument.

§4.1.13 – Significant Open Space - Why is it referred to as a 'Significant' area of open space? What is the definition of significant?

§4.1.14 – Plural LEAP's reference – assume this is incorrect as just one on the plan. Plan key for play areas is confusing both symbol wise and by reference to NEAP's which is again considered inaccurate.

Section 4.2 - provides greater details on the characteristics of the different areas on the development.

Figure 7 – Green Infrastructure Opportunities

This plan is basically the landscape plan marked up with six narrative boxes. The more fundamental point is are these 'opportunities' i.e. they could happen or 'proposals' that planning consent is being sought meaning they will happen and should be taken into consideration when the quality of the external realm is being considered?

Taking the six boxes from top to bottom on the sheet the following comments are made;

- ***Box 1 – SuDS Pond Area*** – Wrong reference to LEAP as this area is shown as a LAP throughout;
- ***Box 2 – Shurdington Road Edge*** – proposals appear to be replace one hedge with another with some additional standard trees. It will appear similar to existing. What is? And Where is the new urban open space?
- ***Box 3 – Existing CHL6 Footpath*** – hedgerows to have gaps filled but would benefit from systematic phased laying and hedge standard trees to help create layers of vegetation to restrict views from Lott's Meadow.
- ***Box 4 – Generic SuDS Box comments*** – Indicative section only, no section line on plan – first mention of use of gabions near watercourses / swales – preference would be for corridors to be wide enough not to require gabion retention.
- ***Box 5 – New avenues and tree lines*** – critical given density of housing and lack of front garden space. Some do not appear to be in wide enough planting areas on detailed plans. Please see previous comments about planting in rear gardens to increase benefit of tree planting.
- ***Box 6 – Kidnappers Lane Important Hedgerow*** – What are the 'enhancements' as necessary? Its Important status is not referenced in the Tree Survey.

Figure 8 – Ecological Proposals Plan

- No different to Ecological Proposals Plan reviewed above at 5 but with one additional comment which references Japanese Knotweed on site. As a notifiable pest species this will require removal to Environment Agency standards and I would recommend that its certified removal is made the subject to a pre-commencement condition.

Detailed proposals

- ***§4.3.1 – Moorend Meadow*** – Meadow Grass v Kick-about area, these are mutually exclusive as you need shorter amenity grass for informal kick-about games. Doing so on longer

meadow grass will denude its floristic and ecological value. It should be one thing or the other or an area of amenity grass be formed for informal ball games.

- ***§4.3.1 – CHL6 retention*** - The retention of CHL6 is a given as no application to extinguish or divert this footpath appears to have been made.
- ***§4.3.1 – Education Interpretation Boards*** – stated 'could' be installed, is this a definite proposal and if so how many?
- ***Figure 14 – Moorend Meadow*** - does not really add any more detail to the other drawings but does show the path from Merlin Way running to the south of the proposed allotments. Public access along here will not be appreciated by the allotment holders and should be avoided.
- ***§4.3.1*** – Second use as paragraph reference and missing data on tree and hazel stools.
- ***Figure 15*** – ***Allotments*** - Not adding any further detail – what is the boxed cross symbol meant to be proposing under the No.2 annotation? Is it a retained or proposed structure?
- ***Orchard precedent sheet*** – Local orchard tree varieties are a good idea but are the cited varieties available?
- ***§4.6.1 – Walking times*** - How does play within 15 minutes' walk compare to the open space strategy? 15 minutes' walk is perhaps a little too long with the development not that big to require this large walking time.
- ***§4.6.2 – Play area criteria*** –Incorrect reference to Disability Discrimination Act.
- ***§4.7 – Public realm*** – two key areas on estate but neither are overly large or characterful.
- ***Location A: Point 4*** – view to Leckhampton Hill down a side street rather than as a major focus on the estate.
- ***Location B: Point 2*** – Combined cycleway / footpath is listed as 3.0m should be 3.5m what are the Sustrans / Gloucestershire CC details that will be followed?
- ***Location B: Point 7*** – View to Leckhampton Hill not framed by proposed tree lines but more likely obscured.
- ***General comment on coloured cross sections*** – it is recognised that the sections are illustrative and presented to show the spatial order between elements. However this is a Full Planning Application and to assess if there is sufficient space / width for the features shown proper scaled sections and section lines on a scaled plan should be provided.
- ***Section 5 – Generic planting lists*** – No objections in principle to the plant species listed but would like to see them laid out on a detailed planting plan. This will no doubt form a planning condition. The other point noted is the suggestion of alder (Alnus glutinosa) along the watercourses and further checks are required that Alder Root Disease is not prevalent in the area.
- ***Street trees and parking*** – Shrubs & lawn areas to front gardens are largely missing from these proposals but listed in the items.

Missing elements

The following two items are missing from the information presented in the Green Infrastructure Strategy;

- Amenity grass area for informal play rather than proposing meadow grass throughout.
- Any detailed reference to how the areas are to be managed e.g. LMMP or LEMP.

9 Tree Survey and Arboricultural Impact Assessment (AIA)

Prepared by Hankinson Duckett Associates (HDA) and dated October 2020 this document does has reference number HDA ref 43.6.17 Issue 01.

It reports on the first two stages of tree and hedge management with regards to construction projects – Tree Survey Information and Arboricultural Impact Assessment. It does not report on Arboricultural Method Statements (AMS) which are required to manage site matters during construction.

- ***§1.4.1 Tree Survey Date*** – February 2020 was the survey date.
- ***§2.3.1 Survey Caveat*** – Explains that the survey is not a Tree Safety Survey.
- ***§2.3.4 Manual tree plotting*** – Explains that five individual trees and three tree groups were plotted manually as they were not identified on the topographic survey. The listed stock have been reviewed on the tree felling and retention plan and none are in 'borderline' situations where the accuracy of plan positioning is paramount.
- ***§3.4.1 – Soils*** – impeded drainage is a general characteristic of the soil which is why Moorend Meadow may require further investigation to prove lack of drainage problems before it is used as the development most open piece of public space.
- ***Table 1*** – Survey category numbers – useful summary of numbers under each category of survey.
- ***§4.3.2 – Category A tree*** – singular, just one oak tree on Hatherley Brook which will not be distinct from other riparian trees along the watercourse.
- ***§4.3.3 – Category B trees*** – 58 trees, 37 groups, 17 hedgerows equating to 2/3rds of surveyed stock.
- ***§4.3.4 – Category C trees*** - 13 trees, 26 groups, 13 hedgerows equating to 1/3rds of surveyed stock.
- ***§4.3.5 – Category U trees*** - 2 trees, 1 group.
- ***§4.4.1 – TPO*** - Identifies the one TPO (CBC Ref No.615) on site which is a group of six trees including the frequently reported ash tree T31 which is proposed for felling to assist in forming SuDS Pond C. Please see my comments on the Tree Removal Plan below.
- ***§4.5.1 – Active Management*** – Identifies the need to restore active management and this should be a key plank of the LMMP or LEMP.
- ***§4.5.2 – Willows on site*** – previously coppiced or pollarded and recommendation to re-establish this as a management technique. Again LMMP / LEMP inclusion required.
- ***§4.5.3 – Fruit trees*** – considered old and not viable for cropping. This would need to be managed within the detailed community orchard proposals particularly as they are key part of those proposals.
- ***§4.5.4 – Ash Die-back Disease*** – Strategy is to keep on site rather than immediately fell tree displaying symptoms as some may tolerate the disease. Requirement for ongoing Tree Safety Surveys for those in public areas.
- ***§4.5.5 – Conifer plantation*** – agree its removal makes sense.
- ***§5.1.2 – Detail design evolution*** – Survey identifies requirement to review Arboricultural Impact Assessment after finalisation of detail design proposals. This could be conditioned along with requirement for Arboricultural Method Statements (AMS) for works in root protection areas (RPAs) amongst other matters.
- ***§5.2.1 – Felling numbers*** – 26 trees, 27 groups, 12 hedges and 1 plantation to be removed.
- ***§5.2.2 – Category C's and U's*** - Over half of above are C's or U's but how many are B's?

- ***§5.2.3 – T31 Ash tree*** – This TPO tree should be judged on its contribution to amenity. Its health condition has not been fully surveyed due to bramble growth.
- ***§5.3.6 – Pollarding*** – The pollarding of trees along Hatherley Brook is a positive management activity for landscape and ecology reasons. It is not strictly needed to provide construction space but should be included in the works over a phased three year process.
- ***§5.4.1 – Foundation implications*** – believed to be missing the word None in this paragraph.
- ***§5.5.1 – Ground level changes*** – recommend check with finalisation of proposals, again include in AMS condition.
- ***§5.6.2 – Ash (T23) Root Protection Area (RPA)*** – is over 20% disturbed but Hoggin path is proposed. However Hoggin path surfacing is recommended for change so proposal of another type of porous surface is required.
- ***§5.6.4 – Crack Willow RPA*** (T66) – Hoggin change as above.
- ***§5.7.1 – Underground Services & Drainage*** – include within AMS condition.
- ***§5.8.1 – Overground Services*** – include within AMS condition.
- ***§5.11.1 – Implications of Construction Activities*** – appear consistent and works should be delivered in accordance with these points.
- ***§5.11.2 – Tree Protection Fencing*** – 'outline' indication must be firmed up pre-construction – again include within AMS condition.
- ***Tree Survey Plan*** –Clear and locates stock on site.
- ***Tree Survey Tables*** – Again clear and well laid out.
- ***T26/G30/H17 &H18 – Remove spoil*** – Ecological assessment is recommended to confirm absence of herptofauna prior to the removal.

Hedge Survey and Management Plan – There is no illustrated hedge survey /management plan where one would be useful. For example H10 is considered Important under the Hedgerow Regulations but not mentioned in the survey tables. It could become the baseline condition for future management of hedgerows on site. Looking at the tree works plan it appears that all hedgerows are being kept out of individual plot ownership which is a positive management step but who manages them going forward? and how they are to be managed? still needs to be established and agreed prior to commencement of works.

Tree Removal Plan

TPO ash tree T31 – could be retained with the manipulation of SuDS Pond C shape setting it further to the west to keep the tree on the east bank. However I would not recommend this as the resulting loss of open space to the west of the pond is greater in aesthetic and use terms than the value gained by retaining the TPO ash tree T31. It would be useful to see photographs of the tree to confirm the amount of amenity value it has and this opinion should be tested with CBC's Arboricultural Officer.

Do not disagree with any of the specific tree removal recommendations as illustrated for this layout to be built.

Appendix E – Tree Protection Plan

Success depends on the management of tree fencing, RPA's and no dig zones on site and more detail should be supplied to discharge an AMS Condition. The proposed tree protection lines appear reasonable but some lack build outs around individual trees such as T9/T66/G44. A question regarding the feasibility of fencing around the Pear trees of G8 and maintaining sufficient constuction space is also asked.

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20/01788/FUL - 350 houses - Land at Shurdington Road Cheltenham

Review of further landscape material

Purpose of note

To provide a professional review of the further landscape elements of the proposal by Miller Homes to build 350 houses on land off Shurdington Road in Cheltenham. The note is intended to inform the determination of the planning application by Cheltenham Borough Council (CBC) as they consider the proposals against their landscape planning policies.

Author of note

The note has been prepared by Stuart Ryder of Ryder Landscape Consultants who commented on the initial submission material.

Scope of note

The note considers the six further landscape submissions provided predominately by Hankinson Duckett Associates (HDA) on behalf of the Applicant. They are listed out as provided to CBC initially on the 16/4/21 and then again on the 18/8/21.

This second note should be read in combination with the first for context.

Each of the further documents are considered in turn before a summary section draws the substantive elements together and draws conclusion on compliance with landscape orientated planning policy. Conditions are highlighted in blue in the text as per the first consultation note.

My consideration of the documents was greatly assisted by being able to discuss them with Brian Duckett in advance of their review in an extended phone call on the 5th November, 2021 for which I am grateful.

Ref	Documents considered
-	Appendix 1 – Consultee Comments Tracker – 18.08.21.
1	HDA Response to PC consultation response
2	HDA response to Ryder Landscape Consultation Comments – 16.04.21
3	R2 and R3 Location Plan
4	Green Infrastructure Strategy – 10.06.21
5	Shurdington Road POS Schedule 06.10.21

Appendix 1 – Consultee Comments Tracker – 18.08.21

I found this to be a fair summary of the points made in the first extensive landscape consultation response. The summarised landscape topic areas that the Applicant's planning advisor's identified were set against three of the submitted documents – LVIA, Landscape Planning and Green

Infrastructure Strategy. However my remarks on the other six documents reviewed do not appear on this abbreviated summary.

With regard to the LVIA it basically directs all response to the submitted document 2. HDA response to Ryder Landscape Consultation Comments submitted on 23.4.21.

It is noted that in the RAG tracker that the landscape topic is given a green status colouring but no explanation of this traffic light system is given.

2 HDA Response to PC consultation response

PC in this regard stands for Parish Council and the note presents a detailed review of previous comments on the area made by Planning Inspectors either involved in Appeals or in reviewing the Cheltenham Local Plan.

It also identifies that the Applicant is willing to work with the Parish Council to arrive at a solution for areas R2 and R3 that is satisfactory to all parties.

Having visited the area for a number of years I would suggest the new housing area in whatever form it is consented is better served by the proposed allotments and informal open space/community orchard rather than a continuation of a reduced area of small-holdings.

The reason for this opinion are threefold;

1. The 'interesting' character of the small-holdings to me related to its wider extent which was in contrast to the surrounding suburban form. This interesting character has declined over recent years which is understandable given uncertainty about their ongoing future and retaining a reduced area would not preserve this wider character but possibly look as an oddity in its new setting.
2. The buffer function between the built form of the new houses and Lotts Meadow that the R2 and R3 spaces provide are fundamentally the same whether the land is put to small holdings or to the allotment and informal open space as per the application proposals.
3. The recreation and access opportunities that the allotments and informal open space provide for the new home owners and existing residents in the area is greater than the recreation value offered up to the fewer number of people renting the new small holdings.

Whatever land use are finally settled upon for R2 and R3 they must be put into an active landscape maintenance and management plan. Existing landscape assets such as trees and hedgerows must be brought back into more active management and new soft landscape needs establishment care and longer term aftercare so it achieves its end design goals. Likewise new hard landscaping through the area will need ongoing management and repair within a resourced and accountable structure.

I would support the Parish Council's comment about further tall trees in the boundary hedge to the north end of R2 for the benefit of creating a local setting to the development and in building up layers of vegetation to aid screening locally and forming a setting when viewed from the elevated part of AONB. These trees should be large native species and foundations of nearby houses should be designed in such a way that larger species can be accommodated in the hedge.

2. HDA response to Ryder Landscape Consultation Comments

The document responds to the points made in the first landscape consultation response across four pages of text. It relies at certain points that the application document is a Landscape and Visual

Appraisal (LVA) rather than a full Landscape and Visual Impact Assessment (LVIA) to explain why cumulative effects have not been considered. It is not mandatory to avoid discussion of cumulative effects in LVA and this I think would still benefit the assessment of change and ultimately the response to the other development consented to proceed in the Shurdington Road area.

Brian Duckett in our conversation was keen to learn whether the LVA was considered reasonable in its review of any landscape effects on the AONB, particularly on views from Leckhampton Hill. I think these have been assessed fairly and as debated at Inquiries and summarised by different Planning Inspectors the landscape and visual effects on the AONB are deemed acceptable.

The local landscape change considers three HDA defined character area or CA's. CA1 is effectively the Site area, CA2 Lotts Meadow and CA3 the land to the north of the now consented secondary school running up to the AON boundary.

The LVA Conclusions on landscape character change are presented in §7.8 and §7.10. I do not agree that the landscape character change at CA1 will only be Minor given the scale of development and obvious change in land use. Ultimately the developed area will assimilate into the urban character of this part of Leckhampton but classing the change as a Minor effect under values it, it will be Moderate at least and the type of effect will be Adverse which the LVA does not clearly state. This landscape effect is inevitable as a result of development and I know was taken into account when the area was allocated under MD4.

Landscape effect of the development on the nearby CA2 I consider to be Minor and on CA3 Minor/Negligible. The landscape character of these two other areas are more affected by the Berry's Nursery (Kidnappers Lane) and Secondary School development respectively than the Miller Homes development.

From the LVA conclusions I agree that the majority of quality trees and hedgerows have been retained as landscape features and the most of the two brooks that cross the Site have been made as Green Infrastructure associated with the scheme.

With regard to visual effects the LVA reports minimal effects from the south, east and west and concentrates on the western end of Shurdington Road that would have open views to the development. At 7.10.5 it assesses that this effect is 'no more than Minor' after 10 years, this conclusion draws upon commentary at 7.9.2 that discusses the view from Shurdington Road. This paragraph states that views through the development to the Cotswold Escarpment will be retained.

This matter of a view through the development from Shurdington Road was discussed between Brian Duckett and Stuart Ryder and it was described by the former as occurring along Hatherley Brook. This is different to the identified view to Leckhampton Hill that was debated at Inquiry which was going to be through the blocks of the now removed local service centre of the larger scheme. The view along Hatherley Brook given its alignment will be more readily visible for people leaving Cheltenham rather than those entering it as occurs at the moment. This may seem a minor matter but there is a sense of an opportunity lost, particularly when coupled with the design layout comments on the Shurdington Road frontage.

To my knowledge the schedule of comments have been responded to but the LVA itself has not been updated. Should you wish it to be updated for checking of future effects or use through the review of the detail design submissions then you may wish to bring this to the attention of the Applicant.

3 R2 and R3 Location Plan

This plan is useful to locate the position of R2 and R3 and appears to have been produced by the Parish Council as part of its analysis of land for inclusion in the Local Green Space designation.

It is interesting to note that it identifies the view to Leckhampton Hill from Shurdington Road further to the west nearer the Kidnappers Lane junction as experienced today. It does not currently show one along Hatherley Brook.

4 Green Infrastructure Strategy

This document appears to be the same revision as I reviewed as Document 8 in my previous consultation response and I refer back to those more detailed remarks. I add some additional comments on street trees and the Shurdington Road frontage / entrance.

Street Trees

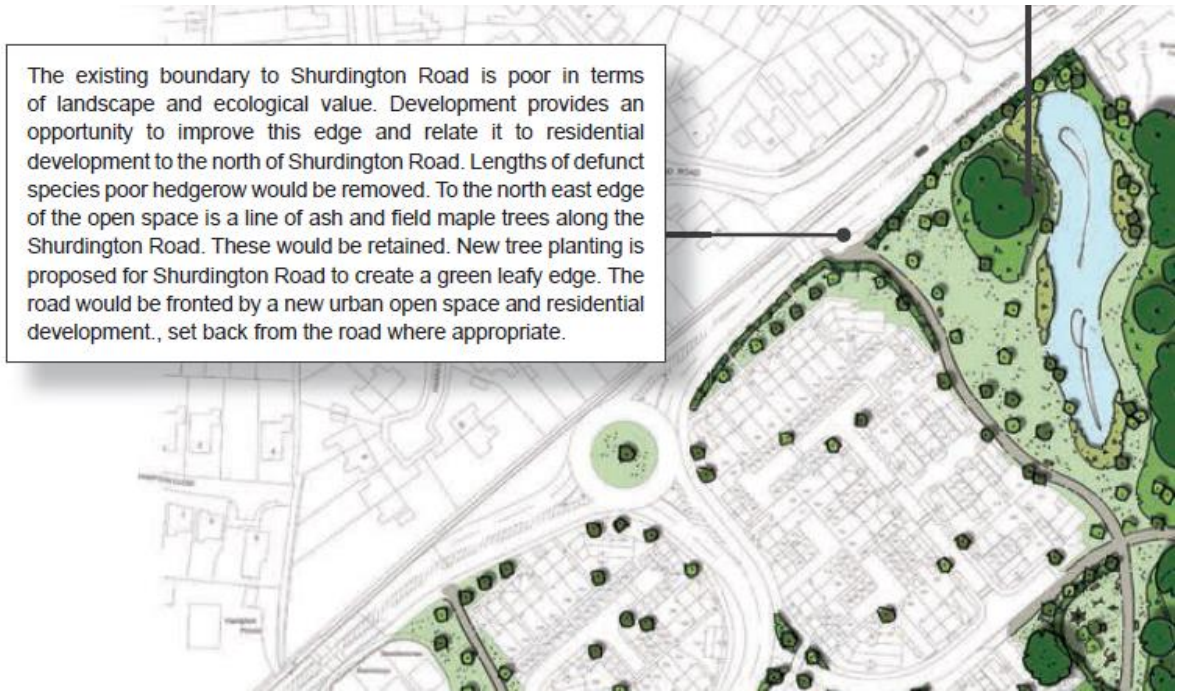
Since my initial comments in February 2021 the NPPF has been updated with a stronger requirement for tree planting in urban streets for a range of benefits in the current June 2021 version. The initial proposals showed some planting but not necessarily extensive. Brian Duckett has advised me that it is a matter the Applicant's Masterplanning team is aware of and a review of the current masterplan is underway.

The reason why the street trees are particularly important in this set of proposals is that the style of housing layout is such that there are limited front garden spaces in the dense arrangement of properties. Given the lack of open green space within the housing public realm e.g. verges or street ends the trees will likely be placed under water and root oxygen stress. The detailing of the trees' planting pits is critical to their chance of long-term survival and their sub-service detailing should be conditioned and developed to the satisfaction of Gloucestershire Highways Authority. Likewise their above ground growing space should be such that they do not cause nuisance to the owners of the new properties. The tree pit planting detail should be specifically conditioned to reflect its importance.

Likewise the actual trees themselves on planting should be the beneficiaries of Tree Preservation Orders. At planting they may not have the obvious amenity value to justify TPO's as applied to older trees but it is their potential that requires protection. It will also place a duty on the long-term managers of the development to replace any dead, diseased or dying stock so the vital street trees are not lost through wilful or accidental damage.

Shurdington Road Frontage

The amount of space, style of planting and the design layout at the roundabout entrance to the development was highlighted in my previous note, it was also the subject of discussion with Brian Duckett. A digital extract from the GI Strategy's Fig 7 – Green Infrastructure Opportunities is presented overleaf. It includes the descriptive box and the extent of the Shurdington Road frontage.



There appears to be a general lack of space to create any meaningful road corridor enhancement along Shurdington Road. It is agreed that the view up Hatherley Brook will appear as attractive open space from Shurdington Road but this quality does not seem to extend from west the brook to the entrance roundabout and beyond to the existing Kidnappers Lane properties. Likewise at the roundabout entrance into the estate there appears to be little space, or modification to the building layout to emphasise its importance as the gateway into a new neighbourhood. It is recommended that this section of the scheme that acts as both a frontage to the estate and as a key arrival point into Cheltenham is re-designed to form a more appropriate layout.

Should you choose to seek re-design of the entrance area this may allow the opportunity to create a more distinct view to Leckhampton Hill to be formed from Shurdington Road nearer to the existing viewpoint that people travelling both ways along Shurdington Road will be able to see.

6 Shurdington Road POS Schedule 06.10.21

I have no reason to question or challenge the POS figures which indicate compliance with the CBC Toolkit for open space provision in new developments.

As mentioned in my first comments it would be interesting to see what the level of open space is without the 'blue infrastructure' of the SuDS basins and two brooks within the calculations. I suspect that the POS requirements will still be exceeded but perhaps not to the same greater amount.

Other comments

In my previous consultation remarks I identified a list of seven points in my review that had flowed from the Indicative Landscape Strategy, they are repeated below with any updates comments placed in italics under each point.

1. The treatment of the Shurdington Road corridor so a positive image of the development can be presented and a key route into Cheltenham kept attractive – *Commented on again above*.

2. The creation of some form of entrance character other than the highway geometry of the entrance roundabout – *Commented on again above*.
3. There is limited tree planting within the estate. This is particularly important given the lack of front gardens or size of front gardens effectively preventing any garden planting. The street trees as shown require space to succeed and a careful design and installation to provide adequate soil volumes for growth, water / drainage balance / permeable surfacing / vehicle protection. I would recommend a specific condition requiring full details of street tree planting are submitted at the same time as the highway proposals. Within the Landscape and Environmental Management Plan (LEMP) their establishment care and aftercare should be explicitly stated. The success of their establishment should be reported on annually and replacement of failed stock also take place annually – *Commented on again above*.
4. Given the lack of green space to the front of properties tree planting should be provided in the rear gardens to provide some shade / transpiration and general visual amenity benefit – *Suggest dealing with via detail design and landscape condition*.
5. Benches are indicated in some communal areas. These and all other street furniture that are not included in the proposals should be conditioned and details of such things as benches' hard standing, maintenance access for emptying bins / dog bins, vehicle gates and barriers shall be supplied along with a maintenance strategy - *Suggest dealing with via detail design and landscape condition*.
6. The view to Leckhampton Hill from Shurdington Road does not appear to have informed the landscape response or the wider layout of the proposals. Could the applicant be asked to explain how they have addressed this matter? - *Commented on again above*.
7. Lack of landscape maintenance and management details whether in the form of a specific Landscape Maintenance and Management Plan (LMMP) or included in a combined Landscape and Environmental Management Plan (LEMP). This should be conditioned and be submitted at the same time as the detailed landscape proposals as pre-commencement conditions - *Suggest dealing with via detail design and landscape condition*.

Summary

The following substantive points have been defined in this note;

A. That areas R2 and R3 would be better as allotments, informal open space and orchard compared to small holdings.
B. With regard to the LVA there is agreement that landscape and visuals effects on the Cotswolds AONB are Minor;
C. There is not agreement that the landscape effects on the Site would be Minor as stated by the LVA given their scale and change of land use, at least Moderate, Adverse is more realistic. However this is an inevitable change as a result of the proposed development and has been considered in the identification and subsequent allocation of the Site as part of MD4.
D. Landscape change for HDA Areas CA 2 & CA3 are considered as reasonable descriptions.
E. It is agreed that visual effects of the proposals from the east, south and west are as anticipated in the LVA.

F. The view from the north is considered to need further consideration with regards to the impact on the view to Leckhampton Hill from Shurdington Road, a clarification note may assist rather than a further revision of the LVA.
G. The importance of street trees in the dense layout has been further elevated by their explicit reference in the new NPPF and it is suggested that given this importance they are subject to TPO's from the point of planting.
H. The design of the Shurdington Road frontage (other than the open space around Hatherley Brook) still gives cause for concern with apparent limited space for corridor improvement, or altered building arrangements to emphasise the entrance to the development.

Landscape orientated planning policies

JCS SD4 – Design Requirements

My comments with regards to the Shurdington Road corridor may be interpreted as part conflict with parts ii. Legibility & Identity and iv. Public Realm & Landscape.

JCS SD6 – Landscape

Compliance.

JCS SD7 – Cotswolds AONB

Compliance

Cheltenham Plan L1 – Landscape & Setting

Comment on the ability to see Leckhampton Hill from Shurdington Road could be interpreted as potential conflict with this policy.

Suggested Planning Conditions

Should you be minded to grant planning permission for this scheme in its current form the following is a list of suggested landscape planning conditions aimed at delivering and then managing a successful landscape and external realm scheme.

I. Standard landscape condition related to provision of hard and soft landscape proposals as detailed design proposals at a suitable scale to be discernible with planting schedules and schedules of hard materials, boundary types and street furniture.
II. Standard landscape condition for a defect's correction period of five years with an annual gapping up of failed stock within the first five years.
III. Standard Landscape Management and Maintenance Plan to confirm the proposed management objectives, maintenance activities to achieve the objectives and mechanism for delivering the maintenance in perpetuity.
IV. Provision of detailed design, maintenance and inspection regime proposals for all areas of children's play whether they are 'natural' or 'formal' in terms of equipment provided.
V. In the interest of visual amenity provision of detailed design proposals for street trees planting pits to satisfy both the long term health of the tree and usage of the streets as adoptable highways.
VI. Not a condition but confirmation of the suggestion to place a TPO on the newly planted trees to ensure their long term survival and when necessary replacement within the streetscene.

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20/01788/FUL - 350 houses - Land at Shurdington Road Cheltenham

Review of further landscape material- Addendum

Purpose of note

To provide further landscape comments on the proposal by Miller Homes to build 350 houses on land off Shurdington Road in Cheltenham. This Addendum is in response to additional material supplied by the Applicant in the form of;

- Overall Planning Layout – Rev R
- Open space measurements dated 1/10/20; and
- Shurdington Road Public Open Space schedule dated 6/10/21.

There has also been further descriptive material supplied by the applicant's scheme Landscape Architect – Hankinson Duckett Associate, specifically Brian Duckett in a direct e-mail to Stuart Ryder of the 19/11/21.

The note is intended to further inform the determination of the planning application by Cheltenham Borough Council (CBC) as they consider the proposals against their landscape planning policies.

Author of note

The note has been prepared by Stuart Ryder of Ryder Landscape Consultants who commented on the initial submission material in his initial note of the 2/2/21 and then with additional comments in a further note dated 11/11/21.

Scope of addendum note

The note considers three items;

1. Rev R of the Planning Layout;
2. The Public Open Space calculations; and
3. Supporting comments made by Brian Duckett in his e-mail of the 19/11/21

Rev R of the Planning Layout

The following comments are quite specific matters of detail that should be resolvable through review of the detail design proposals in the Condition Discharge stage. They are mentioned now to bring them to the Applicant's attention so they can respond to them now or at any later stage.

Route of CHL/6 Footpath

There seems to be a possible confusion with how CHL/6 runs near the end of the proposed allotments and then up to wards Robinswood Cottage, is the old alignment being used? Is it being improved in terms of surfacing? There also appears to be a route on new paths nearby – can these be combined as a better route to the west of the existing hedge?

The reason for these questions is that CHL/6 at the moment is a definable route through the area but mat be superseded by other paths leaving it as a secondary path that becomes overgrown or less appealing to use. A snip of the area is provided to confirm which area this comment relates to.



Entrance roundabout to the estate

I have expressed concern about the quality of the public realm associated with the entrance roundabout on Shurdington Road and Brian Duckett supplies further comments on this matter in Point 3 of his e-mail dated 19/11/21. At this stage there still appears little interest indicated at the roundabout. One suggestion is to seek feature tree planting of the roundabout (without affecting highway safety) or a significant piece of civic art to act as a marker to the entrance to the estate and retain public realm quality on the approach to Cheltenham.



A further comment with regard to 'greening' the three small triangular islands is that they will become a safety liability to maintain. The roundabout too could be problematical for grass cutting and any detail proposals should take this into account. A maintenance van 'pull-on' to the island is not recommended as it would detract from any scheme on the roundabout and are problematic for maintenance staff to re-join the highway. Finally the long bed to the north of the junction is too narrow in parts making grass establishment and subsequent management problematical and a suitable hard surface is recommended for its narrower parts.

Tree planting bed widths

It is encouraging to see further street trees being incorporated into the proposals. There are however some that still appear to be 'squeezed' into too narrow planting areas as illustrated in the snip below. The thin strips of green (estimated to be a metre wide) do not in themselves hold enough soil volume to allow tree establishment and sustain growth to mature size so underground details and soil volumes will continue to be a key consideration of detailed proposals required to discharge planning conditions.



Trees in proximity to buildings

Trees are shown in close proximity to many houses given the small front garden sizes. The tree species chosen for these locations needs to be of sufficient mature size to make a difference to the character of the streetscene. The foundations of adjacent houses will need to be designed and implemented to accommodate the nearby presence of the mature trees. The snip set below indicates this point as an example.



Parking courts

There are a considerable number of parking courts throughout the proposals with a variety of levels of landscape treatments. The pale green colouring of the master plan (as illustrated above) is taken as an indication that they may be surfaced in a more decorative material. Alternatively it may relate to the general green tones used across this version of the drawing and they end up being tarmac. There is still a concern that the parking courts will appear as hard, unattractive areas.

One observation is that many of the courts have thin door opening strips indicated between some of the bays. These could be combined to allow more space to be put to landscape treatments.
A second observation relates to future adaptation of these spaces to allow for accessible parking spaces for Blue Badge holders living or visiting the development who may require additional space to access their vehicles' side doors or boots. Final comment relates to the number of visitor parking spaces, is there sufficient and do they comply with Glos. CC standards? On street parking and mounting the kerbs is anticipated if there are not enough visitor spaces. This would be more problematical on the secondary roads where carriageway width is narrower at 4.8m.

2. Public Open Space calculations

The public open space drawing is useful to illustrate where the different types of open space are propose around the development and what their intended purposes are. This perhaps could become an Approved Drawing to aid the scheme designers reach the intended POS provision.

The calculations were reviewed back in February with the initial note and still demonstrate a POS provision greater than that required by the Cheltenham Open Space 'Tool Kit' of 2016. I have no further comments to make on the provision of POS which appears to be policy compliant.

3. Supporting comments from Mr Duckett's e-mail of 19/11/21

Mr Brian Duckett issued some supplementary notes of explanation in his e-mail of the 19/11/21, there were seven substantive points covered. These points are set down below with my consultation reaction to them supplied underneath each;

1. **Tree cover**: the scheme has been reviewed in respect of the advice in the current NPPF and in the light of a positive approach now taken by the County highways department in respect of street trees and their standing advice. There are now more street trees in the avenues and rows lining secondary streets along with trees within car parking areas to relieve large areas of hardstanding. Trees on plot have also been increased.

The increase in street trees is welcome and I would direct the design team to my comments about tree bed width, soil volume, species selection and appropriate building foundation design contained above in my review of the Planning Layout – Rev R.

2. **Sustainable Drainage**:- the side slopes for the SuDs features have been reduced from 1 in 3 to 1 in 4 around the features as a whole. They will be permanently wet features which along with the profiles as illustrated on the masterplan should provide for an attractive and safe group of wetland features within the scheme. There may be the opportunity for further relaxation of the side slopes in areas that are not constrained by footpath or road alignments which would be determined as part of the detailed design undertaken as part of the conditions submission following grant of permission. If you need assurance that side slopes are considered further, you could add to the wording of the relevant condition. I should just mention that should further relaxation of side slopes be required, this would ultimately increase the size of the ponds and in turn decrease the areas of usable POS.

The relaxation of basin side slopes from 1:3 to 1:4 is welcome but it is the uniformity of side slopes that is best avoided so the variation of gradients is to be encouraged whenever possible. Mr

Duckett's comment about increasing the size of the ponds and decreasing the areas of usable POS is noted but there appears to be sufficient open space near the SuDS basins to achieve attractively designed attenuation basins and areas of POS around them. The confirmation that they are to be kept 'in the wet' is a positive for public amenity benefit. There will be a requirement for a safety audit and possibly resulting lifesaving rings and areas of access and egress required. Their long term management including actions to prevent natural succession should be included in the Landscape and Ecological Management Plan.

3. **The Shurdington Road access** - Cooper Baillie (the project masterplanners) have been through many design iterations with the case officer and her team (including GCC Highways) to refine the entrance to the site in respect of setback of buildings, the form of housing design, landscape treatment of the frontage and the roundabout layout and highway constraints. They are content with the current design and that it forms an appropriate entrance to the site.

Please see my comments in Section 1 of this Addendum note that suggest feature tree planting or a piece of civic art could enhance the main roundabout island if the applicant feels that they have achieved the best possible housing layout to mark the entrance to the estate. Should tree planting or artwork be incorporated then public utilities may require modification to accommodate them. As stated above highway safety remains a paramount concern however it is hoped an attractive and imaginative proposal can come forward that marks the entrance to the development, appears attractive during daylight and the hours of darkness and adds to the character of Shurdington Road as an arterial route into Cheltenham.

4. Views towards the escarpment: the main north south views to the escarpment lie within the Hatherley Brook landscape corridor, away from the busy Shurdington Road and include views both from the new footpath/cycleway and the open space within the park more generally. With respect to the road itself and car users, they currently have a transient view of the escarpment across the site. They will continue to have transient views from the new roundabout looking south along the main north – south axis road which will be tree lined to frame the views and through the open space which replaces the current Kidnappers Lane junction. There will also be views along the Hatherley Brook corridor from the road.

I acknowledge that the main viewing opportunity to the escarpment will be along the Hatherley Brook corridor but this will be for people walking and cycling through the estate rather than greater number of users of Shurdington Road. Views along the Hatherley Brook open space will most likely be best viewed by people leaving Cheltenham given its alignment. The amount of existing mature trees and proposed new planting will restrict views in part and it will be a matter of detail design and possible agreement on Site where possible views could be emphasised from this corridor. A further consideration is the alignment of the brook's open space that appears to focus to the west side of Leckhampton Hill.

I however remain sceptical of the two transient viewing opportunities identified as from the roundabout entrance and along the open space created at the current entrance to Kidnappers Lane. The roundabout is where the greater view will be visible given the width of open carriageway to its south but it should be remembered road user's attention will be concentrating on negotiating the roundabout safely. The former Kidnappers Lane access is narrow in comparison, soon passed by road users entering Cheltenham likely before recognising the presence of any view and set with amenity tree planting that will further restrict views to the escarpment.

Rather than prolonging the debate of potential visibility to Leckhampton Hill two things could happen. Firstly Visually Verifiable Images (VVI's) of the view to Leckhampton Hill could be created now the design has progressed to a reasonable level of detail. Secondly CBC can acknowledge that the view to Leckhampton Hill from Shurdington Road would change given the allocation of land for

housing development and the resulting visual adverse effect is accepted. The degree of change is then the matter for planning agreement and possible improvement to achieve the best opportunity to retain a view to Leckhampton Hill for the greatest number of people who use Shurdington Road.

5. Hatherley Brook: you expressed a concern on the multifunctional use of the brook corridor and a reliance on it to provide the open space and biodiversity provision for the site. I have attached the open space measurements for the site and schedule. This identifies the overall provision including Moorend Meadows, an extensive area of open space outside the original allocation. Overall, the provision of informal open space is well in excess of the informal open space requirements for the site and is provided in easily accessible locations for the new residents and the existing local community.

The multi-functional use of Hatherley Brook is acknowledged and accepted and given careful attention at detail design, implementation and perhaps most importantly management stages should be able to deliver the POS and bio-diversity functions it has been identified for. Moorend Meadows if its final form remains as POS rather than small-holdings gives greater flexibility of use than the ribbon of space along the brook.

6. Access to the residual land on the Shurdington Road: the location and provision of a pedestrian access to the Kendrick site (formerly the Bovis land) as shown on the attached planning layout has now been agreed directly with Kendrick.

Thank you for confirming this and it should benefit both schemes and future residents that there is a pedestrian link.

With regard to the LVIA which accompanied the application and following our conversation I would like to confirm that you do not have any concerns in respect of the likely landscape and visual effects from the wider landscape.

Although not numbered 7 Mr Duckett's final e-mail point was seeking my confirmation that I do not have any concerns regarding likely landscape and visual effects from the wider landscape. In my last note (11/11/21 I confirm that in my opinion there is compliance with Policy JD7 – Cotswolds AONB.

In summary

There a number of landscape elements that require careful detail design and review during the discharge of detail design matters. These include but are not limited to planting details of street trees, surfacing of parking courts, visitor parking, and foundation design to accommodate trees.

The Public Open Space provision is in excess of Cheltenham Borough Council's guidance documents requirements and HDA's Open Space Calculation Plan 436.16/- dated July 2020 is a useful drawing to show this and should be included as one of the Approved Drawings in any planning consent notice.

I have responded to the points raised by Mr Bran Duckett in his e-mail of the 19/11/21 and trust they answer the queries he raise.

Finally as ever if anybody in the Development Control Team wish to speak to me about these comments I am happy to discuss them in further detail with them.

APPLICATION NO: 20/01788/FUL	**OFFICER: Miss Michelle Payne**
DATE REGISTERED: 16th October 2020	**DATE OF EXPIRY** : 15th January 2021
WARD: Leckhampton	**PARISH:** LECKH
APPLICANT:	Miller Homes
LOCATION:	Land At Shurdington Road, Cheltenham
PROPOSAL:	Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other associated infrastructure

REPRESENTATIONS

Number of contributors	**146**
Number of objections	**137**
Number of representations	**7**
Number of supporting	**2**

35 Wells Close
Hatherley
Cheltenham
Gloucestershire
GL51 3BX

Comments: 12th January 2021
I am resident in Warden Hill and I am concerned about the disposal of sewage into the same system as we use here which already takes the additional sewage from the Redrow House building on Farm Lane. The new school being built on Kidnappers Lane also means more traffic on Shurdington Road already busier from the Redrow Homes .

These issues need to be solved , people need homes but their surroundings and facilities need to be addressed so that the area can cope without causing horrid problems for those in established homes already in the area .

42 Merlin Way
Cheltenham
Gloucestershire
GL53 0LU

Comments: 7th January 2021
As per the flyer sent out, please note our comments reference the above.

We have concerns that with the increase in people using the public footpath that runs along the boundary of Merlin Way / Hatherley brook to access Burrow playing field and Lotts meadow, that the natural hedgerow that runs along this boundary will be destroyed even further by people and dog walkers not using the correct access points and making entries through bushes and hedgerows.

55 Farmington Road
Cheltenham
Gloucestershire
GL51 6AG

Comments: 15th December 2020
Object based on the impact of the proposed road network, particularly due to multiple failures against modern design standards (LTN 1/20), and severance of routes to new school for high risk road users (children) travelling to this education establishment.

Safe and effective cycle and pedestrian links are vital in this area, as established in Policy MD5 Leckhampton. The construction of the new school will significantly increase the number of vulnerable road users in the area, particularly children and young people travelling by cycle and foot. The success of the approved transport plan also relies on significant active travel use to the school.

In previously circulated documentation, shown on the Gloucestershire County Council website, Kidnappers lane is shown as part of a vital active transport corridor (https://www.gloucestershire.gov.uk/media/2090385/footways.pdf), with continuous segregated pedestrian and cycling infrastructure to and along the A46 and into Woodlands Road, supported by a Toucan crossing. There are no points of unprotected conflict between children and vehicles travelling into the residential area and to the school.

The proposed scheme instead introduces a new main roundabout, fails to make provision for adequate continuous cycle routes to the school, and introduces at least two points of unprotected conflict between children travelling on foot or cycle, and motor vehicles. The proposed road infrastructure will significantly increase risk of injury and fatality to children travelling to the school.

Specific risks;
1) There is no cycle route that meets the standards of LTN 1/20 between Woodlands Road and the School. Specifically, they are not 'coherent', 'direct' or 'comfortable', and are of insufficient width to accommodate mixed pedestrian and cycle use at peak times.

2) The introduction of a roundabout introduces a major hazard for cycle users, particularly due to the lack of protected parallel routes. As a normal roundabout with flared approaches, it scores 0% (Critical fail), indicating a high risk of casualties. This is compounded by the limited number of arms and wide approaches meaning vehicle speeds are likely to be above 20mph on approach. This is a dangerous piece of infrastructure to children and young people accessing the school, particularly as the lack of a legible and direct alternative route incentivises people cycling to use the road network. Either an alternative high quality route, or a signalised junction with protected turns is required. A roundabout is not safe for a junction with high numbers of young cyclists, and is against LTN 1/20.

3) The use of the vestigial element of Kidnappers lane from the A46 to the West of the proposed roundabout introduces an unprotected crossing for pedestrians and cyclists a short distance from the roundabout exit. Particularly during school drop off/pick up, this area will see intense vehicle activity, and the road creates severance of a safe route.

4) The exit point onto Kidnappers Lane at the Southern margin does not connect to safe cycle infrastructure, and the narrow lane will represent a high risk final step for children accessing the main school entrance as drawn. Again, there is also no protected crossing provision at this point for children using cycles.

5) It is unclear how the proposed 'middle' north crossing (closest to Hawkswood Road) will connect to continuous safe cycle infrastructure. If this connection is not made, it will mean children are required to travel on roads, either to reach the West or East entrance. Given high volumes of cars at drop off and pickup, this has substantial risk.

6) There is heavy reliance on shared use paths throughout the scheme, including the main desire lines. This is advised against by LTN 1/20 6.5. Path widths are generally unsuitable for mixed cycle and pedestrian use, particularly given the intensity of use created by school access. LTN 1/20 would recommend a continuous provision of a fully segregated cycle lane of at least 3m width, with separate pedestrian facilities, or if (against guidance) a shared path is used, it should be of width at least 4.5m to avoid conflict and enable accessibility.

In summary, despite the claim in the transport statement that the scheme delivers 'excellent pedestrian / cycle permeability in the local area', none of the elements proposed deliver to current design standards. In particular, the failure to create segregated and continuous protected facilities for pedestrians and cyclists, and the introduction of major new hazards (roundabout, and unprotected crossings) means that children and young people will be continually exposed to unnecessary risk.

The scheme should not be allowed to proceed without demonstrating a solution compliant to LTN 1/20 standard for users on all approaches and transits.

Comments: 26th September 2021
Many thanks for the opportunity to comment again on these plans. My objection is specific to the sub-standard cyclepaths provided through the scheme, particularly the vital north south link from the crossing to the new Leckhampton School.

The school transport plan anticipates at least 1000 users along this path during peak hours, including potential for a high proportion of cycle users if appropriate connecting infrastructure is delivered. As proposed, this is a 3.5m wide cyclepath is actually a shared use route that will be used by both pedestrian and cycle traffic, particularly children walking in groups, and two way traffic as parents return from having dropped children at the school.

LTN 1/20 (Cycle Infrastructure Design) establishes clearly that pedestrian and cycle users have very different needs, travelling at different speeds. It regards shared use as a 'last resort', particularly when flows are expected to be high (above 300/hour peak, which applies for this route). It also recognises equality risks due to the poor quality of space provided.

This is also reflected in Gloucestershire's new Local Transport Plan (Policy Document 2 - cycle) which states 'that cycling and walking - as two vital active travel modes - should not conflict with each other'.

As such, the proposed 3.5m path is inadequate, and will be a barrier to achieving the transport aims of the development, and the school within the wider development context.

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The appropriate design solution (LTN1/20 compliant) would be a minimum 3.0m wide bidirectional cycleway that is kerb separated and distinctive from a separate 2.0m wide footway. There is generous space within the development to enable this along a vital transport corridor.
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Similarly, to the west along Kidnapper's Lane, the proposed pavement widths are grossly inadequate, and will introduce substantial danger when traffic induced by school pickup and drop off is introduced. These should be resized to accommodate appropriate active travel infrastructure, with consideration given to extra protection given the high likelihood of pavement parking and turning vehicles during busy school periods.

Given the potential popularity of the route, some public sheffield stands on hard standing should be considered at key points (such as the emergency link intersection), to enable visiting cycle users to enjoy the additional amenity provided by the development.

Finally, the proposed roundabout is of a significantly car-dominant design, with wide geometry that facilitates vehicles maintaining high speeds around footways that will carry high numbers of children. The preferred solution in current guidance would be a signalised junction, and at the very least, tighter geometry that designs in appropriate slowing and speeds will be more appropriate in this development.

45 Princes Road
Cheltenham
Gloucestershire
GL50 2TX

Comments: 16th December 2020
I object to this application.

I have extensive experience of defending the Leckhampton Fields from unsustainable development and my take on this latest application is as follows.

The case in support of 350 homes is strong and is based on the fact that the application is supported by the Cheltenham Plan, 40% of the homes will be 'affordable' and the Borough has consistently failed to deliver its legal requirement for a 5 year housing supply, making any outright objection extremely difficult to make.

However, a very good case can be made that the Joint Core Strategy highlighted the need to protect the area's Valued Landscape and that only about 200 houses should be built. The current application includes two fields, known as R2 and R3 in the JCS, which the Inspector said should not be built on. To do so, would adversely impact Valued Landscape and increase local traffic congestion, which will soon have to contend with the new secondary school (which I support incidentally, as do many within the community), which was never addressed within the JCS because that strategic requirement for more school places did not 'officially' exist at that time.

Although this approach would theoretically mean 150 less of our much needed houses, that reduction is not so great in practice, as the Berry's Nursery will now have 25 dwellings and the Bovis land about half that number.

Legitimate flooding concerns would also be mitigated if the full 350 houses were not built.

It will now be up to the CBC Planning Committee to listen to the public and consider all the pros and cons, with a view to rejecting this application until a new design is submitted, based on a more reasonable and smaller number of houses. That would also have the added advantage of allowing even more green space between the new houses, in keeping with the natural beauty of the whole area.

47 Merestones Drive
Cheltenham
Gloucestershire
GL50 2SU

Comments: 17th December 2020
Objection.

9 Naunton Lane
Cheltenham
Gloucestershire
GL53 7BN

Comments: 13th January 2021
I object to this application as there is not strong enough evidence of infrastructure within the local area to support this.

5 Merlin Close
Cheltenham
Gloucestershire
GL53 0NF

Comments: 13th January 2021
I object strongly on the following grounds

1 Traffic - queues presently 1 mile log at the M.Park Rd traffic lights. This development plus the High School should not be allowed.. Shurdington Road a main access road to both the M5 and M4 - bad for business in Cheltenham

2 Pollution Levels These very high, particularly again on M.Park Road. Waterford Court has many elderly residents - unacceptable levels of pollution for them very bad indeed.

3 Biodiversity - Effect on many species of wildlife

4 Loss of amenity - Further erosion of green spaces for residents to have access to

13 Rochester Close
Cheltenham
Gloucestershire
GL51 3DJ

Comments: 14th January 2021
We are writing to object to the above planning application on the following grounds.

1. Increase of traffic from all the new homes. The Shurdington Road is at capacity several times a day already making moving around the area slow and frustrating as well as increasing the air pollution. If a further 350 homes are going to be built with each house on average having 2 cars this will further exacerbate the problem for everyone. No one will be able to get anywhere at certain times of the day. This is without the increase of traffic in the area of a new school.

2. Where will all the water from these house go? With tarmac and gravel mostly replacing green fields, runoff water will all be making its way onto roads to further increase the problems already experienced in the surrounding areas. We realise that drainage will be incorporated into the plan and hopefully will address our concerns but experience shows that it is not always sufficient. We also are aware that there are green spaces planned for the development but this does not replace the existing fields. We realise that further development is needed to cope with housing pressures but does so many houses need to be put in one place.

3. The doctor's surgery is over subscribed with patients now are there any provisions for the new residents of these houses. We apologise if this information has been covered in the planning documents but because there are so many of they we have only looked at the most relevant of these.

4. We are aware that our comments probably won't make any difference to the final outcome but feel that we had to make our concerns known. We love living here and want to continue to do so along with others but are not sure that this new development will improve the area's appeal if the number of houses on the plan comes to fruition in the future.

8 Allenfield Road
Cheltenham
Gloucestershire
GL53 0LY

Comments: 14th January 2021
I wish to object strongly to the proposed development by Miller Homes, which is planned for one of the last rural settings off Shurdington Road in Leckhampton.

Having lived close by for over 30 years I am alarmed that the council will accept proposals to build upon a much loved walking route for many in this area. The land provides a beautiful green space with old orchards, animal grazing and market gardens.

The proposed development of 350 houses will urbanise the area creating a large increase in the traffic and pollution on Shurdington Road. This is hugely problematic now!

The houses will be crammed in to a small space and cause further strain on local doctor's surgeries and schools. Leckhampton has already played victim to Tewkesbury Councils development off Farm Lane, taking away recreational amenities and blighting the landscape with ugly development.

Previously the number of proposed houses of the Shurdington Road was 200, now this application has reverted to the numbers on an earlier application which requested permission for 350 houses. Greed on the part of developers?

There are many brown field sites in the centre of town, not so easy for developers to build upon, I feel the council should have a strict policy for encouraging domestic use and for these sites to be developed, rather than our centre becoming a derelict ghost town. The proposed Leckhampton development just adds to the loss of recreational land and constitutes further concreting over of our landscape.

Please think very carefully over the plans that have been submitted and save this much loved and used area from planning blight.

PS might I also add that the proposed development will seriously affect the local wildlife population, including deer and woodpeckers

Comments: 1st October 2021
I want to object to the proposed development by Bloor Homes of 350 houses close to the Shurdington Road. The number of homes is excessive and subsequent increase in traffic will add to congestion and air pollution. The loss of rural landscape and wildlife will be significant. I have found it difficult to navigate your website but would like my objections to be recorded.

55 St Michaels Road
Cheltenham
Gloucestershire
GL51 3RP

Comments: 14th January 2021
This is such a beautiful area. We've had enough building round here now.

The roads are already too busy, (Out of the pandemic) the pavements along Shurdington Road are too narrow for more foot traffic without a lot of adjustments. I used to get the bus daily when I lived over in Stroud and just the slightest issue like a broken down car could add an hour onto my journey.

These fields are full of nature. On one walk I saw 6 different deer and a whole host of different birds. We have newts in our new wildlife pond just down the road I wouldn't be surprised if they came from here. I hadn't seen a newt for years!

These fields have never been over farmed as they were just small holdings before. They are full of life. This would be the perfect area for a woodland that could be made accessible for the elderly and disabled who might find Leckhampton too steep and inaccessible. We have no accessible woodland near town.

Many people exercise themselves, children, dogs and horses in this area we need to encourage this and the connection with nature. Not fill it with houses.

What a beautiful area this could be to learn in for the students of the new school and Leckhampton and Warden Hill schools.

Please consider the life that all ready lives here both the people who use these fields for pleasure and the nature who call these fields home.

22 Brizen Lane
Cheltenham
Gloucestershire
GL53 0NG

Comments: 17th January 2021
The extra houses will result in extra traffic congestion on the a46 and other roads

28 Wisteria Court
Up Hatherley
Cheltenham
Gloucestershire
GL51 3WG

Comments: 27th January 2021
I believe this amount of housing would cause further traffic issues on shurdington road and more so on bath road, unless properly managed.

BROCKWORTH COMMUNITY
CENTRE
COURT ROAD
Brockworth
GL3 4ET

Comments: 20th January 2021
Brockworth Parish Council considered this application at its Planning Highways and Environment Committee meeting on 16th December 2020.

After considering the proposed plans the Brockworth Parish Council strongly OBJECT to this application due to the cumulative and negative impact it would have on traffic, highways safety and congestion along the A46 travel corridor, which extends as far and impacts negatively on Brockworth residents.

Comments: 16th September 2021
Brockworth Parish Council's Planning & Highways considered the revised plans at its meeting on 15th September 2021.

The Committee considered these revised plans and agreed to continue to OBJECT to this application in the strongest possible terms for the following reasons:

This development would result in significant impact and pressure on local infrastructure and there is inadequate provision of local facilities to support health, education and transport for the growing population, impacting the wider area.

There is a lack of cycle provision from the site to the wider area. We would request that safe cycling and walking routes along the Shurdington Road route is considered linking new development to Cheltenham, Brockworth and Gloucester providing a safe alternative to car use.

This development would have a negative and cumulative impact on traffic, highways safety and congestion along the A46 travel corridor which extends as far as and negatively impacts on Brockworth residents.

The committee fully supports the stance, arguments and evidence provided by Leckhampton Parish Council.

92 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

Comments: 4th May 2021
We strongly object to the development by Miller Homes. Our property is adjacent to Hatherley Brook and, as mentioned by other people, we are also extremely concerned about the impact on flooding risk from the proposed development. It has already been well-documented that Hatherley Brook is prone to bursting over its banks following heavy rain and with climate change adversely affecting weather patterns, it is likely to increase the chance of this in the future. Adding a significant development of houses on this land will increase water run off and remove the ability to use this land to hold back flood water in the future.

We feel it is of paramount importance that the flood risk to properties near Hatherley Brook is taken into strong consideration by the planning team.

We urge you to object this application by Miller homes.

Comments: 28th September 2021
We sent in the comments below relating to the above application after the closing date for comments earlier this year. I note our thoughts are not published on the list of responses to the planning application online. Please could you confirm that they will be taken into consideration when reviewing the application by Miller Homes? We are still, like many local residents, extremely concerned about the impact the new development could have on flooding risk to local homes. I can't see any reference made to this concern in the revised documents. Please could you point me towards any further work done on this, in case I have missed it?

3 Silverthorn Close
Cheltenham
Gloucestershire
GL53 0JF

Comments: 16th December 2020
On the map accessible through Public Access, this development seems to have incorporated the smaller development already under way - roughly opposite Silverthorn Close (GL53 0JF). Details of the existing development appear to have disappeared from the record. Can you advise, please?
Thanks

Comments: 30th September 2021
It's a pity that the developer has not used the time available to make other than cosmetic changes - a large number of 'revised' drawings does not equal a large number of significant changes - quite the reverse.

For example, although the proposed link to Merlin Way is useful, much more useful would be a proposal to get foot and cycle traffic heading for the new secondary school off the Shurdington Road at the earliest opportunity (by eg linking a revised foot/cycle path to a new north-side foot/cycle path beside the A46 provided by others).

There is no proposal to upgrade the heating systems in the proposed houses, despite the announced and rapidly approaching withdrawal of gas heating appliances and the strong and growing emphasis on global warming. Also on a 'green' note, less than a third of the houses are provided with EV charging points.

On the specific issue of road safety, there is no proposal to connect the enclosed small Kendrick development's road system with Miller's - thus removing Kendrick's unnecessary access point to a narrow and very busy section of the A46. It must surely be within the planner's remit to force eveyone (both Kendrick and Miller developers) to use the far-better placed and bidirectional Miller east access point.

There appears to be no committment in the proposal for the long-term maintenance of SuDS. There is no mention of safety to children near the SuDS ponds.

Where is the foul water strategy to be found? - with the undoubtedly increased flood risk, this is of great interest to residents 'downstream' of the development, if not to the developers themselves.

Comments: 3rd October 2021
No provision has been made to add a 'turn right' lane to the A46 when approaching the 'eastern' access point to this development from the west (ie, approaching Cheltenham). Without such a lane, the already-congested A46 will be brought to a standstill on many new occasions.

The access envisioned for the separate Kendrick development only makes this situation worse...do we really want more chaos on an already overloaded road: please ensure it's integrated with the Miller road system as a condition of grant!

11 Nourse Close
Cheltenham
Gloucestershire
GL53 0NQ

Comments: 5th January 2021
I strongly object to the scale and nature of the project.

Whilst I am all for new housing developments the infrastruture is not and still shall not be inplace to support the demand and such a growth in the surrounding areas.

We have had two major developments in the area within the last two years which are still to be finished where we still do not know to true scale and impact of these and shall not be fully realised until completion

We have the Redrow housing estate and the new school being built which is already causing problems due to the current strutures in place. The plans submitted shall not improve this. The A46 / Shurdington road, bath road are currently bad enough as it is and farm lane & kidnappers lane are too narrow to support continual traffic in both directions. Its hard enough having the roads resurfaced which are horrific and this shall only make matter worse than they already are.

The landscape itself shall be ruined, the proposed types of houses do not fit in with the surrounding areas and as per the above the major developments within close proximity and residents shall also suffer due to the new developments not having suitable / sufficient space for the amount of vehicles required to be parked. (we are already being asked about staff of the school being able to park in the residential areas which shall no doubt be the case for pupils when fully up and running)

Commen sense needs to be taken in to consideration regarding flood risk. It is in a potential flood risk zone due to the location of Hatherley Brook which runs straight through the middle and is situated next to Lotts Meadow in the south, and Robinswood and The Northern Fields in the north. We see homes in Tewkesbury underwater enough of which in recent times we see our local residents of warden hill / hatherley being effected due to the drainage systems not being able to cope.

The "protected" land has already been developed enough, this needs to be thrown out.

16 Rochester Close
Cheltenham
Gloucestershire
GL51 3DJ

Comments: 13th January 2021
As with many of the comments that have been made i would agree:

*shurdington road is gridlocked most morning now so adding another 500+ cars to the mix will make the issue worse.

*this land is currently left predominantly 'wild', where will the deer,foxes,badgers,bees,birds etc etc all go? their habitat has already been squeezed.

*are the drains/sewers being upgraded in the surrounding area to cope with the extra waste?

*houses that are being proposed are going to be 'real world affordable'? or the £200,000+ 2 bed affordable?

19 Brizen Lane
Cheltenham
Gloucestershire
GL53 0NG

Comments: 20th January 2021
It seems surprising that 350 new homes are being considered in an area that has just been inundated with new homes.

The traffic is already horrendous.

The air quality is poor.

There is already danger of flooding in this and surrounding areas during periods of heavy rain.

I would oppose this development for the above reasons.

Little Gables
Well Place
Cheltenham
Gloucestershire
GL50 2PJ

Comments: 29th January 2021
I am absolutely appalled that there continues to be a desire to build on this agricultural land below the Cotswolds. This is an area that should be used for farming and horticulture not housing ...and on doing do provide a green amenity to the town.

5 Arden Road
Cheltenham
Gloucestershire
GL53 0HG

Comments: 11th December 2020
I would like to express my agreement with the comments and objections made by Leckhampton and Warden Hill Parish Council.

My particular concerns relate to the large increase in traffic which will be generated by the proposed development, not just on the A46, but especially along the Bath Road, and area which is already overburdened and which suffers from traffic fumes and poor air quality.

I also object to the inclusion of areas R2 and R3 in the proposed development. Building on these sites would destroy attractive countryside which provides a great amenity for local people, as a walking route, as well as taking away fine views towards and from Leckhampton Hill.

3 Merlin Close
Cheltenham
Gloucestershire
GL53 0NF

Comments: 17th December 2020
Three storey buildings will not be in keeping with houses in the local area

Path -many residents use the footpath and our green space will be converted to housing and concrete

Small holdings that residents and their families have enjoyed for decades looking at animals will be destroyed

Allotments have been reduced to such a small size I would like this to be increased

Traffic on the a46 is already a problem during rush hours and this will be made worse.

Flooding is already an issue and the concrete drives will cause more run off aka therefore more flooding

Pollution with more cars and more heating will affect our clean air

Crowded roads and pavements will be made worse

The houses themselves look very close together and I would like to see less houses and more space.

9 Hidcote Avenue
Up Hatherley
Cheltenham
Gloucestershire
GL51 3FB

Comments: 17th December 2020
For the sake of our youth we need more houses. We need them desperately. For those worried about drainage then engineer away the problem. For those who are worried about the extra traffic pollution in 5 years we will be more electric that combustion engine, and there is a good chance we will be getting in and out of driverless cars to get us from a to b. To the climate argument how many leap on that to prevent developement, and the prosperity it brings, and yet still have gas central heating and no solar panels on their roof. No to nimbyism and build please.

Waterwood
Merestones Road
Cheltenham
Gloucestershire
GL50 2RS

Comments: 4th January 2021
Letter attached.

49 St Michaels Road
Cheltenham
Gloucestershire
GL51 3RP

Comments: 14th January 2021
I object to the proposal on the following grounds:

Traffic and Pollution
Shurdington Road is already extremely busy at peak times and the number of homes planned in this development (350), alongside other developments including the Redrow development (370)

mean that the congestion and associated air pollution and noise will be further increased. The addition of the roundabout will only further delay traffic making the noise and pollution for local residents worse. The proximity of homes to the road is poorly considered, and the footpath on Shurdington Road near to the crossing point is very narrow causing a danger to pedestrians and cyclists. Particularly as this is likely to be a key route used for the new Secondary School, and also a route used for access to local shops and amenities in Warden Hill.

Wildlife and Human Environment
The land is currently green space and used by a diverse range of wildlife, including deer, foxes, bats and many bird species. The network of paths is heavily used and enjoyed by people including myself on the South side of Cheltenham. I am concerned that the density of proposed housing and minimal green space will negatively impact the current residents, wildlife, and those in the proposed new housing. The green spaces and associated paths should be wider with consideration for cycleways that connect more effectively to the surrounding area and at the same time provide an opportunity for wildlife to exist. The development appears to be piece meal without due consideration for existing or future development in the area. In particular the green areas do not connect within the development, and I have struggled to find any indication of how wildlife corridors and by association footpaths and cycleways would connect effectively in the future.

The previous application for the development of 650 house by Miller and Bovis Homes on this site and adjacent area was refused on the basis of severe cumulative traffic congestion and damage to the landscape. Breaking up the application and attempting to get it through does not change the underlying issues, especially given the other ongoing developments in the area.

17 Chelmsford Avenue
Cheltenham
Gloucestershire
GL51 3DL

Comments: 13th January 2021
Research regarding long term impact on travel on the Shurdington Road insufficient to convince me that this will have anything other than a negative impact on the local community. I see nothing in these manicured plans to compensate for the loss of habitat for local wildlife.

23 Lichfield Drive
Cheltenham
Gloucestershire
GL51 3DQ

Comments: 13th January 2021
I strongly object to the proposed building of 350 new house on the land at Shurdington Road by Miller Homes for the following reasons:

Flooding:
As a resident of Lichfield Drive, Warden Hill, flooding is a major problem here already. The garden of our property floods severely everytime we have heavy rainfall, as the rainwater runs down from the Shurdington road. On 23 December 2020, my partner and I spent 4.5 hours outside, continually bailing buckets of water out of our garden to prevent the flood water reaching our house. This was the FOURTH time we'd had to do this in 2020. On this latest occasion, we called Severn Trent to see if there was an underlying problem with a damaged mains pipes etc on our property. The ST engineers visited our property and confirmed that there is no underlying mains issue and the flooding is simply caused by the sheer volume of flood water coming down the hill and that we're just "incredibly unlucky". We have lived at this property for 5 years and the flooding problem seems be getting worse year on year. Shurdington Road has always been

notoriously bad for flooding and what with the new Redrow development, and the proposed building of a new school, I am extremely concerned about how much the worse the flooding problem is going to become in future years as more green space is concreted over. I note that many of the mature trees in the field on the stretch of road between Woodlands Drive and Silverthorne Close have already been felled. It is extremely unfair on the owners of properties in Warden Hill and the areas around Shurdington Road that are already prone to flooding, if more building is permitted in this area which will inevitibly make an existing flood problem even worse for so many homeowners.

Traffic
The Shurdington Road is an extremely busy stretch of road and is already overly-congested, especially in peak times. The Redrow development and the building of the new secondary school is going to compound this problem even further (please don't try and fool anyone that the children attending the new school are all going to walk/cycle to school; it just isn't going to happen!). Anyone needing to use this road, or trying to exit from Warden Hill estate during peak periods, knows how gridlocked the traffic is already. Should we really be encouraging more cars onto the roads in this area? The pollution caused by vehicle emissions along Shurdington Road is already pretty horrendous. The only upside of lockdown in March/April 2020 was the reduction in traffic along Shurdington Road and I couldn't quite believe how much cleaner and better the air quality was during that period.

Loss of habitat/green space.
When my partner and I moved to Warden Hill 5 years ago, one of the reasons we moved here was because of the beautiful green space within walking distance of the property. And now it's all disappearing, field by field. As a firm believer in the positive effects of wildlife and nature on our mental health, I believe it should be a fundamental human right for everyone to be able to access wild green spaces, to escape the stresses of our lives, relax and unwind. Although just a stone's throw from the busy Shurdington Road, these fields are packed with an abundance of wildlife, including badgers, foxes, roe deer, squirrels and an array of birds such as buzzards, kestrels, owls, and many of our favourite songbird species. Hatherley Brook provides habitats for newts, frogs and toads and the fields are home to many insect varieties. Where are all of these creatures supposed to go? They have already been squeezed into condensed spaces as it is. At a time when the Government has just declared a climate emergency, we need to make space for our wildlife and leave green spaces for both humans and animals to access and enjoy. This doesn't mean just keeping one manicured playing field or recreation area; it means preserving wild spaces where nature can thrive and humans can enjoy visiting, to relax and unwind. The current proposals will mean the final fields near to where I live will be built on and lost forever. To be able to walk in green space, I will therefore have to jump in my car and drive somewhere first, ironically having to join the the already over-congested Shurdington Road to do so. Climate emergency? Leave your car at home and walk more? This is what some of us are trying to do but continual plundering of our local green spaces is making this impossible. Cheltenham used to be a beautiful place to live. What on earth has happened?

I believe previous applications for this site have been refused on the grounds of landscape value and traffic congestion. So what has changed this time around?

I object most strongly to this latest application.

19 Gordon Road
Cheltenham
Gloucestershire
GL53 0ES

Comments: 24th January 2021

We , the undersigned, protest most strongly against the above Planning Application for the following reasons:-

1) The building of 350 dwellings will result in 350 -500 extra vehicles on the local roads. Shurdington Road and Church Road are already very congested at peak times of the day and this Plan can only make matters worse.

2) Air pollution will increase dramatically and will be a danger to the health of the local population, particularly children. This is especially important in view of the prospect of the new secondary school to be built in the immediate vicinity.

3) The new school will mean a considerable increase in the number of children on the roads and pavements of the local area thus making it an extremely dangerous environment for them.

4) An increase risk of flooding from the many streams and water courses coming off the hill.

5) The loss of Green Space which, we thought, was protected in the original Local Plan. These Spaces and footpaths are of vital importance to the health and welfare of the population of not only the local people but to Cheltenham as a whole.

This Application must be refused.

144 Hatherley Road
Cheltenham
Gloucestershire
GL51 6EW

Comments: 24th January 2021
I am writing to object to the amount of housing proposed for 350 homes on land near Shurdington Road Leckhampton. I understand the need for more homes in Cheltenham, however 350 homes is far too many.

The area itself is truly beautiful, a real oasis and has never been more used as an oasis of tranquility than in lockdowns. It's accessible for both people of Leckhampton and Warden Hill and home to the most beautiful family of deer.

Both the Shurdington Road and Farm Lane are already far too congested and busy. The increase in traffic and pollution will affect existing residents. There are already huge tailbacks of traffic and this huge number of homes will make this far worse.

I ask you to consider reducing the number of housing and to really consider the impact the housing will have on nearby residents.

I'm so sad to see the plans for this special land to be destroyed.

Comments: 24th January 2021
I ask careful consideration is given and that the number of houses is reduced. 350 is a huge amount that will Irrevocably change leckhampton. Farm Lane and Shurdington road are already so so congested and there is nowhere else for the traffic to go! Not to mention flooding concerns. Please consider this very carefully as take note of any residents comments you receive.

May I also say that many Leckhampton residents are unaware of the planning process and plans by Miller homes. The consultation process has been very poorly publicised.

Comments: 1st October 2021
350 homes is far too many on this site, which is currently a much valued site of natural beauty where local residents enjoy being able to escape to an open space, without having to drive out of Cheltenham.

The traffic on a Shurdington Road is already nose to tail and the area cannot cater for more cars. Air pollution from the increased traffic is also a worry, particularly as Cheltenham already has high levels of air pollution in comparison to the rest of the country.

For local residents it will really change Leckhampton, making it busy, built up and polluted.

I am also shocked at the lack of public consultation. Many residents directly affected have not been informed of the proposed plans. For a development of this size, and the deeply negative impact it will have on the local area and its residents, proper consultation should be conducted to allow residents to properly air their views.

20 Brizen Lane
Cheltenham
Gloucestershire
GL53 0NG

Comments: 16th November 2020
I am writing as a Borough Councillor to request this item is dealt with by planning committee and not an officer decision. This is due to the interest in the near and wider area of the development. This is particularly in relation to highways improvements, density of the development and provision of onsite space for wildlife and humans to play as well as environmental impact of the type of construction.

12 Fairfield Park Road
Cheltenham
Gloucestershire
GL53 7PQ

Comments: 24th November 2020
I object to this planning application - whilst the new secondary school is close by road infrastructure in this area is poor with severe congestion on local roads and the A46. Another significant development in this area will make congestion and pollution worse on already overstretched infrastructure. This significant housing development should be rejected for this reason alone.

Comments: 15th September 2021
These revised plans are nothing more than wallpapering over the cracks of a flawed submission of a significant development in the wrong place from an environmental, ecological & infrastructure perspective.

Congestion, traffic pollution, flooding risk in the area are all reasons why such a significant development should be rejected by the council.

42 Holmer Crescent
Up Hatherley
Cheltenham
Gloucestershire
GL51 3LR

Comments: 1st December 2020
I was really disappointed to see the lack of thought and confused layout/masterplan submitted for this planning application. There appears to be a very limited amount of considered development planning undertaken. It rather looks like the requirement for the provision of a green spine has been seen as a constraint and the development forced in between it and Kidnappers Lane without any attempt to inter-relate the two. The same goes for the interaction with the existing Kidnappers Lane section which is accessed from within the development rather than providing a discrete separate access more aligned to the properties opposite. The development wants to create an entirely new island development which just isn't appropriate and really isn't of any quality that would work in this context. The poor quality residential layout appears to be sandwiched between a green corridor to the north and Kidnappers Lane to the south, taking no visual or spatial planning cues from either to enhance the development. This development would sit happily within any inner city urban environment and be an area to avoid.

Character and street scene changed along Kidnappers Lane

The new access from the roundabout is out of character with the current Kidnappers Lane, this is as a result of the proposed buildings density, character, layout and due to the proximity of properties to the kerb. There is no sense of the existing area and one might assume from this entrance that Kidnappers Lane is no-longer accessed from this point.

It is quite clear why this has happened when you see the Character Area Plan. The road is marked first as a Spine road (not a Lane), then as an internal road (not a Lane) and finally as Kidnappers Lane, with the first few properties positioned unlike any of the existing found along the Lane. This messy confused mix of types and densities all happens within a stretch of 100 metres. The Spine road properties do not blend or complement any of the existing properties on Shurdington Road, they are completely different in density, character and form. This high density low quality continues until the first access where the development then changes to another form of low quality high density affordable homes as if now within a residential setting and not the beginning of the existing Lane. The Lane should be treated as such from the exit of the roundabout, it is not reasonable or appropriate to suggest it is anything but Kidnappers Lane, to suggest otherwise is laughable.

The new buildings should be in-keeping with the current properties on Shurdington Road and then Kidnappers Lane, however, the proposed development could not be more different. The new access road rounds the corner to connect to the original Kidnappers Lane where some larger houses appear right up to the edge of the highway to create a narrow gateway completely out of keeping with the bungalows and rural nature/street scene alone the existing kidnapper Lane. There is a clear disregard for the existing beautiful nature of the area and the character of residential properties along Shurdington Rd and Kidnappers Lane.

If this developer were to up their game there is far more profit to be made by creating a mix of housing densities appropriate to the area, using the green space to ensure the development complements the existing setting. It is quite obvious that Kidnappers new and old needs to match or complement one another. The proposal could not be further from this and the elevations seem absurd in nature and different to any housing nearby. The elevations show low cost, poor quality housing, which does not complement the area.

General layout poor

The master plan/layout is extremely poor throughout and would benefit from analysis of the existing area. I have circled in red the worst parts of the proposed development. Alleyways leading to secluded rear parking areas and green spaces without any natural surveillance. The green spine is largely unusable and isolated and provides no connectivity to the wider green corridors in the area. The new houses on the new stretch of road from the roundabout to kidnappers should be of the same standard as the existing properties on Kidnappers. They do not

abut the pavement, they are not within 2 to 5 metres of the road, they are not high density. It is a rural low density road with properties set well back from the road. There are 30 to 40 residential properties pushed in, close to a major busy junction, not only will people have to suffer living there but people will have to drive through it. The number of vehicles passing in close proximity to these frontages could result in the need for an Air Quality Management Area, even if this isn't necessary new residents will have poor health as a result of the proximity of these houses to such a busy road. Court yard parking is visible from the road, this is likely to be used as play areas and bin stores similar to those found on Princess Elizabeth. Courtyard parking has been known to be bad practice for as long as 20 years now. The development has so many courtyard areas it is difficult to quantify in number. These will not be used as intended but become barren areas left to be ill maintained and because they have poor natural surveillance will create future policing issues. This is a new gateway to Cheltenham along Shurdington Rd, it is as if the design has been created from a remote desk by someone that has never visited the area... Every current property on Shurdington Rd has its own private driveway to this point, not a shared grass area and it is not within the urban core.

No Consultation

I am disappointed there has been very little stakeholder consultation and no public consultation on this matter. When will the consultation be undertaken by this developer with the local community. I am not aware of any such process having taken place. I would expect this to happen on a development of this scale. This is a requirement not an option, they need to demonstrate this process has been undertaken. I look forward to the event in the coming weeks. COVID compliant clearly. I suggest they come along to Burrows Field and take questions. Or provide a portal for interaction.

Summary - A stand-alone development with no relationship with the green spaces or existing residential areas

Given the beautiful surroundings and existing quality of the adjacent residential properties this development needs to blend not stand alone. This is inappropriate in every way in its current form, particularly given the new access realigns/stops up part of Kidnappers and creates a new section. This is an opportunity to create a high quality entrance to the development which continues through to the new school and existing residential area. The most disappointing thing about the design is that there is so much wasted land and space. Unfortunately what you will see is a mess that makes it look over developed and haphazard in nature. Poor quality is put at the gateway of the new main junction on Shurdington Road and the Old Kidnappers Lane is lost to an estate access. Rather than provide a transition from the low density form of Kidnappers Lane the new stretch of road it jumps to poor quality, high density, budget build affordable housing of a residential street and worse still full urban high density blocks. This doesn't work and isn't appropriate. It provides both a poor environment and street scene for existing residents and a poor living standard for the new residents. Affordable homes should be life homes and be of a quality that people wish to live in and complement the existing area. They should not be the cheapest build cost possible, delivered in a way that both reduces their occupants quality of life and blights the surrounding area. This doesn't benefit anyone and isn't necessary in this location. This development has huge potential and this first submission is woefully inadequate. I hope the developers of this site will up their game to meet the high standards Cheltenham as a Town rightfully expects. It may help them further to reduce the total number of houses and develop a better mix in this location.

42 Pilley Crescent
Cheltenham
Gloucestershire
GL53 9ET

Comments: 14th January 2021
There are already too many housing developments in this area impacting on the GP surgeries and schools.

The much needed secondary school is supposed to serve those in the 'Leckhampton Corridor' who are outside of the catchment of Balcarras and soon Bournside.

I expect the developers think they can guarantee their house buyers a place in the desired leckhampton primary (already over subscribed) and the new Leckhampton High School but this should not be the case.

Traffic pollution is also a factor to be considered and the impact on green spaces in Leckhampton/Shurdington.

63 Leckhampton Road
Cheltenham
Gloucestershire
GL53 0BS

Comments: 15th January 2021
We wish to state our objection to Miller Homes application for planning permission for 350 houses on Shurdington Road Leckhampton.

Our precious green belt south of Cheltenham is being systematically chopped away, the wonderful views spoiled for generations to come to say nothing of the ecological issues involved here.

There is also the worry about flooding and our already overloaded roads locally at peak times which will be increased with the new school.

Please do not allow any of this site to be built on.

10 Hobby Close
Cheltenham
Gloucestershire
GL53 0LP

Comments: 15th January 2021
I am a local resident and the impact of this development will affect my standard of living considerably.

Concerns include increased traffic especially on Shurdington Rd which at peak times is very congested already as are Church Rd, Moorend Park Rd Kidnappers Lane. This will only be exasperated by the new secondary school which is very much needed for local children. The primary schools are already oversubscribed and show no evidence of being less so.

350 houses is far too many as the majority of families will have 2 children and 2 cars. I doubt whether any consideration has been given to sustainability- water recycling, solar panels etc. Miller Houses refused to build a primary school on the land which shows their lack of care for the community.

The land although containing small holdings has been deliberately run down for at least the last 20 years and is in need of some sympathetic development. I have always thought an educational farm park would be ideal. Everyone benefits with interaction with animals and learning how to grow food.

I am not naive enough to presume the council has the funds to initiate a project like this but investors could be sought and eventually provide employment and profit.

In brief then too many houses and too expensive for local people.

4 Chestnut Place
Cheltenham
Gloucestershire
GL53 0QE

Comments: 11th January 2021
I object to the above application, as it stands, on the grounds that it will be the cause of severe cumulative traffic congestion and damage to the landscape.

It should be noted that a previous application for the development of 650 house by Miller and Bovis Homes was refused by Cheltenham Borough Council principally on the above grounds in 2014, a decision which was upheld on appeal by the Secretary of State in 2016.

In terms of the cumulative impact on traffic, although this development has fewer houses, when you add in the effect of the new 370 Redrow houses nearby and the new secondary school in Kidnappers Lane/Farm Lane the impact will actually be greater.
The application includes development in fields R2 and R3, which JCS examiner Inspector Ord concluded was unacceptable on Landscape grounds. The R2/R3 area is also part of the area identified by the Secretary of State in 2016 as valued landscape that should be protected and enhanced in accordance with the National Planning Policy Framework (NPPF).

4 Pickering Close
Cheltenham
Gloucestershire
GL53 0LE

Comments: 11th January 2021
I write to strongly object to building further houses if this area. My house backs onto Shurdington Road, and twice in the last month my garden has been under water with flood water running off Leckhampton Hill and new housing concreting over land. Even though my house has suspended floors, flood water has got under the building in recent years and affected the electrics, and has taken over a year to dry out. The water affects the structure of the building and it took many months before internal doors closed properly.

The land in question with its small holdings and open space offers a welcome green space in an ever increasing housing mass encroaching over the green spaces in this area. If 2020 has taught us anything it is the value of green and open spaces for people to escape to, and the ability to get away from main roads and traffic. These smallholdings are part of the special landscape character that contributed to the area being identified as Valued Landscape by the Secretary of State in 2016.

I have lived in my current home for almost forty years, and have watched the traffic pollution in the area increase year on year. My journey to work, nine miles away, takes twice as long now, and even getting out of my road onto Moorend Park Road can take four to five minutes in rush hour. The additional traffic and air pollution that will be created with the new school and new housing is a frightening prospect and will I believe create severe traffic congestion .

98A Shurdington Road
Cheltenham
GL53 0JH

Comments: 11th January 2021
Letter attached.

19 The Lanes
Cheltenham
Gloucestershire
GL53 0PU

Comments: 11th January 2021
Letter attached.

8 Larch Rise
Cheltenham
Gloucestershire
GL53 0PY

Comments: 11th January 2021
I respectfully request that thought is given to those of us who chose to live in what was, once, a pocket of peace. The Redrow development has been difficult to cope with due to increased noise, traffic and air pollution, not to mention the dreadful smell we have had to endure for the last 2 summers which comes from their sewage system. Whilst a new school is necessary, I do question the wisdom in the siting of it. The thought of another 350+ houses being squeezed in to this area, which already suffers from high air pollution, is not conducive to the mental health & wellbeing of residents who are both distressed and upset by the scale of destruction to this once, lovely area.

Please bear this in mind when making your decision. Some of us cannot afford to move. Thank you.

30 Waterford Court
Moorend Park Road
Cheltenham
Gloucestershire

Comments: 14th January 2021
I refer to the planning application for housing development by Miller Homes at Shurdington Road, Leckhampton and would wish to submit the following brief comments/objections.

- Many years ago, when I was a solicitor in Local Government, it was regarded as axiomatic by planners in Gloucestershire that a green lung of undeveloped land should be maintained at all costs to prevent Cheltenham from coalescing with Gloucester. The application site falls within this area. Why have things changed so drastically to the undoubted detriment of local amenity?

- Traffic volumes at present lead to enormous tailbacks along Shurdington road at the traffic lights at junction with Moorend Park road. The proposal will make this state of affairs far worse. Also traffic emissions, already at an unlawful level, will rise considerably to the detriment of the health of the mostly elderly residents of this area.

15 Woodlands Road
Cheltenham
Gloucestershire
GL51 3RS

Comments: 14th January 2021
With regard to the Miller Homes planning application I am neither writing in support or in opposing the proposals for the large site itself.

Having seen the nearby Redrow Brizen Park development that estate looks a good one with its mixture of housing stock etc.

However, there are implications for the surrounding area.

1) The A46 Shurdington Road is not really fit for purpose with ever increasing traffic flows and constant dangers for cyclists. With the new South Cheltenham secondary school such matters will become even more of a concern. New roundbouts/traffic lights might be needed especially at the junction with Woodlands Road.

2) A new community would rely on existing facilities to be found at Warden Hill re primary schools, shops and the post office.

3) From any church's point of view their pastoral role for any new community such as the Miller Homes proposals would add to the workload of church ministers (especially to the Anglican South Cheltenham Team.

4) The loss of footpaths through the present smallholdings will be a detrimental loss to the area as will be the loss of many fine trees.

Comments: 1st October 2021
Further to the e mail below from January and having seen the proposed various road alterations in the documents, I particularly note the sensible proposal for a roundabout at Kidnappers Lane junction, but I have heard from a respected source that the crossing refuge leading from the bus stop almost opposite Woodlands Road is to be removed with the inference that elderly bus users would have to walk back to where the new traffic lights and crossing will be - then having to walk back to Woodlands Road on the other side of the main road. The present refuge if removed might well lead to someone still crossing the road there be hit by moving traffic.

If that is not possible could not that bus stop be resited nearer to those new traffic lights?

8 Merlin Close
Cheltenham
Gloucestershire
GL53 0NF

Comments: 15th January 2021
Just read the notice on planning permission to build 350 new homes in the leckhampton area. I strongly oppose this planning request for the following reasons ...

leckhampton is an area of natural beauty and additional buildings will erode this historic enviable local pride

The leckhampton area in question is subject to flooding and building 350 new homes on a flood plane would be a great mistake

The leckhampton area has had a number of new houses built over recent years and the local roads are very busy especially where the schools are located. The proposed additional 350 houses would not only congest our roads but also be detrimental to the environment

The area in question is home for many rare breeds of birds, animals,plants and wildlife. The proposed housing plan would degrade the local environment and natural home for our protected species

2 Vicarage Close
Shurdington
Cheltenham
GL51 4TH

Comments: 15th January 2021
Letter attached.

Brizen Lodge
Farm Lane
Leckhampton
Cheltenham
Gloucestershire
GL53 0NN

Comments: 17th January 2021
I am writing to object to this application on a number of grounds.

The application has used flooding data that does not reflect recent experience or climate change and put houses downstream at risk of flooding as well as the surrounding areas. It also threatens the ecology of the nearby stream.

There are more houses than the area and local amenities can support, particularly with the Redrow development and the 2 additional redrow areas planned.

There is no pavement along Kidnappers Lanes opposite the school as children from this development will expect to attend the school currently being built and this is not accounted for in either the schools planning or this development.

There number of affordable homes is misleading. Of the 40 ish planned, most of these will be flats. The remaining will have help to buy schemes but will not be "affordable" unless the council plans to put a ceiling price of £150K on the 3 bed houses, which is approximately what the average 1st buyer can afford. The homes are being built for profit by both the builder and the council who get a payment for each home built.

There is already a pollution problem in this area and this will exacerbate it.

There is already a traffic problem on the A46 and this development will make it infinitely worse. With a school being built adjacent to the site, this endangers pupils health as we know three is a strong link between pollution and childhood illnesses such as asthma and allergies.

The decision to approve the application doesn't seem to have any independent governance.

This development is contrary to the JCS recommendations.

This area is already highly overdue eloped with the new school and the 3 redrow development it cannot support another.

There are no planned amenities (saying that they will leave some green space when it is currently all green space is not an amenity) such as shops, doctors, dentists, primary schools, cafes or playgrounds.

There will not not be enough parking spaces on the development as the majority of houses will house more than one adult with a car as well as many visitors.

There is adequate planned crossing to the school.

Closing Kidnappers Lane entrance to A46 will increase traffic.

As a nearby resident I am disappointed by the number of planning applications coming through in a short time frame, with a short window in which to comment in an international pandemic. I see no concessions to pandemic planning in this application such as wider pavements and spacing between residences and shared spaces, particularly in the flats.

Had I more time to consider this application, I am sure I would have come up with more reasons but as I am working full time and Homeschooling during a lockdown my time is limited. Please vote against this development.

14 Mead Road
Cheltenham
Gloucestershire
GL53 7DT

Comments: 17th January 2021
I am a resident of Leckhampton and would like my following comments on the application to be considered.

1. The transport assessment describes the available foot and cycle routes, but there is no guarantee that they will be used. Similarly, yes public transport is available, but there is no guarantee that people will use it. There is only a chance that people will use it if they have one goal for their journey. If they are carrying out more than one activity within the town, they will always use a car. Also, I know many, many people who refuse to use public transport, just because they do not like it. Unless, and until we have a fully integrated public transport across Gloucestershire and a complete change in culture towards public transport, traffic is going to be a problem each time more housing is built. I lived for many years in Germany and know how far away we are from being fully integrated, with a population that is happy to use public transport for any journey.
Re: 4.4.8 - No roads in Leckhampton are 'lightly trafficked'. Was the assessment done during the 2020 lockdown? If so, it will not have been realistic.

The A46 is very heavily trafficked. As an experienced cyclist, I am very surprised by the report's suggestion that it would be safe for cyclists to use. I have cycled for decades around Cheltenham, but I would no longer cycle on the A46, especially in the dark or during rush hour, as I think it is too dangerous.

2. Reference is made to the proximity to the new school being built. I would like to point out that the momentum to build the school was driven by residents of the 'Leckhampton triangle', who are frequently unable to get school places for their children at either Balcarras or Bournside, which is a major problem. We have succeeded, over many years, in getting this project off the ground. Will building multiple homes immediately next to the new school push us to the back of the queue for school places at this school as well, leaving the children in the heart of Leckhampton without a local school?

3. I was interested by the report that refers to how many trees are of value and how many are not. Surely, at a time of extreme global warming, all trees are of value? Furthermore, there is no doubt that the proposed development would have a negative impact on the local landscape, which is highly valued by many.

I hope that my comments are not too late to be considered.

Comments: 27th September 2021
Schooling

The assessment of impact on secondary education includes the places available at Pittville School. This is disingenuous, as Pittville is not local to Leckhampton. Leckhampton High School is being built as a result of years of lobbying by parents of children living in the 'Leckhampton triangle', many of whom have been unable to get places for their children in either of the local schools (Bournside and Balcarras).

What is the assessed impact on the children in the Leckhampton triangle? Will they be guaranteed places at Leckhampton High, Balcarras or Bournside?

I believe the secondary school impact assessment should be carried out excluding Pittville school. This will show the true picture of the impact of this development on schooling for local children.

Attendance by as many children as possible at their local school should, and must be part of the Council's plan to meet sustainability and carbon reduction targets, as children are otherwise ferried across town in cars, or have to undertake inappropriate and long bus journeys when they could have simply walked to a local school.

Traffic

The transport assessment focuses on the impact on cars on the Shurdington Road. There is no assessment of the impact on existing cyclists and pedestrians. As I stated previously, I would no longer cycle on the Shurdington Road because it is so dangerous with the high levels of traffic. This development, with potentially at least 893 additional cars going in and out, will clearly generate more traffic, noise, pollution and congestion on roads that are already under heavy strain. Remember, it will be not only the Shurdington Road that will be affected - what about Church Road?

Of course the report doesn't consider the modelled increase to be significant, but if the numbers are allowed to build up bit by bit through more and more of these kinds of developments, where are we going to end up?

Biodiversity

In a similar way, the Ecological Summary doesn't consider the inevitable reduction in biodiversity to be of too much concern, despite recognising that there will definitely be a reduction. It suggests mitigation measures, but there is no indication that this will be done, or that it will be policed.

We have an Environment Bill currently going through Parliament that will mandate biodiversity targets for new developments. Many councils are already adopting the targets for planning applications. Has CBC adopted the Biodiversity Net Gain of 10% target? If not, shouldn't this development do so anyway? Any net reduction in biodiversity at this time is, to my mind, fundamentally wrong.

These are just my primary concerns arising from the plans. There are more. Overall, in my view, a development of this size would be completely inappropriate in this location, and would be damaging to both the environment and the local community, as well as creating stress and misery

through noise, congestion and, potentially, flooding. Please do consider whether something like this is justifiable at a time of climate crisis.

29, Meadowsweet Road
Shurdington
CHELTENHAM
GL53 0AS

Comments: 31st January 2021
The Shurdington Road is a veritable car park during rush hours as it is without more traffic being added to it.

The local primary schools are already oversubscribed so how building another 350 homes will help this I have no idea.

The are flood risks and the basic destruction of local green, natural habitats is reprehensible.

The new secondary school will have a total 900 capacity when full and there's enough demand to see that a reality already without building even more homes.

Comments: 10th September 2021
The revised plans still don't seem to address the traffic congestion issue, the house designs are not aesthetically pleasing and Leckhampton High School will already have enough students to fill to capacity without building another estate, thereby creating more problems of oversubscribed schools, traffic etc... The environmental cost is still too high.

Garden Flat
24 Warden Hill Road
Cheltenham
Gloucestershire
GL51 3AW

Comments: 15th April 2021
I am resending this in the hopes that the decision has not yet been finalised - use vacant other in-town land before, before, before any vital green spaces!

Comments: 25th November 2020
I am strongly objecting to the proposal from Miller Homes as it stands. In brief - there needs to be less housing, more green space must be retained and protected, use should be made of the land for recreation, education, protection of ever diminishing green spaces for local health and well-being and ecological appreciation- all vital.

I would suggest NO hardstanding allowed across the site, no (soon to be redundant) gas boilers, only two storey properties - no higher, provision made for a small opportunity for some retail - to help build community and reduce use of cars.

A fuller letter to follow by email,

129 Leckhampton Road
Cheltenham
Gloucestershire
GL53 0DQ

Comments: 30th November 2020

Clean Air Cheltenham objects to the planning application from Miller Homes for Land at Shurdington Road, planning application reference 20/01788/FUL.

Our submission clearly demonstrates that the Air Quality Assessment (AQA) report provided by RPS to accompany this planning application is so deficient that the air quality impact of the proposed development has not been properly assessed.

Failure to properly assess air quality impact makes any decision on the planning application liable to legal challenge.

The application must therefore be rejected, and Miller Homes instructed to prepare an AQA to a professional standard.

In summary, the grounds for our objection are:

1. The majority of the location of receptor sites are identified incorrectly - this invalidates the dispersion modelling on which the AQA rests

2. Incorrect data been used to check the dispersion modelling of NO2. These obvious errors again invalidate the model verification on which the AQA rests.

3. The AQA fails to follow the DEFRA guidance in their Local Air Quality Management Technical Guidance (LAQM.TG16) regarding dispersion modelling of emissions.

4. The AQA does not 'sense check' the modelled NO2 results against actual measurements of NO2.

A document giving full evidence for these objections has been sent to Michelle Payne for upload.

Comments: 1st December 2020
Comments attached.

21 Merestones Drive
Cheltenham
Gloucestershire
GL50 2SU

Comments: 8th December 2020
I object to this application on the basis of the impact on the dwellings downstream of Hatherley Brook. I have lived in Merestones for 7 years and in that time have twice seen the waterway higher than the footbridges, as well as areas of the bank falling away. This development would put further pressure on the stream and increase the flood risk to the development houses and those downstream such as the Merestones estate.

I also feel the traffic impact of the new school being built on neighbouring land should be fully assessed before another planning application of significant size should be allowed.

It has also been reported that this area of Cheltenham already has higher than average traffic emissions in the air, and adding further housing (and therefore traffic) will only exacerbate this problem.

3 The Range
Gloucester
GL2 8NL

Comments: 8th December 2020

Gloucestershire Community Rail Partnership is a non-statutory community organisation. We have made a full representation which has been emailed to the case officer today

26 Moorend Park Road
Cheltenham
Gloucestershire
GL53 0JY

Comments: 9th January 2021
I object to this development for following reasons:

- increased air pollution in an area which is already affected badly by this.

- The new school is promoting children walking to school but the new development will mean increased congestion and our children therefore breathing in additional car fumes.

- Shurdington road traffic is already terrible at rush hour and this will become worse

- I live on Moorend Park Road and there will be a knock on affect of increased traffic on our road.

- the proposed area is so valued by our community. It provides children with the priceless experience of walking through small holdings seeing chickens, sheep, picking blackberries etc. This will be lost.

- Loss of habitat of thousands of native animals and plants

- Every year the fields flood. If the houses in the development are protected from flooding then there will be an increased risk of flooding for houses near by because we will have lost our flood plains.

- The development is against previous recommendations by JAC in terms of number of recommended houses of the area.

- the community have had to defend our open space on many many occasions. I am concerned that the developers are taking advantage of our fatigue in responding to all these applications. Please leave us and our open space alone.

Hazelmere
57 Moorend Park Road
Cheltenham
Gloucestershire
GL53 0LG

Comments: 14th January 2021
We feel strongly that this development would have a significant detrimental impact on Cheltenham Borough Council's commitment to go Carbon neutral by 2030. The current public access across this green space is enjoyed by many local walkers and people wishing to exercise. In addition, removing the tree line and open fields would have a major negative impact on the houses around Merlin Way and the wider Leckhampton community.

2 Mimosa Avenue
Up Hatherley
Cheltenham
Gloucestershire
GL51 3WB

Comments: 15th January 2021
We object to these mainly on the following reasons.

1. Traffic congestion and pollution - the A46 is already severely congested and will become more so once the new school opens and other residential developments are completed. There is little scope to improve traffic flow and management so the inevitable consequence is unacceptable congestion with higher levels of pollution an unwelcome result of this. My son suffers from acute asthma with will be made worse by the resultant impact on air quality of this development.

2. Damage to the environment and loss of countryside for recreation purposes.

3. Potential flood risks to existing properties.

We ask that planning permission for these 350 homes be denied.

Little Bradwell
Kidnappers Lane
Cheltenham
Gloucestershire
GL53 0NX

Comments: 9th January 2021
We object on the grounds that it will have a negative impact on the character of Leckhampton and the historic Kidnappers Lane.

Also that it will negatively impact the well being of the local public.

This site, the footpaths running through it and Kidnappers Lane itself are enjoyed by hundreds of people - even more evident during lock down, for exercise, walking dogs, family outings etc...

Although the fields are not open to the public, it is the open setting that attracts people and gives value to the area. The wide views of Leckhampton Hill AONB are key vistas from the paths and from Shurdington Road that define the character of the area. This will be lost if the paths are reproved through a new development.

The proposed site will increase the built sprawl along the Shurdington Road and will join together Warden Hill, Leckhampton and Shurdington which loose their own distinctive characters.

There will also be a negative impact on the views from The Cotswold Hills AONB.

The impact on highways and infrastructure, drainage, air quality, school places, ecology and biodiversity, carbon emissions, affordable housing have been assessed by others and so are not included here, but are still areas of concern.

We appreciate that there is a need for additional, affordable housing, but following this unprecedented period the shape of our town will change. Surely there is an opportunity to find an alternative site, without building on open green fields?

Moorend Villa
7 Moorend Road
Cheltenham
Gloucestershire
GL53 0EP

Comments: 9th January 2021
Environment/wildlife
The area has numerous natural springs and the area is usually very wet, where will all this water go when the area is developed?

This land is used by a variety of wildlife, including deer, multiple bat species, and many bird species. The proposed development will remove this valuable habitat, and likely degrade the value of the adjacent Local Green Space allocation. Local nature in the area is already under pressure and has been displaced by new developments in recent years.

Traffic/pollution.safety
Traffic congestion is already a significant concern in the area: this will be worsened by the new secondary school and also as the changes to Leckhampton Primary school.

The Shurdington Road is one of the main routes into Cheltenham, over the past 5 years an increase has already been seen in the volume of traffic with the Redrow housing development on Farm Lane, the increase in pupil numbers at Leckhampton Primary school (which will further increase as the three-form entry extends to all year groups).

Kidnappers Lane will become a "rat-run". This lane has no footpaths and is inadequate for two-way traffic and will become very dangerous for all of us, including the school children and many walkers who use it.

The Shurdington Road is already extremely busy with long queues in both directions at peak times and school times. This development will bring with it huge amounts of extra traffic. The surrounding roads will become 'cut through' routes with traffic looking to avoid the queues. Extra pollutants will be suffered by local people, particularly as a large area of trees will have to be removed.

Footpaths and cycle routes:
The existing footpaths are already under pressure.

Existing footpaths are well used and need to be protected for all who currently use it

The A46 is barely wide enough for two people/a pram to walk along what is a very busy road. Farm Lane/Kidnappers Lane also have very narrow footpaths. These footpaths and others in the local area will come under pressure from the new Redrow development and the new Leckhampton High School. The additional burden from this proposed new development needs to be considered.

The traffic in the area is classed as "Severe", Whilst the on-site proposals are good, they don't connect to any footpaths or cycles paths which meet the standards required.

The current access points to Burrows playing field are predominantly from Moorend Grove and Church Road. These are supported by footpaths/road access. However, the current plans for the housing development appear to offer no improvement to other access points.

Wellbeing
With the secondary school being built, Leckhampton Primary School expanding and around 350 Redrow houses being built It is surprising that these have not been linked to the Burrows via footpath/cycle paths. People, especially children need to be able to move between these sites easily and safely.

Better footpath/cycle path linkage from all sides of the Burrows are needed. Better paths linking in via Kidnappers Lane and Merlin Way are needed. They could easily link directly onto the circular path at the Burrows.

The allocation of allotments seems way too small for the number of proposed houses

Any homes that are built need to be affordable for young/new families and first time buyers. This looks to be a development for well off people who want to get into the new school. Rich people will buy second homes to facilitate getting into the new school. It will become a magnet for second homes and buy to let and yet another executive homes site.

Additional point
Apparently, many of the "supporting" photographs showing the surrounding areas are out of date in that they do not adequately show the development that has taken place over the last couple of years. The lack of accuracy in these photographs implies a location and situation that no longer exists and therefore they are misleading and have no supporting role to play.

31 Mead Road
Cheltenham
Gloucestershire
GL53 7DY

Comments: 19th January 2021
My family have occupied the Glebe Land , so-called the Pig Field and surrounding fields, for generations (Great Grandfather, Grandfather and myself). The Northern Fields have landscape merit and the importance of the so-called Pig Field view of Leckhampton Hill across the Northern Fields from Shurdington (A46) Road is extremely valued by local residents and a joy for those visiting the town. Further consideration should be given to what can be done to protect this view in the event of any proposed development going ahead i.e. setting the proposed development further back from the road (creating a green or orchard) or designing the development such that the view can be maintained and uninterrupted (a gap through which to maintain the view). 2020 and the start of 2021 has shown us the importance protecting such landscape of merit and treasured views in terms of our general mental health and well being.

I recognise there has to be a balance between providing much needed new housing and protecting our valued landscape and views. Key areas of consideration for this particular development are the impact on the valued landscape and views (as mentioned), traffic congestion, flood risk, ecology, air pollution and supporting infrastructure i.e., nurseries, schools, doctors.

Questions still appear to remain on what the true impact of the inevitable increased traffic will be in this area. The A46 is a single carriage road and carries significant traffic in and out of Cheltenham at key times. Alternative routes are also congested with noteworthy concerns of congestion and safety on Church Road Leckhampton in particular, owing to the narrow nature of the road (due to parked cars), proximity to Leckhampton School and impact of the recent Redrow Development. It appears no one is clear what impact this development alongside the approved new Secondary school will have in truth (both during construction and eventual occupancy). We also need to ensure the public paths are of sufficient width (currently the public path opposite the so call pig field is only wide enough for single file walking) and consideration is given to further

protecting cyclists along the A46 stretch of road and well as further considering bus routes (noting there is currently no bus lane).

Other comments submitted have noted concerns over flooding and potential issues with sewage. There appears to have been recent experience within/near by another development close to the proposed site whereby the issue of drainage has led to unpleasant smells and impacts of increased issues. Again it appears questions still remain on whether the size and scale of the proposed site will lead to issues of flooding and whether the existing drain/sewage infrastructure can take a development on this scale without any future issues.

In addition, whilst acknowledging the new secondary school which is being constructed, it is not clear what the plans are in terms of nurseries, primary schools, GPs and dentists etc and the overall future sustainability of the local area alongside other proposed developments.

The proposed development does include protection of certain green spaces. This is very welcome. As well as comments from others on what more can be done to protect the landscape of merit I would like to put forward a suggestion that an area is reserved in recognition of the heritage of the overall site (pig farm and small holdings). This area (potential orchards with rare breeds) would allow local residents (inc. those moving into any proposed development) to continue to gain a unique experience with their family and friends and learn more about the heritage of the area (attached is some pictures to bring this to life of my pigs and my Great Grandfather's pigs on the so called pig fields). The proposed site is often referred to as largely disused. Whilst not an inaccurate term, it is worth nothing this is largely by design (undertakings of the proposed development, short term tenancies). With more certainty the land would look very different to how it looks today.

I recognise these are not easy decisions, but further consideration of the above points would be welcomed, so we can ensure the final proposals, which will have a lasting impact, so strike the right balance.

(Photo available to view in Documents tab)

Friends Of Bournside
C/o 80 Bournside Road
Cheltenham
GL51 3AH

Comments: 19th January 2021
Letter attached.

28 Lambert Gardens
Cheltenham
GL51 4SW

Comments: 19th January 2021
I strongly object to this planning application. We do not need another 350 houses in this area, we already have plenty of houses being built, Brockworth, Redrow and the Cyber Park. The Shurdington Rd badly floods. We should be preserving some green fields for our health and wellbeing, not destroying them. Where will all the deer, badgers, foxes, etc go, we have destroyed enough of their habitat, we should be planting more trees, not keep building houses. We are all in danger of poor air quality, and poor health, due to the sheer number of cars that will be using the already congested Shurdington Rd. Have all these people that are coming here have local jobs, or are they going to travel to the big cities. PLEASE DO NOT LET THIS PLANNING APPLICATION GO AHEAD.

18 Waterford Court
Moorend Park Road
Cheltenham
Gloucestershire

Comments: 19th January 2021
This is an objection to a planning application to build by Miller of 350 houses on former Agricultural Land.

My objections are as follows.:

This proposed development is going to generate a substantial increase in the number of cars , potentially an extra 700. Shurdington Rd, can not be widened as most of this road has already built residential dwellings on each side. The amount of traffic is already forecast to increase substantially when the large school nearby is built. Shurdington Rd is already at capacity at peak times of each week day. Never mind on race days.

I own a flat at nearby Waterford Court and can testify as to the volume of traffic already using this road. It will be even more difficult to get out of Moor End Park Rd if/when extra development takes place.

The Leckhampton PC, have already checked the pollution levels on Shurdington Rd which are very high now, above WHO levels. They will be even worse. In summer when I have windows open in my flat, you can smell the road, the exhaust fumes can be smelt as well. I usually end up being forced to close my windows which is also unhealthy.

There is also a risk of flooding in this area.
At present the land has small holdings on it which makes for bio diversity.

Please reconsider whether planning permission is really viable for this area.
Please consider the effect this wanton development will have on all the people who are living along this road, which should also include the risks to their health from breathing in all the poisonous gasses emitted by the stoping and starting of cars, busses and heavy lorries at the nearby traffic lights at its junction with Moor End Park Rd.

Orchard View
Kidnappers Lane
Cheltenham
Gloucestershire
GL53 0NL

Comments: 22nd September 2021
We strongly oppose this proposal on a number of grounds.

Traffic - we are very concerned by the increase in traffic this development will cause, and the resulting increase in pollution (both air and noise). The traffic along the Shurdington Road during peak times is already at a standstill from the Moorend Park Road Junction back to the roundabout at Upper Hatherley Way.

Risk of flooding - since the Redrow development we have noted a significant increase in surface water in the surrounding areas during heavy rainfall, including parts of Kidnappers Lane which at times have become barely passable due to the water on the road.

Facilities - the infrastructure / facilities in the area are already v stretched and this new estate is not providing any further health or educational provisions.

Environments cost - loss of local green space and wildlife.

St Brizen
Kidnappers Lane
Cheltenham
Gloucestershire
GL53 0NL

Comments: 30th November 2020
The site layout plan suggests that the Shurdington Road end of Kidnappers Lane would become an even worse traffic hazard than it is now.

I would like to suggest that a road from the new roundabout on Shurdington Road should run directly through the new estate, ending with a mini roundabout in Kidnappers lane near the new school. This would make traffic flow far fairer for the whole community.

The current plan shows a road that would be eminently suitable for this purpose. It is shown as blocked off at the Kidnappers Lane end, presumably to keep traffic flow at a minimum to increase the saleability of the houses.

However the planners need to consider the knock-on effect of that layout as it would result in a massive increase in traffic entering Kidnappers Lane from the roundabout, thus seriously affect the lives of the people who already live there.

Given the opportunity to realistically address the school access problem at this starting point rather than wait until there is a massive traffic problem in the future, I beg the planners to bite the bullet and insist on a through road on this new estate. A mini roundabout is needed near the school for safety, so this would tie in perfectly.

Also Planners have a serious duty to protect some element of the environment for the people who already live here, i.e. taking priority over developer's profits.

On the current plan osepeople living in the 350 dwellings will have no direct vehicular access to the new school except via Kidnappers lane.

It is nonsense to expect/believe that parents will not drive their children to school, especially in the depths of winter. People in Warden Hill and Hatherley, and the estates at the top of farm Lane will also drop off their children by car. Parents in further parts of Leckhampton will not let their children walk down lonely Kidnappers Lane, and will drop off their children on their way to work. Kidnappers Lane is already a busy cut through from Leckhampton and Charlton Kings to the M5, Gloucester and Stroud, so please do not add to the traffic problems that already exist.

Comments: 18th January 2021
New homes are far more "much needed" in other parts of Cheltenham where those needing them won't have to pay a Leckhampton premium, which is exactly what Miller Homes are after.

House buyers are moving to Gloucester, not because there are no houses to buy in Cheltenham, but because they are too expensive. Miller homes can't pretend to be helping that problem by building in Leckhampton! Outside developers are led by profit, and the council should not think otherwise. 350 houses on that small area is absurd. For environmental reasons 200 houses is equally absurd.

Cheltenham is slowly losing its handsome appearance as the green belt is more and more consumed by estates built by outside developers. These days it's hard to distinguish one town from another as identical estates pop up in every space. Does Cheltenham really need to ruin its

wonderful green surroundings by copying this ugly pattern? Miller Homes say there is a specific need in Leckhampton - really? Is there a need in Battledown, or Charlton Park Gate, or The Park? The answer would be yes if they could get land in those areas (imagine the premium they could achieve)!

In the 60s, when Warden Hill and Hatherley were being eaten up by Wimpey etc. Cheltenham Planners made a promise in writing to house buyers, and to the press, that the 'designated green belt' would never be built on. House buyers were actually told by their solicitors that the promise was legally binding. How did the council manage to deceive the public so spectacularly?

Wildlife that has occupied this Shurdington Road space for hundreds of years will be decimated. There is nowhere for them to go and they will simply die. Until the unwelcome school in Kidnappers Lane started cutting down ancient hedgerows and bringing in huge machinery this small area housed a large herd of muntjac deer, a huge colony of badgers, plus foxes, owls, greater and lesser woodpeckers, dormice, newts, rabbits, large deer, etc.. What will become of these animals, most especially the badgers? What has been secretly going on to get rid of wildlife in the area that has been gated off with 'keep out' signs? Where have the muntjac vanished to? Have badger setts been secretly damaged?

I ask the planners to consider keeping Cheltenham as an attractive place to visit (not just the town centre), and to directly consider the effect on the local environment in the location where Miller Homes want to build. That includes the people who live here. We are already alarmed by the school project. The prospect of being in the centre of a large housing estate is even worse. I am being driven out of my home, my neighbours have already gone. Can we trust the council to care?

Smalley
Kidnappers Lane
Cheltenham
Gloucestershire
GL53 0NL

Comments: 13th January 2021
My family and I will be directly and negatively impacted by this development. We strongly oppose the proposed development in its current form for a number of reasons outlined below.

Traffic

This proposed development will lead to increased pressure on the road network, an increase in noise and an increase in air pollution. There is already congestion along the local roads and the A46. This pressure will only increase once the new Leckhampton High School is completed. The submitted plans need to improve road access to the Shurdington Road and to the new Leckhampton High School.

Services

The development plans must include local services such as a new health centre (GP, dentist, etc), children's playground and local shops. New housing development in this area will attract young families and if these local services are not provided, the people moving to the new development will overwhelm the existing services which are already overstretched.

Visual impact

The proposed development of high density properties is not in keeping with the existing developments in the area.

The buildings in this area are mainly bungalows and 2 story houses with access to nature. Furthermore, the proposed development uses red brick instead of the yellow stone work which is typical for this area and Cotswolds in general.

For the reasons stated above, I strongly object to the proposed development. Thank you for your consideration.

Comments: 29th November 2020
As one of the properties that sits directly opposite the proposed development (Kidnappers Lane), my family and I will be directly and negatively impacted by this development. We strongly oppose the proposed development in its current form for a number of reasons outlined below.

Traffic

This proposed development will lead to increased pressure on the road network, an increase in noise and an increase in air pollution. There is already congestion along the local roads and the A46. This pressure will increase once the new Leckhampton High School has been completed. It doesn't make any sense to add to the burden on the local transport network in this location.

Foot paths

The existing footpaths are already under pressure.
The A46 is barely wide enough for two people/a pram to walk along what is a very busy road. Farm Lane/Kidnappers Lane also have very narrow foot paths. These foot paths and others in the local area will come under pressure from the new Redrow development and the new Leckhampton High School. The additional burden from this proposed new development does not seem to have been considered at all.

Ecology

Local nature in the area is already under pressure and has been displaced by new developments in recent years. The loss of open green space to the development of the new school was a big loss for nature in the area and to remove yet more green space is very irresponsible.

Adding yet more property development to the area in this particular location will put an extra burden on the surrounding land and increase the risk of flooding.

Services

It is very strange that no provision has been made for local services on a development of this scale. It's unacceptable to place yet more of a burden on local services - why is there no GP, Dentist, small shop etc proposed as part of such a development. This doesn't seem to have been thought through at all.

Visual impact

The proposed development of high density properties is not in keeping with the existing developments in the area.
The buildings in this area are mainly bungalows and 2 story houses. The proposed 3 story homes are out of keeping with the character of the area are will spoil the overall character of the landscape.

We are in/close to an AONB and a development of this scale will significantly diminish the character of the area and the proposed designs are not in keeping with the Cheltenham Local Plan.

For the reasons stated above, I strongly object to the proposed development. Thank you for your consideration.

26 Merlin Way
Cheltenham
Gloucestershire
GL53 0LU

Comments: 14th January 2021
I am objecting due to increased traffic on the shurdington road - which is already congested during the day. increased traffic trying get out of the estate will put increased pressure on this road network. I also object that this increased traffic will cause additional pollution which will impact residents and children walking to school. I am worried about wildlife currently living in this area will have to relocate. there are a family of dear that live there- this family will be displaced. The area and path around where the proposed building will take place have been used extensively by families through lockdown as a means of getting outside and mixing with nature on our doorstep. families can currently make use of the paths and safely have somewhere to exercise.

16 Merlin Way
Cheltenham
Gloucestershire
GL53 0LT

Comments: 14th January 2021
I wish to object on flooding risks and traffic congestion.

Flooding - The area has always been susceptible to flooding, Hatherley Brook does fill up when there has been heavy rainfall, with water flow off Leckhampton Hill. During the severe floods of July 2007 Hatherley Brook overflowed and encroached the gardens of 15 and 17 Merlin Way, the properties whose gardens back onto the Brook. The proposed development will mean that there is no natural run off to hold back any excess water and so properties in Merlin Way will be susceptible to flooding and with climate change this could be on a more regular basis.

No mitigation has been made for extra traffic congestion on both the A46 Shurdington Road and also the A46 junction with Moorend Park Road. Congestion has increased greatly in recent years. With the new Secondary school and also with an existing development on the A46 opposite Silverthorne Close this will worsen for residents in the affected areas.

The Sleepers
Merlin Way
Cheltenham
Gloucestershire
GL53 0LS

Comments: 11th January 2021
Comments attached.

17 Highwood Avenue
Cheltenham
Gloucestershire
GL53 0JJ

Comments: 26th November 2020
I strongly object to this proposal on the following grounds:

Traffic

The stretch of the Shurdington Road between the Up Hatherley Way and Moorend Park Road junctions is already extremely busy at peak times. The construction of such a large number of houses, coupled with traffic to the proposed new secondary school, will increase both congestion and air pollution along this road. Comments by the Secretary of State for Communities and Local Government on an earlier development proposal in the same location cite "severe residual cumulative transport impacts" as a major point of concern.

Damage to the character of the area and loss of local amenity

The land for development forms part of a rural "wedge" between Leckhampton and the edge of Cheltenham. The network of footpaths within it is well-used by local residents, an amenity that will be much diminished as a result of the development. The recently adopted Cheltenham Plan requires that any development on this site be of a layout and form that respects both its "rural characteristics" and the "visual sensitivity and landscape character of the site as part of the setting for the AONB". The proposed high-density urban development respects neither.

Flood risk

The eastern branch of Hatherley Brook has a history of flooding and poses a significant flood risk to properties adjacent to and downstream from the new development. The flood risk assessment for the site acknowledges that surface water will be drained into this watercourse. Nearby Lotts Meadow is currently very waterlogged, suggesting that surface water run-off from the new development could be high, increasing pressure on the brook.

Ecological impact

In the short time that I have lived nearby, I have observed that this land is used by a variety of wildlife, including deer, multiple bat species, and many bird species. The proposed development will remove this valuable habitat, and likely degrade the value of the adjacent Local Green Space allocation.

Existence of alternative viable sites

The Cheltenham Plan indicates that large areas of land to the North and West of the town have already been allocated for development as part of the Joint Core Strategy. It also reveals that there is a surplus of land for employment development. This Miller Homes development will provide only a small fraction of the total new dwellings envisaged by the plan, which could apparently be made up elsewhere. With that in mind, the costs outlined above seem even harder to justify.

For the above reasons I ask that the council reject this planning application.

Comments: 14th January 2021
As an addendum to my comments on the above application dated 26 November 2020, I attach photographs showing recent flooding by Moorend Stream (Hatherley Brook Eastern Branch), adjacent to and within the proposed area for development, as well as overloading of the A46 culvert that carries the stream. (photos available to view in Documents tab)

This is at least the second occasion on which such flooding occurred in 2020 (see comments from 98 Shurdington Road, dated 18 November 2020), so it is definitely not an extreme or unusual event. I bring it to your attention to highlight the present risk of flooding in this area: if

development is to proceed, careful consideration must be given to this risk to both new and existing homes.

11 Highwood Avenue
Cheltenham
Gloucestershire
GL53 0JJ

Comments: 14th January 2021
Detailed arguments are already covered by other residents' and the parish council's submissions but I object to the planning application because of concerns about:

- unacceptable damage to the valued landscape
- severe traffic congestion and increased air pollution (I am unconvinced by the reports submitted with the application and believe independent work is required)
- the potential for increased flooding risk
- the huge number of houses crammed into the space with deficient changes to road access to Shurdington Road

This green space in Leckhampton is slowly being eroded and it will be a huge loss to the community if the borough council allows this to continue.

The borough council also needs to look at all of the recent and proposed applications for the area in the round - the school, Miller, Kendrick, Redrow. The significant issues with the school were not addressed and if further applications are also not considered appropriately, each will adversely effect the character of the area, wildlife, traffic and air pollution in an unmanaged and incremental way.

Work is also required to join up these applications and other work to ensure that any new walking or cycling paths actually form a useful network.

This application should be deferred until much further work is done to fully understand the impact of this and the neighbouring developments.

9 Highwood Avenue
Cheltenham
Gloucestershire
GL53 0JJ

Comments: 15th January 2021
I wish to register my objection to the Miller planning application for 350 homes on Shurdington Road.

There has already been considerable development in this area and more is planned with the Redrow development and plans for the new school. The area simply cannot take any more development.

The Shurdington Road is already far too busy, with traffic at a standstill in the morning and evening rush hour and that is without the traffic that already approved development including the new school will bring. To add another development of 350 houses (with many of them likely to own more than one car) would have a disastrous effect on the traffic situation not to mention pollution as cars idle while they are in a queue.

In my view there would also be unacceptable damage to the valued landscape of the Leckhampton Fields. This area is used by many local people for walks and general recreation. It

is not enough to say that access to footpaths/cycle paths will be provided. If the views and tranquility of the area is spoiled by buildings and traffic it will not continue to have the value it does today. We are all now increasingly aware of climate change and global warming and building on our green spaces contributes hugely to that. We have a global responsibility to look after and cherish our environment. The small holdings on some of this land add enormously to the value of the area. I moved to this area because it was on the edge of the town with easy access to, and the feel of being in, the country side. The small holdings are very much part of that.

I feel strongly that this development will damage this area irrevocably and that as stated above there is already a huge amount of development going on here. Another 350 homes is a step too far.

I urge you to reject this application.

96 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

Comments: 11th January 2021
We wish to make a "STRONG OBJECTION" to the above planning application, on the following grounds:

o TRAFFIC
I feel that traffic on the Shurdington Road is already at "maximum levels" at rush hour times, with the resulting problems of major delays and pollution etc - nearby residents have similar concerns. Current Traffic problems will obviously be made worse by the large number of new houses being built/planned on the South side of Cheltenham plus the new Senior School to be built soon.

o PROPOSED NEW TOUCAN CROSSING
Close to the access to 94 to 104 Shurdington Road (7 dwellings in all) would make it very dangerous for people turning in and out the drive and people using the crossing.

Only a few years ago there were considerable local concerns about a new Bus Stop/Lay by being proposed at this same location (with worries about poor air condition, noise, privacy issues and security risks). We were very relieved when this matter was NOT APPROVED. We believe the same issues and planning concerns apply today.

Merestones Estate Residents, whose homes would back onto this new Toucan Crossing, have also expressed their Formal Objections in this regard.

By virtue of the new Senior School and the nearby Miller Homes and Bovis Homes planning applications, I understand there will be 4 separate crossings along this part of Shurdington Road - with 2 of them being in our local area and close to each other.
We feel that the one crossing closest to our homes and directly outside 104 Shurdington Road is NOT NECESSARY and should be Withdrawn - to ensure greater safety and remove pollution aspects as mentioned above.

o 350 NEW HOUSES
Clearly destroying our nearby Countryside and Wildlife. Also 350 is far too many in total based on recent Borough Council public policy.

o FLOODING
Already a major concern in the locality - likely to be made worse by the nearby extra new 350 houses. Flood Policies and local plans should be strictly adhered to.

We believe this information is very relevant to the Application and wish to make a FORMAL OBJECTION.

98 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

Comments: 22nd November 2020
Please add these documents to the above (available to view in Documents tab) and note that:

The traffic is the area is classed as "Severe" and no effective plan has been presented to reduce that state. Whilst the on-site proposals are good, they don't connect to any footpaths or cycles paths which meet the any standards required. This whole area of Cheltenham needs to be upgraded but I was unable to find a coherent plan with a budget form Gloucestershire Council, Tewkesbury or Cheltenham.

Comments: 19th November 2020
you will note the because of the COVID restrictions any public consultation is currently severely limited. Therefore, I believe it to not be in the public interest to close public opinions less than 30 days after the Government lifts the rules for the public. Which may or may not be 2 Dec.

In relation to Flood Risk:

My concern expressed at the 19/00334/OUT tribunal is that the combination of these proposals severely increases the flood risk to a brook which floods once or twice a year and is currently subject to the collapse of footpaths downstream of the A46.

Our house is awfully close to the Zone 3 at the culvert. All of the following developments develop nearly all of the land East of the A46, land which has low permeability.

If these are to be individual schemes who will maintain them as the brook East of the Road appears not to be maintained?

The Flooding implication of all of the following must be considered together.

- 20/01788/FUL Miller Homes 350 Houses Between A46 and kidnappers lane
- 19/00334/OUT 27 Homes Kidnappers Lane
- 19/01690/DEEM3 Lechhampton School
- 20/00332/FUL Burrows Playing Field Footpaths
- 19/02303/OUT 12 Homes Bovis Homes Ltd
- Burrows Playing field astro turf pitches are being added.

Council policy clearly says that if the risk to properties downstream are at risk they must be refused. We lay downstream! as does Council Properties!

Comments: 20th November 2020
Letter attached.

Comments: 24th January 2021
Letter attached.

100 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

Comments: 11th January 2021
Letter attached.

102 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

Comments: 11th January 2021
Letter attached.

104 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

Comments: 7th January 2021
Letter attached. .

Comments: 1st May 2021
1. These comments are sent in addition to my earlier written comments to you, regarding the 2 above planning applications.
Our earlier comments were "Strong Objections", as were the comments of my neighbours.

2. The reason for this email today is in view of what should be classed as "major unforeseen developments" during Monday, Tuesday and today of this week (26, 27 and 28 April 2021) AND which have particular relevance to both the above planning applications,
which have yet to be formally determined etc.

3. On 26.4.21 major works involving a JCB digger started on the entrance to the Kendrick site, which involved removing hedging/grass
verge alongside the main A46 (Shurdington Road) - subsequent kerbing and tarmac work has been done.
It was also necessary to have temporary traffic lights placed at this location on the Shurdington Road.

4. As a nearby resident I was alerted by the noise as well as the very lengthy queues of traffic in both directions, arising
from these traffic lights in situe.

5. It is now known that Gloucestershire County Council Highways had issued a Section 184 Licence to Kendrick Homes to install
a temporary access, which we understand was NOT to the knowledge of CBC Planning Dept, nor the
Leckhampton with Warden Hill Parish Council, nor local residents.

6. I can say that traffic queues have been considerable throughout the period this work has been taking place - going
right up to Moorend Park Road Traffic lights junction (approx 400 metres) and beyond and likewise in the direction

of Shurdington.

Pollution in its widest sense - "poor air quality, extra noise and breach of our privacy" have been very much a worry for us.

7. The traffic queues were so severe that I decided to take a series of evidential photos "for the decision makers" to best
appreciate the events at some later date, when deciding on these 2 planning applications.

8.I forward for your attention 2 photos taken at approx 2.25 pm on this Monday afternoon - NOT RUSH HOUR.

Photo no 142522 (available to view in Documents tab) - shows the lengthy traffic queues back in the direction of Shurdington and the need for a flashing Ambulance to take an emergency driving procedure!

Photo no 142454 (available to view in Documents tab) - shows the lengthy traffic queues of about 400 metres right back up to the Moorend Park Road traffic
lights and occasionally it was past the lights in the direction of Bath Road. In the traffic queue is a stationary Bus and
another Ambulance.

FINAL COMMENTS
- I make the point that such queues will likely be a very common factor at this location, when at least 360 additional homes,
especially with Kendrick Homes and Miller Homes having planned nearby accesses onto A46.

- The situation will also obviously be made worse with the extra traffic associated with the new senior school at Leckhampton
(still to be built). There are of course considerable additional houses being built/planned in Leckhampton and near Brockworth.

- I can confirm that similar road works/ temporary traffic lights have taken place a number of times over recent years on this
area of Shurdington Road, with resultant major traffic queues and pollution being significant.

- I have over these recent years made these identical written points and sending similar supporting photos showing lengthy
traffic queues associated with road works/Traffic lights - to Cheltenham Borough Council Planning Officers when considering
local Planning Applications, Local Plan and JCS.

It is felt that the events of the last few days (as described above) are SO SIGNIFICANT , such that formal notice should be taken
of them, when assessing the 2 above planning applications - even though the closing date for public comment is getting closer!

Comments: 11th October 2021
These comments are submitted relating to the above Miller Homes Revised Application.

This email is written as residents of Shurdington Road and close to the Proposed 350 Dwellings - we have many years experience of living in this location and have obvious knowledge of the increased traffic and associated Pollution that has resulted over the years.

This is our 3rd document submitted as an "Objection" to the Miller Homes Application for 350 homes on the Shurdington Road - in addition to other nearby proposed developments.

The 2 earlier documents (dated 6.1.21 and 28.4.21) and this latest one, should be read in full to have a detailed appreciation of our concerns - not only for ourselves, but also from our neighbours and those residents on the other side of the Shurdington Road (Park Ward).

One of our concerns in the initial application was the proposed siting of a Toucan Crossing right outside the front of our bungalow home, thereby causing increased Pollution, Breach of Privacy etc.

It is of major concern that this proposed Crossing still remains in the REVISED Application/Drawing, BUT IN ADDITION there is NOW a Proposed "Maintenance Bay" - close to the crossing, which appears to be situated in the "Middle of our Hedge".

As we have previously commented - to have 4 Crossings on this part of Shurdington Road seems excessive - this being on top of the nearby Moorend Park Road Traffic lights/crossing.

Interesting to note - throughout this application process Miller Homes have actually written that, it is their intention to also use the other crossing nearby (in the Kendrick application), as well as the one in their own Application (right outside my home).

We previously commented that Additional Pollution - in the precise location outside our home - was a "Local Community Concern" of the 2013/15 Application/Appeal by Bovis/Miller - and these concerns were clearly recognised by the Developers, GCC Highways and CBC Planning Officers - leading to the proposed bus stop/lay by being Formally Withdrawn by ALL parties.

The Question we keep asking is - If Additional Pollution was NOT allowed in 2015, why is it still being considered as acceptable in 2021 - in the same precise location - also when such matters are getting worse?

This email is sent to the best of our knowledge and understanding and we ask that you give this email your full consideration.

59 Merestones Drive
Cheltenham
Gloucestershire
GL50 2SU

Comments: 26th November 2020
I object to the new development as the Shurdington Road is already too busy, too noisy and creates high levels of pollution for those living on and backing on to this busy road.

The new entrance onto the new development from the North side of the site will just add to the congestion and noise, surely it would be safer to ease congestion and for all vehicles to be entering and exiting the new development from the new roundabout on the south side of the development which will help the flow.

I also object to the North Eastern Crossing which will be sited at the rear of mine and my neighbour's house, and almost under their bedroom window. It seems no consideration has been given to current residents and their proximity to the crossing. I run an Airbnb from my house and am concerned about the 'bleeping' noise from the crossing and would ask that it be moved South towards the bus stop/Warden Hill shops which is where most pedestrians will be coming and going, this would also be better access for primary schools as I'm sure Leckhampton Primary will not have capacity to cater for all.

Lastly, I object to three story dwellings in this area, all other properties around this area are bungalows and 2 story houses and three story dwellings will spoil the landscape.

10 Hobby Close
Cheltenham
Gloucestershire
GL53 0LP

Comments: 6th January 2021
I object on the grounds of visual and environmental impact on a semi-rural area ill suited to large scale development. I agree with the view that extra traffic created by the new High School will require at least three years to assess and therefore this application should be considered in the light of actual traffic increase over a period of time.

Comments: 6th January 2021
To be clear, I object to this application on the grounds of likely adverse visual impact and environmental disturbance. Increased traffic has not been sufficiently highlighted and cannot possibly be assessed accurately until the new High School has been up and running for long enough to gauge its impact on traffic numbers.

44 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JE

Comments: 12th January 2021
The traffic on Shurdington Road is extremely busy and we deal with this on a daily basis. Along with the amount of traffic we also have to contend with constant breaking of speed limit. This will only impact these issues negatively.

7 Abbots Close
Hatherley
Cheltenham
Gloucestershire
GL51 3DX

Comments: 15th January 2021
I am a resident of Abbots Close, a hundred yards or so from the proposed new development.

There is already too much traffic on the Shurdington Road heading into Cheltenham. Forget what it looks like now, under Covid restrictions, another 350 houses with one or two cars each, the majority of which will feed out onto the Shurdington Road in either direction of a morning, will clog this road up further. Currently traffic can back up from the Moorend Park Road traffic lights for nearly a mile towards Shurdington itself, and this will make things worse. A single carriageway in each direction will need some kind of traffic lights or roundabout to feed in these new residents, which will exacerbate the situation. If we need new homes, why not shift development down towards Hatherley and the Morrison's shop? There is also more infrastructure in terms of shop and community centre down there.

11 Canterbury Walk
Cheltenham
Gloucestershire
GL51 3HQ

Comments: 15th January 2021

We write to object the planning application by Miller Homes to build 350 homes on land at Shurdington Road, Leckhampton, Cheltenham.

We are residents of Canterbury Walk, Warden Hill and currently suffering from significant flooding to our garden. This matter is currently under investigation by the lead flood authority. We are are very concerned that any further building development in the Leckhampton/Warden Hill area will have a detrimental effect on our current situation and bring future flooding implications.
The interests of existing residents should not be compromised by future building development.

327 Old Bath Road
Cheltenham
Gloucestershire
GL53 9AJ

Comments: 15th January 2021
I am writing to comment on the Miller Homes planning application to build
350 houses at Shurdington Road (20/01788/FUL).

I have viewed the proposal and am saddened to see that the location for the estate would be a large area of beautiful countryside which I and my family often enjoy walking in. The ability to access a truly natural area with public rights of way without needing a vehicle to travel to it has been so important to us and to many others this year, but access to such area is being increasingly eroded in Cheltenham with the construction of more and more estates where there were previously fields.

Before my family moved to Leckhampton we lived in rented accommodation with no outdoor space in Tivoli: the proposed area for the Miller Homes construction was reachable on foot from our flat and provided an escape from our urban environment. Following the public footpath along hedges full of wild damsons and finding a field of sheep, a beautifully tended allotment, chickens and ducks - this is a magical, restorative experience that will be lost.

The special character of Leckhampton, and of Cheltenham more widely, comes from its proximity to the countryside. It is not a faceless urban sprawl of estates but is interspersed with pockets of unspoiled nature. This special character will be irretrievably destroyed if green areas like the Shurdington Road location are flattened and built on.

21 Hawkswood Road
Cheltenham
Gloucestershire
GL51 3DT

Comments: 15th January 2021
I write in respect of the Miller Homes Planning Application 20/01788/FUL for 350 homes on Leckhampton Fields.

I object to these mainly on the following reasons.

1. Unacceptable damage to the landscape and ecology/wildlife. Surveys have not been updated as regards protection of dormice, hedgehogs, great crested newts, bats etc, all of which reside in this area and are considered protected. The Construction of a Landscape and Ecology Mangement Plan needs to be produced and agreed before any development were even to be considered. As dormice have been found on the Northern Fields, this will have implications for hedgerow/woodland retention and planting plans. The surveys must be done before any approval was even considered.

2. Traffic Congestion - Traffic mitigation was a condition for including the development in the Cheltenham Plan due to the high risk of severe traffic congestion. The development needs to be refused until the traffic impact from the new school and other existing developments is clear and the cumulative traffic is seen to be acceptable. We live opposite the A.46 off Woodlands Road. The traffic now is horrendous - future traffic following development of the school and dwellings will be catastrophic and will result in gridlock for the local area.

There is insufficient road width to accommodate any extra road width to make an extra lane. The mitigated measure with lanes 2.5 metres wide is allowed for cars only. The A.46 is a major road with bus routes (buses are 2.55 metres wide) and also large lorries which can be up to 2.6 metres wide. Government guidance is that where roads are wide enough, the bus lane should be 4.25 metres wide (the minimum should be 4 metres which allows buses to overtake cyclists). Therefore, the 2.5 metre width is infeasible and the application fails to meet Inspector Burden's condition for allowing the allocation of the Miller Development (as well as the school) in the Cheltenham Plan. I would like to know how the Council find it acceptable to overrule the Government officials, especially when our Prime Minister is stating how we should all save the environment, green spaces etc.

3. Flooding to The Woodlands and Warden Hill. We live opposite the proposed Miller development. Several gardens backing onto the Shurdington Road, still regularly flood in heavy rain. Recently the flood water only just stopped going into the premises. In earlier years, the water has gone through homes which has resulted in many months of misery for the residents, who had to dry out their properties, fit new furnishings, new electrics etc. One local gentleman has a chicken run which is constantly under flood due to water cascading across the A.46. He has now had to raise the floor of the run.

The vulnerability along Hatherley Brook needs checking, as development on the Northern Fields will remove the option to use the land to hold back flood water. Flooding appears to be by water flooding under the A.46 from these fields. This was considered in the flood risk analysis for the 2013 Bovis-Millar applications, along with the risk that underground flow could perforate any balancing pools. It was concluded that it was impossible to predict what may happen and remedial measures would be needed if problems arose either to the balancing pools or homes north of the A.46. Weather conditions have deteriorated since 2013 and the situation looks like it is only going to worsen,especially if all the developments are taking away land that could have soaked up the majority of rainfall.

Another question - who is responsible for maintaining the balancing pools? At one meeting about another proposed development in the area, we were told by the developers that it would be the responsibility of the Council. The Council said the developers would be responsible. Who is right? What measures will take place if the inevitable happens and homes flood. Will the Council be paying for refurbishment of homes affected??

We ask that planning permission for these 350 homes be denied.

19 Collum End Rise
Leckhampton
Cheltenham
Gloucestershire
GL53 0PA

Comments: 15th January 2021
Letter attached.

84 Farmfield Road
Cheltenham
Gloucestershire
GL51 3RA

Comments: 19th March 2021
Letter attached.

Gloucestershire Community Rail Partnership

Comments: 10th December 2020
Comments attached.

49 The Park
Cheltenham
Gloucestershire
GL50 2SD

Comments: 16th December 2020
This development will impact the valued landscape, there is inappropraite infrastructure in place to accomodate this volume of new housing and it will increase local traffic congestion, especially on Shurdington Road, which is already backed up every day in the morning and evenings.

24 Chelmsford Avenue
Cheltenham
Gloucestershire
GL51 3DN

Comments: 15th January 2021
I object to the Miller Homes application in the strongest possible terms with regard to areas R2/R3, in 2016 inspector Ord concluded that development was unacceptable on landscape grounds. The R2/R3 area is also part of the area identified by the Secretary of State in 2016 as valued landscape that should be protected and enhanced in accordance with the National Planning Policy Framework (NPPF).

Added to this Dr Adrian Mears has written many papers providing valuable data on the concerns around traffic congestion, air pollution and potential flood risk, all of which for some obscure reason seems to fall on 'deaf ears'. The whole of this area is being blighted by over zealous development, please do the right thing and refuse this application.

31 Princes Road
Cheltenham
Gloucestershire
GL50 2TX

Comments: 15th January 2021
I live in Tivoli, where the Shurdington Road is the main route out of town to Painswick, Nailsworth, Stroud, M5 South and (avoiding motorways), places like Bath. The development will not only detract from green space but put considerable additional strain on a road which is single file and can become blocked simply because a bus stops to pick up passengers. The lack of park & ride facilities to the south of town makes things even worse and the sprawl of this development will also remove a potential site from this, which would have alleviated some of these pressures.

If locals begin rat-running to avoid an increasingly clogged A46, the situation in the Leckhampton and Birdlip areas will become even worse, particularly if road works commence on the A417. Please consider the effect of up to 700 cars coming and going on school runs, errands, etc., on this already congested road and area and call the application in until these issues have been resolved.

24 Brizen Lane
Cheltenham
Gloucestershire
GL53 0NG

Comments: 22nd January 2021
There have already been over 300 new houses built nearby in the last few years.

The traffic along Shurdington Road is already horrendous at peak times. This area is becoming saturated with new buildings.

There has been flooding in this area and this will only make it worse. The infrastructure in the area will not support more houses.
Environmentally this is an extremely worrying development.

I object strongly to this application.

8 Leckhampton Farm Court
Leckhampton
Cheltenham
Gloucestershire
GL51 3GS

Comments: 24th November 2020
I object to the above planning application on the following grounds:

1. Having read the Transport Assessment, it is difficult to detect any effective co-ordination between highways proposals put forward by Redrow, Gloucestershire County Council and Miller Homes, each of whom have put forward suggestions to mitigate the prospective traffic impacts of their developments. From the point of view of a road user, there needs to be comprehensive harmonisation of proposals such that all of the claimed benefits are evident and assured.

2. Many of the "supporting" photographs showing the surrounding areas are out of date in that they do not adequately show the development that has taken place over the last couple of years. The lack of accuracy in these photographs implies a location and situation that no longer exists and therefore they are misleading and have no supporting role to play.

3. The planning application says that the proposal falls within Policy MD4 of the Cheltenham Local Plan, and that this policy includes:

"A layout and form of development that respects the visual sensitivity and landscape character of the site as part of the setting for the AONB"

. The "layout and form of development" that Miller intends to construct on this site can be found far and wide across the country, and therefore there is no specific respect for or relevance to the visual sensitivity or landscape character of the site in Leckhampton. Miller Homes are proud of their "huge selection of new-build properties [which] covers the country from the South East up to Yorkshire, the North West and Scotland." Merely replicating their densely packed housing

developments in Leckhampton, including the same house types as used elsewhere in the country, does not meet the requirements of the adopted Cheltenham Local Plan.
. The proposed development includes 2.5 and 3 storey buildings which do not reflect in any way the landscape character of Leckhampton. Regardless of how many or few of these buildings there may be, they are out of place and should be removed.

4. With regard to the proposed mitigation of the inevitable traffic problems associated with the proposed development, the application claims that the JCS Transport Evidence Base/Strategy confirms that the outcome of proposed changes resolves delays along the Shurdington Road corridor.

It is unlikely that this conclusion can be drawn from the JCS as the adopted JCS did not anticipate the high level of development currently being proposed. The JCS considered that this level of development was unsound and stated, as Leckhampton had been taken out of the JCS as a strategic allocation, a figure of about 200 dwellings might be appropriate. Importantly, the figure of 200 excludes the 900 pupil school currently under construction next door. Using the JCS evidence base to confirm that delays along the Shurdington Road would be resolved for this amount of development is almost certainly inaccurate as well as inappropriate.

5. The application makes a glaringly mistaken assumption that the conditions attached to the Redrow development to the west of Farm Lane, will be/are being implemented. This is an ill-advised approach, as 12 of the 28 conditions attached to this development have been breached. More specifically, Redrow's conditions 16, 17, 18, 19, 20, 21, 27 and 28, as referred to in the Miller Homes application, concern supposed highway improvements and in June 2018, 7 of these 8 conditions had already been breached. In acknowledging these breaches, the local planning authority (Tewkesbury Borough Council), said:

"I fully understand that it can be frustrating for local residents when it appears that Developers are not meeting conditions attached to planning permissions. Nevertheless, the council's planning enforcement powers are discretionary and action will not be taken simply because there has been a breach of planning control."

TBC have decided not to make use of their own Planning Enforcement Policy and have made a mockery of so-called planning conditions. Miller Homes and CBC cannot rely, therefore, on the highway improvements associated with the Redrow development and the traffic implications of the Miller application need to be re-appraised.

6. The anticipated modal shift from private cars to walking, cycling and public transport, as expected of the occupiers of the proposed development, does not make any allowance for age, mobility, disability, bad weather, winter conditions or darkness. Despite there being some facilities within walking or cycling distance for those who are fit and able enough, there will be many other facilities which are not within walking or cycling distance for the majority, especially employment. The proximity of a supermarket is mentioned several times but it is highly unlikely that those wanting to do anything other than a very small amount of shopping will go on foot or by bicycle. The lack of any reference to these practical considerations calls into question the traffic assumptions incorporated into the application.

7. The general quality of the application is poor and invites inevitable questions over its veracity and reliability. Some examples include:
. The use of an inconsistent and confusing mixture of miles and metres.
. The out of date supporting photographs - see item 2. above.
. Shurdington Lane is mentioned but there is no Shurdington Lane.
. the "Shurdington development" is mentioned more than once and is described as 350 dwellings and associated access. Is this the Miller Homes application 20/01788/FUL currently under consideration? If so, Miller Homes and their associates need to know that it is not in Shurdington but is in Leckhampton. This fundamental confusion by Miller Homes undermines their

understanding of where they want to build, the associated valued landscape at Leckhampton and its relationship to the AONB.

Conclusions
- Items 1, 4, 5 and 6 above each have a potentially significant and detrimental effect on the assessment of the traffic impacts of the proposed development. Inappropriate assumptions have been made, based on the wishful thinking of those who clearly do not know the area. The traffic impacts of the development need to be re-evaluated in order to have any credibility.

- The application reveals that the applicant thinks the occupiers of the development will fall into a generic profile which can then be manipulated into behaviour which fundamentally alters their inclination to use a private car. A similar generic view has been used to assume that house types and layouts used elsewhere in the country are appropriate for this site in Leckhampton. These questionable attitudes do not engender faith in the integrity of the application. The developer needs to inject some pragmatism into their thinking; the occupiers of the development need to reflect a realistic population following realistic behaviours, and the visual sensitivity and landscape character of the site, as required by the Cheltenham Local Plan, must be demonstrably taken on board.

- Miller Homes need to pay significantly more attention to the location and nature of their proposed development if they do not wish to alienate the existing community. The Local Plan with which they need to comply, includes requirements which are not being incorporated. The development does not comply with the JCS and it would be very unfortunate if the development were allowed to proceed even though it does not comply with the Cheltenham Local Plan either.

17 Beeches Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8NG

Comments: 24th November 2020
Living Streets Response to 20-01788-FUL - Miller Homes Development

This is to suggest changes to proposals to
1. Improve vehicular access to the main part of the development site
2. Improve connectivity to existing nursery and primary school for residents
3. Ensure a safer route for pupils of the proposed school from the southern part of Cheltenham avoiding Shurdington Road

Shurdington Road Is a busy road.

There is only a continuous footway on its northern side - it is not particularly wide - 2 people passing need to sqeeeze up. A pushchair for triplets would have difficulties passing lampposts.

Often pedestrian have to wait awhile for the traffic to abate before crossing it to get to the bus stop on the other side.

Traffic proceeding along Shurdington Road towards Cheltenham will be halted whilst vehicles turning into the Northern part wait for a gap in the traffic leaving Cheltenham as there is no provisioning of a separate right turning lane.

The proposals suggest that vehicles leaving the northern part of the site will also need to wait a considerable time if they wish to turn right to Cheltenham.

Indeed it will often be quicker to turn left instead and drive round the proposed roundabout to turn in the direction they wish to travel.

This could be avoided by making the sole vehicular access to both the north and south portions from the proposed new roundabout.

It is proposed that vehicles wishing to drive to Cheltenham from the southern part of estate first turn right onto Kidnappers Lane.

This will be very difficult as at the end of the school day there will be much traffic from the school. That traffic will queue along Kidnappers Lane awaiting a break in the traffic along Shurdington Road from Cheltenham.

This situation will also occur at the start of the school day when pupils are being dropped off by their parents whom then return to Shurdington Road to go on their way. As this coincides with the residents leaving for work this is probably more likely to prove to be worse problem.

It would be better to make 4 exits from the roundabout where one services the North and South parts of the development exclusively.

Footway

Needs to be extended along the south side of Shurdington Road from the existing footway to the roadway of the new development on the western side of the Northern part of Miller Homes site.

From this new footway pedestrian access through the Miller Homes site to the new school bypassing much of Shurdington Road.

Facilities

The new residents will seek facilities such as creche and nursery education for their children.

An option is to use those provided on the Burrows Sports Field. These can be accessed from the public footpaths that lie on the southern and eastern side of Northern portion of the site.

However as they are unsurfaced baby buggies will get bogged down in the mud.

There is therefore a need to tarmac parts of those paths.

This could also provide an access route to Leckhampton Primary School

Indeed by widening the slab of concrete on footpath ZCH80 over the culverted brook it could serve as a cycleway to the new school from Allenfield Road - creating a route that avoids Shurdington Road.

This requires the creation of a new route that is not shown on the developer's plans directly opposite Allenfield Road.

Pedestrian Access to New School

Present

From Shurdington Road
A footway barely wide enough for 2 pedestrians to walk abreast on 1 side of Kidnappers Lane.

From Leckhampton - via Kidnappers Lane
No footways

Along Farm Lane
To Brizen Lane
A footway barely wide enough for 2 pedestrians to walk abreast on 1 side of Farm Lane.

Brizen Lane to West Barn House
A footway shared at times with passing traffic a person wide on 1 side of Farm Lane

West Barn House to Church Road
No footways.
This is totally inadequate.

Summarising

Miller Homes might be willing to provide sufficient access through their site for pedestrians and cyclists from Shurdington Road but the dangers from the traffic along Shurdington Road make this an undesirable route and other quieter access say via Merlin Way need to be promoted.

1 Charnwood Road
Cheltenham
Gloucestershire
GL53 0HN

Comments: 25th November 2020
350 homes is too many, too intensive for this area. The infrastructure won't cope for a start. A lot of green space is already being lost to the new secondary school, which is a top priority for Leckhampton and much needed.

Another huge housing estate along with the Brizen Lane development is not a priority and the detrimental effects and loss of open space outweigh the need.

7 Leckhampton Road
Cheltenham
Gloucestershire
GL53 0AX

Comments: 25th November 2020
My concern is that the current infrastructure i.e. Shurdington Road, Church Road, Farm Lane, Kidnappers Lane, is already overcrowded with traffic at peak times of the day - particularly between 7am - 9am. This new proposal of an additional 350 houses will add considerably to this. The new senior school that is being built will by Kidnappers Lane will certainly add even more traffic to these roads.

Comments: 29th September 2021
I would like to add my name to the people who have already objected to this planning application by Miller Homes.

I have serious concerns to this development for several reasons:

Because of the large number of houses and the impact this will have on the local area in terms of additional traffic, pollution, increased risk of flooding, damage to the environment, wildlife and the increased urbanisation of this area of Leckhampton.

Traffic levels along the Shurdington Road, Farm Lane, KIdnappers Lane, Church Road is already extremely busy - particularly in the mornings and evenings during the 'school run' and commuting

to work times. The current infrastructure is already struggling with the level of traffic. The new school that is being built will bring many more cars onto the roads.

Noise and pollution levels will inevitably increase with more vehicles, when we need to lower pollution to improve air quality. The increase in traffic would further impact on people's health - particularly children's health.

This proposed development would also increase the risk of flooding - you only need to look at some of the photos submitted by local people to see the flooding that has already occurred in recent years.

I really hope that this planning application by Miller Homes is refused for the reasons I have already mentioned.

2 Merlin Close
Cheltenham
Gloucestershire
GL53 0NF

Comments: 26th November 2020
I strongly object to, and am deeply disheartened by, this planning proposal to build 350 new houses in Leckhampton.

There are many reasons for supporting the refusal of more development in the area:

In 2016 the Secretary of State concluded that "sections of this highway network are already operating at over-capacity levels". His advice should be heeded.

The Shurdington Road is a traffic jam at the best of times, with Church road, Leckhampton Road etc witnessing a rippling, chaotic effect. With the additional school traffic yet to be added, the traffic will become unbearable.

All further development of the green space east of the A46 will undoubtedly increase the water runoff to Hatherley Brook and the risk of flooding will be much higher. It is only natural for existing residents to want to protect their properties and the surrounding land.

The new Leckhampton School is in the process of being built. Isn't it defeating the object to build this already 'highly in demand' institution, only to saturate the catchment area with potential new applicants?

This proposal shows complete disregard for the existing wildlife in the area. You cannot expect those creatures that survive in the area to stick to the rules that will be applied. Animals do not understand allocated nature reserves, roads, walkways, allotments, and human activities. Undoubtedly, many potential residents will vilify 'intruding' creatures that are only roaming what was previously their territory. The increase in activity and noise will have such a detrimental effect on our local wildlife which include, a diverse number of birds, bats, foxes, dormice and reptiles to name but a few.

It is also despicable the way that decisions can be made remotely to run roughshod over the environment of the existing inhabitants of the area who are finding their rural setting becoming increasingly urban.

In conclusion,
Enough is Enough. This area was originally highlighted to be protected. That was before the 'powers that be' decided to back track. This is overkill. More development will undoubtedly be unsustainable for this area.

Therefore, I strongly object to the planning proposal for the building of more houses and change of use of the allocated land.

Thank you for your consideration in this matter.

Firth Lodge
106 Shurdington Road
Cheltenham
GL53 0JH

Comments: 3rd December 2020
I agree with all of those who are objecting to this planning application who have concerns over flooding, extra traffic, pollution etcetera, but I am also most disappointed that Miller Homes have not approached us in regards to the new access road that would need to be constructed immediately next to our boundary. You would think that an on site consultation to discuss the impact on us would be the very least that they should've done. I therefore strongly object to this development in its current form.

80 Rowanfield Road
Cheltenham
Gloucestershire
GL51 8AG

Comments: 4th June 2021
I object primarily for the same reasons as outlined by the Cheltenham Green Party. Any meaningful engagement with CBCs ambition (and duty) to combat climate change should require any new development to be at least carbon neutral. As seems clear from the developer's recent response on energy concerns (28 May), it will only do the bare minimum, which seems a long way short of what is fairly obviously required. Given recent legal decisions concerning obligations of governments (and companies) on steps to tackle climate change, it seems of increasing importance to give more than lip service to carbon neutrality targets.

1 Merestones Close
Cheltenham
Gloucestershire
GL50 2ST

Comments: 23rd November 2020
MERESTONES RESIDENTS ASSOCIATION

The Merestones Association is aware of the above Planning Application and submits the following comments on behalf of our membership which comprises some 150 households.

1. The Merestones Estate is located downstream from the above site and is directly in the watershed of both the Hatherley Brook and another tributary which discharges from the above site, all as shown on the plan. We have often registered our concerns on behalf of many of our 'Council Tax-Paying Members', who are located in the lower reaches of our estate as and when the water -levels rise which seems to be occurring more often. Whilst it is noted that Balancing Lakes are proposed within the proposals, we hold the Borough Council responsible in ensuring that the run-off calculations are correct.

(On this aspect we are sending a copy of this letter to all our affected members so they in turn can advise their respective Property Insurers)

2. There is however, one anomaly within the submitted documentation in that we are unable to be sure that the applicants have actually included any such retention facility in the vicinity of Balancing Lake 'B' on the plan which is essential. Any attempts to obtain any clarification on this point have been unsuccessful...from both the applicants and the Borough. We have therefore included it on the plan as shown.

3. Still on the subject of flooding, this seems like a heaven-sent opportunity to clean out all the debris/tree roots etc., along both water-courses passing through the Merestones Estate as shown on the plan. With such a large and overall comprehensive application, there cannot be much dispute that this request comprises an integral part.

4. Finally, it is essential that all these items, as well as any other infrastructure matters,

ARE COMPLETED PRIOR TO THE COMENCEMENT OF ANY HOUSING CONSTRUCTION.

14 Wells Close
Hatherley
Cheltenham
Gloucestershire
GL51 3BX

Comments: 17th December 2020
I am a resident of Wells Close, Warden Hill, having moved here in December, 2019. Over the last 6-8 months, I have become increasingly concerned at the way in which the local council appear to have authorised new housing developments to the east of A46/Shurdington Road, notably the Redrow Development, and more recently, the proposed Miller Housing Development. Whilst I accept and fully support the need for housing in this area, I feel that the urge to satisfy a Government-driven policy is outstripping a parallel need to protect pre-existing housing within the area, and I strongly feel that it is now time to redress the balance between 'new housing' and our failing sewerage/drainage infrastructure which seems to manifest itself all too often in this area. Prior to buying our bungalow, we carried out extensive research utilising 2019 Environmental Agency maps of the area. We quickly established two properties at the end of Wells Close were at risk of flooding, but our chosen property was shown as free from risk. However, after having occupied the property, we were also made aware that the above two bungalows had been badly flooded twice during a 15 yr period (2007 and again in 2016), but we were assured that our property had not been flooded.

In June 2020, Wells Close, Farmfield Road, Salisbury Avenue, and Lincoln Ave / Winchester Close were again the subject of heavy flooding, and following this event, many of our Wells Close residents reported sewer water had reached the top of their manhole, and in places had breached and contaminated gardens, particularly in the case of the two fore-mentioned bungalows, which were subjected to serious internal fabric / content water damage. Thankfully, we were more fortunate, having placed sandbags to cover ground-level air-vents and protect the internal (wooden) floors. During the 30-40minute downpour I watched all of our roof water being forced upwards from the land drain, as the drain system could not cope, an issue being repeated along the length of the street. Within the 10 minutes, I was standing in 6" of floodwater running the length and three sides of my property, with no outlet to allow it to drain away. Having barricaded my vents, I offered assistance to neighbours, and I was totally horrified to see 10" deep water encircling their newly purchased bungalow, having accessed their property from two directions : (1) runoff from Welsh Close Road, and (2) heavy runoff from across rear gardens, clearly flowing from Farmfield Road. We all felt totally helpless, and emotionally gutted for the young parents involved, with a newborn child. It was a heartbroken situation.

Following this event, a neighbour & resident of Wells Close arranged a meeting with representatives from Severn Trent Water, the Highways Department, and our local Lib Dem

candidate, to discuss what action could be taken to alleviate our flooding issue. The meeting was held in July 2020, at the end of which we were informed that all of the parties concerned would work together to establish what action could be taken to improve our situation. To date, no material report has been forthcoming, so we feel that we are no further forward, albeit soon after the meeting we saw a kerbside drain-cleaner attended the Close in Aug /early Sept., and we believe that STW have now initiated a camera search of the local surface-water drains in the Close. We await a formal response to their findings, especially in the light of the renewed concern we have over the Miller Housing application, as it now appears that we have an escalating situation, with the potential for further pressures being added to our ageing system.

Historically, when Tewkesbury Planning Team permitted the Redrow Development east of Shurdington Road, they have allowed that developer to feed the authorised development's foul water into the ageing Warden Hill sewer system, (which we know was already showing its age and failings both in 2007 and 2016), well before they authorised that planning application. Likewise STW would have been aware of that flooding problem issue across the Warden Hill area, and yet they too authorised and countersigned the Redrow application.

We now have Miller Homes ambitiously offering to feed another 350 homes' sewer water supply into the ageing and overworked Warden Hill sewer system, with the inevitable consequences which are clearly likely as/when we get the next torrential downpour. In all their various reports, Miller Homes modelling agents refer to a mystic "1:100 and/or to a 1:1000 storm event". Perhaps someone could politely point out to them that this "event" they seem refer to is no longer valid, as we now know that we have already experienced three such events in the last 20 years, and armed with this knowledge, we can expect that this is likely to become the norm, particularly as climatic changes take effect, and our weather patterns become more extreme and storms become more common. It is time that these 'modelling practitioners' amended their outdated projections to provide realistic forecasting in line with real-time climatic data for future planning guidance. Such data is readily available on the web.

I also take note that STW have already undertaken some restorative work (back in 2017/18) to the main water ditch which runs along Farmfield Rd but it remains a fact that both the sewers and the surface water drains along this local area cannot cope with heavy rainfall. Add to this the sheer stench of sewer odour escaping from the manhole situated in the middle of Farmfield Road at the intersection with Wells Close / Morrison's footpath, it is clear that there s an ongoing issue at this location which STW have failed to rectify, as I am aware that the local resident, living immediately next to the manhole, has repeatedly reported the problem but despite their attendance, the overpowering odour has continued through out the summer and autumn months this year.

Perhaps this manhole merits a closer inspection, and/or re-laying, as it certainly makes a very loud 'clunk' as vehicles drive across it. Similarly, as my wife and I walk along Farmfield Road several times a day, we frequently see kerbside drains struggling to deal with the results of any heavy rainfall, (primarily due to a build up of leaf debris). Likewise, we have noted regular build up of tree/leaf litter against the galvanised grid erected to protect the entrance to the land-drain running along the length of Farmfield Rd. Clearly this feature requires a regular 'spot check' by the council if we are to avoid unnecessary blockages and widespread flooding of properties along this road.

We have reviewed the Miller Housing proposal, along with the supporting Severn Trent Report (undertaken by Black & Vetch, 7th July 2017, and we would draw attention to the following:

o They state : "There are known capacity issues along one of the downstream sewers in Lincoln Avenue and Sainsbury Avenue". (Appendix A. - Fig A.2).
We have been informed by neighbours that some work was carried out to the Salisbury Ave sewer, but would question whether this work has resolved our local flooding issues. If it has cured flooding issues, why did we again experience such a significant blockage in this latest event (June 2020), which devastated several streets in the area, including our own. We are given to

understand the pressures involved in the sewer system forced one manhole lid skywards, resulting in a spectacular artesian display in Salisbury Avenue.

o In their planning model, the report authors fail to indicate to what extent they adjusted their modelling to allow for the near 80% clay content of the area's surface geology. This is a significant factor, as ground water infiltration simply does not exist across much of this area, an issue voiced by every gardener, builder and land drainage workman spoken to since our arrival here in December 2019. The authors also state: "There is a CSO (Combined Sewer Overflow) downstream of the development, but it (the CSO) is not affected by the development site". They concluded : "Capacity improvements are not likely to be required to accommodate flows from the new development. (viz. the Miller Homes site)."

Are they serious? How can they possibly say this when we know that the volume of surface water hitting our drains during the June 2020 event totally overwhelmed the local drainage system, and the manholes, which according to the earlier Redrow Development Modelling reports suggested …"should only lead to a 60cm rise in foul-water levels within Warden Hill domestic manholes" were described locally as having swamped to lid level by rising sewer water, and in some places, overflowed across gardens and into homes in Wells Close, Salisbury Ave and Farmfield Rd. Clearly Tewkesbury Planning believed the report and authorised the plans for Redrow, yet we have evidence to show that it displaced manholes at Salisbury Ave and at Farmfield Rd.

o On their 'Drainage Layout Plan Phase 1', the authors also indicate surface water is to drain to Pond A, and this 'pond' is then designed to overflow in to Hatherley Brook (which in turn flows towards Warden Hill, Woodlands Road and the St Michaels area, a cause for further concern for any future high volume rainfall events.

o Likewise, the Patrick Parsons's (June, 2019) Risk Assessment Report, Fig 4.1 shows a map of JBA's Flood Mode. This map suggests that the report incorporates only a small snapshot of local flood risk areas, specifically around Shurdington Rd, Hawkswood Rd and Woodlands Rd areas west and North West of the proposed development. Do we therefore assume that they have excluded (or eliminated the impact) the well documented flooding events of the 2007 & 2017 events (previously mapped by the Environment Agency), specifically along Farmfield Rd, Wells Close, Salisbury Ave, Lincoln Ave and Winchester Avenue? One would have thought it would be very appropriate for them to have included this data in with their modelling data to give an accurate overall impact assessment to the effect of having this new '370 home development and its associated expanse of hard surface, on the local community / housing / sewer system …viz Warden hill. Note: The report recognises the value of a BGS geological report for this area, in which the surface geology is described as ground 'made up primarily of clay, and as such, prohibits the use of infiltration disposal of surface rainwater'. This means all surface water has to be disposed of by sub surface pipework, shallow drains or culverts, or existing natural brooks. This then enhances their inbuilt reliance on having to connect (A) (B) & (C) drainage Ponds to existing brooks. Their report also talks of "the majority of rainfall run-off from the ground from Leckhampton Hill as already being directed via 'Leck 2' and 'Leck 3'". It seems logical to conclude that the 2 brooks concerned would also be expected to deal with the inevitable 'excess overflow' from Pools (A) & (C) under this Miller Homes proposal.
This will all add to the water input into the land north of Warden Hill, which in turn, would have an impact on Warden Hill groundwater.

o The author refers to a '1 in 100' year storm event, and a '1 in 1000' yr event, and suggest that the drainage works designed for this estate are in accordance with "Sewers for Adoption Parameters to allow no flooding for up to 1:100 year storm, plus climate change. Sadly, these terms appear quite meaningless, as climatic change is upon us now, and already impacting on our weather, and it is not going away, anytime soon!

o Severn Trent also conducted a SCA (Sewer Capacity Assessment) for this development back in July 2018, (Ref. DE-1704-859), in which they sought to establish the capacity of foul

sewers located between the site (Millers Developments), and downstream trunk sewers, to receive all the sewage generated by this new development. (Note: This STW report was undertaken between July 2018 and June 2019, so they would have been aware of the impact of the 2017 flooding on our area). It would appear that they accepted, in principle, 2 x sewage discharge points for this new estate … (Location unspecified in the document, hence TBA!), and added that …"the risk of sewage flood damage is deemed negligible to the development, and adjacent 3rd party land". Do we therefore assume that when they have researched this issue, they have limited the 'impact boundary' to the immediate area around this new estate? If so, what about the Warden Hill area, with its long-running battle with sewage and surface water flooding, which is fully documented and they are they rare fully aware of Surely this should also have been a major issue to add to their matrix modelling as this would have had a significant bearing on the overall modelling for this new estate. Clearly the additional influx of sewer or surface water into this old drain & road system would only exacerbate an already fragile hydrological system in this area. I believe that Tewkesbury Council's willingness to grant Redrow Developers access to a pre-existing old sewer systems was a major failing for this area, as it will have compounded a pre-existing problem which is now being felt across Warden Hill, and to date, it does not appear to have been resolved.

Where does it all end? and ...What retail value will our 'forgotten homes' have in 10 or 20 yrs time, when the flooding risk map has been inevitably changed following years of hydrology neglect, and our local area becomes a mass of dark blue!

o I would be grateful if you could include / address my concerns in your report when you respond to the Miller Homes Development application, which I believe is due to come back before Cheltenham Planning in Jan / Feb 2021.

Thank you in advance.

Comments: 1st December 2020
Could someone please inform us where Miller Homes's Phase 2 Foul Water will go to?

Whilst we accept there is need for further housing in this area, there is also a need to re-invest in our older pre-existing estates, and ensure repair / replace of failing surface and sub-surface water networks.

In June 2020, several areas of Warden Hill, Salisbury Avenue and Winchester Way experienced flooding after 40 minutes of torrential rain, which caused surface water drains and local sewers to fail, breaching manholes, and damaged several properties.

In April/May 2020 Tewkesbury Planning Authority granted Redrow Development permission to dispose of foul water directly into Warden Hill's existing sewer system. This was a very surprising move, as Warden Hill's sewers are already over 65 years old, and as such, have shown themselves to be failing occasionally under the increased pressure of prolonged heavy rainfall (Cf. in 2007 & in 2016, and now yet again in 2020). Severn Trent Water would have been aware of these issues in 2017/2018, but they too signed off the Redrow application.

We now have Miller Homes applying to erect 370 houses on this new development, in two separate Phases.
(1) Phase 1's sewer water is shown as running NE along the Shurdington Road, whereas
(2) Phase 2 appears unspecified. From the plan it would appear that this may eventually flow into the Warden Hill via the Shurdington Rd? If the latter is true, then we have real concern with this proposal.

Could we respectfully ask Cheltenham Planning to clarify this area f concern, as it would have repercussions for our estate. Warden Hill sewer / surface water drains clearly already struggle to cope with excessive rainfall events. Miller Homes modelling talk of their systems being designed to cope with 1:100 or 1:1000 storm events. This is inappropriate optimism, as severe rainfall

events now impact on the UK every 3 -7 years, not every 100 years, and as such their 'modelling' is quite flawed, and totally out of step with real-time climatic data.

We are aware that S.T.W undertook repairs to the Salisbury Ave sewer, but as this again failed again in June 2020, one cannot help but question whether STW they successfully resolved the issue, as manhole lids were again blown clear with spectacular force. STW also undertook restorative work to a water ditch in Farmfield Rd (in 2017/2018), but it too remains a fact that the remedial work undertaken to date do not seem to have curtailed the latest flooding seen there in June 2020.

Where does this leave us, and what resale value can we expect for our homes and life savings investment in 5-10 years time should the flood risk for this area be exacerbated as a direct result of new developments such as that at the Redrow Homes and the new Miller Homes Developments?

I would thoroughly recommend your readers visit Miller Home's Planning Application Planning, available for public scrutiny, via
https://publicaccess.cheltenham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QI8BWZELLQM00.

I would be grateful if you could include my concerns in your report when you respond to the Miller Homes Development application, which I believe is due to come back before the County Planning Team in the near future

73 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0PF

Comments: 21st December 2020
I support the representations submitted by the Parish Council. The application should be refused unless it is amended in the manner it recommends, for the reasons it has given.

74 Canterbury Walk
Cheltenham
Gloucestershire
GL51 3HF

Comments: 13th January 2021
Firstly the website given through the postal plan I received for Miller app chelt ,does not get recognised,so great idea for the public like me to not have access.

Like all projects over the country,the biggest shortfall the contractors make ,is not making the infrastructure a priority over all else.

For the sake of satisfying the new occupants and indeed the old neighbours,it would be so good to have a detailed meeting to help assess the needs of both parties.Any other move would be shortsighted and ignorant.

We know every sq metre used for a better infrastructure,means less property being built ,but this very greed needs to be curbed.
It's extremely important to use this discussion time to understand such measures of parking cars(the car will always be a factor),and proper ,well organised roads ,without making access for new and older residential properties,unattractive.

It is very shortsighted for Miller to not engage and surface these very factors,because the worth of Millers reputations can hang very much in these plans.

If by any way ,the infrastructure,to include some retail conveiniances ,is ignored,then the hassles tgat go with this project will obviously follow fir years on.

Comments: 13th January 2021
This project needs to have a serious consultation from Miller and neighbours and /or prospective residents.

The shortsighted views from contractors,that involve every sq metre being used for property ,is a mistake from the outset.

The infrastructure is the most important part of any such project and with this concern,will inevitably make the whole project exiting and more attractive for all concerned.

I have seen the needs of the new and old residents ignored time and time again,but this always concludes with objections and ends up,the residents beIng totally dissatisfied with their new home.

If greed takes hold,then Miller homes would rather build an extra 10 homes ,instead of surfacing the very convienances as a must and not a possibility.

This is set out fir Miller to listen to the very important part of any local community,and we want the needs to be considered before one inch of ground is developed,as a matter of respect .

4 Cornflower Way
Witcombe
Gloucester
GL3 4XJ

Comments: 13th January 2021
I strongly object to the current proposals. The traffic on the Shurdington Road is horrendous during rush hour as it is. The new school will only make this worse and new Miller houses on top will be the final straw - Shurdington Road simply cannot cope with another 350 houses. The pollution levels are unacceptable (I agree with the Clean Air Cheltenham report).

If any houses have to be built at all, the number should be as low as possible - certainly sub 200 and nowhere near 350.
Query whether local amenities (doctors etc) have the capacity to deal with a significant number of people/families moving into the area.

14 Nourse Close
Cheltenham
Gloucestershire
GL53 0NQ

Comments: 14th January 2021
This area has been swamped with development in recent times - when is enough enough!

It seems to matter little that the implications on local infrastructure,pollution,congestion etc. etc.are paid scant regard to and the usual valid and oft stated local objections and Inspectors reports have done nothing to hold back the already sanctioned and ongoing activity (Redrow and school).

Yet another building spree in a more critical and central position will only exacerbate the detrimental effect on the local community, particularly traffic congestion on the Shurdington road and adjoining areas and and the knock on effect on pollution levels. What a joy we have to look forward to when normal post Covid activity resumes, the school becomes operational and hundreds more houses are packed into Leckhampton!

Tewkesbury Council's blithe out-of-sight out-of-mind planning approach re the Redrow estate has blighted the area and is a precursor to the creation of just yet another built up suburb where there was once ..... Leckhampton.

It is a forlorn hope that this planning application will be rejected given the mass scale of what is already afflicting us.

45 St Michaels Road
Cheltenham
Gloucestershire
GL51 3RP

Comments: 14th January 2021
I object to this application :-
1) Yet more Green field sites will be covered by bricks & mortar and tarmac.

2) There are sufficient Brownfield Sites within the Cheltenham Town to fulfil all new housing needs.

3) The only access from this site is onto the already 'nose to tail' traffic on the A46 Shurdington Rd
.
4) There will be even more traffic when the new Leckhampton School on Farm Lane is operational.

5) It will cause yet more water spill off into the local watercourses which are fed by the drain off from
the hill escarpment and cause more flooding off an already wet and boggy area of fields below the
hill and Leckhampton Church Road.

There is a row of Natural Springs, between Farm Lane, Lott's Meadow and Burrows Sports field which
drain into both the Hatherley Brook and tributary. Both these watercourses go on under the A46 and
can cause serious flooding in Warden Hill and beyond.

6) STOP ANY MORE BUILDING ON THAT SIDE OF THE A46 AND PUT THE LAND BACK TO PRODUCTIVE
FOOD AND ENVIRONMENTAL USE. PLANT SOME TREES - THAT WOULD SOAK UP THE EXCESS WATER.
This area would make an excellent green Lung & Space
with copses of trees and open areas for the well being of the whole community.

Comments: 1st March 2021
I am looking at the P.Cl. map of the new housing applications in the area along the A46.
> Miller Homes application is huge, it takes most of the fields alongside the A46. back as far as Kidnappers Lane, along with other building applications in the area.
> A46 is almost impassable now, all those extra houses along with the new school traffic -

> it will be chaos, adding to all the traffic coming down Farm Lane from all those new houses.
> WE ARE BEING ASKED TO PLANT TREES to help save the planet, those combined developments will decimate the trees and green spaces in the area.
> This area would make an excellent GREEN LUNG and community amenity for the area and residents from further afield.
> If planned with that in mind, as a project on London's Queen Elizabeth Olympic Park, and 'Trees for tomorrow' featured in the Nat Trust Spring 2021 magazine.
> Pgs 26 - 29.

Comments: 1st March 2021
instead of bulding on green land Planning should insist on using brown land and unused spaces in the town and other built up areas being used first.

15 Wells Close
Hatherley
Cheltenham
Gloucestershire
GL51 3BX

Comments: 11th December 2020
I am very concerned about this planning proposal, especially where the Foul water from Miller Homes Phase 2 will be directed to.

In Warden Hill in June 2020 several areas of Warden Hill experienced flooding following torrential rain that caused surface water drains and local sewers to fail, breaching manholes and damaging a number of properties.

Warden Hill's existing sewer system is over 60 years old and has previously failed in July 2007, June 2016 and June 2020 due to intense torrential rainfall events. In April/May 2020 Tewkesbury Planning Authority granted Redrow Development permission to direct foul water into the existing Warden Hill Sewer system. Although Severn Trent Water (STW) was aware of the previous sewer failures they still approved the Redrow application.

Grateful if Cheltenham Planning could clarify where the foul water will be directed to as it could have significant repercussions for our estate. Warden Hill sewer / surface water drains already struggle to cope with excessive rainfall events. Miller Homes modelling of the systems being designed to cope with 1:100 or 1:1000 storm events is wholly inaccurate as severe rainfall events now impact on the UK every 3 -7 years.

Miller Homes have now applied to erect 370 houses on this new development, in two separate Phases.
(1) Phase 1's sewer water is shown as running NE along the Shurdington Road, whereas
(2) Phase 2 appears unspecified. From the plan it would appear that this may eventually flow into the Warden Hill via the Shurdington Rd? If the latter is true, then we have real concern with this proposal.

Although STW undertook repairs to the Salisbury Ave sewer it again failed to cope with the intense rainfall in June 2020 so the problem remains unresolved. STW also undertook restorative work to a water ditch in Farmfield Rd (in 2017/2018), but the remedial work undertaken to date does not seem to have improved the situation.

There is a real need to keep investing in our older pre-existing estates and ensure repair / replace of failing surface and sub-surface water networks.

I would be grateful if you could include my concerns in your report when you respond to the Miller Homes Development application, which I believe is due to come back before the County Planning Team in the near future.

45 Campion Park
Up Hatherley
Cheltenham
Gloucestershire
GL51 3WA

Comments: 15th December 2020
The proposal is fundamentally flawed and irresponsible. my points are as follows:

The roads cannot cope, the A46 is already heavily congested at peak times and during the day which will get even worse with the new school. There will be no new main roads, all of the access roads will join the A46 Shurdington road increasing congestion. Buses and emergency vehicles will be delayed by even more traffic. This is dangerous.

Pollution levels will increase as a result of additional traffic.

There will be no additional Doctors Surgeries which are already heavily loaded.

Few, if any, of the houses will be affordable or for rent at reasonable prices. This is simply a development for well off people who want to get into the new school. Rich people will buy second homes to facilitate getting into the new school. It will become a magnet for second homes and buy to let and yet another executive homes site.

The area at Warden Hill is susceptible to flooding. The existing flood defences will struggle to cope with the water run off and will put existing housing and the main A46 road at risk of flood damage.

18 Brizen Lane
Cheltenham
Gloucestershire
GL53 0NG

Comments: 27th January 2021
It should be noted that some of the Consultee's comments to this application are quite damning, most notably from the Architects Panel, Cheltenham Civic Society, Vision 21 (see below), Tree Officer and the Ramblers Association.

Others, such as the GCC Highways Planning Liaison Officer, appear very concerned and have asked for a deferment of the application. Therefore shouldn't there be alarm bells ringing about the many pitfalls of this development, especially with a view to the sheer volume of extra traffic on this critical entrance to Cheltenham that will greatly affect the lives of so many residents on either side of the A46 in both Warden Hill and Leckhampton, and other surrounding areas ? Not only is the traffic a major concern but there are many other issues, as pointed out in the Consultees and Public comments, such as poorly designed housing and frontages, with some 3-storey dwellings, lack of modern gas boilers, lack of carbon zero neutral homes, flooding worries downstream in Warden Hill, air pollution concerns, ecological concerns, poor landscape value....the list goes on !

On the subject of gas boilers etc; it is worth reading the Guardian article in the following link:

https://www.theguardian.com/environment/2021/jan/23/buyers-of-brand-new-homes-face-20000-bill-to-make-them-greener

Also, a recent Daily Telegraph article stated "Act now ! Install a zero-carbon, energy efficient boiler and replace your bulky and inefficient gas or oil boiler. With the domestic market moving away from gas installations and the UK Government banning the installation of gas boilers in all new homes by 2025, homeowners should be looking for alternative ways to heat their properties" The question has to be, why are Miller Homes not producing plans to build their homes with zero-carbon, energy efficient boilers installed ?

Additionally, there are recent strong objections from the Friends of Bournside (19th Jan in Documents Tab) with disturbing comments and huge concerns about flooding downstream of Warden Hill and showing alarming photos of recent bad flooding in the area where they live. Also, Up Hatherley Parish Council and Brockworth Parish Council have voiced big concerns in their very recent responses, especially about traffic.

All these comments by prominent organisations should be taken note of by Miller Homes, CBC Planning Officers and the Planning Committee.

Finally, flooding has hugely affected Warden Hill roads in past years, and now there being big concerns about it again if this development were to go ahead. Leckhampton with Warden Hill Parish Council campaigned vigorously in the past for something to be done in areas of Warden Hill that were badly flooded (notably David French Court and the Farmfield Road area), that is why £600,000 was spent on flood defences to the side of the A46 and to the west of Kidnappers Lane.

NB:

The following excellent extract is from Vision 21 in response to the Miller Homes application:

"This sounds good but the statement lacks ambition and is nothing more than a grouping of weasel words. This is evident by the fact that there isn't any commitment to install electric vehicle charging points as standard. There is no mention of installing any micro-generation technology (solar panels or heat exchangers for example), nor any mention of installing any district heat and power system. They are planning to install gas boilers to heat the homes.

This latter point is particularly galling, since in its Spring Statement the Government has announced that by 2025, all new homes will be banned from installing gas boilers and will instead be heated by low-carbon alternatives. The ban is inspired by an attempt to reduce Britain's carbon emissions and follows recommendations from the Committee on Climate Change in their recently published report "UK housing: Fit for the future?" that fossil fuel heating be replaced with renewable alternatives such as heat pumps.

This development needs to be a demonstration of how Cheltenham intends to develop a carbon neutral future, which means the scheme, as presently put forward, must be rejected and replaced with a new proposal that lives up to Cheltenham Boroughs' aspirations in which:

o All homes should be insulated to a standard that allows for them to be heated by heat exchange
o Heat exchangers (air, ground or water) should be installed in all of them (some use of water may be possible given the creation of several water bodies in the scheme)
o Solar panels should be installed on all south facing roofs
o Electric vehicle charging points should be installed on every home"

Comments: 15th January 2021
The reasons for our objections are much the same as many other excellent objections about the traffic implications, infrastructure, air pollution, flooding, landscape value, ecology, etc; with a few additions.

TRAFFIC AND INFRASTRUCTURE: You have to believe us when we state that most people we know living in the Leckhampton area, and its surrounds, don't understand how the infrastructure will cope on one of the major routes into Cheltenham (the A46) and also on the surrounding lanes and roads i.e. Farm Lane, Kidnappers Lane, Leckhampton Lane and Church Road, in addition to other areas nearby. Additionally, please be aware that Kidnappers Lane, Farm Lane, Leckhampton Lane and Church Road are all narrow, rural, country lanes and roads.

We all know how bad it is at the moment, particularly at peak times, and can guarantee that it will only get very much worse when the 377 houses on the Redrow site, Leckhampton are built, 26 Hitchins homes off Kidnappers Lane, Leckhampton, 42 further Redrow homes (applied for this week, if built) at the junction of Farm Lane/Church Road, the 1,500 dwellings at Brockworth being built, 180+ proposed dwellings at Shurdington in the TBC Local Plan, and now the proposed Miller 350 dwellings on the Leckhampton fields. This is a total of at least 2,450(ish) so far which means an estimate of at least 4,000 extra cars (maybe more) using the A46 and other roads in the Leckhampton/Shurdington/Warden Hill areas, especially at peak times as we have stated.

All these extra houses, plus the proposed new school on the nearby fields, has got to make the traffic in the area approaching GRIDLOCK at times. As we have witnessed a few times, traffic going into Cheltenham in the mornings can be 'backed up' to, and even beyond, Shurdington towards the A417/A46 junction....and that is without any accidents in the surrounding area and/or on the M5. All these proposed developments, with all the extra traffic, is probably the reason why there is a present submission to CBC by Gloucestershire Highways which states, "The Highway Authority and the Applicant are discussing this application.....whilst these discussions continue with the Highway Authority it is asked that this application is not determined. The Highway Authority therefore submits a response of deferral."

The point here is that the consideration of this Miller Homes application for 350 homes, next to an extremely busy A46, should surely not be considered until Gloucestershire Highways has come up with a comprehensive solution to the traffic problems in this area (it was 200 homes previously, which we thought was 200 too many !). There is no evidence at the moment that any planning (or even thought) has started on the necessary infrastructure, including provision for footpaths and cycleways for the proposed school, let alone a major 350 homes estate with all its infrastructure problems.

We, and so many others around the area where the proposed school is to be sited, find it very difficult to believe that a solution will ever be found for the transport infrastructure in order to mitigate the traffic impact because the roads are just about passable now without the addition of any bus lanes, cycle lanes and footpaths etc; Gloucestershire Highways are not listening to the residents and the local Leckhampton with Warden Hill Parish Council (LwWH PC), who know the area light years more than any Planner does.

We are sorry to say, but it is true, that no matter how many times developers come out with all these 'flowery' words and phrases about cycle lanes, bus lanes and footpaths being installed (in order to satisfy the planners) we just don't believe that they can be, or will be, on the very narrow Church Road, Leckhampton Lane, Farm Lane, Kidnappers Lane and A46 Shurdington Road. All of them are just about wide enough to fit a car each way.

Very importantly, we all know that a huge number of parents, in today's world, do the 'school run' and will drop their children off alongside the A46 Shurdington Road going into Cheltenham in the morning at peak time to get to the new school on time. Those children will, without doubt, frequently rush across the Shurdington Road, probably looking at their devices at the same time, only to be involved in a bad accident with a vehicle travelling the other way. It is a bad accident waiting to happen (maybe a death). How will Highways, Miller Homes and GCC feel then ? Will they take responsibility for their actions in allowing this development to be built ?

The three local Parish Councils namely Leckhampton with Warden Hill Parish Council, Shurdington Parish Council and Up Hatherley Parish Council have all strongly objected to

previous proposed developments in the area, including the new proposed school, on all the grounds of traffic implications, infrastructure, air pollution, flooding, landscape impact, ecological issues etc; let alone the very narrow and dangerous country lanes. They have got to be the ones to listen to because they have the local day-to-day knowledge, as we do living in the area.

AIR POLLUTION: An article in last March's Planning Resource magazine stated that Cheltenham is listed as one of the 33 authorities ordered to take action on air quality. As you can imagine this is of huge importance when deciding where to site a new development i.e. next to the extremely busy A46 Shurdington Road and next to a school, air pollution being a major factor which affect young people's lungs.

FOOTPATHS: Since lockdown more people than ever are using, and have used, the Leckhampton footpaths for their recreation. On our exercise sessions we have regularly passed them using the footpaths that will be used for the proposed housing application. Many of the people we have spoken to are saddened by the terrible decision of this proposed permanent closure for a housing development.

GREEN ISSUES: We thought that Cheltenham Borough Council had recently shown itself to be a very green council in the fight against climate change. This means huge reductions to carbon zero on any new build.

LANDSCAPE VALUE: This area is famed for its Landscape Value which was absolutely reinforced by the JCS Inspector, Elizabeth Ord. This proposed development would 'stick out like a sore thumb' from the escarpment on Leckhampton Hill.

FLOODING: We know that it has been mentioned by a few other objectors, but please be aware that bad flooding has occurred from the Hatherley Brook during times of heavy rainfall....this will have to be strongly mitigated against. We can supply photos of flooding here if you are interested.

ECOLOGY: There will be a very negative impact on habitat and ecology and others have also commented on this point.

CBC Officers will be making a huge decision that will affect the lives of everybody in Leckhampton, and surrounds, for generations to come. We beg you to think hard and deep on the decisions you take. If the officer's recommendation was to permit then it will be despite the very many concerns from the community at large on the need for this development.

Lastly, but again very importantly, it is imperative that a site visit is undertaken by Cheltenham Borough Officers and Councillors for such a huge and important proposed development such as this, in order to physically observe it both on the site and at a high distance on the escarpment of Leckhampton Hill being in the AONB. The impact on the landscape will be huge, especially with the proposed 3 storey dwellings, matching the "eyesore" of the new red-coloured Redrow estate from the AONB,

PS A VERY ASTUTE NEIGHBOUR HAS RECENTLY CONTACTED US STATING THE FOLLOWING:

First pictures from the Gloucestershire Echo Live....a few trees on one side of the road, a rather pathetic gesture. No hedges or front gardens and nowhere for any flower beds. Very uninteresting streetscape. Cladding only gets discoloured over time (see The Berkeley Homes development, Century Court on Bath Rd and Middleton House on Pilley Lane). Bulk-buy monotonous shrubs in each front garden.

Where is the infrastructure for this development? More houses, yet not a shop, pharmacy, cafe, doctor's surgery or any other facility as part of the mix. Why not?

A development such as this, on top of the other 377 Redrow houses, with no facilities either, just makes for more traffic on local roads when you want a loaf of bread or some milk. Parking on, and around, the Bath Road is near impossible now and will only get worse for shopping once these extra houses are built.

More red brick houses. Where are the Cotswold stone and stone houses so redolent of Cheltenham and the Cotswolds? Another development that could be put in any other part of the country and not look out of place. I thought we were past the 'poor design' stage of development from the big builders and that we could look forward to something more unique where we live ?

Comments: 30th September 2021
1st comment submitted on Wed 27 Jan 2021.

We have taken a look at some of the supposed changes in the Miller Homes application and can find nothing they have altered that stands out....much of the application remains the same. Our first objection was published on 27th Jan 2021 and still stands, however we have highlighted a few recent comments/objections which state everything that we have highlighted, and more. These aren't the only ones but there are many other recent excellent comments/objections also.

These are a few of the recent comments/objections by others:

"I have serious concerns to this development for several reasons:

Because of the large number of houses and the impact this will have on the local area in terms of additional traffic, pollution, increased risk of flooding, damage to the environment, wildlife and the increased urbanisation of this area of Leckhampton.

Traffic levels along the Shurdington Road, Farm Lane, KIdnappers Lane, Church Road are already extremely busy - particularly in the mornings and evenings during the 'school run' and commuting to work times. The current infrastructure is already struggling with the level of traffic. The new school that is being built will bring many more cars onto the roads.

Noise and pollution levels will inevitably increase with more vehicles, when we need to lower pollution to improve air quality. The increase in traffic would further impact on people's health - particularly children's health.

This proposed development would also increase the risk of flooding - you only need to look at some of the photos submitted by local people to see the flooding that has already occurred in recent years.

I really hope that this planning application by Miller Homes is refused for the reasons I have already mentioned."

ALSO,

"We sent in the comments below relating to the above application after the closing date for comments earlier this year. I note our thoughts are not published on the list of responses to the planning application online. Please could you confirm that they will be taken into consideration when reviewing the application by Miller Homes? We are still, like many local residents, extremely concerned about the impact the new development could have on flooding risk to local homes. I can't see any reference made to this concern in the revised documents. Please could you point me towards any further work done on this, in case I have missed it?

Having read the cover letter supplied by the development company accompanying the resubmission I can see nothing that in any way addresses my objections to this development on the grounds of pollution, scale, impact on traffic, developing a greenfield site etc; and continue to strongly object to it.

This morning at 8.15am there was a solid line of traffic along the entirety of the Shurdington Road and backing onto the A417 slip road. I do not understand how building a further 350 homes on a greenfield site in this area, before the school has even opened, can be considered acceptable?"

AND,

"This revised application shows little change regarding zero energy housing. This goes against Cheltenham Borough Council's declaration of a Climate Emergency. The definition of emergency is 'a serious situation requiring immediate action', therefore all new housing should be built to this spec.

The housing density is too great, the infrastructure already cracking at the seams, and loss of green space will take away the character of Leckhampton."

20 Allenfield Road
Cheltenham
Gloucestershire
GL53 0LY

Comments: 28th December 2020
I strongly object to the nature, scale and impact of this development.

Traffic congestion is already a significant concern in the area: this will be worsened by the new secondary school and also as the changes to Leckhampton Primary school. The Shurdington Road is one of the main routes into Cheltenham, over the past 5 years an increase has already been seen in the volume of traffic with the Redrow housing development on Farm Lane, the increase in pupil numbers at Leckhampton Primary school (which will further increase as the three-form entry extends to all year groups).

Other comments have remarked that the UKs slow transition to electric vehicles may reduce some pollutants and so negates this argument, but this does not reduce the numbers of vehicles on the roads and the problems these cause.

Considering that the majority of households now have 2 cars, the development is introducing over 600 cars into the area. Whilst developers have highlighted that cycle paths will be introduced, this development is not particularly close to any amenities. Living in this area it is clear that people only use bicycles or walk to take very short journeys. For the majority of travel to schools, work, the shops etc, they drive. The existing roads outside of this development are unsafe to cycle on, additional cars will make this worse.

The area proposed for development include green spaces well used by local people. Small holdings have also historically been on the land proposed for development. Plans show that 17 small allotment plots have been suggested to replace this for 350 properties, which seems utterly inadequate and tokenistic on the behalf of the developers. The magnitude and nature of this development also concerns me with regards to wildlife, and particularly the detrimental effect that the removal of hedgerows, and 'overgrown' green spaces will have on wildlife. I notice that hedgehogs, another endangered species, but currently with populations living in the area, do not appear to have been included in the surveys. Further traffic, will further impact on all of these populations. Further more, reducing the amount of greenspace available, puts additional pressure on the green space that remains with increasing numbers of people and dogs accessing a smaller and smaller area, and further damaging the local ecology.

Finally, I am really angered at the lack of public consultancy that has occurred around this project. This development is occurring on the doorstep of lots of people and will significantly impact on many people's experience of living in the area; the green space that they are able to

access, levels of pollution (cars, noise, light etc), congestion, and the safety of the local roads. It will have an impact on the local wildlife. And yet, I was unaware of any attempt by the developer to inform, consult or engage with the local area. It was by chance that I found out about the proposed plans. Regardless of whether or not the decision is taken that the development can go ahead, I think that this behaviour on the behalf of the developers is very wrong.

My understanding from previous applications to develop the area with just over 600 homes was rejected as this was viewed as too many new homes for the existing area to accommodate without a significant negative impact. Since then the Redrow development was contentiously given permission. Looking across the two sites, this seems to be an attempt to get a similar number of new homes in the same area, just spread across two sites. Surely this argument stands, that the local area cannot accommodate this number of new homes?

I appreciate that there is a need for affordable housing in Cheltenham. I question whether this housing proposed will actually find its way into 'affordable homes', as I suspect (as with the Redrow development) that this will become sought after and expensive housing owing to the location and local schools etc. However, it is the size and intensity of the development on a greenfield site that concerns me. I do not think that it is an acceptable scheme for the land it is planned for and I strongly object to it.

Comments: 27th September 2021
Having read the cover letter supplied by the development company accompanying the resubmission I can see nothing that in any way addresses my objections to this development on the grounds of pollution, scale, impact on traffic, developing a greenfield site and continue to strongly object to it.

This morning at 8.15am there was a solid line of traffic along the entirety of the Shurdington Road and backing onto the A417 slip road. I do not understand how building a further 350 homes on a greenfield site in this area, before the school has even opened, can be considered acceptable?

42 Fernleigh Crescent
Cheltenham
GL51 3QL

Comments: 17th January 2021
I would concur with the comment from GCC highways that this application should be deferred pending conclusion of the discussions between the applicant and GCC Highways.

Up Hatherley Parish Council
Woodbines Cottage
Sunnyfield Lane
Cheltenham
Gloucestershire
GL51 6JB

Comments: 17th January 2021
I am responding to the application on behalf of Up Hatherley Parish Council.

Our Parish is located in the SW of Cheltenham and whilst the proposed new housing lies within a neighbouring Parish the impact on the infrastructure and the landscape are of direct relevance to us.

At the time of the JCS/ local plan 5 years ago we expressed great concern about the impact of development in this area particularly on the road infrastructure and specifically on the already highly pressured arteries going into Cheltenham namely the Shurdington Road (A46) and Church

Road. The situation since then as some development has progressed and traffic volumes generally have grown has only worsened and we would concur with GCC Highways that this application must be deferred until mitigation matters for this acute problem are considered and enacted.

We would also ask that Inspector Ord's proposal that in order to preserve an appropriate landscape in the area the development of areas R1 and R2 should not be allowed and thus this element of the Miller Homes proposal is rejected.

Thank You

80 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 29th January 2021
Letter attached.

180B Leckhampton Road
Cheltenham
Gloucestershire
GL53 0AE

Comments: 6th January 2021
It appears as though the strategic plan for this area is being delivered in a piecemeal manner, over-riding previous objections. And of note, no longer provides safeguards, planning or consideration for the constraints and challenges of this area.

Traffic, Flooding, environment, aesthetics, health, education etc are all being pushed to the limit.

Whilst I have not yet read all 230 documents, I have established that the traffic figures are unrealistic, of 882 parking spaces, only 200 vehicles are going to exit/return via Shurdington Rs. Clearly false.

The flooding information does not reflect the true current local situation, fields and paths are flooded frequently as known by CBC data.

The high density of housing, and small footprint will provide challenges for family life especially given future home working needs.

This plan should be thrown out, it's unrealistic for this area. And will cause significant disruption for those of us that have lived here for 30 years and raised families.

Rowantree
31 Farmfield Road
Cheltenham
Gloucestershire
GL51 3RD

Comments: 14th January 2021
Air and noise pollution, increased traffic, depletion of green space.

Comments: 13th September 2021
Busy roads, less green space, pollution.

5 Nourse Close
Cheltenham
Gloucestershire
GL53 0NQ

Comments: 15th January 2021
I object to this application :-

1) There are sufficient Brownfield Sites within the Cheltenham Town to fulfil all new housing needs.

2) The only access from this site is onto the already 'nose to tail' traffic on the A46 Shurdington Rd and the volume is increasing due to the Brizen View estate that is being built.

3) There will be even more traffic when the new Leckhampton School on Farm Lane is operational.

4) The quality of life and our surroundings for those of us that live within this area has already been hugely impacted by volume of traffic from new residents & building contractors from Brizen View and the new school. This area did have a rural feel which dwindling fast, please don't take what is left of it.

Green acres, Crippetts Lane
Leckhampton
CHELTENHAM
GL51 4XT

Comments: 24th November 2020
This application for yet another large development in this general area, which was until recently a "green lung" for the Southern half of Cheltenham Should be rejected. It is not needed, and If permitted, this proposed development would not only damage the local environment, but also lead to even greater congestion and air pollution on the A46 (Shurdington Road). This road would be (by far) the main access route to the estate for motor traffic.

Already the traffic on the A46 is excessive and causes considerable air pollution at busy times; and when the nearby REDROW estate is completed in a year or two, and in addition the large new Leckhampton High School is functioning in 2022, the traffic noise and air pollution will be horrendous unless drastic steps are taken to discourage motorists from using this route. The best way to do this would be for the Government to introduce a "Road Use" tax, to replace fuel duty. If this tax was sufficiently high, it would encourage people to reduce their motoring mileage by using alternative means of getting around - e.g. walking,cycling, using public transport or car-sharing, or by travelling less. But until some measure of this sort is in force no further development along this overcrowded highway should be permitted. (A congestion charge for using this road - and other overused roads in Cheltenham - is a possible alternative, but might be difficult to introduce.) In the absence of some such scheme,this new proposed development should NOT be permitted.

Also, the development's proposed architecture is inappropriate for a situation that is immediately adjacent to the Local Green Space in the Leckhampton fields. A more rural and less uniform appearance of the houses would be more in keeping with the location; and certainly there should be no three-storey buildings. (The nearby REDROW estate is a good example of what NOT to do!)

Comments: 18th January 2021
Further to my previous objection, I have now read the objection submitted by Leckhampton with Warden Hill Parish Council, and I wish to fully support their objection with which I entirely agree.

The Littlecroft
Shurdington Road
Cheltenham
Gloucestershire
GL53 0NJ

Comments: 14th January 2021
I am writing to object to the above planning application to build on Shurdington Road Leckhampton in Cheltenham.

I believe the proposal is fundamentally wrong and should be refused for the following reasons:

This application will overload an already burdened local infrastructure, transport in and around the Shurdington road is already chaotic and most mornings at a stand still. No consideration has been made about the impact on the environment and on air pollution.

The new school development is already going to increase traffic congestion to unprecedented levels and consideration must be given to the detrimental effect this will have on local residents.

now that the High street is in terminal decline emphasis should be put on the redevelopment of our town centre, not on gobbling up green belt that is a local community asset.

The development falls within the green belt and our local plan is supposed to protect this. We should be keeping our countryside/greenbelt, for the benefit of future generations.

Developers should be asked to re-develop all brown field sites BEFORE taking any green spaces.

The land being considered for development around Leckhampton is very valuable asset to Cheltenham.

People come from many other areas of Cheltenham to walk the paths that criss-cross the fields. More and more people are to be found out with their animals and families at the week-ends particularly walking and enjoying the fresh air, views of Leckhampton Hill - and the chance to relax away from the stress of everyday living, which in turn, keeps people fit and happy.

Why let our countryside/greenbelt be developed when housing needs can change so easily. Look how everything is changing - our high streets for instance - It could be that in a very small number of years, housing will replace many of the empty shops, more and retailers are turning to the internet for sales and abandoning the high street.

Consideration should be given to the jobs and income derived from the tourism industry that brings people to Cheltenham, it is not just the shopping and regency areas which bring people to our town, it is the closeness of the countryside and the beauty of the landscape. If we allow the developers the opportunity they will ALWAYS take the most profitable land, i.e. greenbelt land in prime locations.

The last four previous inspectors recommended that large scale development in the Leckhampton area be rejected and that the rural character should be protected.

It appears to me that following the initial rejection of plans to build 1150 houses that the developers have decided to break planning applications into small packages and get them through piece meal.

We now already have the 450 houses being built adjacent to the proposed site and the impact of these are already being felt by local residents with additional delays and air pollution.

They also stated that the Shurdington road is already heavily congested and the air quality figures break EU air pollutant limits. The Shurdington road is already log jammed, most mornings I can't turn right out of my drive and have to do a 'U turn' at Morrison's round about.

Cheltenham is supposed to be an Air Quality Management Zone and this development will have a seriously detrimental effect on those people living along the boundary of the Shurdington road and Kidnappers Lane.

The Halcrow JCS Strategic Flood Risk Assessment, July 2011 identifies that Hatherley and Hambrook in Leckhampton are at high risk of flooding. Area's that have historical records showing incidents of flooding should be treated as flood zone 3A; at risk and not suitable for development.

Over 40 houses were flooded in 2007 in Warden hill, the Shurdington road floods regularly from the surface water runoff from Leckhampton hill and although there was some minimal flood defence work put in place this does not take into account the loss of protection that these open fields offer from flood risk.

Once the countryside is built on it is gone FOREVER, no one is denying that we need more housing but we have an responsibility to ensure that they are built in suitable locations, i.e. begin with brown field sites so as to enable us to retain as much of our unique landscape as possible.

42 Pilley Crescent
Cheltenham
Gloucestershire
GL53 9ET

Comments: 14th January 2021
I object strongly to Miller Homes Planning Application to build 350 homes at Shurdington Road, Leckhampton. This would impact greatly on the environment and surrounding area. The sole purpose of building the new Leckhampton High School was to ease the pressure on the existing Secondary School, NOT for extra places to then be required by the occupants of the proposed new builds.

35 Hawkswood Road
Cheltenham
Gloucestershire
GL51 3DT

Comments: 14th January 2021
Our environment and heritage is now under siege by profiteering construction companies who have settled around the town building 'wendy houses' with little forethought.

The A46 and Church Road are gridlocked in the morning and you risk your life if you try and cross them. I remember when I used to run out to Brockworth several years ago and regular as clockwork the traffic would be backed up from Moorend Road lights to the Greenway crossroads and sometime actually out to the A417 bridge.

The roundabout what a laugh, the area is already a pollution blackspot, you really need to be focusing on reducing the environmental impact when you build, not same old same old. If this planning application is permitted, it is likely to add an additional 700 or so cars to go along with these new houses, which doesn't include the school's traffic as well. You need to rethink this. Church Road is extremely busy in the morning, I guess you could have all the residents move their cars off the road, but I suppose if you did that they would probably be not very happy. Reason being as I said, that road is a horror!

350 houses, assuming 2 cars per house would create an additional 700 cars on already very heavily congested roads. In my view, the associated pollution adds up to bad news for the locals and those new to the area.

It is without doubt a failure on behalf of the council and local councillors if they cannot see that this area is part of the beauty of the intricate environment which is the Cotswold escarpment. We talk about environmental destruction in other parts of the world and vilify those responsible, yet here we are doing the same but dressing it up to make it acceptable to rob our children`s children of these green and special places.

So what are we going to do with all the pollution belching from those stationary cars as they chug up past Warden Hill and Church Lane? I suggest if you are a councillor you will need to either canvas harder next time we have elections or find yourself another job. Remember you should be representing our interests, the local people.

71 St Michaels Road
Cheltenham
Gloucestershire
GL51 3RP

Comments: 13th January 2021
Objection to this development on the following grounds:

- Warden Hill has been flooded several times in recent years and building over these fields can only make this worse.

- The A46 is already completely backed up with traffic in rush hour and pollution is already an issue. It does not have the capacity for traffic from the new school and the Redrow development, let alone another 350 homes.

In conclusion, the existing infrastructure issues for existing residents need to be solved before any more houses can be allowed to be built.

15 Peregrine Road
Cheltenham
Gloucestershire
GL53 0LN

Comments: 14th January 2021
As I live with my wife near the proposed development of 350 houses, I feel strongly about this application . This will cause so many problems affecting the countryside , the amount of traffic on Shurdington Road which is so often gridlocked now mornings and evenings, flooding to the land surrounding affecting local amenities & pollution .As the Burroughs Playing Fields are at the back of our house & Leckhampton Rovers Football Club have had some money donated to stop the field from flooding which it does every year , this tells you the problem is here already and will only increase with your proposed buildings .I feel local peoples opinions should be considered in this case and taken seriously .

33 Collum End Rise
Leckhampton
Cheltenham
Gloucestershire
GL53 0PA

Comments: 14th January 2021
I object to this proposal because of:

1 The effect on the landscape and character of the area.

2 The effect on the ecology of both the immediately surrounding area and the nearby AONB.

3 The effect on local traffic which already causes difficulties for local residents and is certain to be made worse by the recent expansion to Leckhampton Primary School and the new school being built on Kidnapper's Lane.

Visitors to Leckhampton always comment on the loveliness of the area. We need to recognise the value of this asset and protect it before yet more is lost to new development.

Leckhampton Rovers Football Club

Comments: 20th November 2020
I am writing on behalf of Leckhampton Rovers Football Club (LRFC) regarding the above planning application. We are the second biggest club in Gloucestershire, run over 30 teams and have around 600 members, mainly children. The majority of our players live around Leckhampton. We will be the nearest sport club to the development and are in the process of securing the Burrows Playing Fields as our home ground.

LRFC is just about to start a plan to develop the Burrows Playing Fields and pavilion in Moorend Grove, Leckhmapton. This is a joint project with Cheltenham Borough Council. It will involve completely levelling the playing fields and refitting the pavilion. It will offer a fantastic sporting facility and community hub for the residents of Leckhampton and beyond. The project is costing around £850k and the majority of the money has been raised. It is starting in May 2021. The project has huge community support including the local MP, Parish Council, Cheltenham Borough Council, FA, ECB, LTA and over 130 formal letters of support.

The Burrows is the nearest green space to the Miller Homes development and is used by a wide range of people. The facilities include football, cricket, BMX track, playground and general recreational space for exercise. It is extremely popular. We are working hard to improve the infrastructure of the area and this will include cycle stands added and a circular footpath to encourage people to walk/cycle to the site. Parking is tight and can be an issue so these are really important for the local residents.

The current access points to the Burrows are predominantly from Moorend Grove and Church Road. These are supported by footpaths/road access. However, the current plans for the housing development appear to offer no improvement to other access points.

There is a new secondary school being built, Leckhampton Primary School is undergoing a significant expansion, around 350 Redrow houses have been built and now this development. It is surprising therefore that all of these have not been linked to the Burrows via footpath/cycle paths. The Burrows will support all of these for outdoor exercise and needs to have much better access from all sides.

We are a sport community partner of Leckhampton Primary School and are going to be the same for the new secondary school. This links all of us together to support the physical wellbeing of these communities. We want people, especially children to be able to move between these sites easily and safely.

Please can you reconsider the infrastructure supporting the new development and prioritise better footpath/cycle path linkage from all sides of the Burrows. We would like to see better paths linking in via Kidnappers Lane and Merlin Way especially. They could easily link directly onto the circular path at the Burrows.

If you wish to discuss this further then please contact me on the details below.

2 Arthur Bliss Gardens
Cheltenham
Gloucestershire
GL50 2LN

Comments: 30th November 2020
There has been quite enough development already in the designated area. The land is a precious green lung giving access by public footpath to Burrows Field and the adjoining meadow. Another 350 dwellings will affect the following.

1. The Shurdington Road. At rush hours the traffic banks up already to the A417 roundabout. the pavement alongside is narrow and dangerous.

2. Burrows Field and the adjoining meadow are a precious green lung and will now be overused and turned into a mudbath.

3. The following wildlife use it: Deer, hedgehogs, bats, badgers.

4. A new school is planned but what about GP Services (existing ones cannot cope at the moment) Community centre, pub, local shops?

5. Hatherley Brook will see increased run off as the land is lost. There will be flooding.

6. another ecological disaster which we strongly abject to. I also note that the publicity of this project has been minimised. Ony one notice on the footpaths leading to Burrows.

34 Pilley Lane
Cheltenham
Gloucestershire
GL53 9ER

Comments: 6th January 2021
I have great reservations about the building of more houses in the area following the recent Redrow development. The speed of change being inflicted upon the local area is frightening.

With the new school also being built I have great concerns about the impact of pollution, noise and the lack of infrastructure to support hundreds more vehicles. The proposed area for the development does not have highways suitable to support hundreds more vehicles. Given the regular congestion and level of traffic already on the Shurdington Road, I fail to see how the roads will cope with hundreds more vehicles.

Additionally, the environmental impact of yet more building will be vast. Are there no brown field sites that would allow for the building of homes without such a large environmental impact?

10 Lambert Gardens
Shurdington
Cheltenham
GL51 4SW

Comments: 14th January 2021
It has been brought to our attention the application for the building of the 350 homes. At first this did not appear to cause us too many concerns as we are located in Shurdington village, however upon reflection the road and transport issues are really going to cause so many problems for anyone living along Shurdington Road and in the immediate area.

Although classed as Tewkesbury Borough (why I will never understand) all our needs with reference to shopping , medical dental etc are based in Cheltenham. I volunteer at Cheltenham General hospital and when I have a shift start for 8.00 am I currently leave the village no later than 7.30 am to get in on time. With the increased traffic this will substantially increase my travelling time whilst I sit in queues of traffic.

Also in relation to medical appointments you have a set time are we going to have to allow 45 mins travel time instead of 20-25 at the moment. All these issues are going to enhance stress levels, impatient drivers etc.

There is also the flooding issue, Shurdington Road at times of heavy rain is almost always flooded from the run off from Leckhampton Hill. Adding more concrete to the ground means that the water has to find other ways off the hill and the proposals stated will not alleviate any of the concerns.

Whilst I appreciate that homes are required why is the council not looking at sites within Cheltenham Borough that are currently in need of repair, demolition or upgrading.

12A Moorend Street
Cheltenham
Gloucestershire
GL53 0EG

Comments: 14th January 2021
This development is excessive in the number of houses and the impact that it will have on traffic, air quality, public recreation and local services. There have already been substantial numbers of new houses built in this area, both estates and filling spaces in built up areas

37 Moorend Road
Cheltenham
Gloucestershire
GL53 0ER

Comments: 18th January 2021
KEEP RESTRICTED - DOES NOT WANT ADDRESS MADE PUBLIC

I would like to add my concerns regarding the planning application for 350 homes on Shurdington Road.

Although I appreciate the need for the building of new homes, I do not feel that the location for so many more new houses is appropriate because amongst other things:

- the traffic on the Shurdington Road is already excessive and will already increase with the building of the new school, this is both a pollution and environmental issue, another 350 homes-worth of cars will only add to this;

- the habitats and natural environment of the current area will be destroyed for local wildlife;

- the floodplain element of this area has already become an issue and could affect both the new homes and existing homes on both sides of Shurdington Road;

- the current footpaths appreciated by local residents, will be reduced and the remaining ones become even busier;

I could go on, but my major concern is the increased traffic and pollution, especially close to a road which is already a nightmare, particularly during rush hour, when the traffic is a constant flow both ways, with plenty of standing traffic pumping out fumes, as children walk past on their way to local schools.

I hope you will understand my concerns.

Flat 3
Leckhampton Farm House,
Leckhampton Farm Court,
Cheltenham,
GL51 3GS.

Comments: 18th January 2021
I am writing to you with serious concern about the proposed Miller Homes development on Shurdington Road.

This area has already seen a huge amount of development over the past few years. The massive Redrow estate (plus the proposed one off Church Lane) and the school is changing the area beyond recognition. The beauty of the area is that it is quiet, it has green space and it is close to the countryside. Redrow has already affected this hugely, but adding 350 new homes is going to further compromise this. It will have a huge affect on the local wildlife too, I am already seeing an increase in traffic around the area, which is affecting the wildlife.

The amount of building proposed here is starting to get ridiculous! As a local homeowner I am seriously worried about the fact I have been notified of two of these proposed developments within the space of a week, both in close proximity to my home.

Comments: 22nd September 2021
Already had a huge amount of building work in this area.

More green space lost, busier roads and more pollution.

87 Honeysuckle Avenue
Cheltenham
GL53 0AF

Comments: 2nd December 2020
Shurdington Road offers very limited footpath access and the access there is, is poorly maintained by the local authority. It is such that overgrown foliage makes it inevitable for pedestrians to have to walk on a very busy road as has been pointed out to the local authority during the course of 2020. Furthermore, Shurdington Road suffers from excess traffic during the morning and evening peak travel periods making bumper to bumper tailbacks inevitable most

weekdays. The proposed planning application is therefore considered to be excessive for the limitations of the local infrastructure and should be declined.

1 Chatsworth Drive
Cheltenham
Gloucestershire
GL53 0AG

Comments: 11th January 2021
I object to this application

Previous applications for this site, together with other local fields (650 Miller/Bovis), and another at Brizen (TBC) have been refused on grounds of landscape value and traffic congestion. I fail to see how breaking up the applications makes any difference to this refusal particularly considering the added traffic from the Redrow estate at Leckhampton Lane and the new Secondary School.

The density of housing is too high, much more than agreed in the JCS.
Some houses are 3 storey high which will have an unacceptable visual impact and out of keeping with the surrounds.

A radical approach is needed with regards to traffic, making people use other forms of transport, and those alternatives need to be in place before the issues arise. We need to seriously consider banning traffic from the town centre and shopping streets like Bath Road, providing park and rides on the outskirts (Shurdington Road), rolling out the E-Scooter scheme to housing estates, providing better public transport, safe cycle routes etc. People will not stop using cars until there is a better alternative.

With the declaration of a climate emergency by our government and local councils we need to act on this immediately and build for the future. It is unbelievable that a housing estate of this size is being considered without using green alternatives to power them. When will CBC start to adhere to their commitments?

Please consider some of the simplest ways to help the wildlife which lives in this area (government advice in 2019 to house builders) Hedgehog Highways, Swift bricks, bat boxes, plant wildflower areas.

The Leckhampton Fields have always held a lot of water, soaking up run off from the hill. If this area is built on where will all this water go?

This area would be better used as a community green space, nature reserve, community garden for growing produce/orchards (it is good quality agricultural land), create small woodland areas to help fulfil the government's commitment to planting trees, provide an area where people can exercise direct from their doors, experience the outdoors to help their mental health... the list goes on!

Sadly Leckhampton is fast losing it's desirable features, and after 50 years here I'm not sure I will be staying!

Comments: 27th September 2021
Further to my comments made in January 2021,

This revised application shows little change regarding zero energy housing. This goes against Cheltenham Borough Council's declaration of a Climate Emergency. The definition of emergency is 'a serious situation requiring immediate action', therefore all new housing should be built to this spec.

The housing density is too great, the infrastructure already cracking at the seams, and loss of green space will take away the character of Leckhampton.

Cheltenham Green Party

Comments: 1st December 2020
Letter attached.

57 Leckhampton Road
Cheltenham
Gloucestershire
GL53 0BJ

Comments: 5th January 2021
I'm broadly supportive of these plans although would prefer some rather less bland designs for the houses. Our country needs more housing, Cheltenham must take its share and this piece of land seems a good choice especially now that the area to its south has largely been protected.

As a frequent user of it, I will miss the quirky semi-rural nature of the public footpath on the south east of the site but it will still be available for use and will only have housing to one side.

Although being not far from the AONB, this piece of land isn't especially lovely and is close to other housing all of which was built within the last half century. It seems an eminently sensible site for some new housing. All of us live where once were fields or orchards (and before that forests) and should resist coming up with spurious Nimbyish reasons for denying other people a similar opportunity...

1 Charnwood Close
Cheltenham
Gloucestershire
GL53 0HL

Comments: 8th January 2021
Since I regularly drive in and out of Leckhampton, I wish to echo and emphasise the concerns about traffic flow expressed by our Parish Council.

Given the already difficult state of traffic queues along Church Road and Shurdington Road, the large volume of extra traffic that will be caused by the new secondary school, the expansion of Leckhampton primary school and now from this Miller proposal, mean that there should be an intense focus on ways to ameliorate what I predict will be a chaotic situation should the Miller development go ahead.

In addition, I am very concerned that Kidnappers Lane will suffer badly through becoming a "rat-run". This lane has no footpaths and is totally inadequate for two-way traffic and will become very dangerous for all of us, including the school children and many walkers who use it.

My concerns about this proposed development are thus threefold:

1) Traffic!
2) Traffic!
3) Traffic!

39 Moorend Road
Cheltenham
Gloucestershire
GL53 0ER

Comments: 8th January 2021
Firstly I am a Leckhampton resident for 20 years and live relatively close to Burrows Field and the area of these proposed houses.

My wife and I regularly enjoy walking the path that runs between the small holdings, some of which will disappear if this goes ahead.

I am not a NIMBY-ist and recognise that there is a need for additional housing. The question is what sort of housing?

Does Cheltenham need more £1m houses like the ones being built at the top of Leckhampton Hill not far from the Star College?
I don't think so.

What Cheltenham needs - like the rest of the country - are affordable homes and starter homes.

Local authorities need to demand this type of housing, but do they have the power to require this or are they cowed by the financial muscle of the builders who want to build houses that fit their economic picture of the area.

I have not read the application for this proposed housing. In a way the specifics are is not relevant - the question remains what sort of houses are being built? They need to be the right sort of houses for the future of the country, not what builders and this government want.

104 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

Comments: 8th January 2021
1. I make the following comments as a "STRONG OBJECTION" to the above planning application
and I feel there are many very important issues to consider.

2. In the 40 years my husband and I have lived in our current bungalow home we have come to greatly value
the nearby fields etc and the associated wild life - we are horrified by their planned Destruction!

3 I also support ALL the Comments from my husband (sent on 6.1.21) - as briefly detailed below:

a. The Siting of a new Toucan Crossing right outside the front of our bungalow home allowing a full view
into our front garden, lounge and kitchen. This is in addition to the obvious noise, pollution, breach of privacy
and security risk, which would result. There are also similar Objections from the Merestones Estate Residents,
whose homes would back onto this new Toucan Crossing.

b. Excess Traffic on Shurdington Rd - associated current dangers and pollution etc.

c. Serious Flooding Risks.

d. Closeness of the new 350 homes to existing residents.

e. The proposed 350 Homes ignores recent JCS. Local Plan decisions, limiting the numbers of new houses to 200 on this location.

I understand my neighbours are also submitting similar comments of concern.

This email is sent to the best of my knowledge and understanding and I ask that you give this email your full consideration.

67 Moorend Road
Cheltenham
Gloucestershire
GL53 0ET

Comments: 8th January 2021
We object to Miller Homes' planning application to build 350 homes on land at Shurdington road because of:

1) The adverse impact on the landscape
2) The adverse impact on the view towards Leckhamptopn Hill
3) Increased traffic on local roads that are already at saturation point morning and evening
4) The adverse impact on air quality caused by the inevitable increase in traffic

85 Painswick Road
Cheltenham
Gloucestershire
GL50 2EX

Comments: 15th January 2021
I object to this application for two main reasons:
It is a further removal of open, wild space that provides recreational access for local residents. Particularly important at the moment with the increase in mental health illness. Also the removal of natural habitat for wildlife. I walk and run here regularly and if this building goes ahead I will need to use my car to travel to somewhere where I can enjoy open green space. As will many other local people. This will increase pollution and traffic on local roads. Which brings me to my second point which is the impact of an additional 350 dwellings on the local infrastructure- Shurdington Road is already heavily congested and this will increase significantly as well as other roads in the area which are already heavily used. If this development goes ahead we will lose a valuable local asset and spoil another area of our town. And lose more habitat for wildlife.

23 Lichfield Drive
Cheltenham
Gloucestershire
GL51 3DQ

Comments: 15th January 2021
I strongly object to this latest housing development.

As a resident of Warden Hill I'm extremely concerned about the lack of natural environment and also the flooding that may be caused by this development with the reduction of trees and natural habitat.

Flooding is already a major problem in this area and the reduction of green space and trees will just make this situation worse. We've get several garden floods each year from rainwater pouring down from Shurdington road.

However my biggest issue is with the natural habitat and beauty this area gave us.
Theres little enough green space around and reducing this even more seems to be done purely for profit.
There seems to be no concern or regard to the wildlife or the wellbeing this area provides for walking or enjoying as it is.
I'm disgusted to see that the trees have already been hacked down(not cut - hacked downjudging by the mess) so I can only assume that this is a done deal.
Lets hope any house built on this land are not done to the same quality as the greenkeeping -all though there won't be any when the builder finally leave will there?

There seems to be an ongoing attitude just to buy up land and build and then repeat, putting even more burden on the local resources such as the local surgeries, schools.Lets just cram in houses as and where we can.

Pretty disgusted that this was even given proposal green light.

20 Wells Close
Hatherley
Cheltenham
Gloucestershire
GL51 3BX

Comments: 17th January 2021
Leave the beautiful fields and natural open space alone.Leave nature alone.We, humans benefit from seeing the fields and walking through them, for our mental health.Stop taking it away from us.The area is more prone to flooding than ever before and it also makes other nearby areas like Warden Hill flood even worse with the building thats going on in that Shurdington area now.Our drainage system cannot cope now with downpours and houses have flooded.

Comments: 9th February 2021
Shurdington Parish Council have been made aware of the planning application for 350 homes on land at Shurdington Road, Leckhampton. We apologise for not being able to respond fully by your 15th January deadline and hope you will accept our submission.

The Parish Councillors resolved at our meeting on the 8th February 20201 to support the recommendation already submitted by our neighbouring parish council - Leckhampton with Warden Hill PC. They are:

A.The proposed development on the valued landscape areas R2 and R3 should be removed. The boundary hedge at the north end of R2 needs to be enhanced with tall trees to screen the housing north of R2 from view from Leckhampton Hill.

B. Because of the failure of the traffic mitigation that was the condition for including the development in the Cheltenham Plan and the high risk of severe cumulative traffic congestion, the development needs to be refused for the present until the traffic impact from the new secondary school and other existing development is sufficiently clear and the cumulative traffic congestion is shown to be acceptable.

C. The valued landscape and interesting character of the smallholdings area needs to be protected on both sides of the smallholding footpath and a sufficiently high screening hedge and trees provided along the northern border of the smallholdings to hide the development from view

from the public footpath. The proposals need further work between Miller Homes and the Parish Council.

D. The treatment of ecology issues is generally good, but some surveys need updating particularly regarding dormice. The protection of hedgehogs also needs addressing. An enforceable Landscape and Ecology Management Plan (LEMP) and Construction Ecological Management Plan (CEMP) should also be produced. A Biodiversity Net Gain Report would be helpful.

E. There are possible flooding risks that need to be kept in mind during development, notably the risk to properties on the north side of the A46 from water flowing from the Northern Fields including flows under the A46. With climate change there is a possible risk that very heavy run-off down Hatherley Brook from a major storm could cause flooding in residential area west of the A46 along the course of the Brook. The future vulnerability along Hatherley Brook needs to be checked since development on the Northern Fields will remove the option to use the land to hold flood water back if needed.

F. Consideration should be given to making the development more supportive of CBC's aspirations for Carbon Neutral Cheltenham and for promoting cycling by connecting the cycle ways externally.

G. The Council also recommends that roads in the development should be given historic names relating to the field names and the use of the Northern Fields for agriculture since Saxon times.

76 Canterbury Walk
Cheltenham
Gloucestershire
GL51 3HF

Comments: 9th December 2020
The Shurdington Road is already extremely busy with long queues in both directions at peak times and school times. This is a very large proposed development and will bring with it huge amounts of extra traffic. The surrounding roads will become 'cut through' routes with traffic looking to avoid the queues. A lot of extra pollutants will be suffered by local people, particularly as a large area of trees will have to be removed. It is well documented that hedges are a vital wildlife habitat, these will be destroyed.

The area has numerous natural springs and the area is usually very wet, where will all this water go when the area is developed? As someone who lives lower down the hill and already suffer from run off from the property next door I fear this will only get worse. Flooding is rapidly becoming a national issue and all these new roads, driveways and patios will only make this worse in our local area.

Our doctors surgeries are already difficult to access due to the number of patients on their books, infant and junior schools are full and any addition to their size will also add to serious traffic issues for people living near them.

7 Merlin Way
Cheltenham
Gloucestershire
GL53 0LS

Comments: 15th January 2021
I am submitting my objections to the proposed Miller Homes planning application 20/01788/FUL

My objections cover two main points:
1. Landscape, pollution and ecology.
2. The planning application does not adhere to the national housing crisis in a meaningful way.

Regarding Point 1 :
In 2018 the JCS proposed 200 homes on the Northern fields. Now that number has increased to 350. That is an unacceptable number of proposed housing given the original JCS recommendation.

After reading the planning application documents, I support the arguments made by the Cheltenham Green Party on the planning application

I also support also the arguments about preserving the landscape, traffic and ecology made by the Leckhampton with Warden Hill Parish Council.

Section 2: I also object to the unacceptable damage to the valued landscape of the Leckhampton Fields.

Section 3: I also object to the development together with the new secondary school which could create severe traffic congestion in the term-time peak morning traffic period unless the proposed improvement to the traffic flow at the A46/Moorend Park Road intersection can be made to work.

Section 4: I strongly support further discussion regarding the future of the smallholdings along the public footpath. As the Parish Council have stated, these smallholdings are part of the special landscape character that contributed to the area being identified as Valued Landscape by the Secretary of State in 2016. There must be more significant effort to protect the landscape character along both sides of the footpath and create more than a narrow corridor. Living very close to the footpath, I use it regularly to walk around the Leckhampton fields. The small holdings are a valuable resource that, notably, provide character to the area as well as a useful green space. From my house, I can hear the cockerel crow in the mornings and sheep bleating in spring and summer time. On quiet early mornings I can hear woodpeckers and visits from deer are not unusual.

Regarding Point 2:
I cannot support housing developments which do not attempt to solve the national housing crisis. Houses are being built in Cheltenham that are deemed affordable. I have looked at a similar development at the Brizen Farm (Redrow) development and on their website I see that 'affordable' means shared ownership or renting from Sage Housing. Given that the dire shortage of housing in the UK is down to a chronic lack of council/social housing it is disingenuous to suggest that people can be effectively housed when so many developments are addressing first-time buying and increasing the number of private landlords. Meaningful attempts to tackle the housing crisis would propose the building of a significant number of council homes. Therefore, I conclude that land development in the 'sought after' Leckhampton area is purely about profit and not people.

I object strongly to this planning application.

Comments: 14th January 2021
My objections cover two main points:

1. Landscape, pollution and ecology.
2. The planning application does not adhere to the national housing crisis in a meaningful way.

In 2018 the JCS proposed 200 homes on the Northern fields. Now that number has increased to 350. That is an unacceptable number of proposed housing given the original JCS recommendation.

After reading the planning application documents, I support the arguments made by the Cheltenham Green Party on the planning application. I also support also the arguments about preserving the landscape, traffic and ecology made by the Leckhampton with Warden Hill Parish Council.

The Parish Council object to Section 2 of the planning application. I also object to the unacceptable damage to the valued landscape of the Leckhampton Fields.

The Parish Council object to Section 3 of the planning application. I also object to the development together with the new secondary school which could create severe traffic congestion in the term-time peak morning traffic period unless the proposed improvement to the traffic flow at the A46/Moorend Park Road intersection can be made to work.

The Parish Council object to Section 4 of the planning application. I strongly support further discussion regarding the future of the smallholdings along the public footpath. As the Parish Council have stated, these smallholdings are part of the special landscape character that contributed to the area being identified as Valued Landscape by the Secretary of State in 2016. There must be more significant effort to protect the landscape character along both sides of the footpath and create more than a narrow corridor. Living very close to the footpath, I use it regularly to walk around the Leckhampton fields. The small holdings are a valuable resource that, notably, provide character to the area as well as a useful green space. From my house, I can hear the cockerel crow in the mornings and sheep bleating in spring and summer time. On quiet early mornings I can hear woodpeckers and visits from deer are not unusual.

The second main issue is that I cannot support housing developments that do not attempt to solve the national housing crisis. Houses are being built in Cheltenham that are deemed affordable. I have looked at a similar development at the Brizen Farm (Redrow) development and on their website I see that 'affordable' means shared ownership or renting from Sage Housing. Given that the dire shortage of housing in the UK is largely down to a chronic lack of council/social housing it is disingenuous to suggest that people can be effectively housed when so many developments are only addressing the needs of first-time buying and increasing the number of private landlords. Meaningful attempts to tackle the housing crisis would propose the building of a significant number of council homes. Therefore, I conclude that land development in the 'sought after' area of Leckhampton is purely about profit and not people.

I object strongly to this planning application.

103 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 13th January 2021
SHURDINGTON ROAD GRIDLOCKED - NO MORE CARS, PLEASE. Can Miller homes put as a condition of purchase that each resident must own a bicycle?

10 Warwick Crescent
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YZ

Comments: 14th January 2021

I wish to object to the proposed development. I grew up in the area and still have family there who will be severly impacted by this project. The reasons for my opposition are the same as many others, in summary being:

Number of houses - 350 is a considerable number and in excess of what is in the JCS. This will impact the volume of traffic and the associated issues this brings, on Shurdington Road and the surrounding lanes. The local services and amenities will also be stretched more than they are already are.

Visual impact - Three storey houses will affect the sky line and are not in keeping with other properties in the area. The view from the Cotswold AONB - Leckhampton Hill will be impacted. It would also affect the views from other parts of the AONB.

Environment - There is already issues with the amount of water coming off the hill. This development would add to this. People are appreciating green spaces and the benefit of walking and being in the countryside. This would also put pressure on other areas. Local nature would be significantly be impacted.

For the reasons stated above, I strongly object to the proposed development.

6 Clare Place
Cheltenham
Gloucestershire
GL53 7NH

Comments: 2nd December 2021
I was completely dumbfounded when the Miller Homes application for 350 homes on land off Kidnappers Lane and Shurdington Road was brought to my attention. I cannot believe this is even being considered with the impact of this number of additional residents in an area where the infrastructure is already struggling to cope with present demands. I challenge any member of the planning committee to try driving in or out of Cheltenham on the Shurdington Road or along the Bath Road within a couple of hours of rush hour in the morning or evening on an average working day. This only gets worse as Christmas approaches, or when there are race meeting or festivals - activities which are necessary for the financial success and reputation of the town. It is preposterous to consider adding to the increased burden already caused by the existing development on land between Leckhampton Lane/Church Road and the Shurdington Road. The aforementioned roads cannot take even more traffic! A further complication is the presence of schools in the area. Leckhampton Primary School has a serious problem with traffic in Church Road at the present time, and any increased traffic can only exacerbate this situation. As for the large secondary school under construction in the area - to which it has been suggested that pupils will walk! - anybody with children will know that cold rainy and dark mornings are not conducive to walking for many people and the additional traffic this entails will further contribute to the congestion.

The next problem I wish to highlight is that of drainage. Housing development has already covered a considerable area of farmland near to this proposed development. The proposed development will cover even more, and water washing down from the slopes of Leckhampton Hill has to go somewhere. Increasing severe weather events have been forecast as the impact of global warming becomes even more evident and we are already seeing the impact of climate change. As a local resident who witnessed the impact of the rainstorm as far back as 2007 I would be most concerned that the measures which the developers claim to be putting in place will be woefully inadequate. The greater rate of runoff from impervious surfaces as opposed to fields will be felt by all of us who live in lower lying areas.

The impact on wildlife is also a consideration. Doormice are known to inhabit this area, but their nocturnal habit and the fact that they hibernate for a considerable part of the year makes them

very hard to record and quantify. I would like to be assured that sufficient research has been undertaken by suitably qualified researchers, and not just a cursory inspection. Hedgehogs are also present in this area, and they are notoriously vulnerable to roads and cars. Once disturbed by construction work they invariably move and are killed on the surrounding roads. Glooucestershire Wildlife Trust has data which is available for inspection on the decline of these and many other native animals and birds.

My final point is the lack of infrastructure. There are no shops within convenient walking distance, nor doctors' sugeries, dentists, chemists, libraries, or even places of worship. All of these services will have to be accessed by the occupants of the houses, and they will have to drive there and back every time they make use of them. Many of the services are under severe strain anyway - local doctors, for example, are under considerable strain due to increased workload.
On the above grounds I urge the planning committee to reject the planning application outright.

4 Pickering Close
Cheltenham
Gloucestershire
GL53 0LE

Comments: 7th December 2021
I'm horrified by the amount of houses planned for Leckhampton.

I have lived in the area for forty five years and my house backs onto the Shurdington Road. Three times this year the apple tree in my garden has been surrounded by a lake of water and on one occasion the water got under the floor boards of the house and knocked out the electrics and warped the doors.

As my neighbours pave over their driveways and more and more houses are built the flooding situation will worsen.

I'm also very concerned about the increased traffic and air pollution - as anyone will tell you trying to cross the Bath Road in the day time will confirm. I used to be able to drive to Gloucester in twelve minutes but it can now take 30 - 40 minutes due to increased traffic. A new senior school opening will mean constant traffic jams in the area at peak times. 350 houses will introduce a further 700 cars, and will completely destroy the village feel Leckhampton has always benefited from.

I strongly feel the council should concentrate on converting empty properties into accommodation for people to live in, and stop the mindless vandalism of building on every available green space.

2 Kenelm Gardens
Cheltenham
Gloucestershire
GL53 0JW

Comments: 5th October 2021
As occupants of Kenelm Gardens, we notice the vast amount of traffic on the Shurdington Road at peak times. We object strongly to the proposed plans for the building of 350 homes which will dramatically increase the density of traffic and pollution.

The plans to give access to schoolchildren are a sign of the lack of planning to the huge increase of traffic these plans will produce.

Flooding is an ever increasing problem globally, but especially for Hatherley Brook.

As a scientist I am devastated by the proposed eradication of flora and fauna in this area of natural beauty.

Our future is not about profit for builders but about consideration for the welfare of our children and their environment.

25 Pilley Lane
Cheltenham
Gloucestershire
GL53 9EP

Comments: 28th September 2021
I object to the Miller Homes application. This will be another car-dependent development because it is devoid of any infrastructure. This is essential for such a large development. It will be very close to another car -dependent development, namely Redrow Homes, also without any facilities, making a total of nearly 8oo houses without a shop, GP surgery or any other business. The nearest shops are in Salisbury Avenue, Morrison's supermarket or Bath Road shops, all too far to get to on foot. Climate emergency appears to have been totally forgotten. So much for encouraging people to walk or cycle. Traffic generated by these two huge developments and the new secondary school will be unsustainable.

A community is made up of residents of all ages with facilities that encourage people to 'stay local' such as shops, pubs and leisure facilities. A comment in a national paper recently said that community halls are integral to any village, town or neighbourhood. This development, however, will create a housing estate mainly for those residents who are of working age and who can drive to work or the shops. Older people will not want to live in an area where there are no shops or facilities they can walk to, hence this development will be divisive socially.

In January the late Minister for Housing said that the government was setting out to 'build better' He also said that we should aspire to pass on our heritage and our unique built environment, and to avoid the development of 'anywhere' places that have little connection to local character.

Within the application there are many pictures of local housing styles in this area of Cheltenham, some older style houses and some new builds. Materials used are mainly brick and stone, yet wooden cladding is widely seen as a building material in these pictures, which is totally inappropriate in this area, and would be more suited to a seaside resort. The street scene as an example of the development is totally devoid of any character. There are no hedges for birds to nest in and wildlife to thrive in. Instead there are rows of metal railings in the small front gardens with no room for much planting of flowers and shrubs.This produces a monochrome effect on a large scale. There should be a mix of wooden fencing, brick walls and railings, all part of a traditional neighbourhood. Grassy areas between and around the houses do not support much wildlife. Sadly, this will be just another 'anywhere' development to the detriment of Cheltenham.

11 Canterbury Walk
Cheltenham
Gloucestershire
GL51 3HQ

Comments: 16th September 2021
As residents of Canterbury Walk, Warden Hill, we are suffering from serious surface water flooding to our garden which had only started 2-3 years ago, i.e. when development started in Kidnappers Lane. We have been in the property 16 years. We would request that the Planning Committee please, please bear this in mind when considering this and any other planning applications and possible affects on the water table. This flooding is having a serious impact on

our lives and is costing us time and money and we are seriously concerned about the future and if this situation will only get worse.

4 Pickering Close
Cheltenham
GL53 0LE

Comments: 4th December 2021

I'm horrified by the amount of houses planned for Leckhampton.

I have lived in the area for forty five years and my house backs onto the Shurdington Road. Three times this year the apple tree in my garden has been surrounded by a lake of water and on one occasion the water got under the floor boards of the house and knocked out the electrics and warped the doors.

As my neighbours pave over their driveways and more and more houses are built the flooding situation will worsen.

I'm also very concerned about the increased traffic and air pollution – as anyone will tell you trying to cross the Bath Road in the day time will confirm. I used to be able to drive to Gloucester in twelve minutes but it can now take 30 – 40 minutes due to increased traffic. A new senior school opening will mean constant traffic jams in the area at peak times. 350 houses will introduce a further 700 cars, and will completely destroy the village feel Leckhampton has always benefited from.

I strongly feel the council should concentrate on converting empty properties into accommodation for people to live in, and stop the mindless vandalism of building on every available green space.

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2, Kerelm Gardens
Cheltenham
Glos.
GL53 0JW.

30.9.21

Re Miller Homes
Leckhampton

Dear Sir,

As occupants of Kerelm Gardens we notice the vast amount of traffic on the Shurdington Rd at peak times. We object strongly to the proposed plans for the building of 350 houses which will dramatically increase the density of traffic and pollution.

The plans to give access to schoolchildren are a sign of the lack of planning to the huge increase of traffic these plans will produce.

Flooding is an ever increasing problem globally, but especially for Hatherley Brook.

As a scientist I am devastated by the proposed eradication of flora and fauna in this area of natural beauty.

Our future is not about profit for builders but about consideration for the welfare of our children and their environment

Yours faithfully [redacted]

2 Vicarage Close
Shurdington
Cheltenham
Glos.
GL51 4TH

Cheltenham Borough Council
Planning Department
PO Box 12
Municipal Offices
Promenade
Cheltenham
Gloucestershire GL50 1PP

15 January 2021

Fao Ms Michelle Payne, Planning Case Officer

Dear Sirs
Planning Application Reference 20/01788/FUL. Miller Homes, Leckhampton.

I am writing to formally object to the above planning application. Whilst I have no relationship or association with Cheltenham Green Party, the reasons for my objection are encompassed in the consultation response from that Party.

As a responsible Authority you cannot possibly grant planning permission for this – or any other new build residential development – unless the developer enters into a binding obligation:

- Not to install gas central heating or any other gas serviced appliances.
- To provide solar panels on all roofs and charging points for electric cars.
- To provide ground-source or air-source heat pump heating systems.
- To provide grey water harvesting and storage, with plumbing to utilise the same.
- To provide enhanced thermal insulation far beyond the current inadequate standards.

I cannot comment on the case of need for these houses, but surely your Authority has an increasing obligation to put in place policies and incentives to encourage the redevelopment of brown field sites, and in particular change of use from retail/commercial development, as the town centre retail landscape is declining irrevocably.

Unless you are Climate Change deniers, you must know that all the foregoing is likely to become law within the next few years. It is irresponsible of the Authority not to take account of this now, by refusing this application, and advise developers to think again.

Yours faithfully

[redacted]

CC Cheltenham Green Party,

19, Collum End Rise
Leckhampton
Cheltenham
GL53 0PD
12.1.21

PLANNING
Rec'd 14 JAN 2021
SERVICES

To. CBC Planning
Municipal Offices
Cheltenham.

This letter has my comments & objections re the
MILLER HOMES PLANNING APPLICATION 20/01786/FUL.

1. Traffic Congestion.
Currently there is severe traffic congestion along Shurdington Rd. at peak times this can only worsen when the new school opens, because inevitably many parents will drive their children to and collect from school no matter what provisions are put in place for walkways and cycle lanes. To further add to this with the proposed building of 350 dwellings. (with probably 500 cars) can only cause further congestion.

2. Pollution levels.
Along Shurdington Rd. the current level of Fine Particles in the atmosphere exceeds the level of W.H.O guidelines with the knowledge that fine particles are a severe health hazard to all, but particularly to

children and a High Court Ruling recently in London that traffic pollution was the cause of death of a child, any increase in traffic air pollution should be avoided and particularly by many cars from a large housing development. Far more children because of the new school, will be exposed to toxic levels in pollution.

At the Moorhead Rd junction levels of NO_2 in the atmosphere are close to the permitted levels and further increases in traffic could breach the level permitted.

3. Valued landscape.

There are a few valued landscapes as defined by the Government, the view over Leckhampton fields being one of them. The Inspector of the J.C.S. stated that no building should take place on to detract from the value of the land and its value in ecology – the habitats of its wildlife and plants.

[redacted]

To Planning Miller Homes.

From [redacted]
19 The Lanes Leckhampton.

1. Ashiveing in Leckhampton Village For Over Fifty Years Renamed Leckhampton Town

2. A46 Shurdington Road. Traffic enter Both Road Sams. The Road not big enogh.

3. Polution, Above Goverment Targets.

4. This Develament Must not Goahead.

5. Plant the area with Trees.

NO GO

PLANNING
Rec'd 11 JAN 2021
SERVICES





80 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Tel:
Mob. Mail:

Dear Ms. Payne

Planning Application # 20/01788/FUL Shurdington Road

I wrote to you objecting to the above proposed development on behalf of 'Friends of Bournside' but this objection, is personal.

My main concern is the inevitable increase in flooding of Hatherley Brook that bounds my property this development will induce and the resultant damage to my property. In short, the water levels in the Brook have increased alarmingly over the past twenty years or so and the number of floods I have witnessed since the infamous floods of 2007, increase year on year. During 2020, to my knowledge the Brook flooded four times, further eroding my land, destroying flora and depositing ever larger amounts of debris on my property. Further the intensity and duration of these floods continues to escalate and the last flood we experienced on 26 December 2020 was the worst I had observed. The Brook, a once gentle stream turned to a raging torrent for over an hour and during that time swept away the flora and tons of topsoil in which it grew and part of a retaining wall. As the photographs below taken on 21 & 29 January 2020 show, what should, at this time of the year be a carpet of snowdrops, ferns and embryonic bluebells, is now a barren, clay base and will never be the same again. Consultants reports aside, this evidence alone illustrates the real effects of further upstream developments and must not be ignored.

We have tended this little haven of ecology for 50 years and overnight, it was simply swept away. This ecological damage is bad enough, but the land erosion is such that a large garden building, erected twenty-five years ago is under threat as the supporting land is becoming seriously eroded. I have enquired about civil work to flood-proof my land and have been advised that, given the restricted access to the brook, would run into tens of thousands to complete.

The point of this letter is not just to put on record the fact that continued upstream development over the past twenty years or so, has increased the volume of water in Hatherley Brook and the consequential flooding is causing substantial damage to my property, but to draw your attention to the 'Flood Risk Assessment' published in support of this further application, that like others in previous applications, has played down the inevitable result that more development has on downstream properties. The report is riddled with theory, assumptions and statistical probability but simply does not state the blindingly obvious, that upstream development increases the threat of downstream flooding. That coupled with climate change produces

inevitable risk of flooding, a fact was clearly pointed out to me by the Environmental Agency following the notorious 2007 floods.
The notion that constructing a small 'pond' may well prove effective in protecting the proposed development against flooding but to assume that this will have any effect downstream, where probably thousands of gallons per minute are flowing during high water, is fanciful.

Incidentally the report published on your website has the appendices redacted and this is a serious omission. It may have been an error but if it wasn't, it raises concerns about why this data was not published.

Turning to the Flood Risk Assessment, the stated objectives of the report are:

- *whether a proposed development is likely to be affected by current or future flooding from any source.*

- *whether it will increase flood risk elsewhere.*

- *whether the measures proposed to deal with these effects and risks are appropriate.*

- *The evidence for the local planning authority to apply (if necessary) the Sequential Test, and;*

- *Whether the development will be safe and pass the Exception Test, if applicable."*

There is much that can be challenged in this report on the basis of empirical evidence. It is an axiom that massive upstream development dramatically increases the volume of water in Hatherley Brook with consequential downstream flooding, despite soothing assurances to the contrary. For example, the author states:

"The proposed surface water drainage system will ensure that the development does not increase flood risk downstream, and that the quality of surface water discharge is high. The rate of run off from the Site in all rainfall events up to and including the worst climate changed 100-year event shall be reduced as a result of the development, principally due to the volume of surface water storage that will be installed between the development's surface water collection system and the watercourses. This will help to reduce fluvial flood risk downstream of the Site."

This observation is directly at odds with not just the facts, established by almost daily observations over fifty year but is also at odds with the Environmental Agencies position that upstream development and global warming will increase flooding downstream. Following the 2007 floods, I asked the Agency, given this knowledge, why further development, was permitted to continue. Their response was that they could only act in an advisory role and had no powers of statutory enforcement. One would assume that the Environmental Agency have some input into the development process and if they do, one is entitled to ask the question why the expert view of a government agency charged with the task of protecting the environment, is subjugated by a highly partisan report commissioned on behalf of the Developer?

It is also worth pointing out the emphasis put upon: *'The rate of run off from the Site in all rainfall events up to and including the worst climate changed 100-year event'*.

The report is undated as far as I can see but I assume it was drafted in 2019 or 2020. After the 2007 floods the Environment Agency labelled the flood a 1 in a 100-year event. I have lost count of the number of 1in a 100-year events that have ocurred in the intervening years! During 2020, to my knowledge the Brook at my premises flooded four times.

The report goes on to say:

"Changes to Groundwater Levels
Significant changes to ground water level may have the potential of compromising low land areas where significant level changes are identified."

This acknowledges, what again if obvious, that significant changes to groundwater levels will compromise (for that read 'flooding') low land areas. Since the huge developments in this area 'significant' level changes have indeed been identified. I cite what was considered 'highwater levels following high rainfall some twenty years ago. At my property, being some 1.5 meters wide by 1,5 meters deep would have been considered very high water. On 26 December the Brook in flood measured 8.5 meters wide by 3.5 meters deep. If this is not considered a 'significant' change, I am at a loss to know what is.

Another significant factor to consider is that the development of a large school in this area has been given the go ahead and work is underway. Again, no consideration was given to the downstream effects and this is already having severe effects on the volume of water being channelled into Hatherley Brook and the damage it is inflicting on my property, and indeed it is on my neighbour's properties is marked. A further large housing development will be catastrophic.

Anecdotally, fifty years ago, every day of the year we stepped across, what we referred to at the time as 'the stream' to take the dog for a walk in the fields that used to be at the rear. The photograph below, taken at 15:00 hrs today, 28 January shows the spot where we crossed. It would be most difficult, I suggest, to step across this without wearing waders and the dog would have to swim across! The point is that the recent rainfall has not been unexceptional. Further, it had not rained during the day, yet this is what we have become conditioned to accept is 'he norm'. Climate change aside, the only other factor contributing to this dramatic change is upstream development

Clearly, the need for housing is real, but provision of such should not knowingly result in the destruction of existing properties. The evidence that more development around the course of Hatherley Brook will cause further damage to my property is clear and unequivocable. The case put forward by the Applicant is based on theory, speculation and modelling and should be viewed as such. As I pointed out above, previous Flood Surveys utilised similar methodology to assess flood risk downstream and have all been shown to be plain wrong. Should the above application be approved in the face of this knowledge the Planning Authorities and Developers will be culpable and I will hold them jointly and severally responsible for any consequential damage that occurs.

I do hope common sense and pragmatism is exercised in this matter and the application is rejected.

Yours sincerely



This should have been a carpet of snowdrops, ferns and emerging bluebells by this time of the year. 50 years of nurturing, wiped out overnight on 26/12/2020. No topsoil left at all.



Barren clay. Alll the topsoil, bulbs, ferns, washed away



At this spot in 1970 we used to step across 'the stream' with two small children and a dog most days throughout the year, to walk in the fields. This photo was taken 29 Jan 2021 after light rain. To cross today, would require waders, and the dog would need to swim! If a child fell in, it would be swept downstream. One can see by the waves that even in calm conditions the velocity of the water is significant. In flood it is a raging torrent.



Remnants of a bank retaining wall washed away on 26 December 2020.



The night of 26 December 2020. Hatherley Brook in full flood. Submerging bridge. 8.5 mtrs wide x 3.5 mtrs deep. This flood raged for over an hour and left devastation in its wake, sweeping away flora, topsoil and part of a retaining wall. Imagine the effect that the new school being built and some further 350 houses, roads etc being constructed will have!

[redacted]

Planning Dept
Cheltenham Borough Council

PLANNING
Rec'd 15 MAR 2021
SERVICES

84 Farmfield Rd
Warden Hill
Cheltenham
GL51 3RA

12th March 2021

Dear Sir or Madam

Re: MILLER HOMES APPLICATION / REDROW HOMES APPLICATION

Firstly, apologies for the "hard-copy", but my computer is broken and in repair.

I would like to register my objections to both of the above-mentioned developments. I feel they are totally unnecessary and money-making developments (just like the ones which have destroyed greenbelt land on Church Lane (and which are a total eyesore). These other two will destroy yet more lovely countryside, today to provide yet more totally uncalled-for "executive" homes, as if there aren't already enough of them in and around Cheltenham. The impact of any new-build around the local area will be enormous. Traffic levels in the Shurdington Road / Warden Hill (and feeder roads) are already chaotic, polluting and congesting. We will already suffer the extra loading by the construction then completion and use of that new school on Kidnappers Lane, not to mention the rebuild of that junior school in Durham Close. We already have to put up with non-stop, speeding traffic along our local roads, especially mine, from the school and the short-cuts taken for the "school run" and associated parents' parking! These two proposed developments will just further add to the chaos and congestion.

Nobody in any council (especially Cheltenham) seem to care about the environment, but give plenty of lip-service to it. Money talks and seem to be the only thing that matters. There are plenty of brown-field sites to build on for the benefit of precious, "hard working" executives - or would these sites be too lowly for them?!!

I really hope these two developments do not go ahead, but I've no doubt the developers will get their way in the end!

Yours faithfully

[redacted]

PLANNING
Rec'd 11 JAN 2021
SERVICES

98A Shurdington Road
Cheltenham
Glo'shire
GL53 0JH

7 January 2021

To
Cheltenham Borough Council
Planning Department
PO Box 12
Municipal Offices
Promenade
Cheltenham
Glos
GL50 1PP

For Attention of Miss Michelle Payne (Planning Officer)

Dear Madam

Planning Application no 20/01788/FUL - 350 Houses Shurdington Road Cheltenham - Formal Objection

I wish to register my **Formal Objection** to the above Planning Application for the following reasons:

1. **350 new houses** close to our homes is **against all recent Official Decisions**, when the Maximum Level was decided at 200 new homes at this location.

2. The new development will result in the **loss of nearby valuable and enjoyable countryside and the destruction of natural habitat/wildlife.**

3. **Traffic on the Shurdington Road** is already near Maximum levels and the extra homes planned and being built (at Brockworth and also on various locations on this Shurdington side of Cheltenham) plus the new secondary school - will only increase the tail backs, road dangers and associated levels of Pollution. I have first hand daily experience of the current traffic problems on the Shurdington Road.

4. **Flooded areas** are already of local concern and the building of 350 nearby new homes could easily increase this problem.

5. The plans also include a **Toucan Crossing** right outside the front of my neighbour's bungalow home (104 Shurdington Road). This will obviously result in a Breach of Privacy, an Increased Risk of Security problems, as well as additional Pollution from vehicles stopping and starting. I do not feel this crossing is necessary at this position.

This is the **same location** that only a few years ago, there were proposals as part of an earlier Planning Application for a **new Bus Stop and Lay by**.

Following significant public concern the Applicant **withdrew** this Bus Stop issue - with the support of Cheltenham Borough Council and the County Council Highways.

I ask that you give all my comments your full consideration.

Thanks

From

98 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

20 Nov 2020

Your Reference 20/01788/FUL Miller Homes 350 Houses

Sir,
you will note that because of the COVID restrictions any public consultation is currently severely limited. Therefore, I believe it to not be in the public interest to close public opinions less than 30 days after the Government lifts the rules for the public. Which may or may not be 2 Dec.

The traffic situation in the area is **"severe"** with long delays and, over used rat runs, buses held in traffic, non-existing cycle paths, few footpaths, and no direct links to rail services. Indeed, the Shurdington Road serves as the Southern arterial road to Cheltenham.

The 2016 the Secretary of State concluded: "sections of the highway network which are **already operating at over-capacity** levels". The Secretary of State **"severe"**.

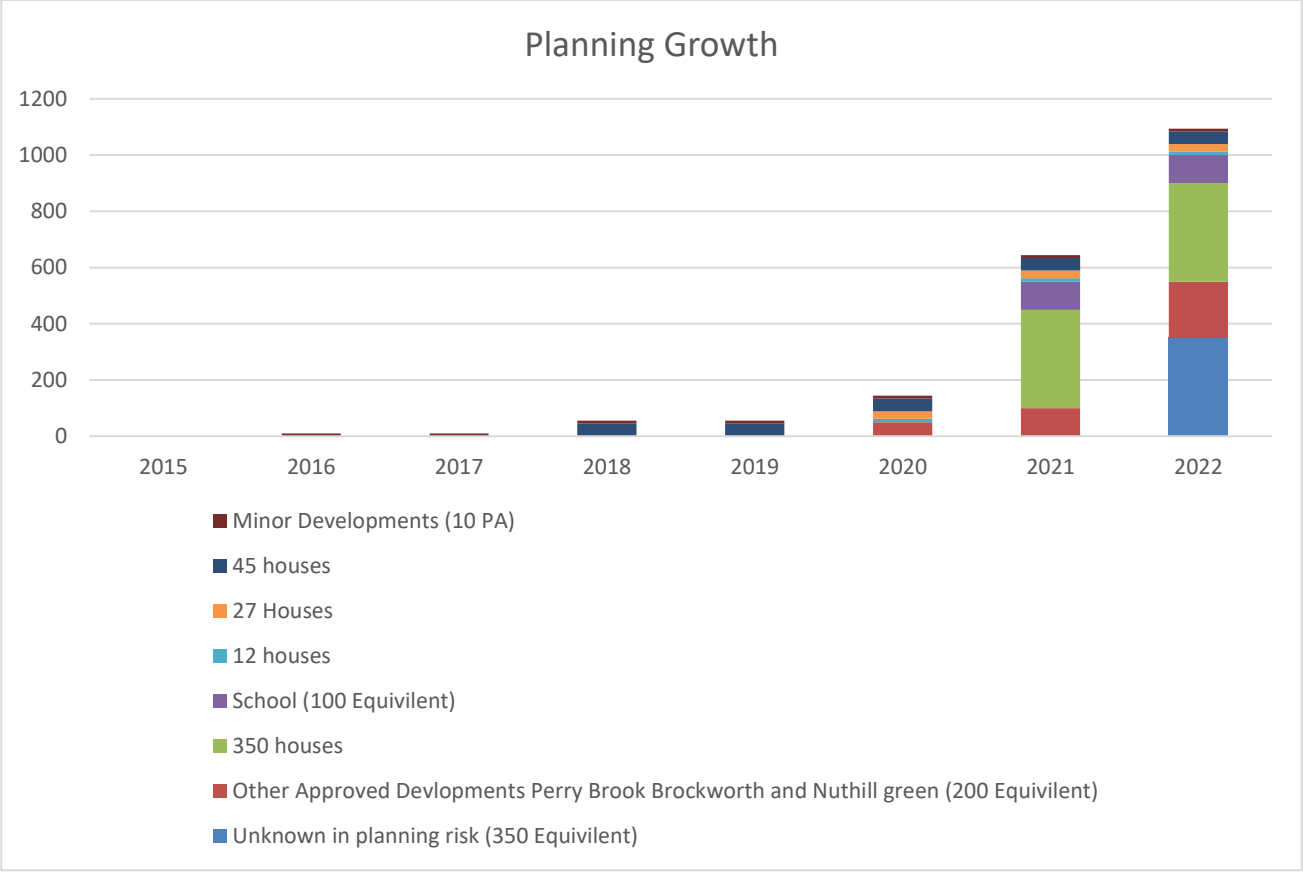
The 2020 Appeal concluded:

> **50.** The 2016 appeal decision has been highlighted by interested parties, within which the Secretary of State concluded amongst other matters that those proposals would contribute to a severe impact on traffic within a wider area of Cheltenham. However, the 2016 appeal comprised a significantly larger mixed-use scheme including up to 650 dwellings and commercial uses. As such it is not directly comparable to the current proposals. Conversely, it is noteworthy that the Inspector for the 2018 appeal (for 45 dwellings) was satisfied that any increase in traffic would not result in any significant effect on highway safety.
>
> **51**. Cumulative traffic impact with the nearby emerging allocation MD5 has been cited, however, the Traffic Assessment for the secondary school application is not before me in the evidence, and I was informed at the inquiry that consideration of the traffic impact of the school proposals is ongoing.
>
> **52**. I note the lack of objection from the Highway Authority subject to conditions, including measures to improve visibility and provision of a footway to connect the site to the edge of Cheltenham. Whilst there would be no direct access to public transport from the appeal site, there are bus stops with frequent services between 10-13 minutes' walk

away which lead to the centre of Cheltenham and beyond19. This is a reasonable distance to make public transport a viable alternative to use of the car for some residents.

53. In view of the above I have no reason to reach a different conclusion to the previous Inspector in the 2018 appeal nor the Highway Officer's comments that the proposals would not result in an unacceptable impact on highway safety nor would the residual cumulative impacts on the road network be significant.

Thus, with traffic at "Severe" in 2016 as baseline and using a simple comparison to the how the traffic would be expected to increase/decrease the growth looks like:



Thus by 2022 the traffic plan needs to reduce the flow by the equivalent of an estimated 1000 houses to reduce the traffic below "Severe". With no agreed plan for the area the Secretary's view should remain valid.

The Gloucestershire Connecting Places document was last reviewed in 2017 and has no mention of the "Severe" nature of Traffic in the area. It has this road as an urban link! Whereas it is the Southern arterial road the Cheltenham. The only comment was to Highway improvement A46 (Shurdington Road) corridor, Cheltenham but not a priority!

https://www.gloucestershire.gov.uk/media/2227/11-pd-4-highways-nov-2017.pdf

The Cycling and Walking plan seems to avoid this area completely.

https://www.gloucestershire.gov.uk/media/2095888/cycling-and-walking-infrastructure-plan-v2-20200806.pdf

The Connecting Places strategy also seems to avoid this area completely. Not Severn? not Tewkesbury?

https://www.gloucestershire.gov.uk/transport/gloucestershires-local-transport-plan-2015-2031/connecting-places-strategies-cps/

My last comment on the specific proposal is that is largely a good plan but fails to link to any network. I present my own study into footpaths in the development area please see attached.



This is a photo Oct 2020 of the main footpath from the A46 to Leckhampton Hill via the Church. It lays adjacent to the 350-house site. This route will be the shortest route from the school, to the Town Centre, The Park Campus and Bath Road.

Therefore, I cannot support these proposals because:

The traffic is the area is classed as “Severe” and no effective plan has been presented to reduce that state. Whilst the on-site proposals are good, they don’t connect to any footpaths or cycles paths which meet the any standards required. This whole area of Cheltenham needs to be upgraded but I was unable to find a coherent plan form Gloucestershire Council, Tewkesbury or Cheltenham.

Yours Sincerely

FOOTPATHS SOUTH CHELTENHAM

Alan Bailey
Lechampton Resident
Nov 2020

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INTRODUCTION

The COVID 19 outbreak of 2020 gave a new need for local footpaths as many people needed to exercise from home without using public transport. Having recently moved to the area this provided the opportunity to explore Cheltenham, Lechampton, Pilley and Warden Hill and the town centre.

It has long been a ***stated aim*** of the Government and County, Town, and Parish Councils to improve the provision of alternative forms of transport! As the public emerged form lockdown, the planning authorities began to look at improving the access for pedestrians and cyclists.

Prior to the outbreak I became involved in two planning applications which both described the ***network of footpaths and communications as excellent.***

It quickly became obvious that the footpaths around the area were far from excellent. Indeed, they were non-existent and poorly maintained.

Having always been a fan of "management by walk about". Then need to exercise daily gave the opportunity to visit and record some 100 miles of footpaths. The Journeys ranged from 2 to 9km of circular walks around the South of Cheltenham.

This report aims to identify areas of concern and encourage the planning authorities to accurately assess the claims of developers. The application must consider the wider need to join up developments with the current infrastructure or implement changes in the infrastructure to meet up with developments..

DEFINITIONS

For the purpose of this document a Footpath goes from A to B a pavement runs beside a road. Many estates are planned single ended so that pedestrians and cyclist need to follow the road.

This document concerns only Urban paths not country walks

Whilst many footpaths are good to the centre of Cheltenham.

Examples of bad or no connection are:

- Lechampton to Railway station
- Lechampton to Warden Hill
- Warden hill to Bath Road
- Shurdington Road to Charlton Kings

LEGISLATION

Highways Act 1980 and use of Access Land under the Countryside and Rights of Way Act 2000 requires that the Local Authority maintain footpaths and Rights of Way. In this area that duty would seem to fall on the Gloucestershire Councils Highway department.

The same Highways Department is required to examine all planning applications thus must agree or disagree with developers' comments and therefore a conflict of interest arises.

Local Authorities are required to authorize any move or closure of roads or paths.

Thus, there is a statutory requirement to:

- Maintain footpaths.
- Manage the move or close of footpaths.

  Public rights of way can only be moved or closed for one of the following reasons:

  - it's necessary to allow development (if planning permission has been granted)
  - the diversion benefits the landowner/occupier
  - the diversion benefits the public
  - the path is not used by the public (closure only) - these circumstances are rare and very difficult to achieve

  When diverting or closing a public right of way, any alternative or new route/path should be just as convenient for the public as the existing path.

STANDARDS

There are numerous technical standards for footpaths and rights of way. This paragraph details the public and my "expectations" as a minimum.

SAFETY

The path should be clear such that any individual can walk with risk from objects, trips or toxic plants.

The risk should be assessed from ground level to the sky. Any overhangs should be at least 2m above the path.

Lighting should be a must where the more vulnerable are expected to walk as an accepted route within a community.

The safety of the less able should be a priority.

SIGNAGE

If footpaths are intended to be used as a route all paths should be clearly marked. To identify the destination route.

All closures should be clearly marked from all access points.

All diversions should be clearly sign posted from the furthest point of entry.

All the information should be considered a public notice and be available on the authority's media pages.

ACCESS

Ideally there should be free access for all.

Any upgrade must consider the less able.

Where animals could be penned there should be gates or stiles to control entry.

Country code signs must be available at all entry points. To clarify, litter, dogs and keeping to paths etc.

CURRENT STANDARD AS ENCOUNTERED

ENCROACHMENTS

Many property owners have encroached onto the highway (footpaths). Which include:

- Fences being moved to benefit the house owner, maybe more than once.
- Fences collapsing onto the highway.
- Overgrown trees bursting onto the footpaths.
- Footpaths being moved.

Maps show that there was a footpath across the field where Warden Hill School was built. That path is closed and managed by the school. It is the only path connecting Warden Hill to the Park. A very questionable decision probable encroachment by the Council on a Public Right of Way.

THE NEEDS OF THE LESS ABLE AND SAFETY

Few footpaths met any needs of the less able.

Parking was a challenge and a risk to all users.

As were refuse bins some industrial bins blocked footpaths completely.

CYCLE PATHS

I have not considered cycle paths but the situation seems confused some of the main parks had clearly marked cycle paths, most streets had none, the footpaths were confused on Up Hatherley there are 3 cycle paths 2 on the road and one on the pavement. Safety issues forces cyclist to use foot paths.

Electric scooters are being used with no education of the public as to what is permitted and what rights these have/ I assume the "operators" are training those who use them.

Management and Maintenance

Public rights of way were closed by the Council without the provision of a diversion suitable for those on foot. The public footpath in Pilley Bridge Nature Reserve has been blocked so there is no through route. The Bridge has been ***temporarily*** closed for over 10 years. The closure order posted was Out-of-Date, and the signs were missing at the start of one end of the diversion. It is a long pedestrian diversion.

Maps show a footpath along the top of the Pilley embankment but that is now gone.

The footpath routes over the railway at Hatherley were closed with no signs and no diversion, the diversion needed was miles.

Footpaths were closed by landowners and moved by landowners.

MAINTENANCE

The planning applications I examined stated that footpaths and waterways be maintained but they did not say whether these would be privately funded?

PLANNING APPLICATION AND COUNCIL APPROVAL

EXAGGERATED STATEMENTS:

Planning applications included statements which were just throw away lines.

For Example: *"Transport links from Kidnappers Lane to Cheltenham Railway Station are* ***excellent****"*. When actually, there are few cycle tracks, no transport links, and its along way to walk, The Number 10 bus can be delayed by one hour at peak time. Reports such as these should be rejected until the statements are evidenced.

Planning Approval implies the Council have agreed to maintaining, paths, road, streams, parks and flood protection but do not seem to change to Councils Plans and budget cuts. Indeed, I believe these requirements are being accepted without financial scrutiny.

When applications state that roads, cycle paths and footpaths will be provided. Then they should link to the Councils transport plans.

Conclusion

I have examples to support all the statements above, but my aim is to highlight the need to join up development with the infrastructure to supports them.

In my opinion, the standard of roads, footpaths and cycle paths in the South East of Cheltenham, including, Shurdington, Leckhampton, Pilley, Warden Hill and Charlton Kings, Varies from poor to non-existent.

My view is that the current infrastructure in this area of Leckhampton, Warden Hill, Pilley and Charlton Kings cannot support these planned developments. Planning Officers must be more critical in the acceptance of reports. Wild statements are worthless to the public or the planning authority.

I have not covered Road Transport as The Secretary of State the has stated that there is a severe traffic problem.

FOOTPATHS SOUTH CHELTENHAM

Lechampton Resident

Nov 2020

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Conclusion

I have examples to support all the statements above, but my aim is to highlight the need to join up development with the infrastructure to supports them.

In my opinion, the standard of roads, footpaths and cycle paths in the South East of Cheltenham, including, Shurdington, Leckhampton, Pilley, Warden Hill and Charlton Kings, Varies from poor to non-existent.

My view is that the current infrastructure in this area of Leckhampton, Warden Hill, Pilley and Charlton Kings cannot support these planned developments. Planning Officers must be more critical in the acceptance of reports. Wild statements are worthless to the public or the planning authority.

I have not covered Road Transport as The Secretary of State the has stated that there is a severe traffic problem.

From

98 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

18 Nov 2020

Your Reference 20/01788/FUL Miller Homes 350 Houses

Sir,
you will note the because of the COVID restrictions any public consultation is currently severely limited. Therefore, I believe it to not be in the public interest to close public opinions less than 30 days after the Government lifts the rules for the public. Which may or may not be 2 Dec.

In relation to Flood Risk:

My concern expressed at the 19/00334/OUT tribunal is that the combination of these proposals severely increases the flood risk to a brook which floods once or twice a year and is currently subject to the collapse of footpaths downstream of the A46.

Our house is awfully close to the Zone 3 at the culvert. All of the following developments develop nearly all of the land East of the A46, land which has low permeability.

If these are to be individual schemes who will maintain them as the brook East of the Road appears not to be maintained?

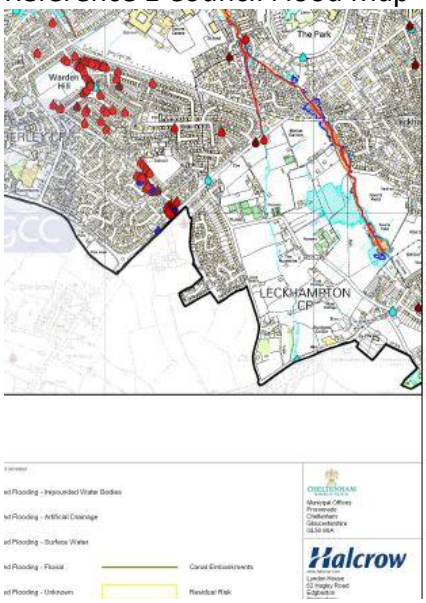
The Flooding implication of all of the following must be considered together.

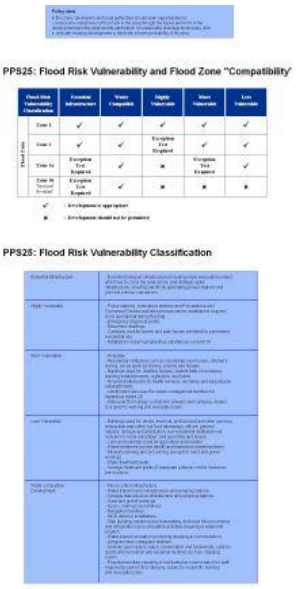
- 20/01788/FUL Miller Homes 350 Houses Between A46 and kidnappers lane
- 19/00334/OUT 27 Homes Kidnappers Lane
- 19/01690/DEEM3 Lechhampton School
- 20/00332/FUL Burrows Playing Field Footpaths
- 19/02303/OUT 12 Homes Bovis Homes Ltd
- Burrows Playing field astro turf pitches are being added.

Council policy clearly says that if the risk to properties downstream are at risk they must be refused. We lay downstream! as does Council Properties!

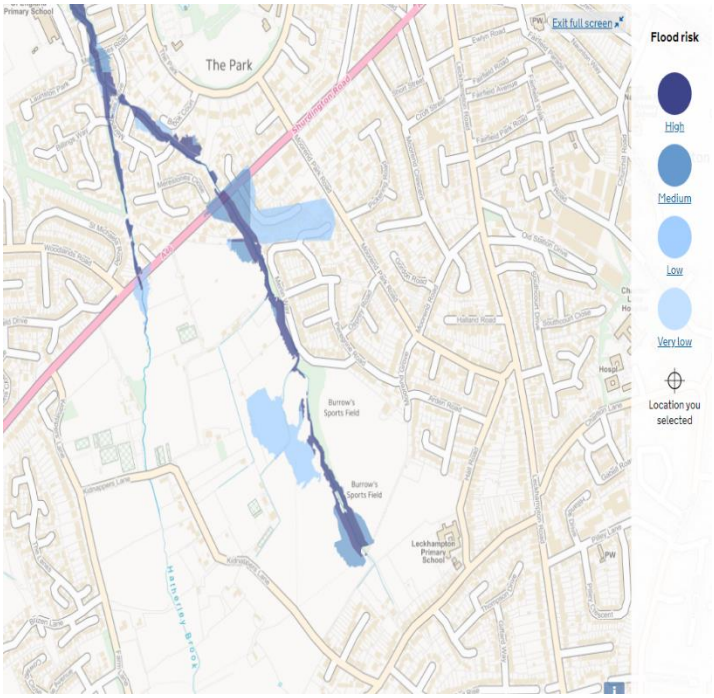
1. The subject application has **a very optimistic flood map** when compared in detail to the Council Flood Zones.

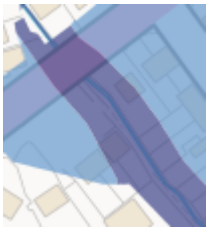
Reference 1 Council Flood Map





Reference 2 Environment Agency Map and Close up 94 Shurdington Road





2. All of the schemes are best guesswork and do not take into account Global Warming.

This was the Gloucester Council warning Oct 2020.

*"**Gloucestershire 'danger to life'** warning extended into Sunday as torrential rain from Storm Alex set to bring flooding"*

The wettest October since at least 1797 was recorded last month with some 159.2mm collected, 238 per cent of average. The month started wet with the daily October rainfall record also broken with 49.1mm on the 2nd, **the wettest day ever recorded in the UK**.
Winchcombe in the Cotswolds had also the average rainfall throughout in October in the first few days of the month. Fortunately for us that was Winchcombe!



Foot path and land next to Hatherley Brook 2020. *See also developers quote **"Excellent network of foot paths!"***

3. Maintenance all of these planned schemes must be mandated, in particular as it is in 19/00334/OUT tribunal conditions.



Maintenance is not carried out and thus the Culvert floods. No clearance has been carried out in 2020.

As shown by this photo. Of the entrance to the culvert. The foliage dies back and blocks the culvert.

4. Damage down stream

The Brook behind Merestones Close has collapsed and has been subject to many repairs.
The flood defences cannot cope now, so any development upstream will increase the risk.



I also find it difficult to understand why there was not a broader public consultation on the Application 19/02303/OUT. To quote the Parish Council, *Which leaves many question unanswered?*" The Planning Authority was clearly aware of the sensitivity of developments in this area and yet notification seems scant.

Lastly, now is the time to address all 6 development against a common plan. My view is that if there is to be adequate SUDs schemes that will need to be a larger scheme the Millar Homes site downstream of all these developments. Thus, approval now risks no space for any flood scheme in the future.

Yours Sincerely

From

98 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

24 Jan 2021

Head of Planning (Mr Mike Holmes)
Cheltenham Bourgh Council
Municipal Offices,
Promenade,
Cheltenham,
Gloucestershire,
GL50 9SA

Your Reference: 20/01788/FUL Miller Homes 350 Houses

Objection – No High-Level Plans in Place

Sir,

Since I have received no replies to my earlier communications I wish to object to 20/01788/FUL Miller Homes 350 Houses.

In my view, at least 6 applications seem to have been considered without the high-level plans being in place as required by the NPPF.

As per my comments below I believe that the NPPF requires that plans be in place covering Flooding and safeguarding land, high-quality sustainable transport links and social and leisure amenities.

It would also seem impossible to deliver a Community Plan unless overarching plans are in place.

Your Sincerely

Strategic Plans Nation Planning Policy Framework (NPPF) suggest that planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

1. Whilst strategic plans are in place for the area around the new Cyber Park I could not find any for Leckhampton and Warden Hill, Shurdington and Brockworth (A46 Corridor) except for the park and ride. Whilst all the NPPF provisions are important the main strategic provisions should be.

Strategic Plans the Nation Planning Policy Framework suggests high level plans should be in place this is the information found relating to the area in question Cheltenham A46 corridor:

	Transport (102 -111)	Utilities / Sewers	Green spaces (91- 98)	Strategic SuDs (157(b))	Social Assets (91 – 98)
20/01788/FUL Miller Homes 350 Houses Between A46 and kidnappers lane	No plan Identified	Area sewers maybe at capacity	Too Small, current Green space at capacity, must make provision for all of the community.	None	None found
19/00334/OUT 27 Homes Kidnappers Lane	No plan Identified	Area sewers maybe at capacity	Too Small, current Green space at capacity must make provision for all of the community.	None	None found
19/02303/OUT 12 Homes Bovis Homes Ltd	No plan Identified	Area sewers maybe at capacity	Too Small, current Green space at capacity	None	None found
19/01690/DEEM3 Leckhampton School	No plan Identified	Area sewers maybe at capacity	Too Small current Green, space at capacity	None	None found
20/00332/FUL Burrows Playing Field Footpaths	No plan Identified	Not required	Too Small, current Green space to capacity and more sports facilities required.	Upstream	Not Required
20/02028/FUL Burrows Playing Field Drainage	NA	NA	Essential to plan	Upstream	Increases flow into river

A main planning condition that has been applied and required by the NPPF the requires a SuDs **lifetime** management. Currently, it is believed that this planning condition cannot be met by any of the schemes:

- Because Authority policies are not in place.
- Authorities will be reluctant to accept the cost of ownership and global warming is an unknown.

Dynamic Suds Management Plans

	Planning Condition	First 5 Years	Lifetime	Adoption Plans	Notes
20/01788/FUL Miller Homes 350 Houses Between A46 and kidnappers lane	Lifetime plan Requested	Expected	??	GCC – No policy CBC – FOI question - No Parish - Not known Private - Not known Severn and Trent - No	
19/00334/OUT 27 Homes Kidnappers Lane	Yes, Lifetime plan Required	Expected	??	GCC – No policy CBC – FOI question - No Parish - Not known Private - Not known Severn and Trent - No	
19/02303/OUT 12 Homes Bovis Homes Ltd	Lifetime plan Requested	Expected	??	GCC – No policy CBC – FOI question - No Parish - Not known Private - Not known Severn and Trent - No	
19/01690/DEEM3 Leckhampton School	Yes Lifetime plan Required Condition 14	?	??	GCC – No policy Parish - Not known Private - Not known Severn and Trent - No	
20/00332/FUL Burrows Playing Field Footpaths	None	Parks Department?	??	Parks Department?	If the plan to install drainage is implements Planning and SuDs would seem to be required.

Before adoption, the public needs to know the cost of ownership and statement from the CBC Asset Management Team that they are prepared for the cost of ownership.

Requires that Strategic Planning takes plan before development.

11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of **their area**, and be sufficiently flexible to adapt to **rapid change**;

The developments within Leckhampton are defined in the JCS by Plan A7 which covers the whole of the Southern area of Cheltenham. However, current strategic planning strategy only covers the developments around the planned cyber park. If the 400 Leckhampton Houses are to be included, then the **Strategic Plans** must cover the area of Leckhampton.

All development should be employment led; delivery of housing must be in tandem with employment development. What employment area is targeted with these 400 houses in mind? Until that is defined you cannot plan the transport routes.

Measures necessary to mitigate the traffic impact of the site, including the use of travel plans to encourage the use of sustainable transport modes.

If the "400 house" employment objectives include the "Cyber Park" There are no cross-town bus links to Cyber park, or railway station. The sustainable route via Up Hatherley is "muddled" and incomplete.

If the employment target is elsewhere. Currently, the Transport plan does not include any plans for South Cheltenham (A46) and there are currently no "Sustainable routes" through Leckhampton. (See Footnote)

Land has been safeguarded for a Park and Ride at Brockworth, but no Strategic Plans are available for the (A46) corridor and no land has been safeguarded to create the sustainable links require to make a Park and Ride work. No land has been identified for any new relief roads or cycle track or bus tramways.

High quality public transport facilities and connections within and adjacent to the site. No plan for Leckhampton and Warden Hill, no cross-town routes or to transport links. "High quality" of routes is defined by GCC. See footnote[1]

Safe, easy and convenient pedestrian and cycle links within the site, to key centres and with neighbouring existing development and the wider green infrastructure network; No plan for Leckhampton and Warden Hill and there are no "High Quality" links to key centres.

The acceptance by Cheltenham Borough Council of the 400 houses needs comprehensive masterplan and development strategy for the Strategic Allocation, A master plan is required for Leckhampton and Warden Hill. Set within the context of the safeguarded land at West Cheltenham, which includes' the need for "Social and demographic services" for some 2600 new residents in area A7. The plan needs to be mindful of the massive developments at Brockworth and Shurdington thus strategic JCS is required.

[1] Note: Roads, Cycle routes and footpath must comply with Manual for Gloucestershire streets - Highways

The NPPF references.

157. All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property.

They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test as set out below;

b) safeguarding land from development that is required, or likely to be required, for current or future flood management.

The land to the East of the A46 is a source of the River Severn. Any development of the land runs the risk of changing the course of the river. Whilst the SuDs plans for each site consider the rainfall on the site and may individually manage the water from those sites. It **does not** consider the above and below ground flows of the river. Any development running North South will act as a dam. Thus, to mitigate flooding including that required to mitigate global warming land should be safeguarded on the land adjacent to the A46. (Which is the land currently earmarked for development.)

The Planning Approval for each of the development must include a management plan for the Lifetime of the SuDs system. The developers have a limited plan. But the CBC has no policy and there is not legal requirement for Severn and Trent to take them on and they currently do not. So, a strategic plan is required for the Maintenance of the SuDs.

Change:

The area A7 and its associated objectives do not align, leaving no objective strategies for Leckhampton 400 House and the A46 corridor. The addition, of Leckhampton School has further complicated the challenges. The NPPF requires that there be strategic plans for the development area

It particular:

- Social Development - (Primary Care & Commissioning Services has a new Leckhampton Surgery in its plan where is this in The Strategic Plan?), Sports and Leisure? See Annex A
- Transport
- Flooding

Given that the NPPF requires that Plans must be subject **to rapid change** and the LPA can change them I would be in favour of this development if such plans were in place. However, it should not get planning approval because the area needs to be safeguarded for future SuDs requirements.

NPPF. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. I would take the view that given the area of the 400 houses is not defined and there are not strategic policies in place the 400 houses be removed from the allocation until the various strategies and safeguarding takes place as recommended by Inspector Ord.

The need for rapid change of plan. COVID 19 and Page 296kdowns have and will cause a massive shift in emphasis:

- The need and added importance of Green space.
- The nature of traveling to work and the need for infrastructure to support that. Coronavirus and the latest indicators for the UK economy and society - Office for National Statistics (ons.gov.uk)
- Working from home.

If the 400 houses are removed there remains a need for strategic planning in particular flooding.

I would like to add for the record that local authorities and lockdown have hampered the collection of evidence on which to present a fully objective case.

Annex A

Demographic Chart for 1100 houses (does not include Shurdington and Badgeworth etc.)

Age	2018	Number of	People per	
	UK	Houses	House	Total
less than 19	23.00%	1100	2.4	608
19-64	57.00%	1100	2.4	1505
over 64	20.00%	1100	2.4	528
				2641

	WFTA	WFTA	Local
Services	Percentage	Population	People
Doctors (NHS)	100.00%	2641	2641
Dentist (NHS)	50.00%	2641	1321
Pharmacy	80.00%	2641	2113
Childcare	10.00%	2641	265
Infant School	20.00%	2641	529
Primary School	35.00%	2641	925
Secondary School	30.00%	2641	793
Special needs	5.00%	2641	133
Care Homes	10.00%	2641	265
Emergency Services	100.00%	2641	2641
Multi faith pastoral care	40.00%	2641	1057
Social Services	10.00%	2641	265
Leisure (public inc swimming)	50.00%	2641	1321
Recycling facilities	100%	2641	2641

WFTA (Wet finger in the air)

Inspector Ord's report findings

103. I indicated in my Preliminary Findings, that I was minc
both of these allocations sound, at least in part. This remains my view for North West Cheltenham, albeit with some reduction in housing numbers. With respect to Leckhampton, I take the view that the housing numbers should be substantially reduced, bringing it below the JCS threshold for strategic allocation within the JCS. I am therefore recommending its removal from the JCS. I shall now consider each proposed allocation in turn.

100 Shurdington Road
Cheltenham
GL53 0JH.

Cheltenham Borough Council
Planning Dept
PO Box 12



7-1-21.

Planning Application 20/01758/FUL -
350. Homes at Shurdington Road. Chelt.

I object to the above planning App:

1. Traffic on the Shurdington Road is already nose to tail at times, what with the New School the traffic will only increase, at the present time its very very difficult to get across the road from 100. Shurdington RD.

2. The maximum No of New Homes was 200, now its 350 (what).

3 The countryside will be sliced to bits the Badgers, Deers which visit us weekly will all be destroyed

4 Floods will add to the already very wet areas, more houses will only increase This -

(2)

5. Toucan Crossing outside 104 Shurdington Road, will only add to traffic and pollution.

Please give the application your full consideration. Thank you

[redacted]

100 Shurdington Road,
GL53 0JH

7/1/21

100 Shurdington Road
Cheltenham
GL53 0JH.
1-1-21.

Cheltenham Borough Council -
Planning Dept.
PO Box 12

PLANNING
Rec'd 11 JAN 2021
SERVICES

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M32B160AV5E D32B160B43U Page 2 of 2 / 0000135 / 0000550

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100. Shurdington Road.
GL53 0JH.

7/1/21.

M32B160AV5E D32B160B43U Page 2 of 2 / 0000135 / 0000550

To
Mrs. Michelle Payne
Cheltenham Borough Council
Planning Dept.
Chelt, Glos.
GL50 1PP.

From:
[redacted]
102 Shurdington Rd
Cheltenham
Glos
GL53 0JH

PLANNING
Rec'd 11 JAN 2021
SERVICES

9th January 2021.

RE: Formal objection to Cheltenham Borough Council over P/A No 20/1788/FUL.

With reference to the summary application of 20/1788/FUL. I live in what I would call a small Hamlet off the Shurdington Rd. which ultimately will be in the front line of this proposed development.

Mrs. Payne. at the risk of being accused of Nimbyism I have written this letter more out of a sense of mutual service. As you are aware, being a Planning Officer, life consists of mutual service which is something I've always tried to believe. Sadly and regrettably this World seems to be-coming a Walt Disney World in many ways.

If memory serves me right I can recall the original application for this proposed development was for 200 Homes. Now its 350 Homes, to be built.

Never mind Walt Disney here! The Sorcerer's Apprentice" springs to my mind when I consider this. As you can imagine there's not just a few people out here that feel they are labouring under a sense of injustice. In truth no one likes to be duped and without reservation I say we have been duped. I hear the words "relieving capacity" (sic) being uttered and know full well this is just a "well-meant" gloss for the Developers intentions.

Mrs. Payne I can sympathise with the awkwardness of your decision making, when you are confronted with so many formal objections to planning applications but years ago when I was studying at Tonna University I can remember with stark clarity my Tutor telling me that a basic rule of war and life is that collective defence protects the individual. Single defence doesn't.

So.... on this chord I would like to continue with my letter of objection. I will disregard all the most obvious nightmares ie increased loading on services and infrastructers, conjested traffic and gridlocks, the destruction of open land and the one that puzzles me the most. A totally ~~use~~ unnecessy Toucan Crossing.

A Toucan crossing thats going to be erected midway between 2 traffic controlled pedestrian crossings Why? Why will this be needed? Is it to create more traffic and pedestrian problems? Please tell me.

Anyway.... getting back to the defence theme I have to say all my neighbours are fine and I like them fine. I know instinctively that the intended erection of a Toucan Crossing right outside one of my neighbours property will be profoundly unnessary and disturbing to say the least.

I could say its not my problem because I won't hear it when the chimes go off

to cross the road; this Page 304se I'm deaf!
I do know one thing despite the fact I won't
hear the wretched chime, my poor neighbours
are going to wonder if there in one of those
awful Supermarkets with those hidious Till
chimes.

Regardless of the sudden, revealed disapproval of
this proposed Toucan Crossing, I initially and
selfishly reasoned that it would benefit myself
and my neighbours in the respect of getting into the
main traffic flow on the Shurdington Road.
Mrs. Payne you have to understand that trying
to negotiate entrance into Shurdington Rd traffic
there are times when its like "Running the Gauntlet"

But, here is the flip side of the coin.... I
quickly realized the prospect of the incidents of
accidents and "light jumping will increase considerably
simply because of the short run of road between
one set of lights to the next i.e: The Toucan Crossing

You must forgive me if this prolixity seems
endless but if my main objection to this planning
application appears only to be a "molehill" there
seems yet to be a mountain of principle behind it.
Its infallable I have to admit in reason to
a large part of development, because one has
to accept it as so called progress.

Every time I drive past a school that's

Exhausting its pupils you know full well at some stage they are all going to want a house, a car, television, IPADS, mobiles etc, etc. Every one of them.

So... Mrs. Payne, every now and then a little transient gleam of sunshine manages to pierce the gloom of Joe Publics life.

This happens when Planning Officers listen to objections to developers that want to heap a little more misery onto our narrow shoulders, and refuse to embellish a joke.

However, or whatever I like a lot of us out here; but, perhaps the satisfaction of here expressing my case.

Finally Mrs. Payne. I can understand we have to have developers and their methods of Developing might be justified; but, and I mean but, never ever the manner of it!!

Yours Very sincerely

[redacted]

(P.S I apologize for any spelling mistakes and jumping from one subject to another.
I only had 1 hour to write this 3YD.)

[redacted]

From:
Sent: 06 January 2021 17:06
To: Internet - Planning Comments
Cc: Michelle Payne
Subject: Planning Application 20/01788/FUL - 350 homes Shurdington Road, Cheltenham - Objection

For Attention of Miss Michelle Payne (Planning Officer)

1. I make the following comments as a "**STRONG OBJECTION"** to the above planning application and we feel there are many very important issues to consider.

2. This application does cause my wife and I and my neighbours some Major Concerns.
No 106 is right alongside the new site. Many of us are retired and living in Bungalows and it is fair to say that we have a daily experience of the current traffic problems (pollution etc) and ask ourselves "*how can it be allowed to get any worse?*".
There are also Objections on the CBC planning website from nearby Residents on the Merestones Estate, whose homes would back onto the proposed new development.

3**. SUMMARY of THE ISSUES OF CONCERN (OBJECTIONS) ABOUT THIS PLANNING APPLICATION:**

a. The Siting of a new Toucan Crossing right outside the front of my bungalow home allowing a full view into my front garden, lounge and kitchen. This is in addition to the obvious noise, pollution, breach of privacy and security risk, which would result. There are also similar Objections from the Merestones Estate Residents, whose homes would back onto this new Toucan Crossing.

b. Excess Traffic on Shurdington Rd - associated current dangers and pollution etc.

c. Serious Flooding Risks.

d. Closeness of the new 350 homes to existing residents.

e. The proposed 350 Homes ignores recent JCS. Local Plan decisions, limiting the numbers of new houses to 200 on this location.

I understand my neighbours will also be making their own similar important comments.

---

4. DETAILS of OUR CONCERNS

CONCERN A. THE SITING OF A NEW TOUCAN CROSSING RIGHT OUTSIDE MY HOME.

I feel it is important when you are considering this application, that you have a full understanding of the "**recent history**"
about the precise site of this current proposed Crossing - which I summarise below.

It featured in the 2013/15 Bovis/Miller 650 Homes Application/Appeal, when there was an intention to site a new BUS STOP AND LAY BY right outside the front of my bungalow home. This raised major local concerns and there was also support from our MP, Parish and Borough Councillors (Leckhampton and Park wards) - **against these specific plans.**

It was during the Appeal hearing that the Applicant - with the agreement of Cheltenham Borough Council and Glo'shire County Council Highways - withdrew this aspect of their case. (There was also Secretary of State involvement)

Our Objections at that earlier date were mainly built on the "*Pollution aspects at the location from fumes, noise, light and an invasion of privacy and also an increased risk of Security problems* - this being some of our major concerns today in 2021 on this 350 homes application.

Regarding this 2020 Miller Homes Application - There has been a public consultation process, including liaison with local councillors and also my verbal and written correspondence with Miller Homes Senior Planning Directors - which has included a specific reference to the new proposed crossing outside the front of my home.

Miller Homes are aware of the earlier issues/history associated with the 2013/15 Planning Application/Appeal and despite our verbal and written opposition about the the new Toucan crossing - it still remains a feature of their 2020 planning application.

Miller Homes' initial plans in the 2019 public consultation process were for Crossings on both sides of their North East access point - the one being right outside the front of my home and the other crossing near Silverthorne Close, a short distance away.

They later withdrew this Silverthorne Close Crossing. The 2020 Miller Application is however now stating in one of their submitted documents, that this Silverthorne Close crossing is still to be part of Miller USEAGE, by virtue of the nearby
"Bovis - now Kendrick Homes " planning application.

Miller Homes in my opinion have FAILED to take any material action about "my toucan crossing" and it still UNNECESSARILY remains part of their current application.

To the best of my understanding - there are to be a total of 4 Crossings along Shurdington Road due to the new Senior School application, the Bovis/Kendrick Homes application and this 2020 Miller Homes application.

The Bovis/Kendrick Homes site is right alongside the Miller North East access point on Shurdington Road and their Crossing is close to Silverthorne Close, where "interestingly" Miller initially had their own earlier plans for a crossing.

I FEEL IT IS IMPORTANT TO DRAW YOUR ATTENTION TO 3 DOCUMENTS, WHICH FORM PART OF THIS CURRENT APPLICATION:

No 1 Document - "Transport appendices part 2 figures and drawings part 2" - which clearly shows that there are planned to be 4 separate crossings on Shurdington Rd - one being upgraded near Kidnappers Lane and 3 new ones either side of the Woodlands Road/Warden Hill turn. **Significantly there are plans therefore for 2 crossings quite close**
to each other - the one being outside my home and the other near Silverthorne Close.

No 2 Document - "Transport Assessment Part 1" - paras 6.4.6 and 6.4.7. Mention is made that "the new proposed Toucan crossing outside my home (104 Shurdington Rd) is considered to be the "Optimum Location".
Mention is also made that "discussions are ongoing with Gloucestershire County Council Highways Development Management Team (GCC HDM) about the nature of the signals and minimising impacts on local residents etc". **There is a reference to Miller Homes "also using the new proposed BOVIS/KENDRICK crossing at nearby Silverthorne Close".**

No 3 Document - "Acoustic Design Statement".
This document refers to Pollution in its widest sense (including loss of privacy and potential disturbance from noise etc and is a "feature" of Local Planning Policy.

In November 2020 I started written correspondence with GCC HDM (Glo'shire County Council Highways Development Management team) to address this specific issue of the Toucan crossing siting. I believe there are others similarly writing to GCC HDM.
Apart from a formal acknowledgement - no further information has been heard - other than GCC Highways making comments dated 21.12.20 on the CBC Planning site that "**they are now deferring their comments for further consideration/discussions on Policies and also relating to the new Secondary school Highway works**".

IMPORTANT TO NOTE

There is in my opinion a very clear indication that Mille[illegible]nly partially recognise" the Obvious Breach of Privacy and Pollution by poor air, noise, light etc. **I do NOT consider however that their actions are sufficient to address our significant worries in this regard.**

The only way of addressing our concerns is to completely remove this 104 toucan crossing altogether and for Miller
to easily rely on the other one nearby at Silverthorne Close, especially as Miller "in their own Document" accept they will be using the new Bovis crossing at nearby Silverthorne Close.

CONCERN B

EXCESS TRAFFIC

Over recent years I have submitted photos of the "traffic delays near our home at various times of the day" for the attention of JCS, Cheltenham Local Plan and various earlier Planning Applications.
It is also to my knowledge that there have been delays in Public Transport and Emergency vehicles due to traffic hold ups.

The question has to be asked - has there been any Appreciation of the 1,500 homes being built in the nearby Brockworth area and the recent developments planned and being built on this side of Cheltenham ?

There has also already been formal recognition that traffic in this area was "**severe**" - so the 350 Miller development and the new secondary school and the other mentioned developments will only make the Traffic situation "**even more Severe**".

"Pollution in its widest sense" is a major concern, as has been previously mentioned.

CONCERN C
The issue of **FLOODS** has been widely commented upon by local residents over the years and full notice should be taken
of those who have experienced the problems, together with the need to adhere to National and Local Policies etc. It should be appreciated that Floods now appear to be a regular problem for residents in the Shurdington Road, Merestones and Warden Hill areas.
An Extra 350 homes "without proper proven flood plans" in my opinion can only make matters worse.

CONCERNS D and E

The unnecessary **CLOSENESS of 350 new houses** to existing dwellings (bungalows) - an obvious statement.

We are very disappointed that despite the the recent formal assurances of limiting the max no of houses to 200, this will now be significantly increased to 350.

FINAL COMMENTS

1. You will note that one of our **biggest personal concerns** relates to the proposed Crossing at the front of my bungalow home
and we feel there is sufficient detail in this email to justify its removal from the Application.

2. There has also been **strong official comment** in recent years about the "**severe traffic problems**" - so we have to ask "*what has now changed in January 2021 to allow this Application to go ahead ?"*

This email is sent to the best of my knowledge and understanding and I ask that you give this email your full consideration.

Thanks

104 Shurdington Rd
Cheltenham
GL53 0JH
07970 029482

MyRef 1700-060121

Gloucestershire Community Rail Partnership

Consultation Response to Planning Application

Application Reference	20/01788/FUL
Applicant	Miller Homes
Case Officer	Michelle Payne
Consultation Deadline	08/12/2020
Application Description Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other associated infrastructure Land At Shurdington Road Cheltenham Gloucestershire	

Organisation Overview:

Gloucestershire Community Rail Partnership (GCRP) consist of several organisations, volunteers and enterprises across the county seeking to benefit communities through connecting people with and engaging them in local railways and stations. The GCRP engages in a number of conventional 'bottom up' workstreams, such as community outreach, alongside more strategic decisions supporting integrated transport and development proposals.

This includes playing a critical role in organising, conducting and collating datasets to help inform local decision making and taking a proactive role in facilitating a responsive and flexible recovery to Covid 19. The remit extends to stimulating healthy and active lifestyles and reducing emissions though sustainable travel.

GCRP is run by CIC as its executive arm. Jon Harris is the Director responsible for the strategic planning, development and regeneration agenda.

Strategic Aim:

To develop an accredited, sustainable community rail partnership organisation for Gloucestershire that puts the region on the map through effective community engagement, public transport integration, station development activities, enhanced visitor experience and sustainable travel promotion and projects.

Gloucestershire's long-term vision for rail is for more frequent, faster passenger services accessed via modern station facilities that provide gateways to the rest of the country. Rail services will offer people with a choice in the way they travel making local and longer distance trips. The GCRP is an independent voice but aligns its activities with the four key pillars of rail policy and practice:

- Gloucestershire County Council's Local Transport Plan and Rail Strategy
- DfT's Community Rail Strategy objectives
- RSSB's Rail Sustainable Development Principles
- Community Rail Network CRN) best practice including accreditation criteria

The aims of the GCRP are far broader than looking at rail. As a partnership, there is a real desire to ensure that access to rail plays a part in the development and delivery of integrated transport and land use policy to support various objectives. The GCRP wants to go beyond conventional community rail ambitions by submitting our views on this planning application

Key Aims

1. To contribute positively to the visitor experience and the long term economic sustainability of Gloucestershire
2. To improve accessibility to public transport for all
3. To improve the integration of transport through sustainable modes of transport
4. To increase ridership profile and community involvement at all Gloucestershire's railway stations
5. To provide community insight to shape future proposals for rail investment and services in the County

Key Objectives

1. To engage all stations in Gloucestershire and establish / strengthen Station Adoption groups along the lines through inclusive and participative community consultations. The consultations will identify the issues and challenges at each station and help engage the local community. The outcomes will inform the development of relevant and proactive action plans that will be reviewed and refreshed on a quarterly basis.
2. To link adopted stations with their broad community through facilitation of unique community led projects that address community issues and communicate a sense of place. Publicity will consider county wide connectivity and integrated transport approach to encourage wider connectivity between stations, communities and the locations they serve.
3. To promote Gloucestershire as a sustainable destination nationally and internationally connecting sustainable travel with Gloucestershire’s visitor experiences to engage and resonate with visitors. To achieve this we will work in partnership with the county's destination management and marketing organisations to achieve an aligned and coordinated approach.
4. To stimulate stations as local places working proactively with developers and local authorities to ensure that rail facilities are well connected to new development through continuous engagement and consultation with councils and their associated neighbourhood plans. We will work proactively with developers, town and parish and councils and local authorities to ensure that rail facilities are well connected to new housing, employment and leisure development
5. To link stations, communities and visitors through promotional and educational measures, including trails, walks and enhanced destination experiences through maps, education, training and events that celebrate local heritage and improve health and wellbeing.

6. To proactively input into planned improvements to the rail network in Gloucestershire, including new or improved stations, accessibility, bus and sustainable transport integration and community transport schemes.

Overall Alignment

A core objective of the CRTPs work would be to work with local transport authority to meet the long term LTP targets, not just around rail growth, but also around continued use of walking, cycling, bus and community transport modes as stated in the curent Local Transport Plan

LTP PI-2: No. Of Peak Hour Vehicle Journeys – Restrict annual growth to 1% per annum
LTP PI-7: Increase use of rail – Increase by 30% from 2015 to 2031
LTP PI-8: Increase use of cycling – Increase by 50% from 2015 to 2031
LTP PI-9: Increase use of bus – Maintain bus passenger numbers in line with reviews
LTP PI-10 Maintain bus passenger access - Maintain access within 45 minutes
LTP PI-13 Reduce levels of traffic derived Nitogen Dioxide – To reduce transport derived NO2 at each Air Quality Management AreasLTP PI-14 Reduce per capita transport carbon emissions - 0 tonnes per capita by 2050

Contacts/ Response Authors	
Email	j

Local Policy Context

The proposed residential site sits in a peri urban location towards the south east of Cheltenham Railway Station and south of the main town centre along the A46; a key thoroughfare providing direct access to the A417 and (M5 Junction 11A), the urban extension of Brockworth, Gloucester, and Stroud, via Painswick through the Cotswolds Area of Outstanding Beauty (AONB).

The site forms part of the Policy MD4 site in the Cheltenham Plan (adopted July 2020) which includes a six-form entry secondary school. The secondary school site was granted planning permission on 21 July 2020 (Gloucestershire County Council planning reference 19/0058/CHR3MJ). The residential area is to be split into two parts; an eastern and a western parcel compromising of 175 homes each featuring 40% affordable homes.

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) provides a key policy backdrop to the development. A thorough examination of local policy and relevance to the proposed site has been undertaken on behalf of Miller Homes (developer) with clear reference made to the following:

JCS Policy INF1: Transport Network and specifcially Paragraph 15.5 which states: "Policy INF1 of the JCS sets out transport-related requirements and expectations for development in the Borough. Of particular note is Part One of INF1 which ensures that all proposals improve and encourage access to more sustainable modes of travel. A Travel Plan also forms part of the requirement for a development of this scale and size.

JCS Policy SD4: Requires new development to prioritise movement by sustainable transport modes through design. These policies will form an important part of development proposals in the Borough."

Policy SD4 Design Requirements: Movement and Connectivity. It states that new development should be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes, both through the application of legible connections to the wider movement network, and assessment of the hierarchy of transport modes.

The National Planning Policy Framework (NPPF) also sets out matters when considering development proposals across four key paragraphs:

Paragraph 108:

"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users; and
c) 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."

Paragraph 109:

"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."

Paragraph 110:

"Within this context, applications for development should:

a) give priority first 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, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations."

Paragraph 111:

"All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."

We believe the Transport Assessment has been sufficiently thorough and extensively researched with strong alignment with local policy and strategy. Particular attention has also been made to the JCS evidence base and the reference made to assessing impacts on the eleven strategic travel corridors, namely Corridor 9: A46 Bath Road (central Cheltenham) to A417 junction.

GCC's preferred mitigation package for Corridor 9 includes:

- Leckhampton Lane - upgrade A46 / Leckhampton Lane priority junction, to include a dedicated right turn from A46 south into Leckhampton Lane (funded through developer contributions);
- Moorend Park Road - A46 Shurdington Road northbound approach to Moorend Park Road – additional highway space for right turning traffic by providing a longer stacking lane (funded through developer contributions);
- Badgeworth Lane - A46 / Badgeworth Lane priority Junction – Signalisation of junction to provide improved access to/from Badgeworth (funded through ad hoc funding opportunities).

Alignment with GCRP Strategy

We feel on a whole that the development scheme and associated commitments to local infrastructure works, on and off site, alongside a detailed travel plan, are sufficient to accept this proposal. However, we do believe that a number of points need to be highlighted and a number of conditions made to meet the expectations and commitments outlined in the proposal and the GCRP Aims & Objectives.

Positive Alignment

There are many positive hard and softer measures proposed as part of the development masterplan and developer contributions to support active travel and increased local permeability and connectivity. The site is strategically positioned on a north south axis between Shurdington Road and the proposed secondary school and the east west axis between Leckhampton Footpath 12 / Merlin Way and Kidnappers Lane. The proposed site layout provides off road footpath / cyclepaths completing the north south and east west pedestrian linkages in the local area.

We believe the site is well positioned to take advantage of principal bus route serving the Shurdington Road, including Service 10 Gold, operated by Stagecoach, which provides a frequency service every 10 minutes to Cheltenham and Gloucester / Lower Tuffley Monday to Saturday and every 30 minutes on a Sunday. The first available service towards Cheltenham leaves the stop at 06:22 and the last return is 23:45. The earliest service for Gloucester leaves at 06:32 and last return journey is at 23:06.

Another Gold Service, 61, also operates frequently along the Cheltenham to Stonehouse alignment via Stroud and would serve as an excellent sustainable and scenic alternative to car-based travel for Swindon/London bound rail users via the Cotswolds AONB. This would be a natural direction of trave for rail users than rail heading into Cheltenham or Gloucester station providing that the route is adequately promoted through the travel planning process.

More importantly, the site is served by Bus service D which provides a connection to Cheltenham Railway Station and Bishop's Cleeve departing Warden Hill bus stops every 30 minutes. This is approximately 850m from the centre of the site but would need to be correctly signposted for residents are the service extended to plug directly in the new site. First services from the stop start at 06:38 to Cheltenham and the last service from the destination is at 22:48. Peak Period frequency is 15 minutes, including over the course of Saturday, with off peak and Sunday services being every 30 minutes on average.

It is noted that pedestrian and cyclists will have the opportunity of accessing Cheltenham town centre by two main routes. The first is via Shurdington Road, the Shurdington Road / Moorend Park Road junction and beyond. The second is via Shurdington Road, Woodlands Road, St Michaels Road, the off-road cycle route linking to Merestones Road and the signed cycle route via The Parks and beyond providing a quieter route towards the town centre . We would welcome the applicants offer to assist in bringing forward improvements to this route and to enter further discussion with GCC and CBC on the matter. This would serve to support access to the railway station from Gloucestershire University Park Campus and ultimately help create smore eamless door to door journeys.

Negative Alignment

We believe that commendable efforts to support sustainable travel are undermined by the scale of car parking capacity provided on site (2.52 spaces per dwelling) and the low-density urban design code that may only lead to exacerbating local car-based movements. Whilst we understand that the development has to be sympathetic to local surroundings and is relatively permeable, there is little to suggest that new residents would opt to travel sustainably. We agree that the site is generally walkable to local neighborhood facilities.

We would request that evidence be provided off how Miller Homes have previously met mode share targets for a development of a similar scale and size and to ensure that the local authority is vigilant and holds the developer to account initially and when assessing monitoring activity. We for example, would not be able to predict the heightened levels of rail travel based on the figures presented due to the uncertainties around travel patterns and future demand to travel. This applies to the interim modal split targets identified by rail for the site:

Baseline: 2.1%
Year One: 2.1%
Year Three: 3.0%
Year Five: 3.5%

The Travel Plan objectives is:

‘To reduce the number of vehicle trips generated by the site during the morning peak hour (08:00-09:00) and evening peak (17:00-18:00) by 10.0%. The objective is to achieve this target within five years from first occupation.’

We feel that efforts to reduce car use should, however, be more ambitious considering the window of opportunity presented by the pandemic to reduce travel

demand and increase levels of walking and cycling. Car driver mode share only drops 6.7% to 60.1% for mode share on site. This does not meet local ambitions and the required modal shift required over the next five years for a new development in a strategic position. We do hope that if Travel Plan targets are not be met by the end of the monitoring period outlined above, the developer will work with Gloucestershire County Council to identify a strategy and to agree further actions to get the Travel Plan back on track.

We feel much more attention needs to be channeled towards upgrading Shurdington Road (A46) which is part of the National Primary Route Network but also a highly trafficked single carriageway, 7 metres in diameter and with a 40moh speed limit. This road is a potential barrier to movement; both physically and psychologically, especially for cyclists looking to use it for accessing the station and town centre. Better integration with local quiet streets and alternative routing may be useful to promote and improve as part of local works. We do already appreciate the consideration given to desire lines over Shurdington Road.

We would like to see further clarifications made on the ease of access to rail for people with reduced mobilities and disabilities as well as ambulant users as indicated on the design principles for the site. Limited attention has been made to supporting Community Transport operations in this capacity and we would like to see a discussion around a designated car club vehicle being provided on site to develop a greater package of demand responsive options. This is especially pertinent for those who associate with a Protected Charachteristic Group (PCG) s no accessible, frequent, direct bus connection that plugs into the proposed site that would serve the station directly. Bus Service D, which allegedly serves the site accordingly to the transport assessment and travel plan stops well short of the 400m recommended walking radius of the proposed site location.

Recommendations/Specific Observations

Walking and Cycling

We are generally satisfied with the level and type of funding commitments and infrastructure measures being proposed as part of the planning application, which would help plug the site into the wider active travel and public transport networks. The following upgrades would benefit both utility and recreational travel and enhance local permeability. They include:

- The proposed site layout provides off road footpath / cycle paths completing the north south and east west pedestrian linkages in the local area:
- A new 3.5m footpath cycle path is proposed running in a broad north south direction (to the west of Hatherley Brook) between Shurdington Road (near the secondary school proposed Toucan crossing west of Woodlands Road
- Bus stops on Shurdington Road) and Kidnappers Lane opposite the access to the proposed secondary school.
- A new footpath / cyclepath also connects between the eastern development parcel and Kidnappers Lane (to the east of Hatherley Brook); and
- A new 3.5m east west footpath / cyclepath achieved through the site utilising part of Footpath no 6. To the east, it connects with Footpath no. 12 and Merlin Way and to the west the realigned Kidnappers Lane linking into Shurdington Road, Farm Lane and beyond ▪ Footway / cycleway provision at the proposed eastern and western site access arrangements;

This complements the adjacent secondary school application covering the following improvements:

- Upgrade of the existing pelican crossing on A46 Shurdington Road, south west of the Shurdington Road / Kidnappers Lane junction to a Toucan crossing;
- A new Toucan crossing on Shurdington Road between the Kidnappers Lane and Woodlands Road junction;
- Upgraded or new unsegregated footway/cycleway provision on the main approaches to the school site along A46 Shurdington Road, Woodlands Road and Kidnappers Lane;
- Upgrade the surfacing of PROW Leckhampton 13 and PROW Leckhampton 28; and
- A way finding strategy;

Public Transport

We feel that necessary investment should be made in term of upgrading the current bus stop infrastructure along the A46 serving the site to reflect its increased usage and position. This includes additional waiting capacity and shelter alongside Real Time Information Displays to help the integration between bus and rail. We would also suggest that the bus stop enables step free access by incorporating Kassel kerbing into the reconfigured design. The wayfinding strategy developed for the new school could also incorporate creative signage projects to assist the first and last mile to the bus stop provision, particularly the stop in Warden Hill for Service D that stops at the railway station.

Car Sharing & Car Clubs

Whilst car sharing will be promoted amongst new residents of the development, particularly in relation to journeys to work, we would entertain a discussion around the feasibility of a car club vehicle on site with the nominated Travel Plan Coordinator. This could help reduce single vehicle occupancy trips but could also tie in with support for rail related tourism trips that membership to a club could offer at stations elsewhere across the UK.

Behaviour Change

In addition to the hard infrastructure measures set out in the Transport Assessment, the Travel Plan includes a range of non-infrastructure or 'soft' measures for the development to reduce the need to travel and to encourage trips by non-car modes. A Travel Plan Coordinator is being nominated to oversee a very promising package of measures including:

- An information leaflet about the TP, its aims and objectives, how to get involved and how travel will be monitored;
- Information about the community travel websites to provide travel information including the promotion digital applications to support modern travel behaviour such as Stagecoach Buses new travel app;
- A plan of the new development, highlighting local facilities and the nearby key destinations, the walking and cycling routes to these with indicative travel times, locations of local cycle parking, and the location of bus stops;
- Information about opportunities to travel to local schools in the vicinity of the site by sustainable modes, including details of any local school Travel Plans;

- A £150 sustainable travel voucher for the first owner of each dwelling to be used for the following measures:
- A bus travel voucher (such as Stagecoach Taster Tickets) to encourage travel by bus;
- A cycle purchase voucher to assist with the purchase of a bicycles; and
- A voucher towards a rail season ticket to encourage travel by rail.
- Copies of CBC / GCC's cycle plans;
- Bus and rail maps and timetable information;
- Information about journey planning services, e.g., www.nationalrail.co.uk and www.travelinesoutheast.co.uk;
- Information about car sharing;
- Investigation into a car club; and
- Information about home delivery services offered by local supermarkets

We would add that the promotion of PlusBus Ticketing would be advantageous as a direct campaign to support multi modal travel and would also insist on cross promoting the GCRP to enable residents to provide direct feedback on rail and donate skills towards connecting communities with their local station.

Freight & Construction Activity

We would be keen to understand whether the construction company responsible for the development would will be a 'Considerate Contractor' and
For suppliers delivering to the site to be FORS accredited. We feel that this is important during the development phase due to the proximity of local schools, key active travel routes and local green spaces where there is a heightened risk to those who associate with a Protected Characteristic Group (PCG). Additional HGV movements would inevitably put additional pressure on the A46 and potentially impact active travel users travelling within the area.

Community Engagement

We would be very interested on helping support Miller Homes and the TPC in the travel planning process to support access to rail and provide the resources and knowledge to feed into local communication streams. We believe that we can complement the range of community facilities being muted; by providing information for the community boards and social media outlets.

We commend efforts to set up a bicycle user group to enable cyclists to share information on routes, safety, cycle maintenance etc and acknowledge how this would enable less experienced cyclists to contact established cyclists and therefore to obtain information, guidance and potentially a 'cycling buddy' to accompany

them on cycle journeys, including to the rail station. We would suggest that this approach also ties in with creating material with alternative routes for different types of cyclist to access the station.

We would like to go a step further and encourage residents, through the dissemination of information, to also take on responsibility for improving their local station through station adoption and to help with efforts to improve last mile links with local communities. This may also form part of the proposed surveying activity where we would be happy to be a critical partner in the formation and delivery of the survey.

Conditions and Section 106

We believe that the commitments made in the planning application are generally sufficient with our commentary providing a few suggestions as to how to build on the offer presented and to strengthen the links with rail and the travel planning process in particular.

GCRP Evidence Base & Supportive Materials

An integral part of the GCRP work will include station travel planning activity and looking at the ways in which sustainable travel can be better connected to each of the stations, including access and equality audits, and a review of signage, waymarking and interpretation. We feel that this can help complement the design solutions to ensure the design of the site effectively amalgamates into the setting.

We would like an open dialogue with the developer to support any travel planning activity and to support the exchange of data and information, ranging from:

- The distribution of resources to aid travel choice in the form of timetables & maps, including new access guide for Cheltenham.
- A community survey to assess travel choice, perceptions and behaviors and capture predicted rail use.
- Light touch Personalised Travel Planning (PTP) activity to aid individual choices (potentially as part of developer contributions)
- Recruit of potential volunteers to joining GCRP and to be local station adopters at Cheltenham.
- Cross promote of local recycling bike offers and training courses and negotiating deals with local suppliers as well as TOCs for taster tickets.

We are also due to launch our Developer Guide which seeks to establish a better relationship between the housing industry, local authorities and the rail industry with the input of local communities and organisations represented by GCRP. We would welcome the opportunity for the applicant to get in touch to engage on this process throughout this proposed development as well as other ventures across the county.

Michelle Payne
CBC Planning Office
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Sent via email.

Dear Ms Payne

Planning Application Ref: 20/01788/FUL 350 Houses Shurdington Road, Cheltenham

Several residents in Bournside Road, who's property bounds Hatherley Brook are deeply concerned that this proposed development will further exacerbate the growing menace of flooding in Bournside Road and surrounding area. Consequently, it should be rejected.

Many of our group whose property is in close proximity to Hatherley Brook, have been concerned for some time at the year-on-year increase in water levels. This increased volume of water is not only eroding gardens but causing widespread damage as the incidence of flooding increases.

Many remember the so-called 'exceptional' conditions in 2007, when widespread flooding occurred, and we received assurances from the Environmental Agency that this was a 'once in a hundred-year event'. Since then, we have seen water levels continually rise and the storm on the 17 June 2020 saw the brook rise above levels witnessed in 2007, almost breaching the wall in Hatherley Road. At one point during this flood the Brook was 7.5 meters wide and 2.5 meter deep at the end of the garden at number 80 Bournside Road. and the flood on Boxing Day, 26 December at the same location, measured **8.5 meters wide and 3.2 meters deep.** This flood, the fourth, 'one in a hundred year' event during 2020, wreaked havoc in gardens and brought down huge tree trunks, wooden pallets and numerous other fence posts and deposited other debris that we had to clean up and dispose of. It also threatened existing garden buildings and swept away shrubs and much of the topsoil.

Back in 2007, following the floods, we were further informed by the Environmental Agency that there were two major contributing factors to this unprecedented rise in water levels in the Brook. One being global warming the other upstream development. Since then, the development upstream areas that bound Hatherley Brook has gone on, unchecked and it is no coincidence that this existing and ongoing development around the Kidnappers Lane area has had a dramatic effect on the levels of water in the Brook. Clearly, whatever assurances that were or are being given to the Planning Department about flood risks downstream, are clearly, plain wrong if they discount the risk of further flooding or if they don't, are being ignored. The evidence that the flooding is now a regular occurrence is overwhelming.

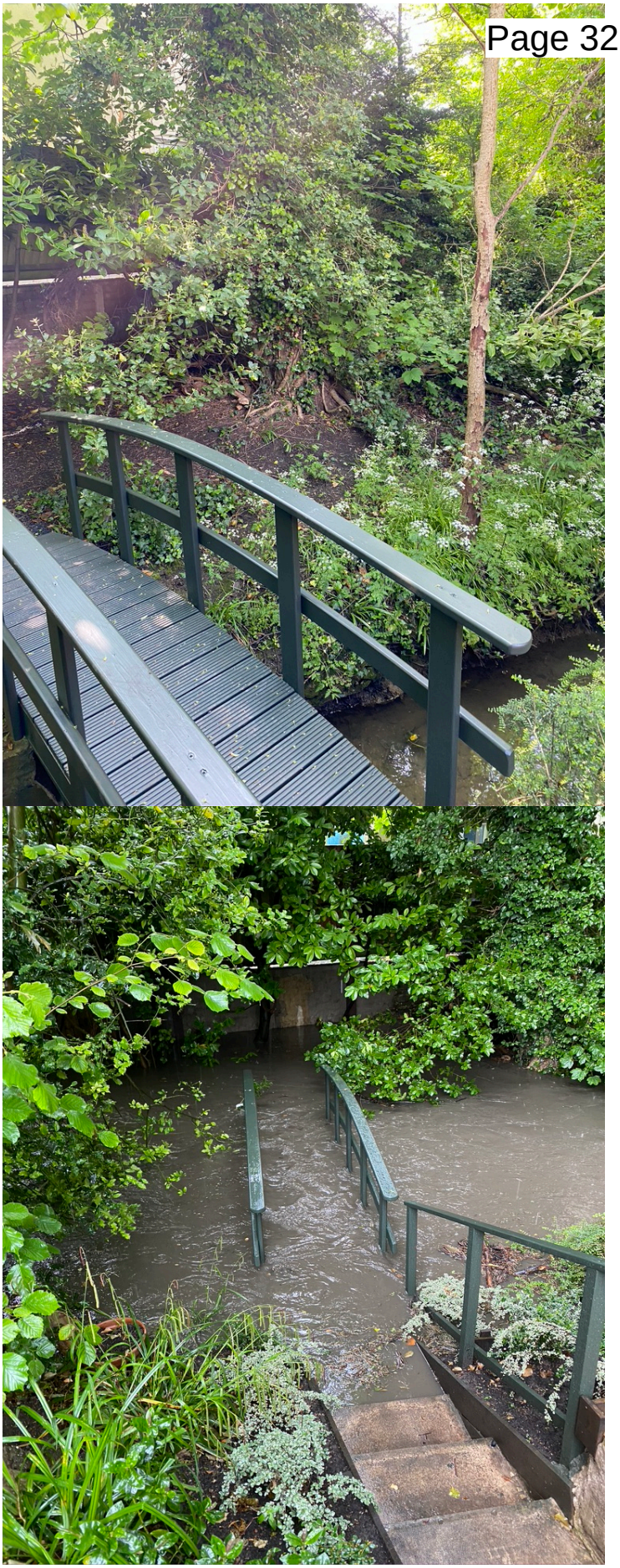
In closing, it is an axiom that the Environmental Agency were aware in as early as 2007 that upstream development was a major contributing factor to flooding. We are in no position to establish whether they made this clear to the Planning Authorities, perhaps they did and were ignored or perhaps they failed to do so. Regardless of this, the fact remains that planning permission has been granted and much development has taken place. If further planning permission is granted in the full knowledge that the inevitable result will be increased flooding to many downstream properties, surely the parties involved namely CBC and the Developers will be culpable and must bear the cost of any financial penalties flood victims may incur, when further flooding occurs whether that is damage to property or increased insurance premiums for 'flood-risk' area? One final point. The depth and flow of the water in the Brook in flood, is a serious health & safety risk. A very strong, adult swimmer would struggle to survive a fall into the Brook. A child would stand no chance of survival and planners must be aware of that fact.

Relevant photographs attached.

For FOB



Flood 12 July 2007 Probably 60% less volume of flood as in December 2020 flood (once in a hundred year event!)



Spring 2020 Top: Normal Bottom: During June flood



Large logs brought down Spring 2020 c 3 meters long x 200mm diameter



Log deposited across Brook after water receding 26 December 2020



Floodwater on evening of 23 December 2020 17:53. 9 x 3.5 meters



Hatherley Road flooding


AMBULANCE


WR68 WHJ

From: > 10 January 2021 15:38
Sent: Internet - Planning Comments
To: Miller Homes Planning Application 20/01788/FUL
Subject:

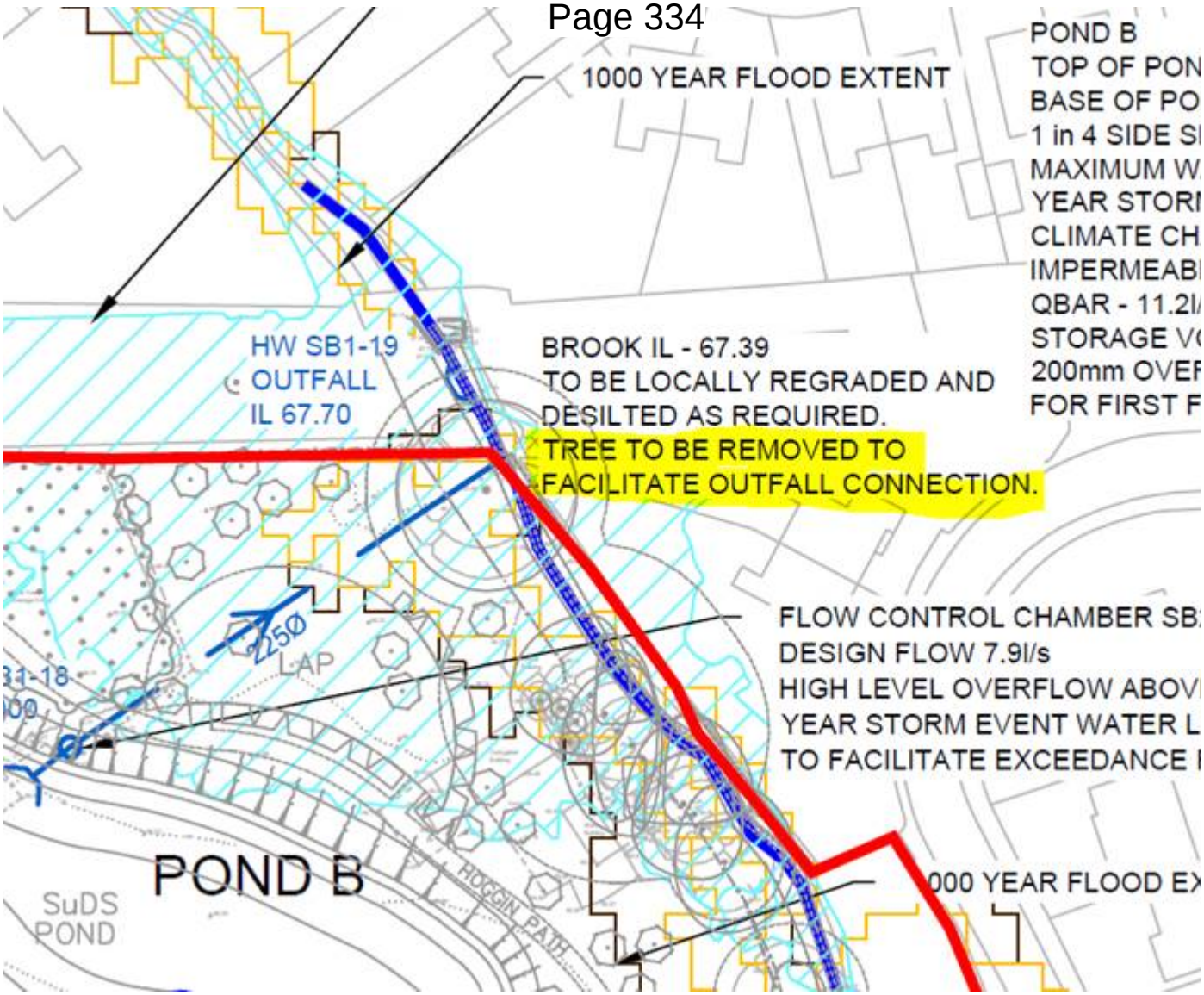
The Sleepers
Merlin Way
Cheltenham
GL53 0LS

To whom it may concern

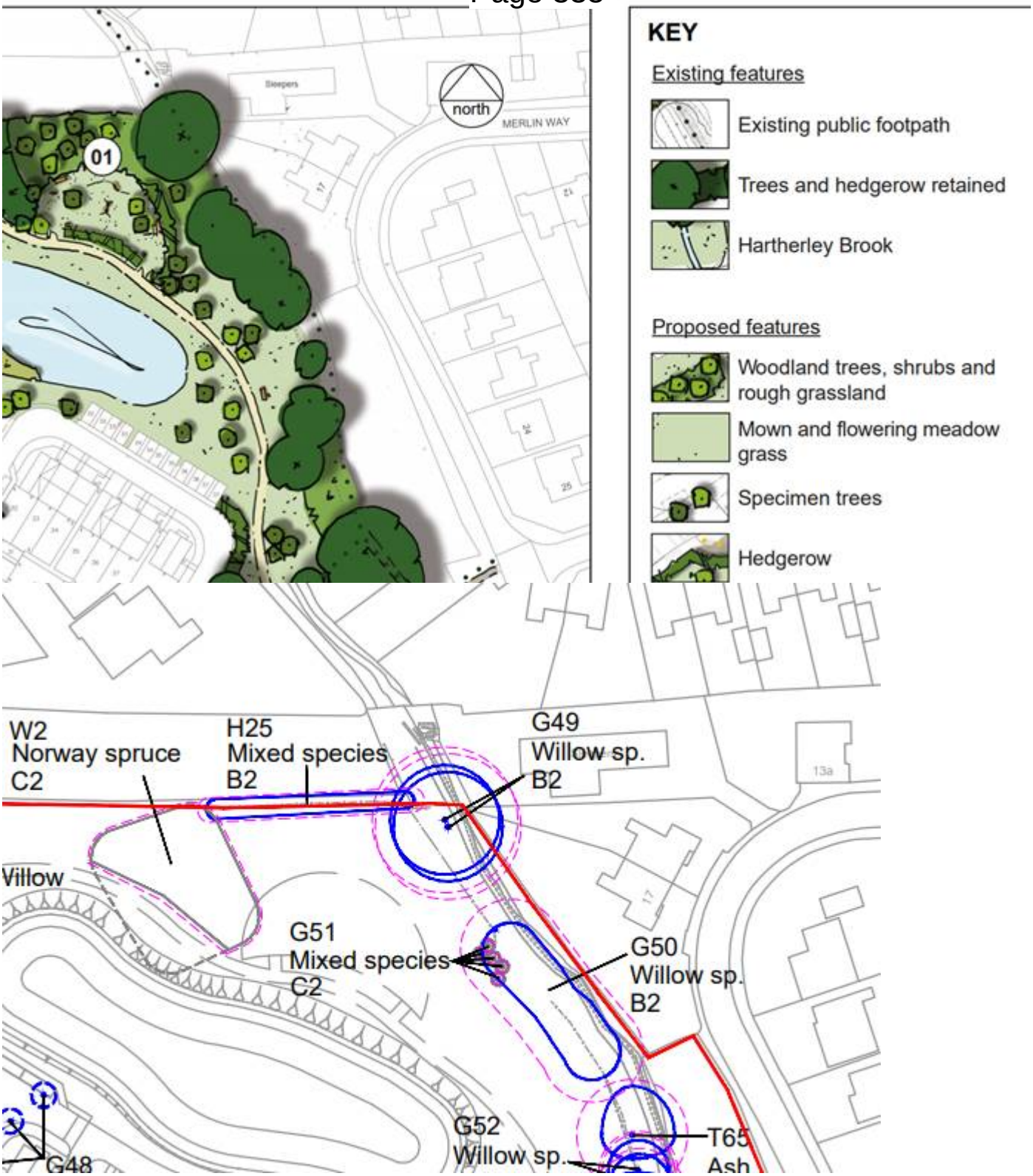
I purchased my house (directly adjacent to the northeast boundary of the proposed development) partly because of the open view, and the feel of living in the green space, while still having the convenience of the town. Both of these characteristics will be severely altered should the proposed 350 dwelling go ahead.

Given the change in my living environment, and the financial impact of this development on the value of my home, I would like to formerly object to the application. However, should the development proceed, then I would appreciate consideration be given to mitigate these unwelcome changes as detailed below.

I am particularly concerned that the existing tree line could be effected along the northeast boundary. The Phase 1 Drainage Layout actually states that a tree will be removed to facilitate the proposed drainage outfall from Pond B (see extract below).



Not only do I find this unacceptable as it will significantly increase the visual impact of the proposed development from my property, it also directly conflicts with the developer's own Landscape Strategy (see extract below) and Tree Retention Plan (G49 on the extract below) that explicitly state the tree is to be retained. I would request that explicit assurances are sought from the Developer to ensure the trees along the brook are retained, as noted on their own plans, and that an alternate solution is provided for the drainage outfall that doesn't affect the existing trees.



I am also concerned over the increase in flood risk and I am supportive of the comments made by the Parish Council. In particular, I am concerned that if the maintenance of the attenuation ponds detailed in the Flood Risk Assessment is not carried out, it will have a significantly detrimental effect on local flooding along the brook.

I also agree with comments made by the Parish Council with regards to bio-diversity and ecology. If a development is to be granted on green space, surely the Developer should have to provide a net gain in bio-diversity. The Developer's own Ecology Appraisal demonstrates that this is possible and I would like to see the Developer obliged to implement all of the recommendations detailed in clause 8.5 of the appraisal, as early as possible within the phasing of the development.

Waterwood

Merestones Road

Cheltenham

GL50 2RS

Your Reference 20/01788/FUL Miller Homes 350 Houses

To whom it may concern.

I appreciate the need for new housing in Cheltenham and have no problem generally with the plans submitted by Miller Homes, it won't help the current gridlock on Shurdington Road at rush hour, but there are few routes into Cheltenham unaffected by our general obsession with cars.

I am however concerned about the amount of water that comes off Leckhampton Hill, that will undoubtedly get worse as climate change has more of an impact. The proposed housing site currently absorbs water run off from Leckhampton Hill, we can clearly see this from the amount of surface water currently in the fields and the affect on neighbouring pathways. Buildings and roads do not absorb water and the water continues across the higher elevation to the lower elevation.

The addition of ponds will take some of the excess, to the 100 year flood event +40% according to the plans, but the remainder will need a route to the lower elevations.

Currently Hatherley Brook takes a great deal of this run off and struggles now. The route under the A46 into Merestones and down into Bournside Road is very poorly maintained with paths regularly flooding and even collapsing.







Our house lies several hundred yards downstream of the meeting point of the 2 Hatherley Brook routes through Merestones. I have had to improve the flood defences myself in my own time and at my own cost, but I can't do anything about the diameter of pipes or clearance below bridges.

The below pictures show the difference between the water levels in a 5 hour period on Wednesday 23rd December. This is the second time this year that the water has gone over the capacity of the pipe. The first being 17th June, following dry weather, so saturated higher ground was not a factor. On both occasions this was one day of rain. How much more water would be required to flood both mine and my neighbours properties? Do we need to expect 2007 levels regularly, more than one day of heavy rain?





Where will this excess water go? There is a solution, drastically improve the culverts, dredge, line, widen, deepen. I suspect the council have no resources to do this judging by the current poor state of repair and the developers will bamboozle the council with survey statistics proving that this is a one in a hundred year event in order to prevent loss of margin. I don't believe the developers (Boo Homes) re-assurances did the residents of Leckhampton Views any good in 2016, probably more like a one in hundred day event for them.

The drainage plan says for the blue line that represents the existing watercourse "to be retained and maintained as appropriate". They are not be maintained now so who will be responsible for this in the future?

Your consideration of the above would be appreciated.

Yours sincerely

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APPLICATION NO: 21/01447/FUL		**OFFICER: Miss Claire Donnelly**
DATE REGISTERED: 18th June 2021		**DATE OF EXPIRY:** 13th August 2021
DATE VALIDATED: 18th June 2021		**DATE OF SITE VISIT:**
WARD: Park		**PARISH:**
APPLICANT:	Mr Clive Seymour Davison	
AGENT:	Edge Design Workshop Ltd.	
LOCATION:	Lypiatt House ,Lypiatt Road, Cheltenham	
PROPOSAL:	Construction of single storey carport and garage building with pitched roof (retrospective)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application relates to Lypiatt House, a detached property location on Lypiatt Road. The site occupies a relatively prominent position on a corner plot on Lypiatt Road with views of the site from Suffolk Road, Andover Road and Tivoli Road. The site is within the Lansdown Character Area of Cheltenham's Central Conservation Area.

1.2 The applicant is seeking planning permission for a single storey carport structure.

1.3 The structure has been erected, and therefore this application is seeking retrospective planning consent.

1.4 The initially submitted scheme, and therefore the structure as built, was not supported by officers due to the design and its impact on the surroundings. As such, following a meeting on site with the applicant and architect, the applicant has agreed to alter the design of the structure to be more in-keeping with its surroundings. Revised plans have been submitted showing the revised proposed design.

1.5 The application is at planning committee due to an objection received by the Civic Society, and the subsequent request by the Chair and Vice Chair of Planning Committee requesting the application is determined by the Committee.

1.6 Members will be aware that the application was before Committee at the November 2021 meeting; the application was deferred due to concerns raised in regards to design and impact on the conservation area. Members requested that changes were made to the proposal to address these concerns. The applicant has amended the design, removing the proposed doors on the front elevation of the structure. The application is before Planning Committee again with a revised design proposed.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:
Airport Safeguarding over 45m
Conservation Area
Local Listing
Principal Urban Area
Smoke Control Order

Relevant Planning History:
88/00111/PC 25th February 1988 PER
Change Of Use From Residential Flats To Hotel

89/01259/PF 8th November 1989 PER
Erection Of New Conservatory And Toilet Extension As Amended By Revised Plans

91/00640/PC 1st August 1991 REF
Change Of Use From Hotel To Offices

98/00576/AN 12th November 1998 PER
Retrospective Application – Painted Timber Hoarding Set Above Wall Level At Junction Of Lypiatt Road And Suffolk Road (As Amended) (Retrospective)

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
Section 16 Conserving and enhancing the historic environment

Adopted Joint Core Strategy Policies
SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality

Cheltenham Plan Policies
D1 Design
SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents
Central conservation area: Lansdown Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Building Control
12th July 2021

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

Cheltenham Civic Society
12th July 2021

Cheltenham Civic Society strongly objects to this application.

This is an inappropriate structure for The Lansdown Character Area of the Central Conservation Area. Although not formally listed, the building is highlighted as 'a positive building' within The Lansdown Character Area Appraisal and Management Plan and is surrounded by Grade II and II* listed buildings.

The garage is a rustic structure appropriate for a rural or semi-rural location, not for an area noted for its formality of design and layout. The applicant's photographs purport to show that the building cannot be seen from public view and that vegetation screens the site and the building. That is, however, not true and it can be clearly seen from all sides. Indeed, vegetation should not be used to screen poorly designed or inappropriate structures such as this one. The structure detracts from the Conservation Area, especially by being in front of and very close to the house's front elevation (though carefully cropped from the applicant's photographs), with which it jars.

The quality of the design should withstand scrutiny and contribute positively to its surroundings. It should preserve or enhance the character or appearance of the Conservation Area, in accordance with saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2. The application fails on these tests and is therefore opposed.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	**15**
Total comments received	**1**
Number of objections	**1**
Number of supporting	**0**
General comment	**0**

5.1 Letters have been sent to fifteen neighbouring properties, a site notice has been displayed and an advert placed in the Gloucestershire Echo; on response has been received from a neighbouring resident objecting to the initial scheme.

5.2 The main concerns raised by the objecting neighbour include, but are not limited to, the following:

- Design conflicts with the characteristics of the existing building and surrounding buildings,
- Inappropriate scale and footprint,
- Questions over the proposed use,
- Detracts from the conservation area,
- Inappropriate location,
- Questions over retrospective application

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 The application proposes the siting of a detached, single storey garage/car port structure; the key considerations for this application are the design, impact on the conservation area and any impact on neighbouring amenity.

6.3 **Design and impact on the Conservation Area**

6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

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

6.6 The application proposes the erection of a garage/car port structure within the grounds of Lypiatt House Hotel; the structure was erected without planning permission. The initial design proposed a timber clad building with a shingle tiled roof. Officers had initial concerns with the design, agreeing with the comments made by the Civic Society in regards to the design being more suited to a rural location and therefore out of character with the area and harming the Conservation Area. As such, the concerns were raised with the applicant and following a meeting, the applicant agreed to amend the design of the structure to achieve a more in-keeping design.

6.7 Revised plans were submitted amending the design of the structure, replacing the vertical timber cladding and shingle roof to render and slate; these materials are considered to be

more appropriate for its location. The initial revisions submitted left the doors as vertical timber; this was the design that was before planning committee in November. This design raised concerns with members in terms of not being in-keeping with the location and surroundings, and therefore the application was deferred to allow the applicant to make further changes to the scheme. The applicant has therefore removed the doors from the structure and therefore now proposes a 3-bay open car port. The external walls would be render, the roof slate, and the exposed timber posts painted white to match the colour of the render. It is now considered that the design addresses members concerns raised at the November Planning Committee.

6.8 Comments were also raised by the Civic Society in regards to the siting of the structure and its impact on the host dwelling. It is considered that the structure could have been more appropriately located within the site, however, given the structure has been erected and the design has been amended, on balance the proposal in its revised form is considered to be appropriate and would not be a reason to warrant a refusal of planning permission.

6.9 It is therefore considered that the proposal in its revised form would achieve a more in-keeping design that would be more appropriate for its location and setting. The proposal is therefore considered to comply with the relevant planning policies in terms of design.

6.10 **Impact on neighbouring property**

6.11 As a result of the proposal, there are no concerns that there would be an unacceptable loss of amenity in terms of a loss of light or loss of privacy due to the location of the development and relationship with neighbouring properties. As such, the proposal is compliant with policies SD14 of the JCS and SL1 of the Cheltenham Plan, as well as section 12 of the NPPF.

6.12 **Other considerations**

6.13 Conditions

A condition has been added to ensure the works as shown in the revised plans; namely the addition of rendered panels to the side and rear elevations, and replacement of the existing shingles on the roof with slate tiles, and removal of the front timber doors are completed within 5 months of the date of the decision. This is to ensure good design is achieved and to ensure minimal harm to the Conservation Area. The proposed time frame has been requested by the applicant due to an ongoing sale of the property; officers consider the time frame to be appropriate to allow for the works to be completed.

6.14 Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

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

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the proposed development in its revised form is considered to be appropriate and would not result in undue harm to the character of the conservation area. The recommendation is to therefore permit this application subject to the conditions set out below.

8. SUGGESTED 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.

2 The works hereby permitted, as shown in approved drawing no's. 1589_300 and 1589_301 submitted 23rd September 2021, shall be completed within 5 months of the date of this decision.

Reason: In the interests of the character and appearance of the area, having regard to policy D1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD8 of the Joint Core Strategy (2017).

INFORMATIVES

1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to the scheme to overcome concerns relating to design and impact on the Conservation Area.

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

APPLICATION NO: 21/01447/FUL	**OFFICER: Miss Claire Donnelly**
DATE REGISTERED: 18th June 2021	**DATE OF EXPIRY** : 13th August 2021
WARD: Park	**PARISH:**
APPLICANT:	Mr Clive Seymour Davison
LOCATION:	Lypiatt House, Lypiatt Road, Cheltenham
PROPOSAL:	Construction of single storey carport structure with pitched roof (retrospective)

REPRESENTATIONS

Number of contributors	**1**
Number of objections	**1**
Number of representations	**0**
Number of supporting	**0**

12A Lypiatt Court
Lypiatt Road
Cheltenham
Gloucestershire
GL50 2QW

Comments: 27th July 2021
I wholeheartedly agree with the comments of Cheltenham Civic Society in that this is an inappropriate structure, in direct conflict with the characteristics of the existing building and the entirety of buildings along Lypiatt Road.

The garage is of both inappropriate construction and size when compared to the footprint of the original building.

I believe the application suggests the structure provides two parking spaces which I have doubts over given the central room is only accessible through the end workshop.

As suggested vegetation should not be used as an excuse for inappropriate structures, indeed it can easily be removed. I also agree the structure detracts from the Conservation Area, especially by virtue of its inappropriate construction, scale and location.

Given the restrictions on other properties and new builds within the conservation area regarding materials, colours, window types etc etc etc I fail to see any validation in passing this application.

I fail to understand why such a large structure is subject to a "retrospective application" especially when procurement lead-in times & construction programming for such structures is quite significant. Surely there was sufficient time during that period to process an application in the normal way; although I understand the property was put on sale in the last week or so, maybe that has further significance.

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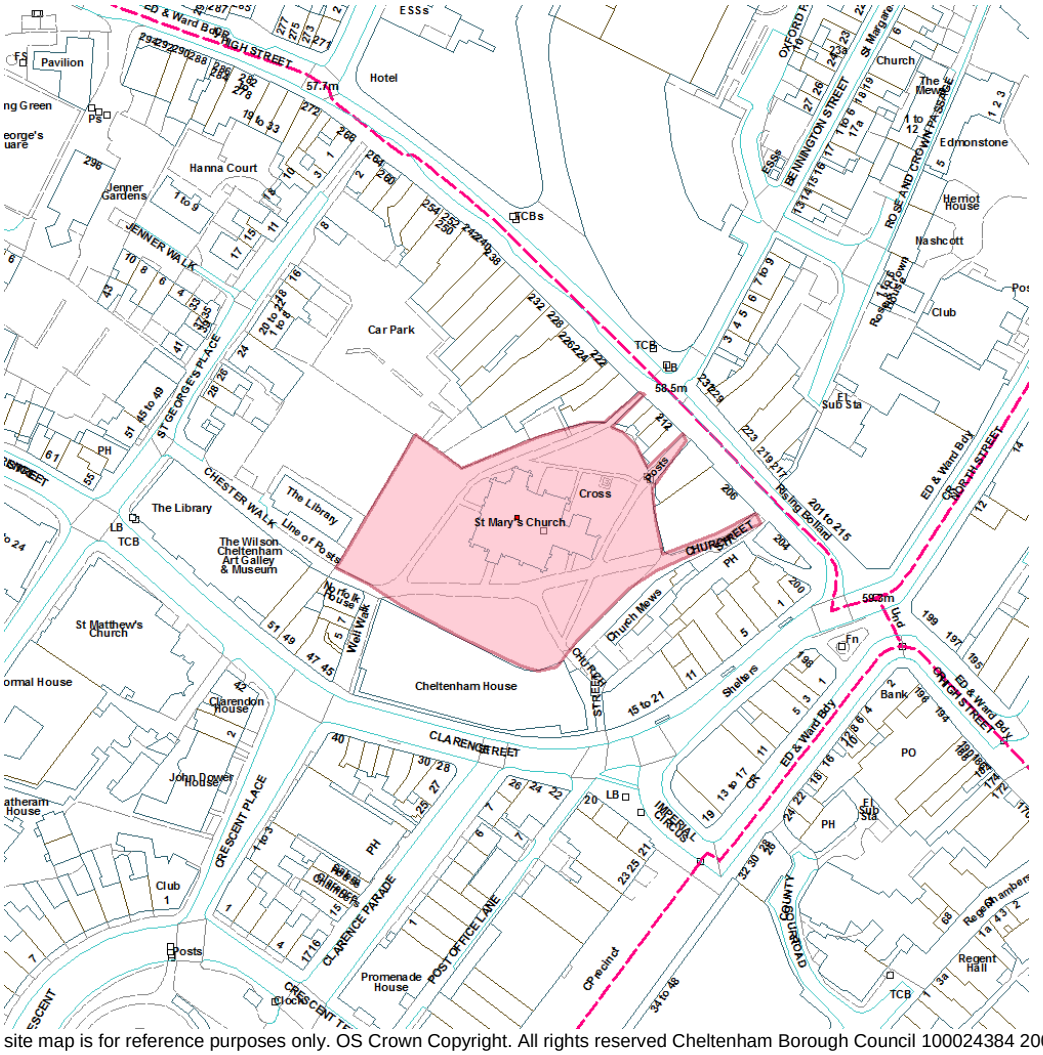
APPLICATION NO: 21/02019/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 8th September 2021		DATE OF EXPIRY: 3rd November 2021 (extension of time agreed until 20th December 2021)
DATE VALIDATED: 8th September 2021		DATE OF SITE VISIT:
WARD: Lansdown		PARISH:
APPLICANT:	Cheltenham Borough Council	
AGENT:	Ares Landscape Architects	
LOCATION:	St Marys Church, Well Walk, Cheltenham	
PROPOSAL:	Various external works within the grounds of Cheltenham Minster (St Mary's) to include improvements to the paving and connection pathways; improvements to the lighting; restoration of historic artefacts; improved vehicular access; provision of formal seating areas; and enhancements to biodiversity	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application site comprises the churchyard of Cheltenham Minster (formerly St. Mary's Parish Church). The Minster itself is a Grade I listed building of mid-C12 origins, with later alterations and additions; it is Cheltenham's only surviving medieval building. Lamp posts, tombstones and headstones, the churchyard wall piers and railings to the east, and churchyard cross are all Grade II listed; with the cross also being a scheduled monument.

1.2 Other prominent listed buildings within the immediate vicinity include the grade II listed Library, Art Gallery and Museum, and Norfolk House. The site falls wholly within the Old Town Character Area of the Central Conservation Area.

1.3 Whilst located within the town centre, the site is relatively tucked away. Many of the buildings surrounding the site are 3-4 storeys in height, and the vast majority turn their backs on the Minster, with the exception of the restaurant located on the corner of Well walk.

1.4 The Cheltenham Central Conservation Area: Old Town Character Area Appraisal and Management Plan notes *"a combination of al-fresco drinking in the churchyard; evidence of graffiti and unattractive rear facades of buildings backing onto the churchyard contribute to providing the church with a poor setting".* Whilst this assessment was made in 2007 it is still true today.

1.5 In 2020, planning permission was granted for the construction of a 'Mixed Use Innovation Hub' on an adjacent parcel of land, to the rear (north) of Cheltenham's Children's Library. The application proposed a modular construction building to provide state of the art workspace for the cyber tech, digital and creative sectors, a Growth Hub to support business development, an event space and café comprising flexible workspaces, a 300-person capacity performance arena, and community and education spaces. It forms part of a wider urban rejuvenation scheme, The Minster Exchange.

1.6 This application is now seeking planning permission for various external works within the grounds of the Minster to include improvements to the paving and connection pathways; improvements to the lighting; restoration of historic artefacts; improved access arrangements; provision of formal seating areas; and enhancements to biodiversity.

1.7 The proposals have been amended during the course of the application in response to a number of concerns raised by Conservation, Historic England, and the Civic Society; the revisions are addressed in the report below.

1.8 In addition to drawings, the application has been accompanied by the following documents:

- Historic Environment Record (HER) - Area Summary Report
- Churchyard Monument Condition Report
- Archaeological Desk-Based Assessment
- Natural Capital Assessment
- Bat Dusk Emergence/Activity Transect Survey Report
- Preliminary Ecological Appraisal

1.9 The application is before the planning committee as Cheltenham Borough Council is the applicant.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:
Airport Safeguarding over 45m
Business Improvement District
Conservation Area

Core Commercial Area
Listed Buildings
Principal Urban Area
Residents Association
Smoke Control Order

Relevant Planning History:
CBL0857/00 GRANT 28th August 1986
St Marys Parish Churchyard - Remove lighting columns in dangerous structural condition to renovate and to re-erect in same location

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)
Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan 2020 (CP) Policies
D1 Design
HE2 National and Local Archaeological Remains of Importance
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy 2017 (JCS) Policies
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD14 Health and Environmental Quality
INF1 Transport Network
INF3 Green Infrastructure

Supplementary Planning Guidance/Documents
Old Town Character Area Appraisal and Management Plan (2007)

4. CONSULTATION RESPONSES

Historic England
24th September 2021
Thank you for your letter of 8 September 2021 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.

Significance of Designated Heritage Assets
The application site is within the setting of Cheltenham Minster and within the Central Cheltenham Conservation Area (Old Town Character Area). St Mary's, more commonly referred to as Cheltenham Minster, is the town's only surviving medieval building. It likely dates from the mid-12th century, and as the list description asserts, the architectural design-interest arrives largely from the high-quality Decorated tracery which, in some cases, fills an exceptionally high proportion of the windows. The spire is a notable Gothic feature which contrasts strikingly with the predominance of the surrounding Regency architecture.

The churchyard, defined tightly by the encircling (predominantly) four-storey terraced blocks, is a somewhat unexpected space of tranquillity within the busy town centre, and associated (individually designated) assets create a distinctly characterful enclave. It is important to note that, whilst not necessarily under Historic England's jurisdiction, the churchyard contains several 'dragon and onion' lamp posts, tombstones and headstones, the churchyard wall piers and railings to the east, and a churchyard cross, all listed at Grade II (the latter being simultaneously scheduled). There are further Grade II buildings surrounding the site, in particular, the library, museum and art gallery, and Norfolk House. The council's Conservation Officer will need to assess any impact to the setting of these Grade II assets.

The Minster is designated as Grade I, and as such is in the top 2.5% of listed buildings. Therefore, greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

The Cheltenham Borough Council Conservation Area Appraisal and Management Plan 2007, identifies 'St Mary's churchyard as an important space within the town centre…with a sense of enclosure and is a potentially tranquil space.' It also acknowledges that 'a combination of al-fresco drinking in the churchyard; evidence of graffiti and unattractive rear facades of buildings backing onto the churchyard contribute to providing the church with a poor setting.' Indeed, Action OT13 of the Management Plan 'aims to enhance the area through proposals including maintaining existing through routes and desire lines and enhancing points of entry; encouraging interaction with the surrounding properties; encouraging increased public use; improving and enhancing the setting of the Church and strengthening the current identities of the Church and Churchyard.'

Summary of proposals

The proposed landscape works to the church yard would seek to deliver improved pedestrian links to the surrounding main thoroughfares, address the approved Innovation Hub on the site of the adjacent Chester Walk car park and to provide a series of public spaces that would aim to increase dwell time within the church yard an encourage a range of activities. This would be through a series of hard landscaped areas with associated seating, lighting and new areas of planting and walkways.

Impact of the Proposed Development

The proposed contemporary approach to landscaping of a historic churchyard will result in a change to its character and significance, as part of the setting of the Grade I Minster Church. However, we acknowledge the problems associated with the location of the Minster, surrounded by later development, compromising its setting and the opportunities of providing space where the significance of the Church can be better experienced and appreciated.

Regarding other heritage assets within the church yard, we advise that where there are opportunities for repair, this would benefit the historic environment and its significance, as part of this project. We have been made aware that the Scheduled cross has recently suffered from graffiti damage, for example. Where there are opportunities to repair monuments, historic lamps, gate piers and chest tombs, many of which are separately listed, these should feature within the proposals.

The proposed landscaping works are divided into three areas with a general approach to upgrading the existing paths with resin-bonded gravel. This will deliver an improved appearance over the existing tired tarmac.

The principal area of work is to the west of the Church and will provide a transition between the approved new development on the car park, when constructed. This will provide a focal area, which has potential for a positive and engaging public space. We do have some

concerns over the proposed palette of materials, as the appearance and longevity of artificial paviors, for example, will diminish the quality of the space, particularly in the medium to long term. We therefore suggest that, as the budget is limited, these areas of work are prioritised, and more befitting natural materials used. Proposals such as the stone stacks would have limited benefits to the space and perhaps the budget for this could be redirected towards higher quality finishes and materials elsewhere?

An archaeological desk-based assessment has already been carried out, which will inform the sensitivities within the site. We understand that all works proposed have been designed on a light-touch basis with minimum ground disturbance. However, as the site is not Scheduled (apart the cross on the north side) we would defer advice on archaeological impacts to your archaeological specialist.

Planning Legislation & Policy Context

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".

Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties.

When considering the current proposals, in line with Para 194 of the NPPF, the significance of the asset's setting requires consideration. Para 199 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 200 goes on to say that clear and convincing justification is needed if there is loss or harm.

Historic England's Position

We are supportive of the principal aims of the project and would hope that by improving the landscaping of the church yard and providing new spaces, this would increase footfall and dwell time within this under-valued historic space, better revealing its heritage significance.

We are concerned however, that the budget allocated to this project is maybe being spread too thinly and we would wish to see clear benefits of repairs to historic fabric of heritage assets within the area.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199, 200 and 206 of the NPPF. 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, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

2nd November 2021 – revised comments

Thank you for your letter of 18 October 2021 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice
Following our letter of the 23rd September 2021, the applicant has responded to the various points and queries that we raised. In general terms, we are happy that further consideration and explanations have been made which have, on the whole, allayed our concerns over the proposals.

We understand that at the time of the application submission, the applicant was not in receipt of the conservation report on the heritage assets within the churchyard. This has now highlighted those that require more urgent repairs and form part of the proposals, including the cleaning of graffiti from the Scheduled Cross base. This represents a significant heritage benefit to be delivered as part of the scheme.

We previously advised that the principal area of work is to the west of the Church will provide a key public space and that further thought should be given to materials proposed for this. We are pleased that further thought has been given to using natural materials for this key space, which will provide a cohesive and more positive response to the setting of the Minster. Similarly, the removal of the proposed stone stacks will allow for more of the budget to be spent where it will have the greatest benefit.

Subject to details of the repair schedule for key heritage assets within the church yard and materials for use in the overall landscaping scheme, we are now in a position to support the application.

Recommendation
Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 199 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 and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

CBC Heritage and Conservation

25th October 2021

It is important to consider the policy context in which the proposal needs to be determined. The cornerstone of heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990 and a core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets need be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced and paragraph 199, which requires great weight be given to the asset's conservation.

The site is comprised of Cheltenham Minster, its churchyard and the pedestrian alleyway that access the churchyard from the High Street. The site has an enclosed character, being located inside the perimeter block formed by the High Street, Clarence Street and St. George's Place, with the rear elevations of buildings being prominently visible from within the site. The site has a peaceful, verdant quality but has suffered from neglect.

There a numerous heritage assets within the site and immediately adjacent to it. Within the site heritage assets include: Cheltenham Minster a grade I listed building; x5 Dragon and Onion lamp posts all grade II listed; a number of tomb chests and headstones all grade II listed; churchyard cross a scheduled monument; churchyard wall, piers and railings east of Cheltenham Minster which are grade II listed. Adjacent to the site the heritage assets include: Cheltenham House and attached Theme and Variations sculpture which is grade II listed; 5, 7 and 8 Norfolk House, Well Walk all grade II listed; the workshop located on Church Mews to the south-east of the site on Church Street a grade II listed building; nos. 210 to 216 (evens) High Street whose rear elevations abut the site are grade II listed; and no. 228 High Street whose rear elevation abuts the site is grade II listed. The site and its context are therefore highly sensitive in heritage terms.

Generally the proposed hard and soft landscaping works are considered acceptable and an enhancement to the appearance of the churchyard, which is in a notable poor state of repair. However, there is a concern over the proposed mural to the rear of Cheltenham House. As previously noted Cheltenham House and attached Theme and Variations sculpture are grade II listed. Cheltenham House and the attached Theme and Variations sculpture were recently listed in October 2019 and there may be some ambiguity over the extent of listing, which shall be addressed here.

The extent of listing could be considered slightly confusing. The identifying map within the list description indicates a blue line along the front elevation of Cheltenham House facing Clarence Street only. However, the text within the list description does not state the listing solely relates to the front elevation and it makes brief reference to the side elevation facing Well Walk and rear elevation facing Cheltenham Minster and its churchyard, reference is also made to the building internally.

Specifically in relation to the above, the list description states, "the building forms a strong landmark in a town centre rich in the Classical architectural style. Its outline, details and materials form a group with historic neighbouring buildings on Clarence Street and Well Walk, and it forms a strong visual counterpoint to the medieval Minster Church of St Mary (Grade I) and its churchyard, to its immediate rear." This indicates all elevations have been considered during the listing process, although it is acknowledged the front elevation is of higher significance.

The list description also states, "The building was extensively refurbished in 2015-2019 when the shop fronts and interiors were largely replaced. The interiors have also been replaced throughout the building, except for the staircases." This indicates the internal spaces are also covered by the listing but are of little to no significance given they have been altered.

It is also notable it is not specifically stated within the text of the list description only the front elevation that is listed.

The list description is therefore considered to indicate the listing of Cheltenham House is not limited to the front elevation but includes the whole building. This is highlighted here to avoid ambiguity.

The rear Cheltenham House has a simplified neoclassical appearance, loosely echoing the front elevation, which is described in its list description as a balance of solid traditionalism given a more dynamic classicism and sense of movement by its gentle curve allied with its elegant sculptural centrepiece. Notably Cheltenham House emulates the Regency buildings within is context, through its scale, architectural dealing, fenestration pattern and materials.

Of relevance to the proposed works, materials used to construct Regency properties within Cheltenham are ashlar or more commonly stucco in imitation of ashlar used on the facades of the front elevations, with stucco and brick typical with ashlar stone used on higher status buildings used on the facades of the rear elevations. Cheltenham House replicates this

materiality on the front elevation through the use of ashlar and to the rear elevation though the use of brick on the ground floor and ashlar to the upper storeys to the rear. The ashlar used to reflect the buildings high status and to provide a higher quality material to the façade facing onto Cheltenham Minster and its churchyard.

It is however acknowledged the rear elevation is not the principle reason for the listing, this being the front elevation and the Theme and Variations sculpture. A such the rear elevation is considered to have a low significance but it is important to note this should not be treated as insignificant. The National Planning Policy frameworks requires the starting point in terms of consideration of impact of works on heritage assets is to give great weight to their preservation.

With regards to the proposed mural to the rear of Cheltenham House, a listed building consent application has not been submitted for the works and little information regarding the works is contained within the planning application regarding the extent of its height, width, materials and appearance. It is therefore considered there is insufficient information clarifying the proposed works, which in itself raises concerns.

Notwithstanding the lack of a listed building consent application and the lack of clarity over the proposed works within the planning application, concern is raised over the principle of the proposed mural in this location.

Firstly, a concern is raised over the alteration of the appearance of the rear of Cheltenham House, a grade II listed building and its impact on the setting of the heritage assets noted above, notably including Cheltenham Minster, a grade I listed building and its churchyard, which contains several grade II listed structures and a scheduled monument.

Regarding Cheltenham House, part of its significance is considered to be the hierarchy of detailing and materials, i.e. a formal, decorative front elevation with informal, much simpler detailing to the rear elevation. A conscious reference to the hierarchy found on Regency properties. The flaw in considering this location as suitable for a mural is it being perceived as a blank canvas when in fact it was the design intention for it to be simpler and therefore expressive of the hierarchical status of the elevations.

The proposed mural would also detract from the setting of neighbouring listed buildings, which includes the grade I listed Cheltenham Minster, urban art appearing visually brash and incongruous with the peaceful, contemplative setting of the churchyard. Regardless of the quality of any mural itself, it is considered the principle of a mural in this location is inappropriate.

Secondly, it is considered the introduction of modern non-breathable paint on the brick and ashlar would undermine the breathability of these materials resulting in vapour becoming trapped and damage to the fabric.

A proposed mural in this location would not be considered to sustain and enhance the special interest of listed building and the setting of neighbouring listed buildings, therefore causing harm to their special interest. While sympathetic to the issue of improving the condition of the churchyard, this does not justify harm. As a result of the above concerns it is considered the proposed mural should be removed from the proposed works.

The x4 condition reports show repairs works to the heritage assets within the churchyard. It should be noted some of these works may require Faculty consent, benefiting from ecclesiastical exception and not require listed building consent. It is advised an informative stating contact with the Dioceses is advised.

Provided the application is amended to remove the proposed mural the rear of Cheltenham House, no objection is raised to the proposed works. If any amended application is to be

granted it is considered conditions requiring further details of materials (written specification and samples), lighting, bollards and any associated equipment be attached to the consent. The above informative is also advised.

Architects Panel

19th October 2021

Design Concept - The panel welcomed this application which is seen as an excellent opportunity to enhance an important area of public open space in need of refurbishment.

Design Detail - The proposed landscaping plans and details for improving the overall quality of this important churchyard are well designed.

Recommendation - Support.

Cheltenham Civic Society

1st October 2021

SUPPORT in principle but a lot of concerns.

The Civic Society Planning Forum support this scheme in principle, Cheltenham Civic Society having contributed significantly to the consultation process so far. A different consultant to the one carrying out the earlier consultation has been used to draw up this design, and they have missed many of issues which were raised in that first consultation.

There is a real opportunity to permanently change this area of the town for good, but it requires brave decision making. If money were no object, the council could think big and create a large open landscape setting linked to the High Street. This would be mutually advantageous to the Minster and to the High Street shopping experience.

This proposal fundamentally ignores the heritage significance of the site. This would not happen to any other Grade I listed building. The tomb survey is good. The setting of a Grade I listed building must be handled with great care, and there are significant historical constraints on new interventions. Why then does the designer insist that these new interventions should be 'contemporary and standout'? This is neither best practice nor desirable.

<u>Paths</u>

Key access and egress routes seem to have been omitted from the scheme. More should be made of existing desire lines when planning the paths. If there is a need for the P7 path in the south, implement it now rather than wait for it to be retrodden and undermine the scheme. Why are 'Tobermore Mayflair flags' being used? How does this (alongside the contrasting proposed Cotswold stone gabions) reflect the context and setting?

We are pleased to see that the raised metal grating walkway is to be omitted. It is far too industrial and inappropriate to the setting.

<u>Street Art</u>

The Civic Society Planning Forum strongly objects to the plans for 'painted art'/ street art on the back of Cheltenham House. Parts of Cheltenham House are now Grade II listed. The earlier consultation specifically warned against inappropriate street art in this setting, as required by NPPF para 199. We were therefore surprised to see it included in this application.

<u>Gabion Seating</u>

The gabion seating is hideous and does not relate in any way to the Grade I Minster, contrary to NPPF para 199. The desire to introduce biodiversity seems to have magically usurped this requirement. Who wants bees and wasps buzzing around their heads when having a sandwich, lunch or coffee, especially children?

Using gabions as bases for seats in this location would attract litter, with cigarette butts, chewing gum and nitrous oxide capsules being dropped into the cages holding the seat slats and difficult to remove. Litter is not conducive to positive behaviour, and people feeling safe and choosing to spend time in the area.

Lighting

The lighting plan makes no reference to the two sets of Grade II listed Dragon and Onion lamp posts. Would this be an opportunity to bring all five together for added impact, perhaps in a line along the main footpath to gain impact and add interest?

The plan inadequately lights the dark areas that hide ASB. The use of low voltage uplighters along the wall on the eastern edge could bring this structure to life and obviate dead spots, for example.

Is the lighting in the two NW alleys sufficient? Perhaps better to place a line of uplighters to expose features and reduce wayleave costs?

There are lots of 'future works' earmarked. Why not get it done now, especially in areas known to attract/ harbour ASB?

There are large areas of darkness to the west and south of the site that should be addressed. The plan cannot rely on passive lighting from overlooking buildings.

The proposed uplighting would need to checked that it was not disturbing bats and other wildlife or causing necessary light pollution

Anti-social behaviour and safety

We very much welcome reuse of stone paving and improved lighting to deter anti-social behaviour (ASB) but it doesn't go far enough.

The focus must be on attractive and safe pedestrian friendly routes, otherwise this will remain a place to avoid for most people. You cannot feel confident having to walk past a group of people who might be drinking and drug taking in the proposed circular area.

Flowerbeds and seats will not reduce the intimidating atmosphere. Ongoing management: enforcement, maintenance, keeping the area litter and graffiti free are important for making the area feel safe and somewhere people want to spend time. Is there a strategy and budget set aside for this?

Have the police been consulted on these plans, and if so, what are their recommendations for designing out ASB? Or has other expert advice been sought?

Planting and biodiversity

Wildflower planting will struggle to establish in the shaded locations. Bottles, takeaway rubbish, and drug paraphernalia is likely to collect in the vegetation. Meadow planting looks good in large swathes in Pittville Park and other parks but is not appropriate here.

Well managed perennial planting would be an asset. There are good examples at Gloucester Cathedral and Hereford Cathedral. We would like an assurance that there is a maintenance plan and in place.

Biodiversity is a good theme but we need to be realistic about what can be achieved here. This is a primarily a historic heritage setting not a showcase for gimmicky biodiversity habitats (see our comments about the gabion seating and 'habitat friendly' litter bins). Historic buildings, mature trees and perennials provide habitats for wildlife. There are many measures which could provide additional wildlife habitats without shouting about it, or detracting from the heritage setting.

The bat survey was good.

Bins
There needs to be a plan in place for managing the multiple commercial refuse bins which litter the entrances to the Churchyard. These bins negatively impact on the appearance of the area as well as obscuring views along the alley ways. The report mentions 'Develop strategy for commercial bins, as the periphery of the site is often local businesses 'back of house'.' This is critical, yet no further mention is made of the bins and how to manage them. Commercial waste bins are a key issue for Cheltenham Civic Society. It was identified in the street audit of 2018 and has featured in our conversations with Cheltenham Borough Council during this consultation, and with the Townscape Manager and the Chief Exec. Despite all that, CBC has failed to address this critical issue in these plans. To what extent have the local businesses been involved in these plans?

The provision of litter bins within the Churchyard is of course essential but the appearance of the 'habitat friendly litter bins' is inappropriate for this setting.

Conclusion
This plan should have been the focus of a further round of consultation rather than going straight into the planning process. We appreciate there may be time pressure due to funding streams, but it is important to get any intervention at this significant site right.

We would have liked more information about the involvement and engagement of the neighbouring businesses - both commercial and non-commercial. We would also have liked more information about the plans and budget for ongoing maintenance.

GCC Highways Development Management

6th October 2021

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

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

The Highway Authority therefore submits a response of no objection.

CBC Trees Officer

28th September 2021

A method statement should be submitted prior to determination detailing hand-digging of existing paths and construction of new pathways, to show how to avoid damaging the roots of existing trees.

It's not considered necessary to erect fencing in line with BS5837 as such damage is not anticipated, however compaction avoidance ground protection should be used. This should be detailed in tree protection plan to BS5837, and within the method statement.

The proposed tree works should not significantly affect the amenity of the retained trees, and the removal of the two lesser quality limes will improve light levels within the grounds.

Please submit tree pit details for the new trees (three cork oaks) to include robust wire cage protection.

P5 on the key to the landscape plan appears to be a grating/drain. If this is the case, its installation should also be described within the method statement to avoid damaging any roots greater than 25mm (this falls with the root protection area of two mature limes).

The landscape plan includes several wavy red lines - please can the function / meaning of this be clarified.

26th November 2021 – revised comments
The tree pit details are sufficient and it is understood that these may be subject to further archaeological constraints that arise during excavation. The tree protection plan is also sufficient.

However, the method statement is lacking some detail as to how roots will be treated if encountered during excavation / construction. The method statement should refer more specifically to section 7.2.

A site meeting should be held before commencing works within root protection areas. The meeting should be attended by the site manager and at least one Trees Officer.

Gloucestershire Centre for Environmental Records
23rd September 2021
Report in documents tab

GCC Archaeology
29th September 2021
Thank you for consulting the archaeology department on this application. The county Historic Environment Record informs that the proposed development contains the site of Grade I listed Cheltenham Minster and its associated grounds occupied since at least the 12th century but also the possible site of an earlier Saxon monasterium or minster and medieval Benedictine Priory. The site contains several nationally important heritage assets dating to the medieval and post-medieval periods including a 14/15th century stone cross. A Desk Based Assessment has been submitted with the application which provides more detailed background (Oxford Archaeology 2021). Due to the high archaeological potential, particularly for burials relating to the medieval and post-medieval period and into the modern era, the scheme has been designed to minimise belowground impact but some aspects of the scheme will require groundworks that may impact archaeological remains. The DBA assesses potential impacts from the proposed pathways, seating, public spaces, landscaping and associated utilities and lighting.

In consideration of the potential for archaeological remains to be impacted by the proposed works whilst recognising and the limited belowground impact from the proposals I consider it appropriate to include a condition for archaeological monitoring for elements where there will be a belowground impact and details can be discussed with this department following further design detail.

To facilitate the archaeological work I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the

scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework

I have no further observations.

CBC Environmental Health
29th September 2021
Thank you for the consultation. I have considered the application from an environmental health perspective, and have no adverse comment to make.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent to 114 properties surrounding the site. In addition, site notices were posted at the various entrances to the site, and an advert was published in the Gloucestershire Echo.

5.2 Two representations have been received in response to the publicity; one objection and one general comment. The comments have been copied in full to Members, but are summarised below:

Objection:
- The changes are not necessary; why alter the peaceful grounds of the oldest Grade 1 listed building in town
- At present the site is a relatively peaceful haven for squirrels who will lose their home if trees are chopped down

General comment:
- There look to be some significant positives to the scheme
- The scheme appears to provide a safe east to west cycling corridor but provides additional opportunities

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The key issue when determining this application relates to design and impact on the historic environment, including the grade I listed Minster. Other considerations include amenity; trees and landscaping; access; and biodiversity.

6.2 Design and impact on the historic environment

6.2.1 JCS policies SD3 and SD4 set out the design requirements for new development proposals. These polices 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 supported by CP policy D1 and are consistent with the general design advice set out within Section 12 of the NPPF.

6.2.2 In addition, 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.

6.2.3 Furthermore, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting. Section 72(1) of the same Act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area wherein development is proposed.

6.2.4 As previously noted, there are a number of listed buildings in proximity to the application site, most notably the Grade I listed Minster, and the proposed development will undoubtedly impact on the setting of these buildings. The Minster, being Grade I listed, is in the top 2.5% of listed buildings, and therefore greater weight should be given to its conservation.

6.2.5 From a Heritage perspective, the proposals have been fully assessed by Historic England (HE) and the Council's Senior Conservation Officer (CO); and their comments can be read in full at Section 4 above.

6.2.6 In their initial response, HE were generally supportive of the principal aims of the project, acknowledging the problems currently associated with the location of the Minster, surrounded by later developments that compromise its setting. They also acknowledge that the improved landscaping within the church yard would *"increase footfall and dwell time within this under-valued historic space, better revealing its heritage significance."* They further recognise that the works to provide an improved transition between the church yard and the approved new development on the car park, when constructed, *"will provide a focal area, which has potential for a positive and engaging public space."*

6.2.7 However, HE did raise some concerns over the proposed palette of materials, suggesting the use of *"more befitting natural materials"*.

6.2.8 In response to the initial comments, the applicant provided additional clarification on a number of the points raised, and HE subsequently confirmed that their concerns over the proposals were now *"on the whole, allayed".* Acknowledging that the more urgent repairs now highlighted, such as including the cleaning of graffiti from the base of the Scheduled Cross, *"represents a significant heritage benefit to be delivered as part of the scheme."*

6.2.9 HE go on to state that they *"are pleased that further thought has been given to using natural materials for this key space, which will provide a cohesive and more positive response to the setting of the Minster".* They conclude that they consider the application now meets the requirements of the NPPF and they no longer object on heritage grounds.

6.2.10 Additionally, whilst not providing formal comments on the latest revisions, which include sandstone monolith benches for the main circular seating area, HE have agreed that the changes are very positive.

6.2.11 The one area of concern raised by the CO, namely the proposed mural to the rear of Cheltenham House, has also been addressed in the revisions; with this element now omitted from the scheme. In respect of the other works, the CO states that *"Generally the proposed hard and soft landscaping works are considered acceptable and an enhancement to the appearance of the churchyard, which is in a notable poor state of repair."*

6.2.12 Overall therefore, whilst the proposed works would undoubtedly result in a change to the character and significance of this historic churchyard, as part of the setting of the Grade I listed Minster, it is considered that the proposed development will make a positive contribution.

6.2.13 From an archaeological perspective, paragraph 194 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. Additionally, CP policy HE2 seeks to ensure that important archaeological remains are preserved in situ, where possible.

6.2.14 In this regard, the application has been reviewed by the County Archaeologist (CA). The CA, whilst acknowledging that the application is accompanied by a Desk Based Assessment and that the scheme has been designed to minimise belowground impact, advises that some aspects of the scheme would require groundworks that may impact archaeological remains; they therefore recommend a condition for archaeological monitoring.

6.3 Wildlife and biodiversity

6.3.1 JCS policy SD9 seeks to ensure that all development, wherever possible, makes a positive contribution to biodiversity and geodiversity, and that important habitats and species are protected. Where harm to biodiversity is unavoidable, mitigation measures should be incorporated into the design of the development. The policy reflects the advice set out within the NPPF at paragraph 180.

6.3.2 The application has been accompanied by a Preliminary Ecological Appraisal (PEA) that comprised a Phase I habitat survey and protected species survey assessment. The application was further supplemented by a Bat Dusk Emergence/Activity Transect Survey Report (BS).

6.3.3 The PEA identified that *"There are no protected habitats on Site that need consideration in relation to this development"* but that a number of protected species need to be considered, namely, bats, birds and hedgehogs; the PEA goes on to suggest opportunities for enhancements, and a condition is recommended to secure these.

6.3.4 The BS identified that one species of bat was present on site, the common pipistrelle, but that no bats were recorded emerging from the Minster building. The bats recorded on site indicate that they are likely to be roosting nearby; however, the location of the roost could not be determined.

6.3.5 The BS makes a number of recommendations to include that the church (especially the western gable end) and medium/large trees are not illuminated due to their potential to be used for roosting, and the lines of trees to the west and east should also not be illuminated to avoid disturbing foraging/commuting bats. The BS also recommends that existing lighting should be modified, and that any proposed lighting should be designed sensitively to minimise light spill and potential impacts on bats in accordance with best practice.

6.3.6 In this regard, the application has been accompanied by a Lighting Scheme which the applicant confirms has been designed to produce an even light level across the site, diminishing the current harsh dark areas, whilst meeting the recommendations of the PEA and BS.

6.3.7 The objection received in respect of the potential impacts on squirrels within the churchyard have been duly noted; however, grey squirrels are not afforded any protection. In any case, the limited extent of works proposed to trees is unlikely to have any significant impact on the squirrel population.

6.4 Trees and landscaping

6.4.1 Adopted CP policies GI2 and GI3 advise that the retention of existing trees; the planting of new trees; and measures adequate to ensure the protection of trees during construction works may be required in conjunction with development. This advice is reiterated in adopted JCS policy INF3.

6.4.2 The application proposes works to a number of trees within the site, to include the removal of some trees. New trees are also proposed as part of the landscaping scheme. The trees on site are managed by the Council's Trees Officer (TO) and as such their agreement to the works have been sought. In reviewing the application initially, some additional detail was requested to include a tree protection plan and method statement to show how the works would be carried out without damaging the roots of existing trees. Tree pit details for the new trees together with cage protection was also requested.

6.4.3 That said, overall, the TO commented that "The proposed tree works should not significantly affect the amenity of the retained trees, and the removal of the two lesser quality limes will improve light levels within the grounds."

6.4.4 The tree pit detail and tree protection plan subsequently submitted by the applicant have been reviewed by the TO and found to be acceptable.

6.5 Other considerations

Amenity

6.5.1 Officers are satisfied that the proposals would not cause any harm from an amenity perspective but rather provide an improvement to local amenity. The application has been reviewed by the Environmental Health Team who raise no concerns. The proposals are therefore in accordance with CP policy SL1 and JCS policy SD14.

Civic Society comments

6.5.2 The Civic Society (CS), whilst supporting the application in principle, raise a number of concerns, and their comments can be read in full at Section 4. The CS suggest that *"This proposal fundamentally ignores the heritage significance of the site"* and query the acceptability of the contemporary design approach taken.

6.5.3 The applicant has responded to the concerns; highlighting that:

- the proposals have carefully considered the numerous graves that lie within the churchyard and have been strictly guided by archaeological surveys and recommendations; and the area to the south of the site has been identified as appropriate for a new footpath
- the use of concrete flag paving has been omitted from the proposals
- using the real wall of Cheltenham house for a mural has since been ruled out and has been omitted from the proposals
- they acknowledge the comments with regard to the design of the stone faced gabion seats and the potential issue of litter being trapped within the mesh openings but, with the correct detailing, voids and gaps can be avoided
- they are now proposing to use a solid sandstone 'monolith' seating unit around the circle paving area, and using the sandstone faced habitat units to the back, in an amphitheatre type arrangement.
- the low level lighting scheme has been designed to produce an even light level across the site, diminishing the current harsh dark areas, whilst in accordance with the recommendations of both an ecological and bat survey undertaken

for the project. The proposals do not rely on passive lighting from overlooking buildings

- the Grade II listed Dragon and Onion lamp posts will remain in situ but they are currently exploring opportunities with Gloucestershire County Council to restore those in the poorest of conditions and redress the lighting balance that currently contributes to the significant disparities in light and dark across the site
- improved seating, lighting and paths in the gardens and the new Minster Exchange building will increase footfall through the area generating natural passive surveillance; the police have been consulted and there are plans to improve sight lines to maximise the effectiveness of the CCTV camera
- planting proposals would include a mix of annuals and perennials; the detailed species mix will be designed to suit the shady, damp conditions
- they are working closely with the Council's green spaces development team, neighbourhood team and cleansing teams to ensure that the site would have a suitable maintenance plan in place
- stakeholder engagement with local businesses in relation to commercial bin usage and storage issues in the area is still ongoing, and the Council continues to explore options
- existing litter bins in the Minster churchyard are no longer fit for purpose and need to be replaced by suitable facilities to accommodate the fact that this site is frequently used by people dining on takeaway food

Cycling

6.5.4 As previously noted at paragraph 5.2, one representation received in response to the consultation exercise highlighted some opportunities to provide improvements for cyclists. In response, the applicant has confirmed that:

- bollards will prevent motor vehicular access to the Minster Gardens, whilst permitting all types of cycle and mobility scooter to gain access from all access points; at the southern gate, the bollard would be offset to achieve a clear opening of 1.5m and an additional bollard will be integrated into the western access point at Well Walk
- the southern path will remain at the existing width due to the numerous graves that lie within the churchyard
- cycle parking provision has been provided for those using the Minster Exchange building. The presence of graves places historical constraints on new interventions within the grounds of the Minster. There are currently three racks next to the Children's library and the Council is looking at how best to increase provision in the area

Public Sector Equalities Duty (PSED)

6.5.5 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.5.6 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of

this planning application the planning authority has taken into consideration the requirements of the PSED.

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

7. CONCLUSION AND RECOMMENDATION

7.1 With all of the above in mind, the proposals as revised are considered to be in accordance with relevant local and national planning policy. Whilst the works would undoubtedly result in a change to the character and significance of the historic churchyard, as part of the setting of the Grade I listed Minster, it is considered that they would make a positive contribution. The works are supported by Historic England and the Council's Senior Conservation Officer.

7.2 As such, the recommendation is to grant planning permission subject to a schedule of conditions which will be set out in an update to Members prior to the committee meeting.

APPLICATION NO: 21/02019/FUL	**OFFICER: Miss Michelle Payne**
DATE REGISTERED: 8th September 2021	**DATE OF EXPIRY** : 3rd November 2021
WARD: Lansdown	**PARISH:**
APPLICANT:	Cheltenham Borough Council
LOCATION:	St Marys Church, Well Walk, Cheltenham
PROPOSAL:	Various external works within the grounds of Cheltenham Minster (St Mary's) to include improvements to the paving and connection pathways; improvements to the lighting; restoration of historic artefacts; improved vehicular access; provision of formal seating areas; and enhancements to biodiversity

REPRESENTATIONS

Number of contributors	**2**
Number of objections	**1**
Number of representations	**1**
Number of supporting	**0**

13 Lambert Close
Shurdington
Cheltenham
GL51 4SR

Comments: 5th November 2021
Regarding the possible revitalising of the grounds of St Mary's Church in Cheltenham.

I understand this is being considered due to anti-social behaviour however I and many others believe this would be a crying shame.

Why? Because at present it is a relatively peaceful haven for squirrels. If they start chopping down trees they will lose their home of many years.

Also why alter the peaceful grounds of the oldest Grade 1 listed building in town.

St Mary's is Cheltenham's only medieval church, it was built by the abbey of Cirencester, which owned it from the early 12th century until 1539.

Although parts of the original 12th-century structure have survived, much of the building dates from the 14th century, and was heavily restored during the Victorian period.

Every time I go to town I walk through this beautiful site and am often fortunate enough to have an encounter with one of our Cheltonian squirrels.

Please read the reviews on Google for Cheltenham Minster St Mary's Church ... peaceful oasis, hidden gem etc.

We love it as it is - as do tourists visiting Cheltenham Spa.

Please do not make these unecessary changes.

If you would like to see some photographs of the squirrels who live there let me know I would be happy to oblige.

55 Farmington Road
Cheltenham
Gloucestershire
GL51 6AG

Comments: 26th September 2021
There look to be some significant positives to the scheme.

I wanted to highlight the importance of the area in providing a safe east to west cycling corridor. Following the failure of Phase 4 of the Cheltenham Transport Plan, and the prohibition of cycles using the recently renewed Boots Corner crossing, the most segregated route available for cycles uses the short cycle path from Imperial Circus to access Church Street before turning west to access Chester Walk, or continuing up Church Street onto the high street.

The scheme appears to make provision for this, but I wanted to highlight a particularly couple of opportunities;

1) That bollards (eg S9) are spaced to current equalities legislation and guidance to allow a full range of non-motorised users (1.5m - eg see LTN 1/20 8.3.5), particularly those cycling with family trailers or disability adapted cycles. There appears to be a particular challenge at the southern gate, although the western access should also be reviewed.

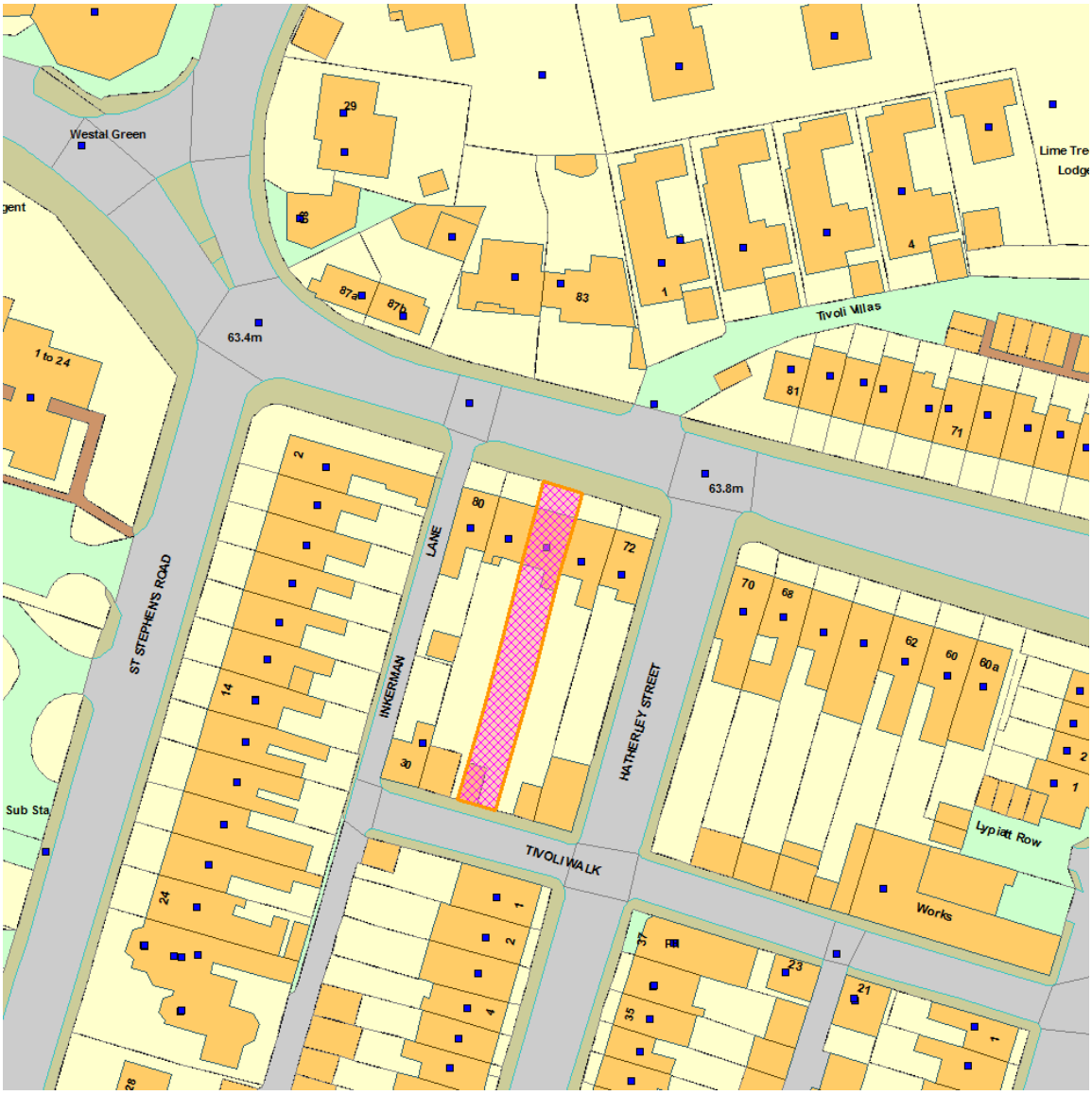
2) That achieving maximum possible width on the Southern path from Church Street would be highly desirable

3) The scheme appears not to include any cycle parking, which I believe goes against local supplementary planning advice.

Particularly given the aims of the scheme, a sufficient number of high secure cycle parking on hard standing should be included, both for those using the building and those using the amenity of the environment surrounding it. Given the potential security risks of the area, it should be placed in a well lit area, with high footfall and passive sight lines for observation.

APPLICATION NO: 21/02385/FUL & 21/02385/LBC	**OFFICER: Mr Ben Warren**
DATE REGISTERED: 4th November 2021	**DATE OF EXPIRY:** 30th December 2021
DATE VALIDATED: 4th November 2021	**DATE OF SITE VISIT:**
WARD: Park	**PARISH:** n/a
APPLICANT:	Mr Graham Rix
AGENT:	n/a
LOCATION:	76 Andover Road, Cheltenham, Gloucestershire
PROPOSAL:	To demolish the unauthorised 1970s garage at the rear of the plot and replace with a double garage/annexe.

RECOMMENDATION: Permit & Grant



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application site is a mid-terraced residential property that has its main frontage onto Andover Road. To the rear of the terrace is an access road known as Tivoli Walk, whereby the properties have vehicle access to existing and recently demolished garage buildings.

The existing building is Grade II listed, located within Cheltenham's Central Conservation Area and within the Tivoli Character Area.

1.2 The applicant is seeking planning permission and listed building consent for the demolition of an existing garage and the erection of a new garage annexe building to the rear of the site. However, it is important to note that permission has already been granted on two separate occasions for a garage/annexe building on this site, under application numbers 18/01513/FUL & LBC and 19/01652/FUL & LBC.

1.3 The considerations of this application therefore relate to the changes shown in the revised plans. The changes identified in this submission relate to the partial demolition and re-building of two sections of existing garden wall located between 74 and 76 Andover Road, and 76 and 78 Andover Road.

1.4 The applications are at planning committee at the request of Councillor Harman, Councillor Barrel and Councillor Baker, who note the sensitivities around the works to the designated heritage asset and believe that in the interests of transparency, it is best that the applications are determined publicly at planning committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:
Conservation Area
Principal Urban Area

Relevant Planning History:
18/01513/FUL 3rd September 2018 PER
Internal and external alterations, demolition of existing single storey rear addition and replacement with a conservatory and demolition of existing garage to the rear and replacement with a new double garage/annexe.

18/01513/LBC 3rd September 2018 GRANT
Internal and external alterations, demolition of existing single storey rear addition and replacement with a conservatory and demolition of existing garage to the rear and replacement with a new double garage/annexe.

18/01916/DISCON 8th October 2018 DISCHA
Discharge of condition 3 (proposed materials and cross sectional details of steps), 4a, 4b and 4c (details of rainwater goods, balcony, cornice), 5 (sample of materials for flagstones) on planning permission ref. 18/01513/LBC

18/01917/DISCON 11th October 2018 DISCHA
Discharge of conditions 3 (materials) and 4a (vents/flues), 4b (rainwater goods) and 5 (garage fenestration) on planning permission 18/01513/FUL

19/01652/FUL 20th September 2019 PER
Internal and external alterations, demolition of existing single storey rear addition and replacement with a conservatory and demolition of existing garage to the rear and replacement with a new double garage/annexe. (Revised scheme to 18/01513/FUL - minor alterations to garage/annexe).

19/01652/LBC 20th September 2019 GRANT
Internal and external alterations, demolition of existing single storey rear addition and replacement with a conservatory and demolition of existing garage to the rear and replacement with a new double garage/annexe. (Revised scheme to 18/01513/LBC- minor alterations to garage/annexe).

21/01845/CONDIT 2nd November 2021 PER
Variation of condition 2 (approved plans) of planning permission 19/01652/FUL, changes to include an amendment to the gate and window design.

21/01860/CONDIT 2nd November 2021 PER
Variation of condition 2 (approved plans) of listed building consent 19/01652/LBC, changes to include an amendment to the gate and window design.

3. POLICIES AND GUIDANCE

National Planning Policy Framework
Section 4 Decision-making
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies
D1 Design
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy Policies
SD4 Design Requirements
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD14 Health and Environmental Quality
GI2 Protection and replacement of trees
GI3 Trees and Development

Supplementary Planning Guidance/Documents
Central conservation area: Tivoli Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Building Control
17th November 2021

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

Heritage And Conservation
7th December 2021

Relevant legislation and policies
Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).
The National Planning Policy Framework (MHCLG: 2021) (the framework).
Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (the JCS).
(Note that the following polices have not been 'saved', they are no longer

current/relevant: BE1, BE3, BE5, BE8 and BE9).

Consideration
The consideration of the scheme is undertaken primarily as a desk based assessment. Note that the officer viewed the boundary wall (east) from the garden of No. 74 on 13 October 2021.
The principal conservation-based considerations are the effect of the proposal on the historic environment, in particular on the significance of listed buildings and the conservation area.

In considering proposals for listed building consent, the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) requires via S.16 (2) "special regard to the desirability of preserving the building…or any features of special architectural or historic interest which it possesses."
In the appraisal of planning applications, the 1990 Act requires via S.66 (1) "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 the consideration of planning permission with respect to any building or land in a conservation area, the 1990 Act requires via S.72 (1) "the desirability of preserving or enhancing the character or appearance of that area."
These duties are reflected in section 16 (Conserving and enhancing the historic environment) of the framework. The relevant JCS policy is SD8.
The application(s) proposes the demolition of a garage at the rear of the plot and its replacement with a double garage/annexe. For clarity, with reference to drawing 3HV P1 (B) (revised garage/annexe details) (17 November 2021), in plan the garage is depicted as having been demolished, as has a section of garden/boundary wall (west).

Applications 18/01513/FUL & LBC and 19/01652/FUL & LBC included the demolition of the garage and its replacement with a garage/annexe; all were approved by the Local Planning Authority.

The principle of the demolition of the garage and the construction of a double garage/annexe has been established via previous permissions/consents. Therefore, these aspects of the scheme will not be considered further, unless the Planning Officer believes that comment is necessary.
With reference to the item, supporting document - additional information (17 November 2021), and the section titled Heritage. The text seems to be a justification for aspects of the scheme rather than describing "the significance of any heritage assets affected, including any contribution made by their setting" (para. 194, the
framework (2021). Note that paragraph 194 of the superseded framework (February 2019) related to justification.
No. 76 forms part of a wider terrace of houses that is included on the National Heritage List for England at Grade II. List entry number: 1386687. First listed on 12 March 1955.
The significance of the listed building(s) lies principally in being an example of the polite architecture of the first half of the nineteenth century, expressed in the form of a terrace of houses.
With regard to the garden/boundary walls to the eastern and western side (rear) of the site respectively, they form part of No. 76 by virtue of being attached to the house and are therefore part of the designated heritage asset. As shared boundary
walls they also form part of Nos. 74 and 78, buildings of the wider listed terrace.
From reviewing historic maps, images and the visit as above to No. 74, the wall (east) appears to be contemporary with the construction of the house; it has been subject to various repairs.

Brick walls are the typical rear boundary treatments in the period and the town; they are plain and utilitarian in nature, reflecting their status and function.

The proposal site is located in the Central Conservation Area (Tivoli Character Area), a designated heritage asset (Cheltenham's Central Conservation Area was designated by Gloucestershire County Council on 28 May 1973 and its boundary was extended by Cheltenham Borough Council on 14 August 1987).
The immediate vicinity to the rear of the site (Tivoli Walk) is characterised by various buildings and structures, including residential/habitable buildings.

The scheme proposes to dismantle and rebuild a section of the existing
garden/boundary wall (east) as it is currently leaning and at its current angle cannot be integrated into the side elevation (east) of the proposed annexe/garage. Often where historic brick walls are failing, taking them down and re-building them is a typical approach. The wall has been subject to repairs of varying quality and therefore has lost the uniformity that it would have had when originally constructed.

The proposed rebuilding of the wall, re-using the current brick, utilising lime mortar and using a bonding pattern to match that as existing, will of course change the nature of the wall; however, it will be legible as a re-built garden/boundary wall, though integrated into the side elevation of the garage/annexe, using historic bricks and traditional forms of construction, and performing its original utilitarian function as a physical boundary between the two plots. This aspect of the scheme will not detract from the aesthetic or evidential value of the listed building and therefore its significance will be maintained.

With reference to the proposed wall (west), that between Nos. 76 and 78. Drawing 3HV P1 (B) (revised garage/annexe details) (17 November 2021), includes text that indicates that the elevation (west) will be of "salvaged brickwork" and text that states new brickwork as previously approved will be used within the garage and bin storage area. The item, supporting document - additional information (17 November 2021), states that the "wall, where visible in the garage and bin store, will be fairface brickwork to match the previously approved for the exterior of the proposal". The information provided is unclear as to whether new or salvaged brick, taken to be from the demolished section of wall (west), is to be used. The Planning Officer should review this and if they agree, seek suitable revisions if necessary.
The item, supporting document - additional information (17 November 2021), states that "Most of the garden wall between 78 and me [No. 76] (where within the proposed coach house) was demolished in [the] 1960s" and "the wall between 76 and 78, where nearing Tivoli Walk, has been extensively rebuilt in recent times using cheap brickwork, and now possesses a 1960s precast concrete coping…The loss of a short section of wall was not the loss of a substantially original wall."

With reference to the document(s), supporting information - photos (November 2017) and the images relating to the wall between Nos. 76 and 78, the section depicted appears to comprise a mixture of historic and modern brickwork, and concrete coping. This seems to relate to the contention above, that it was not a wholly historic wall. It is not clear how many historic bricks from the demolished wall remain on site and what their condition is for any re-use. Their retention/re-use in the 'bin storage area' is preferred.

The framework defines the setting of a heritage asset as "The surroundings in which a heritage asset is experienced. Its extent is not fixed any may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral" (Annex 2: Glossary).

The importance and extent of setting is typically conveyed by reference to visual considerations. Given that the wall (east) will remain legible as will the extent of the historic rear plots, the work to the wall will not detract from how the listed building is experienced, and therefore its setting and significance will not be harmed.

As above, the proposal site and wider listed terraced, and associated gardens are located in the Central Conservation Area. As the subject walls will not be visible from publically accessible vantage points, and as the proposed work does not detract from the aesthetic value of the listed terrace, the scheme will not be detrimental to the character and appearance of the conservation area; therefore, its significance will be maintained.

In conclusion, subject to clarification of how much historic brick will be used in part to the wall (west - lower section), the scheme will not detract from the significance of the designated heritage assets and in terms of conservation is acceptable.

Suggested conditions may include:
The Planning Officer/decision maker(s) should consider duplicating conditions as per previous permissions/consent.

In addition, consideration should be given to add conditions relating to the following, to any positive permission/consent, in an appropriately worded format:
Protection methodology for any other historic fabric/wall(s) - during demolition and construction.

The section of wall (east) as highlighted on the relevant approved drawing shall be re-built to match the existing (to include, but not limited to, existing bricks re-used, bonding pattern to match existing and lime mortar).

Gloucestershire Centre For Environmental Records
26th November 2021

Biodiversity Report available to view.

Building Control
17th November 2021

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

Tree Officer
16th November 2021

There are two trees within the sphere of influence of the development, a birch within site and an apple in the neighbouring property at 74 Andover Road.

The birch may need some access facilitation pruning and, as one would expect in Conservation Area, this should be done to BS3998 (2010). Care should be taken to avoid damaging the tree above and below ground through mechanical damage, ground compaction (e.g. storage of materials and tools beneath the tree), spillages of chemicals etc.

The apple will also likely need some access facilitation pruning and this should be done to BS3998 (2010). It is unclear where this tree is in relation to the proposed development as a tree survey has not been conducted and the tree doesn't appear on the plans. However, the root protection area should be established and marked on the plans, and should any excavation or construction be proposed within the RPA, a method statement to BS5837 (2012) should be submitted prior to determination to detail how this will be done without damaging or compacting the root system of the tree - this method statement should include e.g. hand-digging and no severing of roots greater than 25mm diameter.

Reason: to protect amenity, wildlife and screening value of these trees in line with Policies GI2 and GI3 of the Cheltenham Plan.

Tree Officer - *18th November 2021*
Given the shallow footings of the garden wall, it is likely that the roots of the apple in 74 Andover Road extend into the site. The proposed development sits within the RPA of this tree. With any excavation or construction within the RPA, a method statement to BS5837 (2012) should be submitted prior to determination to detail how this will be done without damaging or compacting the root system of the tree. An arboriculturalist could assess the likely impact of any such excavation and construction and write a suitable method statement.

The services to and from the development may well also fall within the sphere of influence of the trees on site and adjacent. This should also be taken into consideration when writing the method statement.

This tree appears to be in good physiological and structural condition. It is a mature specimen that has been managed as a pollard. There is no apparent evidence of any significant defects that would suggest that it's nearing the end of its life. Pollarded apples have a tendency to live for many decades and I would expect this tree to live for a good deal longer if managed responsibly. Due to it being within the Conservation Area, it is a protected tree.

5. PUBLICITY AND REPRESENTATIONS

5.1 The application has been advertised by way of a site notice, an advert published in the Gloucestershire Echo and letters sent to three direct neighbours. Representations and objections have been received from 72 Andover Road, 74 Andover Road and 1B1 Andover Road. The concerns have been summarised but are not limited to the following:

- Loss of historic fabric/impact on the designated heritage asset
- Impact on trees
- Impact on neighbouring amenity

Officers duly note various other points raised in the representations made by number 72 and 74 Andover Road, however the points specified above are the relevant material considerations of this application.

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 As already noted, planning permission and listed building consent has already been granted in application numbers 18/01513/FUL & LBC and 19/01652/FUL & LBC for the demolition of an existing garage and the erection of a new garage/annexe building at the rear of 76 Andover Road. Therefore, the only considerations of this application are the acceptability of the changes proposed within this application, from that already granted permission. The considerations relate to design, impact on the designated heritage asset, impact on neighbouring amenity and the impact on existing trees.

6.3 The changes within this application relate to the removal and re-building of two sections of garden wall, one located on the eastern boundary between 74 and 76 Andover Road and the other on the western boundary, located between 76 and 78 Andover Road.

The previous permissions showed the sidewall (east) of the proposed annexe building to be built over the existing garden wall, therefore not requiring any works to the garden wall itself. However, the applicant has suggested that this approach is no longer possible and is now proposing the partial take-down and re-building of a section of this wall, as well as seeking similar consent for a section of garden wall on the western boundary.

6.4 Members should note that planning permission and listed building consent has also be granted for a garage/annexe building at the rear of number 78 Andover Road (19/01753/FUL and 19/01753/LBC). The permitted schemes are attached to one another and share a central party wall.

6.5 Members should also be aware that works on site for number 76 and 78 Andover Road have already started and the annexes to the rear of both sites are being constructed by the same contractor/builder. It is also important to note, that the section of wall between 76 and 78 Andover Road has already been taken down, however, the wall between 74 and 76 Andover Road remains intact.

6.6 **Impact on the designated heritage asset.**

6.7 The existing boundary/garden walls are considered to be curtilage listed, and therefore listed building consent is required for any alterations to these walls. With this in mind, the council's conservation team were consulted on the application. Early discussions with the conservation officer identified that further detail/information was necessary, which has since been provided by the applicant. Upon receipt of this information, the conservation officer was re-consulted and their full and detailed comments can be read above.

6.8 The conservation officer raises no objection to the works, and does not consider that the partial take down and re-building of these sections of garden wall would detract from the significance of the designated heritage assets. The conservation officer considers the proposed works to be acceptable in heritage terms.

6.9 Conditions are necessary and have been suggested. Conditions number two and three on the full application relate to materials and design details that have already been approved as part of the consented schemes. Condition two on the listed building consent application requires the walls to be-rebuilt using salvaged bricks from the existing walls, and for a traditional bonding pattern and lime mortar mix to be used, as proposed by the applicant and as suggested by the conservation officer.

Officers note the suggestion of a further condition relating to a protection method for other parts of the existing garden wall, however, officers do not consider this necessary for the level of works proposed within this application. Furthermore, as the garden walls are curtilage listed, any works beyond those proposed within this application would require further consent.

6.10 For the reasons discussed within the conservation officer's comments, the proposal is considered to be acceptable in heritage terms and is therefore compliant with Cheltenham Plan Policy D1 and adopted JCS policies SD4 and SD8.

6.11 **Trees**

6.12 The council's tree officer has noted two trees located within the sphere of influence of the proposed development, this includes a birch tree located within the application site and an apple tree located within the garden of number 74 Andover Road. The tree officer has noted that the proposal to rebuild the existing wall with deeper foundations could have an

impact on the tree roots of the apple tree. Whilst officers duly note that an extant planning permission has already been granted, the proposal now includes new foundations in closer proximity of the roots of this tree and is therefore a relevant consideration of the application.

6.13 The tree officer has requested the submission of a method statement for how the foundations will be constructed. This has been discussed with the applicant, who has agreed to a condition being attached. The condition requires any foundation works within the tree root protection area of the apple tree to be hand dug and no tree roots over 25mm to be severed. Further information has also been provided by way of informative's. This has been discussed with the council's tree officer who considers this approach to be acceptable.

6.14 With the condition attached, officers consider that the proposal will appropriately protect the adjacent apple tree and the development would therefore accord with adopted JCS policies GI2 and GI3.

6.15 **Impact on neighbouring property**

6.16 The works proposed to the garden walls within this application will not result in any greater impact on neighbouring amenity than the schemes already approved, the works do not result in any increased loss of light, loss of privacy or overbearing impact and is therefore acceptable in amenity terms. The proposal is therefore compliant with Cheltenham Plan policy SL1 and JCS policy SD14.

6.17 **Other considerations**

Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and

- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

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

7. CONCLUSION AND RECOMMENDATION

7.1 Having considered all of the above, officer recommendation is to grant planning permission and listed building consent, subject to the conditions set out below:

8. CONDITIONS / INFORMATIVES

<u>21/02385/FUL:</u>

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.

2 No external facing or roofing materials shall be applied unless in accordance with the details/samples submitted in application number 18/01917/DISCON.

Reason: In the interests of the character and appearance of the area, having regard to Policy D1 of the Cheltenham Plan and Policies SD4 and SD8 of the Joint Core Strategy.

3 Notwithstanding the submitted details, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details submitted and approved in application number 18/01917/DISCON:

a) Vents/flues;
b) Rainwater goods; and
c) Eaves/soffits/barge boards.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to policy D1 of the Cheltenham Plan, adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

4 The foundations for the side (east) wall of the proposed annexe, which fall within the Root Protection Area (RPA) of the Apple Tree (located within the garden of 74 Andover Road), shall be hand dug, and no tree roots over 25mm shall be severed.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

21/02385/LBC:

1 The listed building consent 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.

2 The section of wall (east) between 74 and 76 Andover Road and the section of wall (west) between 76 and 78 Andover Road, which are the subject of this application, shall be re-built using re-salvaged bricks taken from the demolition of the existing garden walls, a bonding pattern and lime mortar mix to match that of the existing wall shall also be used, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to policy D1 of the Cheltenham Plan, adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

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.

2 During foundation works, any exposed roots shall be wrapped for protection, with the protective wrapping removed prior to backfilling. Prior to backfilling, retained roots should be surrounded with topsoil or uncompacted sharp sand (builders' sand should not be used because of its high salt content, which is toxic to tree roots), or other loose inert granular fill, before soil or other suitable material is replaced. This material should be free of contaminants and other foreign objects potentially injurious to tree roots.

3 The applicant should be aware that should any pruning works be necessary to either the birch tree within the application site or the apple tree within the neighbours garden that these works should be done according to BS3998 (2010), but would also be the subject of an application for Tree works to the Local Authority.

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APPLICATION NO: 21/02385/FUL	**OFFICER: Mr Ben Warren**
DATE REGISTERED: 4th November 2021	**DATE OF EXPIRY** : 30th December 2021
WARD: Park	**PARISH:**
APPLICANT:	Mr Graham Rix
LOCATION:	76 Andover Road, Cheltenham, Gloucestershire
PROPOSAL:	To demolish the unauthorised 1970s garage at the rear of the plot and replace with a double garage/annexe.

REPRESENTATIONS

Number of contributors	**4**
Number of objections	**4**
Number of representations	**0**
Number of supporting	**0**

72 Andover Road
Cheltenham
Gloucestershire
GL50 2TW

Comments: 26th November 2021
I respectfully ask that you refuse this application as the documents online appear to be contradictory, confusing, personal, inaccurate and make no mention of demolishing historic listed structures from 1835.

Title
Besides the fact that the title makes no mention of the demolition of a listed historic garden wall : the 'unauthorised' 1970's garage is irrelevant as after a certain length of time its deemed to be 'authorised'.

The garage has been removed.

Application
On the application it should on section 6, say yes to demolition of part of a listed building as the curtilage and terrace are part of the listing. Also section 8 is incorrect as it does include alterations to a listed building as the applicant intends to redraw the boundary between 76 and 74 and change the height and width of the boundary wall. Section 16 makes no mention of a protected old apple tree adjacent to the wall which will be negatively affected by this development. Section 27 states the applicant sought advice, yet does not name the officer and makes the statement "the amendments are acceptable to the LPA ".

IF THIS IS TRUE WHAT IS THE PURPOSE OF CONSULTATION AS THE AGREEMENT HAS BEEN MADE PRIOR TO NEIGHBOURS BEING INFORMED?

Design and Access Statement
I most strongly object to paragraph 4 where the applicant is commenting on what a neighbour may or may not do.

Image 1 comments are untrue as it is possible to integrate this wall into a new build, neither is the wall in any form of jeopardy.

Page 5, 6 and 7 are all about me and my parents' home and the statements are untrue, misleading and unprofessional and appear to show the applicant will build inside a garden wall when there is no intention to do so.

The applicant also makes reference to an objection from 74 Andover Road which contains statements that are highly inappropriate for a design and access statement, which is a public portal.

Design and access statements are usually short, factual and not personal.

I am not opposed to tidying up Tivoli Walk with 2 beach house style coach houses, but the poor and confusing written quality of this application is of concern. Furthermore, the unnecessary removal of a historic listed garden wall seems to be an attack on its history, value and worth. There is an easy solution where the applicant could build inside the 6 foot garden wall, mirroring the rest of Tivoli and adjacent owners.

74 Andover Road
Cheltenham
Gloucestershire
GL50 2TW

Comments: 9th November 2021
Comment Regarding Trees

We request referral of this application to the tree officer for comment. (if this is also relevant for the LBC application, please duplicate across both applications.)

Given that a tree officer has previously visited the site and confirmed the presence and location of the trees, we do not think it unreasonable to request tree plans to be submitted for both the apple tree in the garden at 74 and the birch tree on site.

As a point of information, the apple tree probably has a root protection area with a radius in the region of 4.5m. We are happy for the tree officer, or other arboricultural(?) expert to confirm.

We look forward to more information on the proposed works, including the actual depth and location of the drainage channels and the proximity of those works to the apple tree, and we will comment on the specifics when we know more.

Other comments will be forthcoming when we have had time to read and consider.

Comments: 12th November 2021
Comments regarding Application Form

We have two comments/questions today.

1. Description of the Proposal (heading of the application and also box 4. on the form)

The applicant states,

"To demolish the unauthorised 1970s garage at the rear of the plot and replace with with a double garage/annexe."

The garage has already been demolished, and the applicant already has permission for the garage replacement, and so, we wonder, what is this application for?

Could the applicant please clarify?

Taking all the documents together, we think that any of the following could be reasonable interpretations from the information supplied.

That the applicant:

A) Has no intention of touching the wall (it is not mentioned on the form anywhere).

OR

B) Proposes to demolish and rebuild the wall on its current line, as could be inferred by his references to 72 Andover Road and the application for 4/5 Lypiatt Terrace, which remain free-standing garden walls and neither of which are structurally load-bearing. (And then proceed with his plans to cantilever the upper storey in the space above the wall as per his current permissions).

OR

C) Demolish the wall completely, and replace it with a new, load-bearing cavity wall.

OR

D) Something else.

It would really help us know what to do next and how to comment if someone could respond please on those choices.

We're also a bit worried that a lack of coherence between documents could lead to another situation, like the one the applicant describes in his supporting document, where there is a difference of opinion between himself and the LPA about what permissions have been given. Is there a risk of this? Perhaps the legal officer or planning enforcement could be asked for a view on this question please?

Thanks.

2. Trees and Hedges (box 16. on the form)

It's good to see that the protected veteran apple tree in our garden is included on one of the drawings, but we can also see that the applicant neglected to tick the box referring to trees on the adjacent site.

Could someone please correct this oversight?

It also looks as if tree plans should be included WITH the application. How are we able to comment on them? Many thanks.

3. Other parts of the form

We have more comments on other parts of the form and also on the supporting docs although we have not been able to fully digest those yet. We will provide comments as we have them but we think comment 1. above is a priority so that we know how to respond.

Comments: 3rd December 2021
Letter attached.

72 Andover Road
Cheltenham
Gloucestershire
GL50 2TW

Comments: 3rd December 2021
Letter attached.

1B1 Andover Road
Cheltenham
Glos
GL40 2TW

Comments: 26th November 2021
Due to working from home I have been very aware of the building works at 76 and 78 Andover Road. I was surprised to read the current applications which make no mention of the demolition of the garden walls. Furthermore, I cannot find a heritage assessment of these listed historic walls in the application.

The garden wall between 76/78 has already been removed without the appropriate permissions.

My understanding from the drawings is that this current application states the applicant will

1. demolish a section of garden wall even though it is not owned solely by the applicant and is not unsafe.

2. redraw the boundaries and 'straighten them' between 74 and 76.

3. build completely over a party wall with guttering's on someone else's land. Thus, producing a sheer side of a building, where once there was a handsome wall.

This new elevation will have no reference to the history, original brickwork (which I understand is in a rare formation), and not even copy what is being done between 72/74 and 78/80 Andover Road.

Thus I am asking officers to refuse the current applications.

I cannot begin to describe the upset and time this has taken, no doubt to yourselves as well.

As an American who loves British history I am aghast at what may happen and cannot understand how measures are not in place to protect listed properties and to encourage sympathetic development.

Comments: 26th November 2021
Letter attached.

74 Andover Road,
Cheltenham

2nd December 2021

Dear Sir or Madam,

21/02385/FUL & 21/02385/LBC

Firstly we apologise for the length of these comments. If we had more time, they would be shorter, but, that said, we want them to be comprehensive. They are relevant to both applications and are being submitted to both.

Our perspective is very much to find a win-win between development and conservation, and a thorough review of the application points to one simple solution: that development can be allowed, and that the heritage assets can be preserved and enhanced, as is required under statute. There is no need for a trade-off between one and the other, and small amendments and informatives can make that clear.

The current application, however, does not achieve this and there are no grounds, under the law, which would seem to justify approving this development while causing the permanent loss of heritage assets and a loss of significance to the listed properties.

Our comments have been researched and draw on the advice of experts. All statements in quotations are from other sources and have been or can be referenced.

We are requesting *refusal* of both applications, although we think a better option is for the applicant to be invited to *amend* the applications to build within the walls, retaining the original boundary enclosures in their current form, as is required by local policy, preserving the setting and character of the listed building, as is required by national legislative and policy frameworks.

Whatever decision is reached, we request that an informative is designed so that CBC policy is made very clear, which is that boundary walls ***must be preserved in their original form***, meaning height as well as form and materials, and that they should not be built above, nor raised in height, in exactly the same way as they would not be allowed to be lowered in height.

Kind regards,

[redacted]

SUMMARY

The following sections expand on the summary, which is as follows:

- That the process is "fatally flawed", and the legal requirements of the NPPF, and relevant legislation is not being followed. Nor is the requirement for the properties to be flanked by six foot walls being observed.

- That internal inconsistencies in the application that could lead to problems later, when there could be a lack of clarity about what has been approved and, therefore, further differences of opinion between planning enforcement and the applicant.

- That the demolition of a large section of the flank wall and replacement with a two-storey new cavity wall construction contradicts at least four of Cheltenham Borough Council's (CBC) built environment policies. In fact there is not one policy with which it is consistent.

- That a heritage assessment, had one been done, would show that the contribution that the significance of the walled garden *affected by* the development, while having some historical and architectural significance from the walls themselves, primarily rests on *setting*, and that the loss of a section of wall, the replacement with a looming two-storey addition, causes harm to setting and a loss of significance to the listed asset as a whole. Local Planning Authorities (LPAs) are required to consider alternatives to avoid harm, or, failing that, mitigation measures. This has not been done, and if it were done, it would seem most obvious to require exactly what was required by the LPA at 72 Andover Road, to retain the walls in their existing form and build *"independently of the walls"*[1]. There is no justification given, or apparent that would outweigh the 'considerable weight' that must, legally, be given to preservation; there are no 'essential needs' as defined by CBC, no other significant public benefit, and private benefit is an ineligible consideration.

- That there are trees on site, for which tree plans have not been submitted and around which works are already being carried out in a way that is not consistent with BS5837 (2012).

[1] See later.

Section One: Procedural and Legal Considerations

The Application: The application is internally inconsistent.

The application form does not draw attention to the parts of the listed building that are proposed to be demolished (Q6), the applicant specifically ticks 'no' in response to 'alterations' (Q8), which might then have implications for materials (Q9), although we hope the bricks will not be 'savage'.

Assuming an alteration is what is planned, this raises a question about compliance with para 194 and following paragraphs of the NPPF, the assessment process the LPA is required to follow (previous correspondence discusses the LPA's "fatally flawed" approach to determination. We can resubmit if it is not readily available to officers).

The drawings clearly indicate a demolition[2] and alteration is what is planned, depicting a *replacement* of the heritage wall with a new cavity wall of much greater height, not attempting in any way to replicate the *height and form* of the original wall.

The supporting statement makes comparisons with walls that have been *rebuilt* or *repaired*, but this is not at all what is proposed elsewhere and should be disregarded. This lack of coherence could lead to another 'difference of opinion' between the applicant and planning enforcement later.

Independence and Objectivity?: We would also like to understand what led to the statement in the pre-application advice section (Q27), *"That the amendments are acceptable to the LPA, but there needs to be revised Planning and LBC submissions (and not an MMA)"*. If officers have indeed told the applicant this, it sounds like a box-ticking exercise and this would seem to be prejudicial to a fair and independent decision on this fresh application.

Related to this are the comments in the application about 'threat of judicial review' being the only reason a previous application was amended. This is a fundamental misunderstanding of multiple points of law, and if the case officer has communicated with the applicant in a way that has created that misunderstanding, it is a very worrying development both from the perspective of the communication that has gone on, and the misunderstanding about the points of law.

Trespass: We have received a Certificate B from the applicant (Q29), but, despite repeated requests, the applicant has refused to make provision in his plans and ongoing works for the trespass that will occur if he builds as planned.

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[2] including one that has already taken place without permission: a section of wall; and one that has taken place with permission: the garage

We have been told by the case officer this is not a planning matter but para 204 of the NPPF requires the LPA to take reasonable steps to ensure that the development will go ahead before permitting the loss of the whole or part of a heritage asset. It would be unfortunate to permit the demolition of a heritage asset while the applicant has his diggers standing by, only for the proposed development not to be able to proceed.

Trees: Tree plans have not been submitted and protection measures for the tree on our land and the one on site. Meanwhile, works are already being carried out that do not comply with BS5837 (2012). Will tree plans be required before determination?

Indentures on the Properties: The terrace 1-4 Hatherley Villas was owned as a whole from their construction around 1834-5 (they were constructed separately), and only sold on as individual properties in 1883 (along with the newly-built 5 Hatherley Villas). All covenants, indentures, any and all legal references before 1883 apply to *all* four properties at 72-78 Andover Road, and those indentures and covenants were transcribed into separate Title Deeds at the point of that sale, not before.

Two relevant legal provisions have emerged from a document review:

1. Ancillary development: An indenture from 1835 *"that no cottage should be built on the said lots of land any or either of them or any buildings save to be held with the said respective houses."* While we know that 'ancillary' has been a condition of past permissions, we would like to remind the LPA of this condition.

2. Retain a "six foot" wall: An indenture of 1845 states that *"the back and sides of the said lots of land shall at all times hereafter be kept enclosed with a good brick wall six feet high and with coping stones on the top Thereof.."* A six foot wall is required to be kept, and, just as it would be unacceptable to demolish and replace it with a two foot wall, it is equally unacceptable to demolish and replace it with a twenty foot wall.

Section Two: Planning Considerations

There are three main planning and planning policy considerations that are relevant here: overshadowing and loss of amenity; built environment policies as they relate to conservation areas; and built environment policies and CBC guidance as it applies to listed buildings. Heritage matters are further discussed in section three.

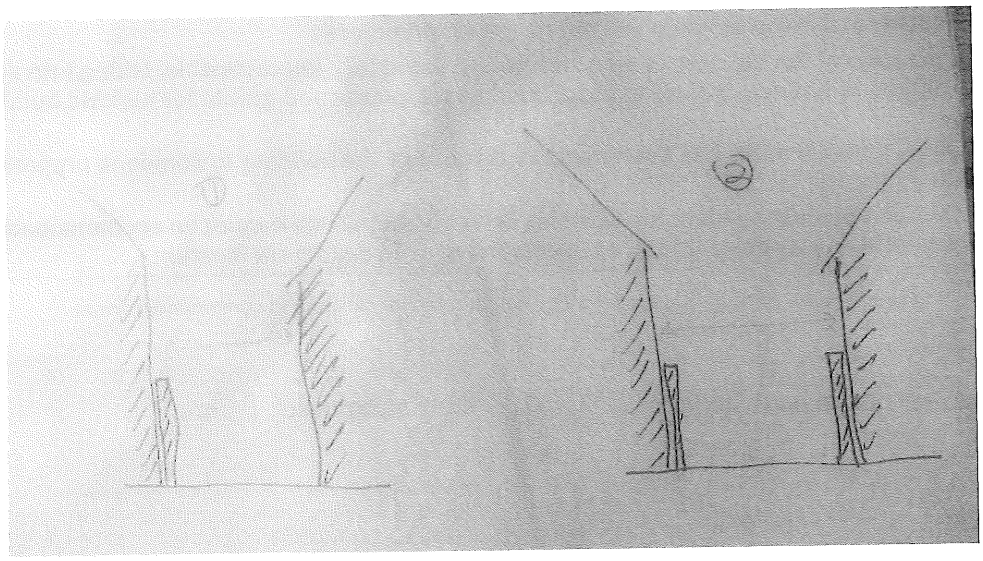
1. Overshadowing and Loss of Environmental Amenity

Planning guidance states that a development *should not prove detrimental to the amenities of occupiers of nearby properties by reason of overshadowing, dominance, or substantial loss of privacy or light.*

The development proposed is a sheer wall, rising out of the garden of 74 Andover Road, causing a significant overshadowing effect and a 'dark tunnel' in the rear garden of 74 Andover Road.

We refer later to design quality and positioning of the development from a heritage perspective, which is a related point, but this one is specifically about environmental amenity, and attempting to balance development with protection of light for neighbours.

Siting the development *inside the existing garden walls* will create a better overall result, minimise the 'tunnel effect' caused by the sheer wall and, even a small shift like this will result in a noticeable and appreciable difference as shown in the diagram below.



Sketch of overshadowing 'tunnel effect' and amelioration measures.

2. CBC Policies for Listed Buildings

Buildings are listed because they are of heritage interest and have value to society, for what they are. *"Listing is not an award system but a method of protection*[3]*,"* to quote Cheltenham Borough Council's Built Environment Division.

It is obvious to any owner that *"historic buildings can demand patience"* and CBC urges *"tolerance"* of physical quirks because preserving the heritage environment is a responsibility for owners as well as the LPA. Replacing features is strongly discouraged, copies are deemed, by the authors, to be of less value than original buildings and the cumulative effect of many minor alterations should be avoided, because it makes a building look more like a modern 'period style' imitation, and less like an historic building.

Planning policy and listed building consent is in place to ensure that this gentle encouragement is followed and some of CBC's relevant policies are highlighted below.

Demolition of Listed Buildings: CBC's policy statement seems very clear: *"the Council considers the preservation of listed buildings to be a matter of major importance. PPG15 contains a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made for demolition or alteration."*

POLICY BE 8 ***DEMOLITION OF LISTED BUILDINGS***
Objective O11
The demolition of a listed building will not be permitted unless: **(a) the retention of the building is structurally and financially impracticable, taking into account all sources of finance, including associated development and grants for historic buildings; and** **(b) every reasonable effort has been made to dispose of the building to someone prepared to retain and restore it; or** **(c) there is an essential need in the town for development which cannot be accommodated satisfactorily by a different form of development or in a different location.**

Cheltenham Borough Council's policy on boundary enclosures in conservation areas

Demolition will not be permitted unless there is a 'convincing case'.

[3] https://www.cheltenham.gov.uk/download/downloads/id/1818/looking_after_your_old_buildings

What a "*convincing case*" means is not left vague, it is specified exactly in the same document as, *"essential need refers to development which would produce* ***substantial benefits*** *for the community, such as a road or hospital extension for which there was no realistic alternative site."*

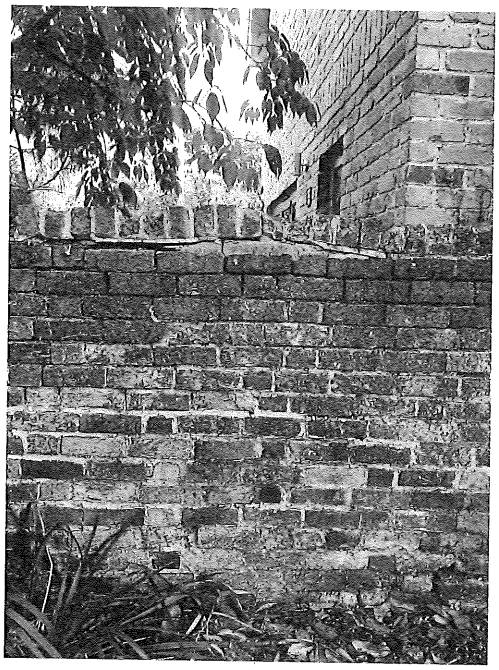
In fact, private gain and "financial expediency" are specifically *excluded* as justification for demolition in the same policy note, and the council has said it will require that *"applications for demolition to be supported by convincing and fully documented evidence of the validity of the exception."*

It is not obvious how the supporting statement to this application addresses this requirement, although the section relating to the unlawful demolition of a section of wall between 76&78 appears to suggest convenience as the main justification.

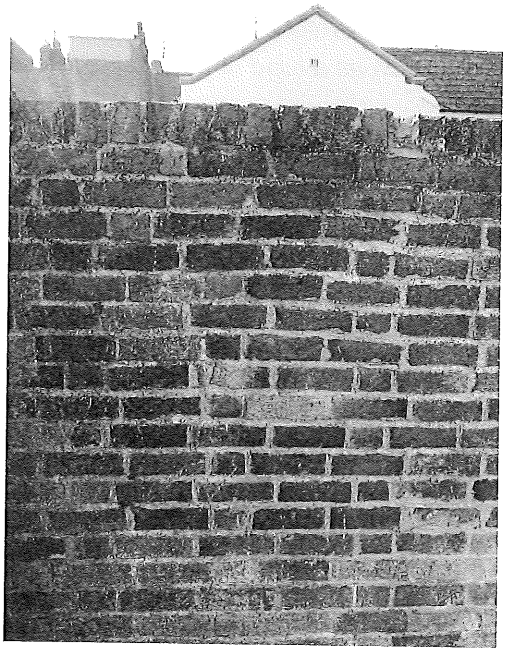
This is not consistent with BE8 above, and BE8 seems exactly designed to protect heritage assets from profiteering developers. Nor is it consistent with CBC's guidance for owners of listed buildings, also cited above, nor Historic England guidance which advises owners that, *"when a building is adapted for new uses, its form as well as its external and internal features may impose constraints."*

That is the reality of doing works on a listed building.

The applicant attempts to claim that the wall is not structurally sound. However it is no more or less structurally unsound than the wall on the other side of the garden, see images below.



Wall bet 72 and 74.



Wall bet 74 and 76.

We have already provided expert evidence to the LPA on the structural condition of the wall and ways it can be made more sound, *without demolition*. The references to structural defects in the supporting documents are misleading and irrelevant. Of course, maintenance and repair is normal, but that is not what is being applied for or intended.

BE8 policy above could not be more clear: demolition as described in this case, is not consistent with BE8, and, therefore, should be refused.

Alteration of Listed Buildings: We explain what alteration means in the heritage section of this document, this is simply a reference to CBC's own policies as they apply to this application. And, again, policy is very clear on the point that *"Listed Building Consent will* ***not normally be given*** *for, amongst other things...the* ***removal of original boundary walls****."*

POLICY BE 9
ALTERATION OF LISTED BUILDINGS

Objective O11

The external alteration of a listed building which would adversely affect its character will not be permitted, except where works are:

(a) necessary for the adaptation of the building to modern requirements, including the needs of disabled people, and are the minimum necessary for that purpose; or

(b) essential for the prevention of dilapidation.

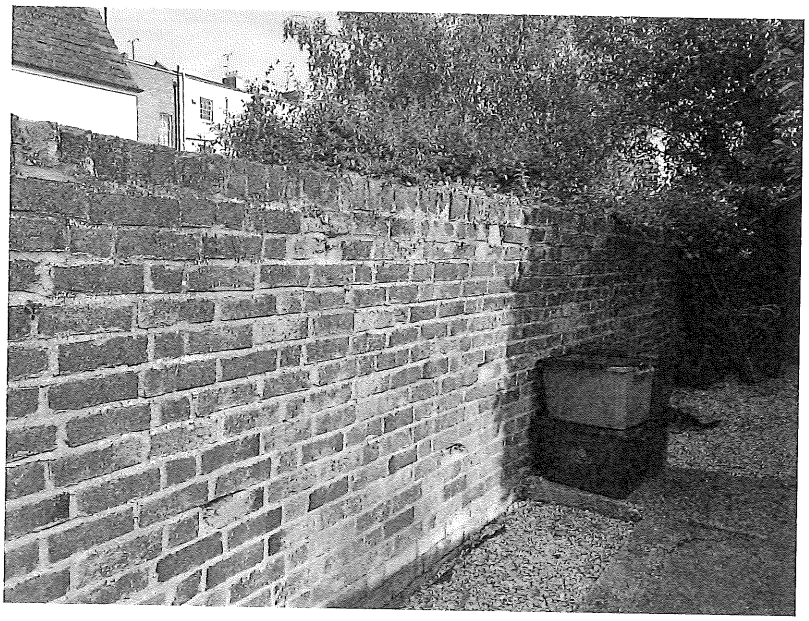
Note 1
The Council will require proposals under this policy to be supported by convincing and fully documented evidence as to the validity of the exception, demonstrating that the proposed alterations are the minimum required to ensure that the value of the property on completion of the works is greater than the cost of necessary repairs and renovation, including reasonable expenses and profits but excluding the purchase price

Cheltenham Borough Council's policy on alteration of listed buildings

The garden walls are part of the listed building by reasons of curtilage and the LPA is required to protect them, as it would any listed building.

We can see that the applicant is attempting to make the case that the walls are inadequate, but this is a device (see images above and below). His determination to demolish the wall contradicts all relevant built environment policies, and contradicts what a proper heritage assessment would show (see below).

Again, we make the point that we are the ones who have engaged experts, at our own cost, to make objective assessments (which should be done by the applicant), and that we are the ones who have taken care of the wall in the time we have been here, removing ivy in preparation for a sympathetic replanting.



Section of the wall proposed to be demolished.

We wonder if officers would be able to pick out the wall in a blind image swap containing images of practically any wall in Cheltenham. Its condition is perfectly consistent with its age, and creates character, adding to the significance as evaluated below. This is precisely why it should be *retained*, not an argument for demolition.

Even if the heritage asset were dilapidated, which it is not, to use this as an argument to reduce the significance and allow harm contradicts para 196 of the NPPF. The proper approach in the case of dilapidation would be sympathetic repair. This is not what is proposed here.

We do not deny that heritage assets, like any structure, need maintenance, and if this was an application for genuine and sympathetic repair then we would not need to object to it because a repair can easily be achieved without any need to dis-assemble the whole length of wall, nor dig 1.7, foundations.

What is being applied for is a demolition and replacement, and we are in no doubt about the applicant's intentions, even if his documents leave considerable vagueness and room for doubt. All references to dilapidation or repairs are therefore misleading and must be ignored or redacted. There is no justification for an alteration of the listed building that would be consistent with this policy.

New Boundary Enclosures: The applicant has also referenced policy BE10, arguing that his design is 'the same or similar' (which in fact it is not according to CBC's requirements for height and form to be the same as existing). But this policy is not even relevant in this case. No 'new' boundary enclosure is being proposed, in fact, an existing one is being proposed to be demolished.

This policy reference is irrelevant and if it was relevant, any 'new' wall would have to be the same as the old wall: free-standing, and the same height and form.

Setting: Finally in this section, CBC's built environment policies discuss 'setting', and the LPA's statutory duty to protect the *setting* of listed buildings.

CBC states that, *"the setting of any building can be a major influence on its character. It is important to preserve, or where appropriate to enhance, the setting of listed buildings, not only as viewed from the highway, but as seen from all angles by those who use or visit the building."*

Again, we remind the LPA of this statutory duty and that 'preserve' means to *not allow harm*, and that this proposal causes harm, to the setting, and thus to the significance of the assets affected by the development, as discussed in more detail below.

Again, in order to be consistent with protection for setting, the boundary walls should be retained in their entirety as part of the character and setting of the walled gardens affected by this proposal.

3. CBC Conservation Areas Policies[4]

Context: Conservation has a very specific meaning which is the *preservation* and *enhancement* of historic assets and areas. *Preservation* specifically means when an asset is "not harmed". An asset cannot be considered to be 'preserved' if it is harmed or removed, and that test of harm is higher in a conservation area, meaning less harm is acceptable than outside the conservation area.

Designating an area a 'conservation area' also requires planning policies to be *"applied vigorously"* within that area. We wonder whether the LPA is applying their own policies at all, let alone 'vigorously'.

[4] https://www.cheltenham.gov.uk/download/downloads/id/698/policies_be19_and_be20.pdf

The application: The property, and the terrace as a whole, is in the central conservation area, therefore specific obligations need to be vigorously applied, including consent for demolition, tree protection, and a *"commitment by the Council to the preservation or enhancement of the area"*.

There is also a responsibility on applicants and, *"the preservation or enhancement of the character or appearance of the area must also be a prime consideration for applicants seeking planning permission for development, and special controls may be appropriate."* It is not obvious that this responsibility has been met, especially with the demolition of heritage assets already carried out.

Open Space: Policy BE1 suggests that development should only be allowed where any cumulative change does not detract from private gardens.

POLICY BE 1 ***OPEN SPACE IN CONSERVATION AREAS***
Objectives O11 and O12
Development in a conservation area will only be permitted where it does not detract, individually or cumulatively, from the green or open character, including private gardens, of the area.

Cheltenham Borough Council's policy on open space in conservation areas

This relates to the point on overshadowing and environmental amenity described above. While it may be acceptable, individually (putting heritage considerations to one side for the moment), to site a new development on a shared wall and co-owned land, the cumulative effects *detract* from the open character of a private garden.

Demolition of Non-designated Assets in Conservation Areas: Garden structures, even non-designated assets, are protected by Policy BE3 and should be preserved *"in as complete a form as possible"*.

Any proposal for demolition must be supported with *"convincing and fully documented evidence of the validity of the exception"*, including demolition of structures such as boundary enclosures. Examples of justifiable reasons include *"development that would produce substantial benefits for the community, such as a road or hospital extension for which there was no realistic alternative site."* Garage replacements are not on that list, and, therefore demolition is not consistent with BE3, even for a non-designated asset.

Boundary enclosures: CBC's policy BE5 specifically states that boundary walls are important to the character of the conservation areas and should be preserved. Preserved means "not harmed", which means they should not be demolished or replaced.

POLICY BE 5
BOUNDARY ENCLOSURES IN CONSERVATION AREAS
Objective O11

In conservation areas:

(a) boundary enclosures should be preserved in their original form; and

(b) new enclosures should be in a historically appropriate form.

Cheltenham Borough Council's policy on boundary enclosures in conservation areas

The extract is copied in full so there can be no misunderstanding and no selective referencing, as is seen in the application's supporting statement.

Part (a) could not be more straightforward: boundary enclosures should be preserved *in their original form*. The original form is a free-standing, approx six-foot brick wall. It is in place, it is in decent condition, shown below in photographs, and it would be in conflict with policy BE5 to demolish it.

Even where new boundary enclosures are approved, which is not the case here, policy BE 5 is, again, very clear, and states that *"where new enclosures are proposed, erected in suitable and authentic materials,* ***height and form****."*

Design Constraints: The form of garden walls is also described in CBC's Regency Design Precepts[5] where "*garden walls look most appropriate in a historic Cheltenham setting if the top is protected by 'once weathered' coping stones, sloping one way only."*

We know that the walls in this terrace had a lime coping, now weathered away and where they have been restored a coping has sometimes been added. What the design precepts *does not* show is garden walls being replaced with new two-storey cavity walls.

This proposal is not consistent with either part (a) or part (b) and the best approach appears to be to ask the applicant to amend his application to build within the boundary walls.

This policy is critical, and we request an informative be placed on any decision that the **boundary walls must be preserved in their original form**, not higher or lower.

[5] https://www.cheltenham.gov.uk/downloads/file/3326/regency_precepts_guide

Section Three: Heritage Considerations

Heritage assets are a finite resource and for that reason they are afforded statutory protection, listed ones more than non-listed ones. LPAs should not take lightly the decision to demolish and cause harm to them.

The Framework for Decisions: The NPPF[6] requires, and Historic England guidance details a very specific process for decision-making on applications that affect listed buildings or their setting. Those decisions must give 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 Proposal: While the applications are confusing, we have prepared this section on the basis that the applicant intends[7] to:

demolish the wall, dig 1m foundations, 1.7m close to the tree, and construct a sheer, two-storey cavity wall, forming the side wall of his new garage replacement.

The Process: The NPPF is very clear (and legally binding) about how proposals affecting heritage assets should be evaluated and is the methodology for assessment of heritage aspects for listed building consent is set out in various Historic England's guidance notes[8]. Heritage assets are not just those in question, but those *affected by* development, which means that the LPA is required to take account of impact on the significance of the listed asset at 74 Andover Road, as well as the terrace as a whole, and the conservation area.

Specifically, an assessment must be undertaken to:

1. Understand the significance of the affected assets
2. Understand the impact of the proposal on that significance
3. Avoid, minimise and mitigate impact (these are separate steps to be considered in order)
4. Look for opportunities to better reveal or enhance significance
5. Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change

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6 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

7 We have multiple correspondences to confirm this and can supply on request

8 https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2/

This assessment is carried out by the LPA and the applicant is supposed to provide information, normally a Heritage Assessment. No more information has been provided than in the previous applications which have already been found by the LPA to be *"lacking in terms of the requirements of para.194*[9]*"* of the NPPF.

This section expands on what a Heritage Assessment would conclude if the NPPF process was followed.

The Applicant's Responsibilities: Historic England guidance on decision-making[10] for listed buildings suggests that applications go more smoothly if applicants understand the significance of any affected heritage asset and its setting. This seems to be lacking. Applicants are also encouraged to take their own expert advice, again, which is lacking.

Applicants are also encouraged to take a staged approach, considering alternatives and mitigation of harm *before* submitting applications. Again, this is lacking, and was lacking for previous applications. Although there is also good news, and that assessment can now be done properly (excepting the comments in the first section regarding prejudice).

Taking each step of the process in turn.

1. The Historic Asset and Its Significance

Designation of Heritage Asset: The application draws attention to the listed wall between 74&76 Andover Road, although a section of the heritage asset has already been demolished between 76&78.

That the walls are part of the listed building is not in dispute and, therefore, that the wall is afforded the same statutory protection as any part of any listed building is not in dispute.

Historic Evidence of the Asset: The garden walls date from approx 1834/5 when numbers 72-78 Andover Road were first constructed (also known as 1-4 Hatherley Villas and originally as 25-28 Tivoli Place). The walls appear in maps of around that time and they are specifically referred to in various indentures and documents from the time, many of which still exist in their original form.

At that point in time the four properties were owned all together, with other parcels of land, and remained so until 1883. There were no individual deeds and indentures, all legal documents and

[9] Conservation officer comments on previous applications
[10] ibid

descriptions applied to the parcel as a whole, restrictions on building design, commercial activities, etc. Separate title deeds were only drawn up for that estate sale in 1883, when the properties first transferred into individual ownership. Residents were mainly lower working folk, including bank cashiers, teachers, or small-scale artisans such as tailors and music teachers, and renting was the form of tenancy pre-1883.

This is relevant because deeds for some of the properties may have been lost over the years but anything written in the indentures and covenants that pre-date the 1883 sale apply to *all the properties*, not any single one. The physical documents of that transcription from earlier documents into a single document in 1883 are available to view.

Those documents include an indenture which required, *"the back and sides of the said lot of land shall at all times hereafter be kept enclosed with a good brick wall six feet high and with coping stones on the top Thereof.."*

Evidentiary Value: The evidentiary value of such documents is high because it speaks to *context.* Context[11] is a technical reference which extends beyond what might be physically present or even normally considered in describing and valuing '*setting*'. It includes the relationship of the asset with other assets--ie the whole terrace, the history of ownership, and the design standards of the time.

Historical Context: The existence of the historic documents, combined with the presence of the wall, connect the past with the present, create associations between objects, and raise the historic value and significance of the asset. This is often misunderstood and some people regard walls as nothing more than a functional enclosure. This is unfortunate, and misguided. Walls are very common in historically designed urban landscapes, they form a function, yes, but they also create a sense of place, a physical and historical narrative about the nature of a site which helps us remember the past and keep it alive in the present.

The value of boundary walls in particular goes well beyond appearance or function. The origin is what contributes to character and what creates the value, not the simple presence of something in a particular place.

To say, 'here is the actual wall that is shown in these documents and maps' is not at all the same as saying, 'here once stood a wall, and now it is a garage'.

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11 https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/

Openness: It is also well-known from these documents that the original dwellings did not contain coach houses, or any kind of building at the back, again creating a connection between past and present in the form and openness of the garden and the lack of physical structures. To compare with later Victorian workshops, or even more wealthy Regency designs to justify development at the rear, is a misrepresentation of the historical context.

Significance: Significance is one of the guiding principles of the historic environment section of the NPPF[12], and is defined, in short as, *"the value of a heritage asset to this and future generations because of its heritage interest"*. This includes *"any contribution made by their setting"*. Again, this is noticeably absent from the proposal and is a requirement of the NPPF in relation to decision-making on listed heritage assets.

The wall itself is original, again there is no dispute about this but the LPA appears to be considering one section of wall in isolation from its setting and in isolation from the length of wall as a whole and in isolation from the neighbouring properties. This runs counter to the requirement they must consider the impact on listed properties *affected by* development, not just the property that is being developed[13].

Historic England guidance states that the significance of the asset increases the stronger the relationship with the past, and particularly the relationship with when it was first built or laid out and how it demonstrates the design principles and taste of our predecessors. This is clearly the case here, with the evidentiary heritage described above.

Significance of Setting: The setting of the wall, especially as it relates to properties affected by the development, is that it is a boundary enclosure for an unusually long walled Regency garden.

The rear gardens of this terrace are a particular feature, being long, "150 feet" according to the original deeds, and the *"sizeable rear gardens also planted with trees"* of the houses that are now 1-4 Hatherley Villas are specifically referred to in Brian Torode's 2005 *Story of Tivoli.*

The wall, therefore, is not simply a collection of bricks that can be substituted for with breeze blocks or destroyed and reassembled in another form. A long, *walled* garden has a particular character and it contributes to the character and significance of the dwelling, and to the terrace as a whole, and this context and ambiance is afforded statutory protection in exactly the same way as any physical feature of the building or garden.

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12 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

13 ibid 132.

This is a particular consideration in conservation areas, as described above, and even in the case of wholescale demolitions that took place in the past, walls have been retained to give a sense of 'setting'. As stated in Historic England guidance, this is common practice because, *"the surroundings of a heritage asset will change over time, and because new information on heritage assets may alter what might previously have been understood to comprise their setting and the values placed on that setting and therefore the significance of the heritage asset[14]."*

Access: Assessment of significance does not depend on public access or the number of people able to access it. Again, from the guidance, *"the contribution of setting to significance does not depend on public rights or ability to access it, significance is not dependent on numbers of people."*

In the same way that internal layout or features of a listed building are protected even though they may only be seen by their owner, the contribution of setting to character, and thus to significance is completely decoupled in the guidance[15] from the idea of private ownership, access, or visibility. That the walls themselves are part of the listed asset is not up for debate, but, it is important that the LPA recognises that the *setting* of this long garden, the very nature of it being there, flanked by original garden walls, makes a contribution to the significance of the listed building as a whole.

That is at least as visible as an internal layout and, therefore changes to the character impact the significance considerably.

Contribution of setting to significance: To change the setting of a heritage asset is as harmful as demolishing the interior features and fittings, it requires the same consideration, and should not be done frivolously. Again, from the guidance,

"Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance."

This could not be more clear: original walls, with evidentiary documentation, a physical presence in their setting contribute particularly strongly to significance and any *harm and loss of significance* must be carefully assessed, avoided, or mitigated. If it cannot be avoided it must be justified.

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14 https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/

15 https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/heag023-making-changes-to-heritage-assets/

2. Harm and Loss of Significance

The proposal and categorisation of the works: The next step is to understand 'harm' and evaluate loss of significance that will be caused by the development into one of three categories, either on the site itself or in relation to properties *affected by* the development.

The proposal is to demolish the wall, dig 1m foundations, 1.7m close to the tree, and construct a sheer, two-storey cavity wall, forming the side wall of his new garage replacement.

Categorisation of works: When works are proposed to a listed building, they normally fall into one of three categories: repair, restoration; and alteration[16]. (and of course demolition, which is total loss).

Repair includes work to remedy minor defects to achieve a sustainable outcome, but not involving restoration or alteration. *Restoration* is an intervention made with the deliberate intention of revealing or recovering a known element of heritage value that has been eroded. *Alteration* is change, and this proposal, involving the demolition and replacement of a free-standing garden wall into a sheer two-storey cavity wall changes both form and function.

The distinction between *repair* and *demolition* is critical.

A repair preserves the asset and is intended to maintain or enhance it. It remains unchanged and all statutory protections continue to apply.

A demolition causes the permanent loss of a feature, replacing one thing with another, is not a repair or a restoration. Demolition causes the loss of the form and character of an asset forever, and what would be protected? The breeze blocks?

The application is misleading, therefore, in its use of words that have specific heritage meanings, and any references to *repair* should be redacted or ignored, because this is not what is planned.

Impact of the works: To cause the unnecessary loss of an asset is not an insignificant matter. The impact of the development on the historic asset itself is very high, it is removed and permanently lost. A walled garden is not a walled garden if it does not have a wall.

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16 https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/heag023-making-changes-to-heritage-assets/

It is not sufficient to say that a new wall will still "function as a wall[17]" when, clearly, a new wall is not a heritage feature.

Even though it may appear to duplicate its function, Historic England is very clear that this is a mitigation measure that should be taken so that the significance of the listed building is impacted as little as possible.

The applicant refers to the planning permission at 4-5 Lypiatt Terrace, 20/00939/FUL & 20/00939/LBC. However, there are two inconsistencies between those permissions and his proposals:

Firstly, those applications were for the like-for-like rebuilding of the garden wall, not a total demolition. Even so, that is still considered *alteration* and was assessed appropriately. The applicant seems to be making a spurious comparison between something that is not at all the same as his proposal.

Secondly, as the conservation officer comments, *"It should be noted typically complete demolition and rebuilding of a listed or curtilage listed walls* ***would not be acceptable as this would be considered harmful to the significance of the listed building****. Repair and/or secondary means of support would normally be considered a more sympathetic approach."*

Previous repairs have been attempted in Lypiatt Terrace over the decades and the sympathetic rebuilding was permitted on the grounds that other methods had been tried and failed. This is also not at all the same as the case between 74&76, where repair would certainly be a first option, evidence of which we have already presented to the LPA.

Taking these two points together there are no grounds for a comparison between Lypiatt Terrace and this proposal, other than to conclude that garden walls must be retained in their current form (as per CBC policy) and that sympathetic repair is always a first option when general maintenance is insufficient (as per Historic England guidance.)

Categorisation of harm: The NPPF defines only three categories of harm: substantial harm; less than substantial harm; and no harm. Substantial harm is a high bar and these works fall into the 'less than substantial harm' but, according to advice previously submitted to the LPA they are at the higher end of that spectrum because they involve *demolition* and permanent loss of part of an historic asset and harm to the setting.

Even the most insignificant harm should be avoided where possible and the NPPF is very clear that any alteration or harm is a last resort, *"when considering the impact of a proposed*

[17] Conservation officer comments

development on the significance of a designated heritage asset, great weight should be given to the heritage asset's conservation."

3. Avoid, Minimise and Mitigate Impact

The Process: "These steps are intended to be taken in order, firstly alternatives should be considered to avoid harm. Only after that, if there are no reasonable alternatives should mitigation be considered[18]*."*

The Requirement for Consideration of Alternatives: Even if alteration, a change of use, the addition of a new feature, is considered to be appropriate development, and we are not opposing the development as a whole, conservation principles require that it should be done in a way that conserves the heritage.

Sacrificing old for new: The starting point for the consideration of alternatives is that it is not appropriate to sacrifice old for new, and, therefore, it is not an appropriate to demolish a wall, even if it is showing a little age, *simply to accommodate the new.*

Very specifically, Historic England guidance states, ***"it is not appropriate to sacrifice old work simply to accommodate the new."***

Could this be more clear? What is being proposed here is exactly that: sacrifice of the old for a new replacement.

Again, references to 4 /5 Lypiatt Terrace made by the applicant are misleading. In that case, the 'new', which is approved, is an alteration which is intended to preserve the wall and sympathetically restore it like-for-like. There is no development proposed in that rear garden to replace the wall with the sheer face of a two-storey garage replacement.

Reversibility: Avoidance of harm means to leave the asset unchanged, for all the reasons described. One aspect of this is that changes should be *reversible* and features should be left in place. Historic England also advises that it is *"preferable for new work to be reversible, so that changes can be undone without harm to historic fabric".*

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18 https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/heag036-sustainability-appraisal-strategic-environmental-assessment

How this applies in this case is that a reversible development would be one that was constructed *independently of the walls*, so that it can, in the future, be removed or reversed, leaving the asset (the wall) as it was before the addition or alteration.

Demolishing and replacing a wall is not at all consistent with this guidance note. There are sound structural reasons for this as well as heritage. What if blockwork fails? Or what if a future owner or generation decides they want to recreate the original walled garden? Fashions change and the principle of reversible change allows for this.

Redundancy: Another best practice principle is to leave seemingly 'redundant' features in place when development is approved, even if they are theoretically duplicated by a new feature. *"Where new work or additions make elements with significance redundant, ... there is likely to be less impact on the asset's aesthetic, historic or evidential value if they are left in place."*

It seems clear in the case of the garden wall, that having a 'double barrier' is the recommended best practice option, and provides further weight to a decision to preserve the old wall.

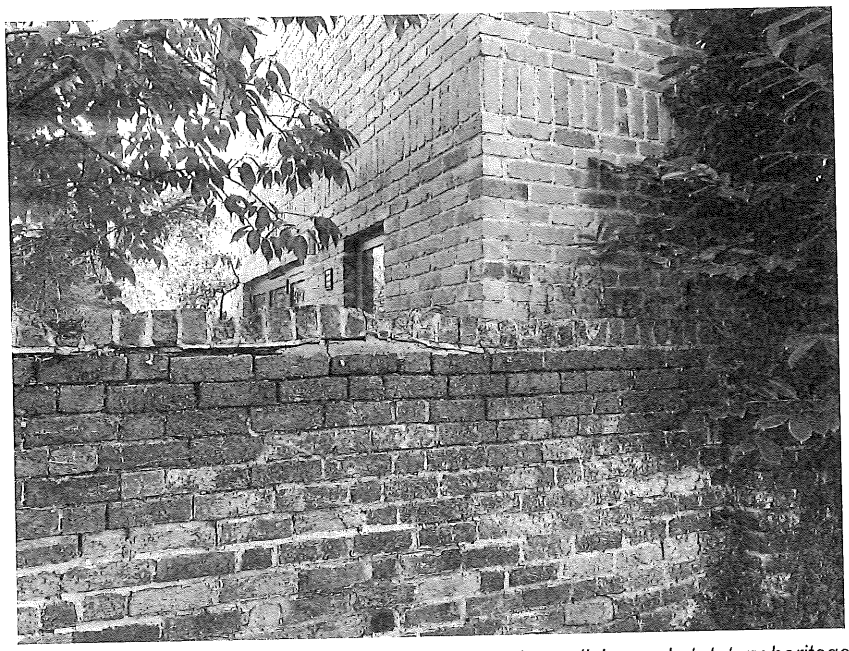
Avoidance Measures and Alternatives: The NPPF requires that alternatives are considered and the simplest way to *avoid harm* and minimise the loss of significance is to replicate the decision that was made by the LPA for applications 12/00031/FUL & 12/00031/LBC relating to a similar garage replacement / annexe at 72 Andover Road. The officer's report for those applications reads,

"Another change to the design is the proposal to build off the boundary wall. I feel that the new building should be kept independent of the wall as detailed in the previous consent."

Given the impact on significance that will result from the demolition and loss of the wall and the breaking up of the continuous wall from end to end, and the negative impact on setting, it seems quite straightforward to require this applicant to build independently of the walls, as was required of the development at 72 Andover Road.

Why is one applicant, and the heritage wall on one side of the garden, being treated differently than an applicant, and a heritage wall, on the other side of the same garden? It seems quite odd.

Here is an image of the completed project referred to above, where the finished building was kept *independent of the wall.*



Garden wall bet 72&74 preserved as per CBC BE and Conservation policies and statutory heritage requirements

Again, it seems perverse to propose to destroy the integrity (meaning wholeness and completeness) of this feature, and, thus, cause harm to the setting and loss of significance of the heritage asset, simply for the sake of a garage replacement which can be done just as easily be done, creating exactly the same benefits for the private developer, while retaining and respecting the significance of the heritage asset.

Had a proper assessment been done, and options placed in front of the LPA, it is highly likely that those would have concluded that retention of the wall is a better solution to the requirement to balance preservation and development. And that repair, minor rebuild, or making the wall structurally safe without other interference, as we have previously proposed and supplied expert opinion on, can be done, while adapting the plans to require that the walls stay independent of any new construction.

Even were the applicant to retain the wall and build above, using a steel, as was his proposal in 2019, while this would not cause harm to the physical structure of the wall (one hopes), it would still cause harm and loss of significance to the setting of the historic properties at 74 & 76 as well as to the terrace as a whole.

There is no recognition in the proposal for retaining an 'as one' sense of the garden walls. This is the critical feature of a walled garden--contiguous and original garden walls, retained at their original height and form.

Thai means that, even as the interior of gardens change with fashion and over generations, that sense of *setting* is always present, Or at least it would be if the wall was proposed to be retained.

If alternatives had been considered, creating distinction of spaces between the garden and the new building, separating it from the boundary enclosures, would create a better sense of space and better retain character and appropriateness of scale.

To retain the boundary walls, in full, along their entire length, as free-standing walls at a height and form specified in the deeds of the property, seems the only obvious conclusion to the options' appraisal part of a proper heritage assessment.

Minimising and Mitigating Harm: Mitigation is a last resort, not a first. While the LPA has the authority to impose conditions which can mitigate harm, bonding patterns etc., this is **not what is required by law**.

What is required by law is *protection* and *enhancement*. Where demolition and harm are proposed, as in this case, the LPA has a duty to weigh the *public benefits* against the *protection of the assets*, and it is obliged to give *considerable weighting* to the importance of preservation.

If alternatives cannot be found then the next step is to minimise or mitigate harm. However, in this case the alternative seems very obvious, and is even used by the applicant himself as an exemplar.

Junctions and Screening: Mitigation usually pays attention to *separation* and *screening* and between the new and the old. *Junctions* are given particular attention in the guidance, both for reasons of impact on significance of the asset and also for *impact on the contribution of and to its setting*.

While the development proposed here will impact on the setting however it is done, doing it in a way that is consistent with preserving the wall and keeping it independent will at least provide some visual relief from the sheer face of a two-storey wall, interrupting the flow of the walled garden and contiguous walls.

Design Quality: Harm can also be minimised through quality of design, and, referring to the sketch under overshadowing and environmental amenity, it is obvious that a symmetrical positioning of the development on the one side, in order to mirror the development on the other, keeping the garden walls in place on both sides, is a better design.

The Historic England guidance on setting also warns of cumulative negative effects on the setting of heritage assets, and with developments now at both sides of the garden, a simple solution to slightly mitigate the harm to setting would be to require a visually and structurally parallel development so that the new developments on either side were constructed within their respective garden walls.

Mitigating by Means: As well as changes to the project itself, if conflicts still exist between development and conservation, as they do here, the NPPF requires decision-makers to consider alternative *means* of delivering the project, in order to mitigate harm to historic assets. One specific example that is referred to in the guidance is the use of raft foundations to minimise harm to sensitive assets. That seems appropriate here.

4. Opportunities to Reveal or Enhance Significance

The NPPF also requires that development considers opportunities to reveal or enhance the significance. A design that retains the wall would be more consistent with this requirement than the current design to replace the wall with a breeze block and plaster wall. In fact, with the access passage being on this side, it makes no practicable difference to the finished design for planning purposes, and it has the benefit of saving the heritage asset, preserving the significance and setting and creating a symmetry of design with development that has already taken place. If bricks are to be used as a feature, why not use the opportunity, as required, to retain and enhance the existing wall?

5. Justify Any Remaining Harm or Loss of Significance

The final step in the decision process, once avoidance has been considered, is to consider whether any remaining harm and loss of significance to listed assets or their settings is justified.

Justification is not a 'finger in the wind' decision, it is a careful weighting of specifically allowed benefits, and the exclusion of benefits not allowed to be considered, against the harm and loss of significance to the heritage asset affected by the development, and, specifically including, aspects such as severing links with part of the history of an asset or creating a break between the asset and its original setting.

We are not objecting to the development as a whole. However any harm, even the most insignificant harm, requires justification and it is not obvious what evidence there is, that would be considered valid in law, to justify the loss of this asset and the harm and loss of significance that is being proposed.

Essential needs?: Harm to the heritage asset must be considered against a "need for change", and CBC has already listed examples of these, hospitals and the like.

Reasonable Use?: A justification might also be attempted on the grounds of making 'reasonable' use of the site and allowing development. But there is no 'need' for change, there is no 'need' for demolition of a heritage asset to make way for a garage replacement when that replacement can be built by constructing independently of the existing walls, as was *required* by the LPA at 72 Andover Road.

Convenience?: Private returns or costs of development for private developers are specifically excluded from this calculation. Just because it is convenient or expedient for a private developer to demolish heritage assets to make projects easier to construct, that is not relevant in the decision. Developers are warned, frequently, in national and local guidance, that works on listed buildings are subject to constraints and inconveniences that may add cost and limit what can be done.

Considerable Weighting Must be Given to Preservation: Again, the law is clear on this point, the decision in Barnwell that, *decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise* is well-known. Given that there is nothing in the development that cannot just as easily be achieved while preserving the wall, the walled garden and reducing the harm to the setting of the listed Regency building, the proposal appears to fail this test.

While the new design has many positive attributes and will contribute to *appearance*, to allow this proposal to go ahead *while causing the loss of a heritage asset* is not consistent with the requirement to also *preserve or enhance* the character of the area.

Heritage comments on the length of wall already demolished between 76&78 Andover Road

This was done without permission and it is unfortunate that the applicant did not consider saving the wall, which would have been required if due process had been followed. Enhancement, reversibility and many of the conservation principles described above have not been considered. It seems the very definition of sacrificing the old to make way for the new, something specifically highlighted by Historic England as inappropriate.

Conclusion to Heritage Assessment

The wall is a designated asset in its own right, it has evidentiary value, and contributes to setting, and therefore, to the significance of historic assets affected by the proposed development.

Following the assessment process required by the NPPF, there is no possible justification that can be found to support the demolition of the wall, and its replacement with something different in form and character. The proposal seems to run counter to all the principles of conservation as explained and expanded on by Historic England.

The most obvious conclusion is to invite an alternative proposal to build the development alongside the existing wall, to provide a more symmetrical design at the rear of 74 Andover Road and to meet the obligations to encourage development in a way that is consistent with the conservation principles to preserve and enhance.

Development is already going ahead on site, and this is a minor change for the developer, but an important one for the heritage features and the value they bring for future generations.

While it might appear that it is the 'easy' solution to simply approve this application and, goodness knows, we have many better things to be doing than engaging with it, to require alternative proposals and to insist on protection for heritage assets is, undeniably, the right thing to do here.

1 Hatherley Villas,
72 Andover Road,
Tivoli,
Cheltenham,
GL502TW,
November 24th 2021

Dear Mr Hawkes and Mr Hooper,

Re : Planning Application ref : 21/02385FUL and 21/02385LBC.

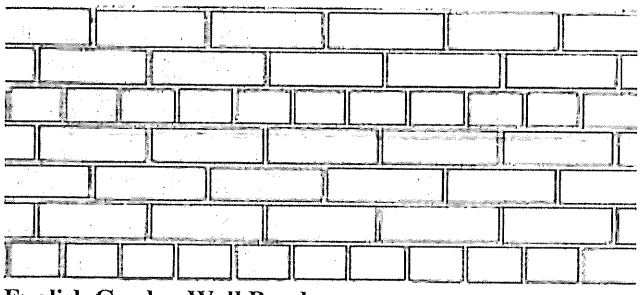
OBJECTION TO LOSS OF ORIGINAL FORM OF LISTED GARDEN WALL HERITAGE ASSET & SUGGESTION TO OVERCOME OBJECTION WITHOUT AFFECTING VIABILITY OF DEVELOPMENT

1.0 Background Context
Hatherley Villas is a Grade 2 Listed Terrace consisting of 5 properties 1-5 Hatherley Villas also referenced as Nos 72-78 Andover Road. I am the owner of No. 1 Hatherley Villas. The Terrace is listed as a whole entity as well as individual properties. This includes the curtilage and boundary walls and outbuildings.

I support the development at the rear of this historic terrace as the current garages were untidy and piecemeal. The previous application and approval ref: 18/01513LBC 18/01513FUL 19/01652/FUL 19/01652/LBC did not request permission to demolish any of the garden walls. I do not object to the construction of the annexes, however, I object to the needless significant harm to the historic garden walls of this listed Terrace in Cheltenham. The walls have not been correctly identified and researched and their significance has thus not been adequately considered. It is important that this is recognised and the walls preserved or replaced in their original form.

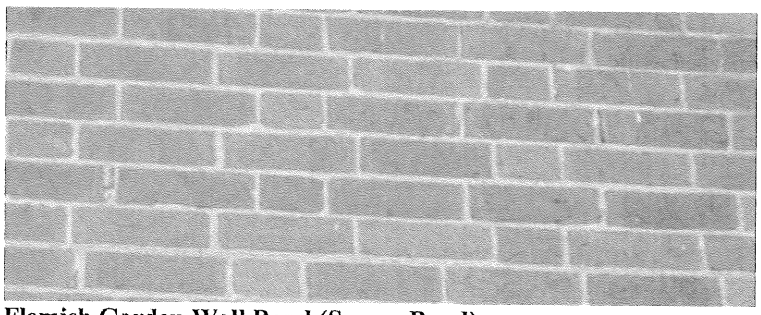
2.0 Significance & Status of The Heritage Asset of the Listed Building Garden Walls
The status of the form of the wall is important as its loss constitutes a harm and the significance of harm has to be measured against the benefit of its loss.

2.1 Form and Bond Rarity
You will note from the extract from the heritage directory below (www.theheritagedirectory.co.uk) that these garden walls are built in the Flemish Sussex Bond with 3 stretchers between each header and as such are rare. The walls are double Flemish Sussex bond 1 brick walls 215mm thick and 1.8m high (6'0"). The walls are capped with a 215mm header course.



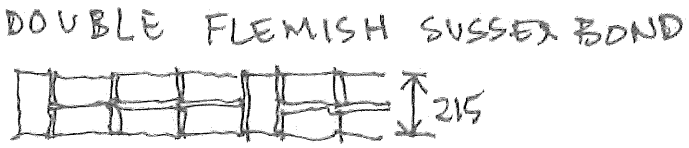
English Garden Wall Bond

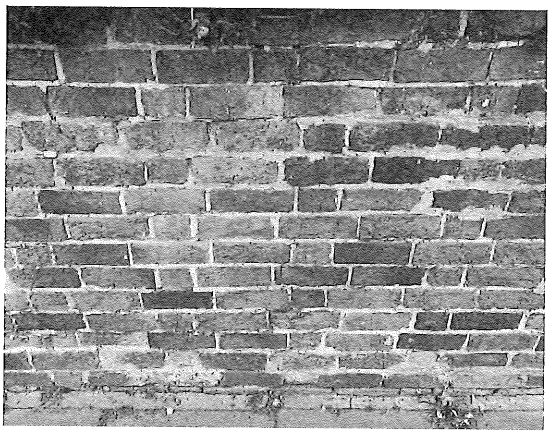
Three rows of stretchers to one row of headers. This is very rarely found on buildings outside the north, where it is abundant and particularly prevalent on the east coast. It was used from the late 18th century onwards, and was also used occasionally for garden walls.



Flemish Garden Wall Bond (Sussex Bond)

Three stretchers to one header in each row. This has in fact rarely been historically used on garden walls. It is most common in West Sussex and Hampshire where it may be found on up to 10% of historic buildings.





Garden Wall at Hatherley Villas in Flemish Garden Wall Bond (Sussex Bond)

In view of their rarity (less than 10% of historic buildings have garden walls in this bond) and heritage value (The walls are shown on the 1884 map and are part of the original construction) the loss of these walls represents *very significant* harm to the listed buildings and the conservation area. Each house has approximately 35m of wall and the proposal removes the form of 15m of wall from each property. 44% loss represents *a very significant* loss.

There appears to be no benefit to the loss of the form of the wall other than a very slightly larger footprint to the proposed annexe.

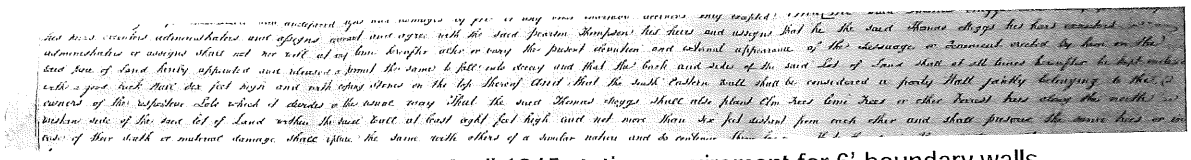
NB. *Please note that the applicant describes the garden walls in the design and access statement as English Garden Wall Bond which is much more common and thus the loss would be less significant. The heritage directory diagram above shows the difference between the traditional English Garden Wall Bond and rarer Flemish Garden Wall Bond (Sussex Bond).*

2.2 Heritage Value of walls at least 180 years old

The boundary walls can be shown to be at least 180 years old.

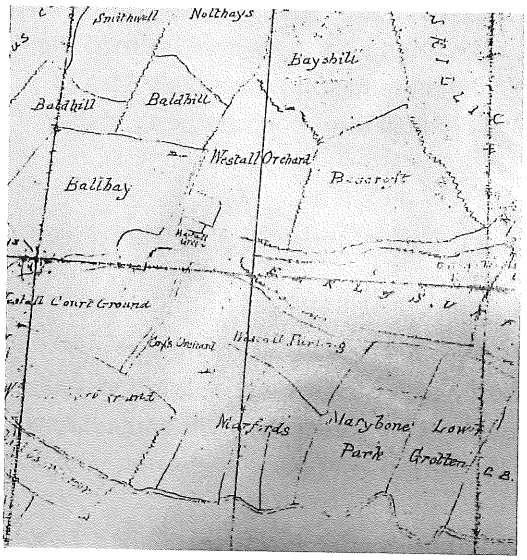
A conveyance dated 30 April 1845 made between Pearson Thompson, Thomas Meggs and Charles Griffiths includes indentures relating to the plots on the land known as Westall Furlong.

These plots include the terrace now known as Hatherley Villas. The indentures state that " *the back and sides of the said lot of land shall at all times hereafter be kept enclosed with a good brick wall six feet high and with coping stones on the top thereof And that the South Eastern wall shall be considered a party wall jointly belonging to the owners of the respective Lots*" .

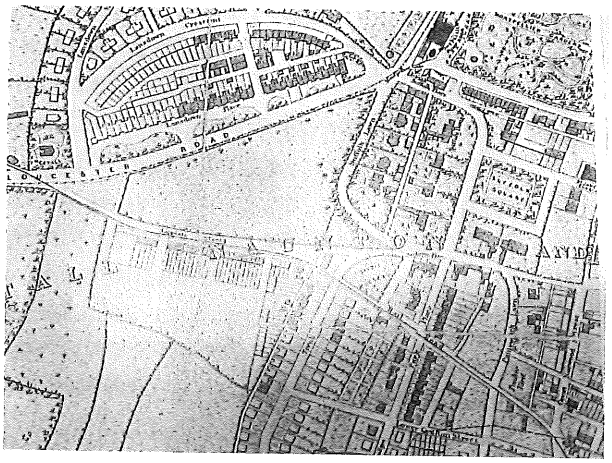


Extract from indenture dated 30 April 1845 stating requirement for 6' boundary walls

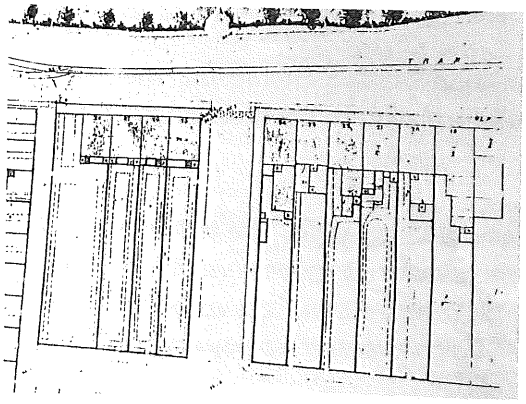
The brick walls were thus built when the houses were built and are at least 180 years old. It was always envisaged that the walls would be kept in this form, indefinitely and thus have the same heritage value and significance as the houses themselves. It is important that this is recognised as it is part of Cheltenham's history and significant harm will be caused by removing substantial lengths of these listed building walls or changing their form.



Westall Furlong Land Map dated 1809



Hatherley Villas sited on Westall Furlong Land Map dated 1834



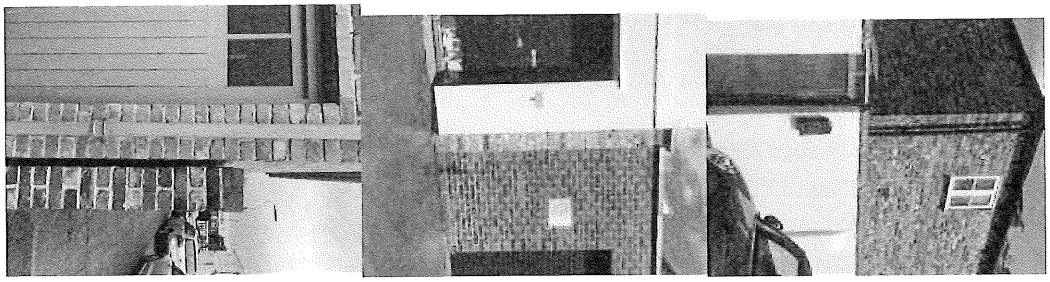
Plots which include Hatherley Villas with boundary walls

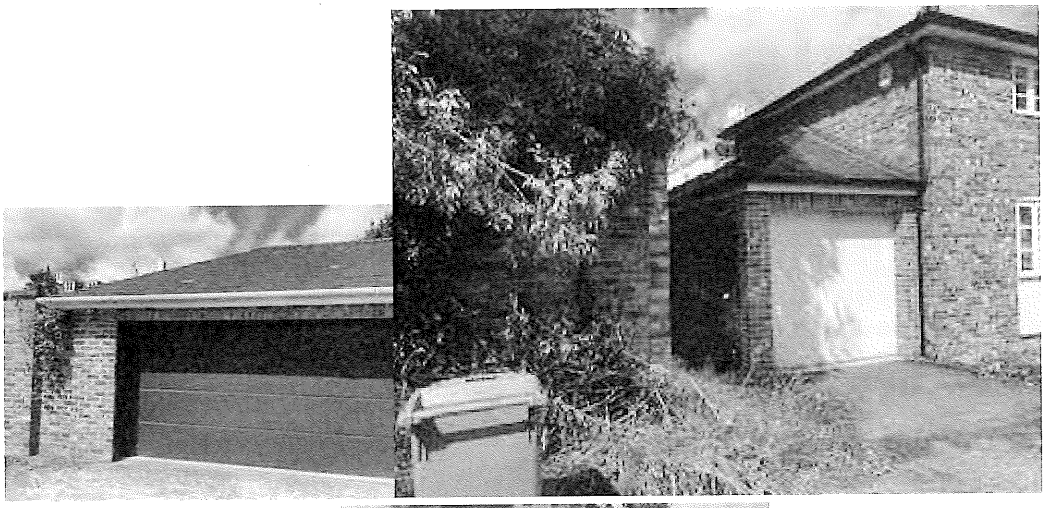
3.0 SUGGESTED SOLUTION TO OVERCOME OBJECTION

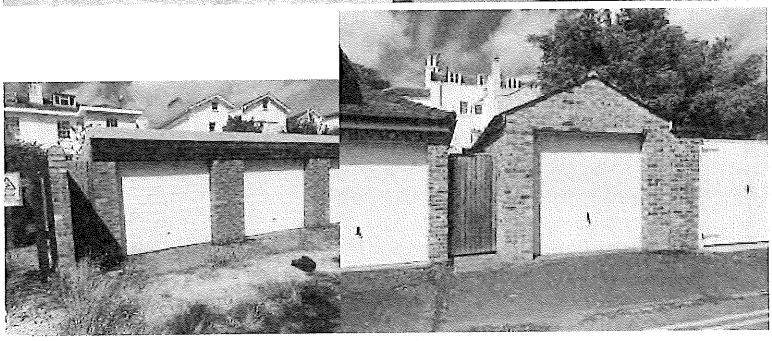
I ask that consideration is given to easily overcoming this harm by retaining the heritage garden walls (same bond, construction, width and height) and building the new annexes immediately inside the walls as has been done at No 1 Hatherley Villas and many other previous developments in the Tivoli Area.

The viability of the mews development is unaffected and the heritage asset of the wall is maintained in its original form.

3.1 Below are photos of properties in the area which show development within the garden walls.







4.0 Legislation Protecting The Form of the Garden Wall.

4.1 Planning (Listed Building and Conservation Areas) Act 1990 and Chapter 6 of NPPF

The wall is listed, being a pre 1948 curtilage structure and therefore, as part of the listed building it enjoys the full protection of its special architectural or historic interest

The recent Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC 2014*[2] made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 [1] Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

4.2 Cheltenham Borough Local Plan Clause 5.31

Boundary enclosures

5.31 Boundary walls and railings are important to the character of the conservation areas. Original walls and railings should be retained or, where new enclosures are proposed, erected in suitable and authentic materials, height and form with appropriate piers, kerbs, finials, copings, etc, subject to retaining reasonable access to the land or buildings so enclosed.

POLICY BE 5
BOUNDARY ENCLOSURES IN CONSERVATION AREAS
Objective O11

In conservation areas:

(a) boundary enclosures should be preserved in their original form; and

(b) new enclosures should be in a historically appropriate form.

Note
See policy CP 3 (sustainable environment).

4.3 Cheltenham Borough Council Local Plan Clause 5.48

Boundary enclosures

5.48 Boundary enclosures have a major effect on the setting of a listed building, and, where being reinstated or added, should be as historically correct in form and materials as possible.

POLICY BE 10
BOUNDARY ENCLOSURES TO LISTED BUILDINGS
Objective O11

New boundary enclosures to a listed building should be of the same or similar design and material as the historically original enclosure.

4.4 Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006)

Policy CP7 cites the character and appearance of the area, their history and listing incorporates the houses and their curtilage.

The terrace has unusually long walled gardens, which is one of the terraces' unique features, as generally the Regency homes had small courtyard gardens. The mottled lime mortar 1.5m high brick walls separating the gardens are a historic, valuable feature which help to maintain the current character and identity. Thus, it is crucial to keep the garden wall intact and any rebuild or new structure to maintain that character and form.. The proposed new annexes should reflect the character and appearance of this unique terrace and comply with saved policy CP3 of the Cheltenham Borough Local Plan, adopted policy SD8 of the Joint Core Strategy 2017, Section 16 of the Planning (Listed Buildings and Conservation Area) Act 1990 & Historic Good Practice Advice Note 2.

5.0 Historical Context of Heritage Asset

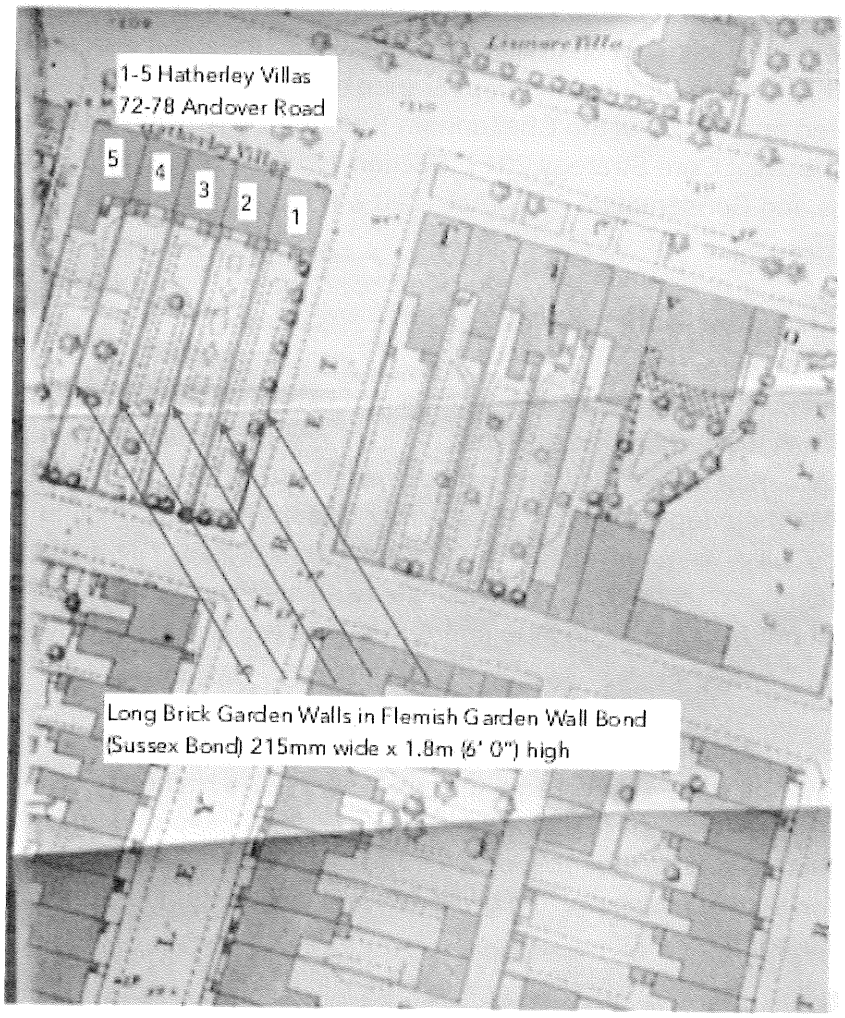
Tivoli was born during the 1820's when a parcel of land formally called Westal Furlong was divided up and developed. Numbers 1 to 4 Hatherley Villas are shown on a map dated 1834 and called Lippiate Street, on maps dated 1884/1888 they depict number 5 Hatherley Villas, a later addition. In 1882 Hatherley Villas were called 25, 26, 27, 28, 29 Tivoli Place. The name Andover was adopted around 1913 and reflects the association with the Suffolk estate and Viscount Andover, being the courtesy title of the eldest son of the earl of Suffolk.

According to historical records, Hatherley Villas was built by William Churchill (ironmonger by trade) and history tells us "These (1-5 Hatherley Villas) are intended for the accommodation of persons in the middle rank of life who will be enabled to pursue their respective trades and callings, and by the establishments of shops prove a great convenience to this increasing neighbourhood."

After WW2 the Terrace had lost most of its ironmongery, cornices had fallen off and some non multi pane windows had been put in. On March 12th 1955 the Terrace was grade 2 listed for its architectural merit, in an effort to preserve this historic Terrace.

Hatherley Villas 1884

Long gardens with garden walls clearly evident



6.0 Conclusion

This Heritage Assessment highlights the significance and the status of the form of the heritage garden wall and the significant harm this proposal would cause to the heritage asset in contrast to any benefit from the loss of the heritage asset.

Part of the unique character of the Listed Terrace are the long 1.8m (6' 0") high garden walls. Recent developments have sought to retain that character and set a precedence to minimise harm to the appearance and heritage value whilst also achieving the site development potential.

In summary, I support the development at the rear of this historic terrace as the current garages are untidy and piecemeal. However, I object to the needless very significant harm to the historic garden walls which are so fundamental to the design of this listed Terrace in Cheltenham.

A simple alternative to avoid harming the heritage asset without affecting the viability of the development is to build 'within' the garden walls as has been done elsewhere.

This current proposal is sadly not in tune with the precedents that have been set and the considerable efforts that have been taken to date by the Planning Authority, Conservation Officers and Owners to recognise the significance of the architectural heritage of this magnificent Cheltenham Terrace and its curtilage and manage development to avoid any needless harm.

Kind regards,

[redacted]

[redacted]
1B1, Andover Road,
Cheltenham,
GL50 2TW

November 26th 2021

Dear Mr Warren,

Re: Planning Application 21/02385/FUL and 21/02385/LBC

I am writing to you in relation to the building works at 76/78 Andover Road. Due to working from home, I am very aware of these works and would like to appeal for the applications above to be refused.

When reading the applications above, I cannot find mention of a heritage assessment for the historic garden wall. Additionally, as part of the wall has already been removed, it appears this has been done without the appropriate permissions.

My understanding from the drawings within the applications is that they plan to:

1. Demolish a section of garden wall even though it is not owned solely by the applicant and is not considered unsafe.
2. Redraw the boundaries and 'straighten them' between 74 and 76.
3. Build over a party wall with guttering on someone else's land. Thus, producing a sheer side of a building, where there was previously a historic wall.

This new elevation will have no reference to the history and original brickwork (which I understand is in a rare formation), therefore, I am asking officers to refuse the applications.

Yours sincerely,

[redacted]

Appeals Lodged NOV/DEC 2021

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
35 Naunton Crescent Cheltenham Gloucestershire GL53 7BD	Proposed two storey rear extension, loft conversion and new dormer at rear	Delegated Decision	Fast track Householder	January 2022	Appeal ref: 21/00017/PP1 Planning ref: 21/00998/FUL
156 Hesters Way Road Cheltenham Gloucestershire GL51 0RY	Pizza delivery business being run from property	n/a	Written representation	February 2022	Appeal ref: 21/00019/ENFAPP Enforcement ref: 20/00216/DCALLB

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
The New Barn Ham Road Charlton Kings Cheltenham Gloucestershire GL52 6ND	First floor front/side extension	Delegated Decision	Written representation	Appeal Dismissed	Appeal Ref: 21/00006/PP1 Planning Ref: 21/00052/FUL
15 Deep Street Prestbury Cheltenham Gloucestershire GL52 3AW	Erection of building to rear	N/A	Written representation	Appeal Dismissed	Appeal ref: 21/00009/ENFAPP Enforcement ref: 17/00144/DCUA

Authorised By: Andy Robbins 07.12.21

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