

# Cheltenham Borough Council Planning Committee

**Meeting date:** 23 March 2023  
**Meeting time:** 6.00 pm  
**Meeting venue:** Council Chamber - Municipal Offices

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## **Membership:**

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

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To find out more about Planning Committee or to register to speak, please click [here](#).

**Please note:** the deadline to register to speak is 10.00am on the Wednesday before the meeting.

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**Contact:** [democraticservices@cheltenham.gov.uk](mailto:democraticservices@cheltenham.gov.uk)  
**Phone:** 01242 264 246

# Agenda

## **1 Apologies**

## **2 Declarations of Interest**

## **3 Declarations of independent site visits**

## **4 Minutes of the last meeting (Pages 5 - 12)**

To approve the minutes of the meeting held on 16<sup>th</sup> February 2023.

## **5 Planning Applications**

### **5a 20/00759/FUL Elms Park, Tewkesbury Road, Cheltenham (Pages 13 - 226)**

[Planning application documents](#)

## **6 Appeal Update (Pages 227 - 258)**

For information/discussion

## **7 Any other items the Chairman determines urgent and requires a decision**



# Cheltenham Borough Council Planning Committee Minutes

**Meeting date:** 16 February 2023

**Meeting time:** 18:00 – 19:30

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**In attendance:**

**Councillors:**

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

**Also in attendance:**

Michael Ronan, Michelle Payne (Senior Planning Officer), Lucy White (Senior Planning Officer) and Liam Jones (Head of Planning)

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## 1 Apologies

There were none.

## 2 Declarations of Interest

There were none.

## 3 Declarations of independent site visits

The site visits were as follows:

The Members that attended planning view visited Ski Tyres – other site visits were as follows:

Cllr McCloskey visited Ski Tyres  
Cllr Bamford visited Selkirk Street  
Cllr Andrews visited Ski Tyres and Selkirk Street  
Cllr Payne visited Ski Tyres  
Cllr Oliver visited Selkirk St

Cllr Nelson visited Ski Tyres

#### **4 Minutes of the last meeting**

Minutes of the meeting held in January were approved.

#### **5 Planning Applications**

##### **6 22/01441/FUL 10 Selkirk Street, Cheltenham, Glos GL52 2HH**

The planning officer introduced the report as published.

There were 2 public speaker on the application – one in objection and the agent in support. Councillor Tooke was due to attend the committee, however due to ill health could not attend and his speech was then read by democratic services.

The objector made the following points:

- Cheltenham is known as a spacious town with glimpses of gardens and trees.
- The application was until recently a well maintained garden.
- Initially there was no light report
- The application was turned down in 2003.
- It will be an over development of the site
- There will be barely a meter space between the proposed building and number 18.
- It will have no view from the rear and no off road parking.
- It will not be in keeping with the surrounding properties.

The agent on behalf of the applicant then made the following points:

- The applicant has lived on the street for some time and they have submitted the plan in preparation for their retirement on a street they enjoy living in.
- The level of local animosity for the application has been stressful for the applicant, but they have sought to work with the Council's planning officers and to take into account residents concerns.
- The proposal makes good use of a site within a sustainable location in the PUA.
- The contemporary design is of high quality and supported by the Civic Society, the revisions made during the process address the initial concerns of the architects panel.
- The amenity of neighbours is not harmed.
- There is no danger to highway safety.
- The proposal is compliant with the climate change SPD and includes a number of renewable technologies such as solar panels and an air source heat pumps.
- Care was taken from the outset of the design process to minimise any potential impact on adjacent neighbours.
- Further amendments have been made to take into concern of the neighbours. There has been a chartered surveyor appointed to undertake the assessment over the



potential daylight and sunlight impact, that report concluded that there was no adverse impact.

- The planning officers report covers the matters raised and sets out why there is no reason for planning permission to be refused.
- Objectively speaking this is a high quality scheme, incorporating renewable technology that makes good use of an under utilised plot.
- It is within the principal planning urban area and has been deliberately designed to minimise any potential impact on adjacent properties.

The speech of the Ward Councillor was then read out by a member of democratic services. He made the following points:

- He believed that the documents had been prepared by disinterested professionals, an independent architect, a former chief town planner (from another county) and a leading light consultancy on light and planning issues.
- The planning department has not visited impacted neighbouring properties and has made a “presumption in favour” of this supposedly sustainable development.
- They have ignored the key points of SPD 2009 with regard to the impact on amenity
- The impacts on amenity are as follows: reduction of daylight to neighbouring gardens and rooms, reduction of sunlight to neighbouring gardens and overshadowing of rooms, the neighbours ability to use their garden space due to overlooking and lack of privacy and an overbearing appearance of neighbouring development in relation to existing gardens and buildings by virtue of its height and position.
- Having visiting neighbouring properties believes that there is unacceptable harm being done for those reasons.
- As it is a small plot the building is inappropriately high and will loom over neighbouring properties and severely impact the light going into Larkspur, 10.10a and 18 Selkirk Street.
- The house will be built so close to neighbouring walls that privacy will be lost and windows will be over shadowed,
- The planning department did not do a light test, if they had the problems with the proposal would have been obvious. A Member requested the light test which led to a last minute deferral of the planning hearing.
- Passing the proposal will mean that one garden will be lost and severely damage another, many gardens have already been lost to hard surfaces in the area.
- There will be loss of valuable green spaces which as driven about 18 complaints, which contravenes SPD 2009.
- The argument that this land is an eyesore only stands as believes that the garden has been allowed to become one.
- Planning approval will bring a substantial gain for a land owner and granting permission will mean that the landowner is inadvertently rewarded, it was once a beautiful and can be so again.
- It could be argued that the property will make a nod to sustainability with the plan, the garden will be paved , when there is a deluge there will be significant run off into the drainage systems and sewers which get overwhelmed and often pump waste into the rivers.
- There is a direct environmental consequence to the removal of our porous gardens and on that side of Selkirk Street.
- Sustainable properties are not just low carbon properties they are properties that increase bio diversity and take into account broader impacts across the ecosystem such as run-off.

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- In 2003 the principle of building on this plot was rejected by the planning department due to worries that the overall impact on the neighbourhood and over development.
- Parking is also a consideration with this development as more cars will be added without the provision of additional parking.

The matter then went to Member questions, the responses were as follows:

- The window on the side of the terrace is a stairwell, the other neighbouring property has a bedroom window.
- The applicants agent does not state that it should be given less weight to the lighting statement, as owners they believe that they believe that it should carry more weight.
- There has never been a property on the site of the application.

The matter then went to Member debate where the following points were raised:

- The issue is the impact on the basement flat at 10a, depending on which report you read the opinions differ. There is no question that this development will take the sunlight from the window at the basement flat.
- The concerns that the residents have raised do not have planning applications ie parking is not a planning concern.
- The gap between the two properties face south east and there is a large tree, the question is how much sunlight is the basement flat getting already. The tree is quite a way down, the angle of the photograph is a bit misleading.
- The difference between 2003 and now is significant as Larkspur was not there. The loss of amenity to the basement flat should be enough.
- The design of the application is ok however the impact on the basement flat will cut their light down considerably. The basement is independently resided in and that's the main concern.

The Head of planning stated the SL1 would be the consideration on the vote to refuse. He also confirmed that SPD2009 is a current document. He also confirmed

### **Vote to permit:**

**For: 2**

**Against: 9**

Grounds for refusal policy SL1 paragraph a and SPD 2009 and not just the impact on the basement flat and Larkspur at the rear of the property. Loss of outlook is also a consideration for the property at Larkspur.

### **Vote to Refuse on the above grounds**

**For:8**

**Against:2**

## **7 22/01585/FUL Ski Tyres, 73 New Street, Cheltenham GL50 3ND**

The planning officer introduced the report.

There were three speakers on the item, an objector, the applicants agent and one of the Ward Councillors for the area.

The objector made the following points:

- The proposed properties will cause a lack of privacy. Where the windows are due to be are contrary to the Cheltenham SPD.
- Obscured glass in the windows of the first floor do not help with the privacy problem.
- The proposed pump will be noisy and the sound will travel.
- The application is over development of the site.
- The properties with their fronts on Grove Street will not have enough space for parking for two cars.
- The application shows no respect for neighbouring properties.
- There have been a sparse amount of complaints against the application by the 4 or 5 properties that will be effected due to the occupiers not having English as their first language.
- There have been no visits to the site except for Cllr. Willingham.
- The request was that the application be refused as it has not been sufficiently investigated.

The agent on behalf of the applicant spoke and made the following points:

- The principle of the application was to relocate the business and staff elsewhere including the commercial base. The street will no longer be snarled up with lorry drivers.
- There will now be less large vehicles and less commercial activity and noise.
- The applicant has taken into account all the comments that have been made and has worked with them.
- The application is for town houses which are a simple and authentic design.
- The residential amenity will be improved by this application.
- Frosted windows will ensure privacy.
- The Historical Society has commented on the design saying that it is an excellent design.
- The revised development will give visual enhancement and enhance the bio diversity of the area.

Councillor Willingham as Ward Councillor for the area spoke and made the following points:

- He explained the Cllr Atherstone, the other Ward Councillor for this application was unable to attend due to ill health and that she would have speaking in favour of the application as Cabinet Member for Housing.
- There is no dispute in the principle of the application.
- A concern of the residents is that the rear first floor room if used as a living room will cause a loss of privacy to the surrounding properties.
- The application is in breach of SL1.
- Planting would be a pertinent thing to do as a condition.
- Highways have not responded to the request with regard to yellow lines and parking.
- Privacy is a big issue with the application there has been a public duty assessment but no human rights assessment, everyone has a right to peaceful surroundings.
- There is a middle ground to be found in this application.

The responses to Member questions were as follows:

- The chimneys are just a design feature.
- Solar panels could be included as a condition.
- The charging point for the cars is 7kw.

- Gloucestershire highways are satisfied that there will not be a road safety problem with the spaces in front of the houses.
- There is a condition in place for a landscaping scene to be retained for 5 years.
- A 1.8 meter fence wouldn't normally be encouraged, but would argue in this instance that it is appropriate with maybe a scope to increase the height.
- There was confirmation that the report did include landscaping.

The matter then went to Member debate where the following points were raised:

- Generally the design is nice, however there is concern over parking spaces as existing houses don't have parking. Planting is to be supported as a good idea and won't cause too much over shading.
- Grove Street used to be more commercial than residential it is a very convenient area with lots of amenities.
- Chimneys carry the design better.
- The application is making good use of a brownfield site
- Pleased that there will be solar panels as working to carbon zero is of premier importance.
- The bricks that will be used in the application pick up the design of properties on the other side of the road.
- Air source heat pumps are a bit of a problem, would prefer ground source heat pumps as they are more effective, although it is understood that ground source heat pumps depend on the soil that the property is being built on. It was suggested that as the property will be a new build and highly insulated could a community heat source be put in.

As a result of the debate confirmation was requested that there would be no fireplaces in the houses and it was confirmed that the floor plan confirms that there are no fireplaces.

With regard to the heating it was requested that an informative be attached asking to investigate ground source heating.

Councillor Barnes declared that he had missed part of the item, the legal officer advised that he should not take part in the vote.

The matter then went to the vote to permit and include conditions re solar panels, landscaping and charging points.

**For: UNANIMOUS**

**PERMIT**

### **8 22/02128 Burrows Field, Moorend Grove, Cheltenham GL53 0HA**

The Planning Officer introduced the report.

The matter went to Member questions and the responses were as follows:

- The drainage officer did not suggest that there should be rain water harvesting from the pavilion.
- The amount of water that drains off could be quite vast.

- There was no mention of irrigation when planning permission was granted.

The Chair stated at this point that he would like to go for a deferral. The planning officer explained that this is a variation to an existing grant of permission.

- The approved storage is out of site but not undercover.
- The scheme should be supplemented by rain water harvesting.

As the Chair was minded to defer the Legal Officer intervened and stated that the application was to vary conditions not to re open development and how the scheme works. Deferral will not change what the application is for.

The question was asked if it was possible to take this application as a learning lesson that any public place should have a mechanism in place to deal with rainwater harvesting to which the planning officer responded that there is rainwater harvesting in place, the request came from the drainage officer.

One Member made the point that the tanks are not moveable with water in and they are a bit unsightly, these matters really need to be considered for future applications.

The matter then went to the vote on the officer recommendation to permit:

**UNANIMOUS - permitted**

### **9 Appeal Update**

Appeals were noted as published.

### **10 Any other items the Chairman determines urgent and requires a decision**

The Chair wished the committee to note that Liam would be leaving in the next few months and wished to pass on his thanks for all his work and expressed that he was sorry to see him go.

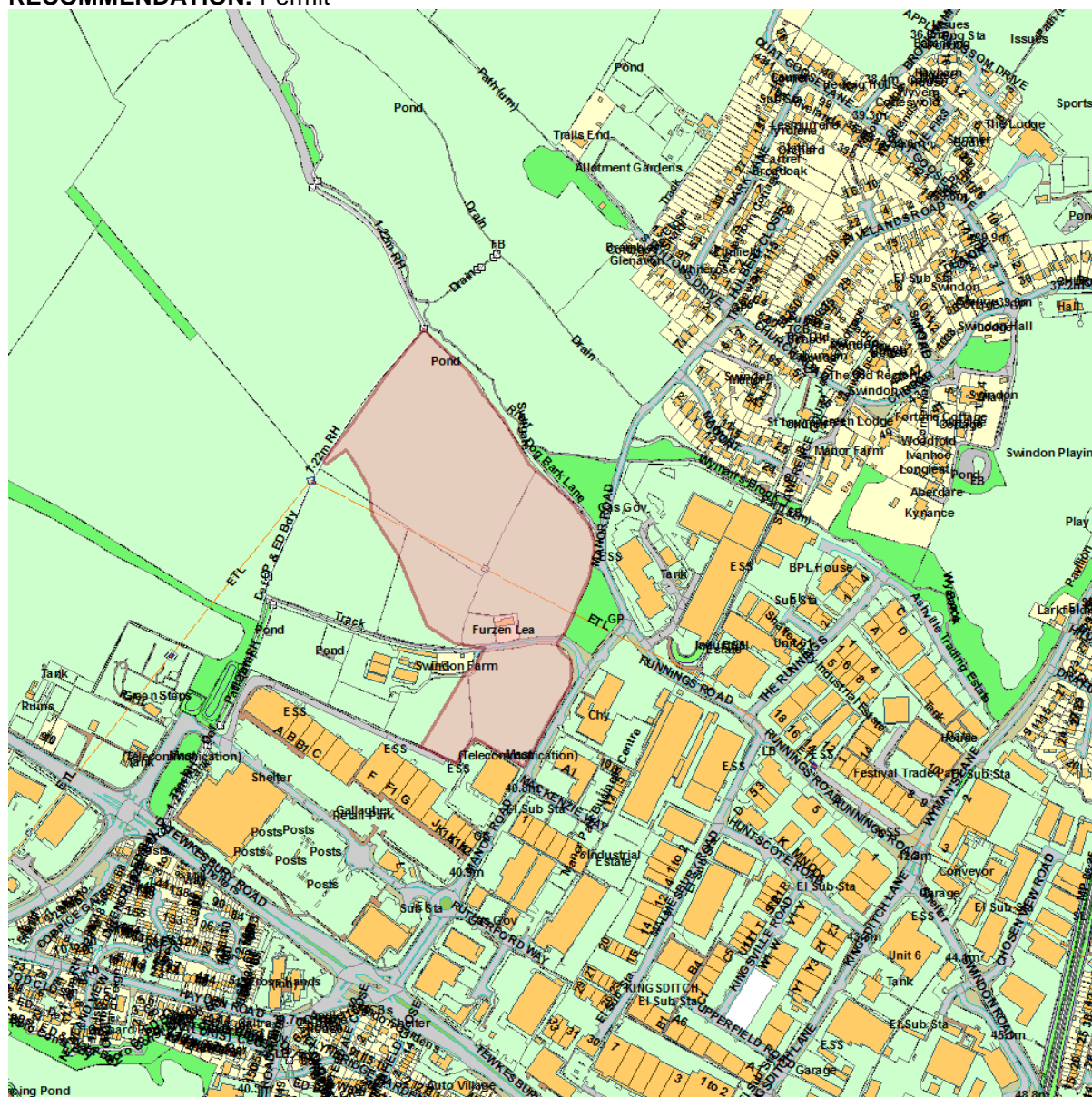
He then went on to talk about the planning peer review and urged Members to reply to the invite and to engage with the planning peer review.

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## Committee Report

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

### RECOMMENDATION: Permit







## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The applicant (Persimmon Homes) seeks full planning permission for the erection of 266 dwellings, new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure. The application proposal is Phase 1A of the current 'Elms Park' outline planning application and North West Cheltenham Strategic Allocation site under Policy A4 of the JCS.
- 1.2 The application site is an irregular shaped parcel of land measuring some 8.3 ha. The site is located on the north western edge of Cheltenham, north of the A4019 Tewkesbury Road, east of Gallagher Retail Park and south west of Swindon Village. The River Swilgate and Dog Bark Lane run close to the north eastern site boundary of the site which is also bound by established hedgerow. Land to the east and north is in agricultural use. A small area of land east of the site and adjacent the Manor Road and Runnings Road junction, has recently been cleared of trees and is subject to outline planning permission for light industrial units. An overhead electricity line, with one pylon, runs through the centre of the site.
- 1.3 The site is currently accessed off Manor Road via an old farm track and the Dog Bark Lane public right of way. Presently, the site is undeveloped and comprises of open fields in mixed pastoral and arable agricultural use and divided by native hedgerow. The farm buildings, dwelling and other structures associated with Swindon Farm have been demolished.
- 1.4 The site is wholly within the administrative boundary of Cheltenham Borough Council although it does directly adjoin Tewkesbury Borough Council (and Uckington Parish Council) land to the north west. The site is also within the administrative area of Swindon Parish Council. Representations have been received from all neighbouring authorities and are set out in full in the Consultations section of the report.
- 1.5 Elms Park Strategic Allocation
- 1.6 As aforementioned, although outside of the Principal Urban Area of Cheltenham (PUA), the application site falls within an area of land allocated for development in the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). Policy SA1 sets out the requirements for the seven JCS wide strategic allocations which will deliver the scale and distribution of development set out in Policies SP1 and SP2. Policy A4 is a site specific policy for the North West Cheltenham Strategic Allocation and allocates a large area of land (falling within both Cheltenham and Tewkesbury Borough Council administrative areas) for development which will be expected to deliver:
- i. Approximately 4,285 new homes
  - ii. 10 hectare B-class office park
  - iii. 13 hectares of predominantly non B-Class employment generating land for local centre(s) including the provision of an appropriate scale of retail, healthcare and community facilities to meet the needs of the new community;
  - iv. New primary and secondary education schools and facilities;
  - v. A green infrastructure network of approximately 100 hectares which will conserve the River Swilgate and Hyde Brook corridors, protecting important trees and hedgerows where appropriate, and contribute to water quality enhancements;
  - vi. Protection to key biodiversity assets including through the development of a Biodiversity Management Plan;

- vii. Adequate flood risk management across the site and ensure that all more vulnerable development is located wholly within flood zone 1
  - viii. A layout and form of development that respects the landscape character and separation of the villages of Brockhampton, Elmstone Hardwicke, Swindon Village and Uckington.
  - ix. A layout and form that respects the character, significance and setting of heritage assets that may be affected by development;
  - x. A layout and form that respects areas of high landscape character and visual sensitivity, including key views into the site from the surrounding key visual and landscape receptors
  - xi. Primary vehicle accesses from the A4019 Tewkesbury Road, secondary access from Runnings Road / Manor Road, and public transport only access to Swindon Village via Quat Goose Lane
  - xii. Measures necessary to mitigate the traffic impact of the site, including the use of travel plans to encourage the use of more sustainable transport modes;
  - xiii. High quality public transport facilities and connections within and adjacent to the site, including a multi-use transport hub with circa 350 parking spaces;
  - xiv. Safe, easy and convenient pedestrian and cycle links within the site and to key centres, providing segregated links where practical;
  - xv. Take into account of the indicative Local Green Spaces identified on the Policies Map with consideration of the special features of that area which make it suitable for this designation.
- 1.7** The Elms Park (cross boundary with Tewkesbury Borough Council) outline planning application, made jointly by Persimmon Homes and Bloor Homes, is also under consideration (16/02000/OUT). This application forms part of the Strategic Allocation A4 and proposes (in outline with all matters reserved apart from access):-
- Up to 4115 new homes providing a range and choice of mix and tenure, including affordable housing (C3) and elderly persons accommodation (C2 up to 200 rooms), 24 ha of employment generating uses including 10 ha B1 business park (up to 40,000 sqm), a hotel (C1 up to 100 rooms), and mixed use centres providing retail uses and community facilities (A1 - A5 up to 6,150 sqm, D1/D2 up to 1,000 sqm) A transport hub and public transport inter change, primary and secondary school education (D2), new areas of green infrastructure including areas of play sports hub, woodland planting, allotments and habitat at creation, creation of new means of access onto Tewkesbury Road and Manor Road, new footways and cycleways, and drainage infrastructure.*
- 1.8** The application sites for 16/02000/OUT and 20/00759/FUL overlap; the proposed 266 dwellings forming part of the above 4115 homes provision for Elms Park. The proposals have therefore been designed to 'align' with the larger area identified by the outline application and should therefore meet the design, layout and infrastructure parameters of this earlier submitted scheme. Similarly, revised plans were submitted for application 16/02000/OUT in May 2022 to show consistency with the Swindon Farm proposals. The extent to which the proposed development meets these objectives and those of Policy A4, is discussed later in the report.

- 1.9** It should be noted that the relevant JCS policies do not prevent elements of the site coming forward at different times, however as you will note from the detail of this report, officers have worked to ensure alignment to meet the requirements of Policy SA1 and the provision that “*Development proposals should enable a comprehensive scheme to be delivered across the developable area within each Strategic Allocation*”. This matter is discussed in more detail at paragraphs 6.50-54.
- 1.10** In light of the above, Members should note that, although forming a part of the wider strategic allocation land, this application is being determined before and separately from the Elms Park outline application. Should planning permission be granted, the 266 proposed dwellings are anticipated to be delivered ahead of the remainder of the Elms Park development. With this in mind, officers requested a joint statement from the applicants for the Swindon Farm and Elms Park schemes (Persimmon and Bloor Homes), seeking assurances from both as to their future collaborative working and agreement to the potential delivery of the 266 dwellings at Swindon Farm ahead of the remainder of Elms Park.
- 1.11** In response a letter was received from Persimmon Homes (Swindon Farm), dated 4<sup>th</sup> January 2023, which confirms Persimmons Homes’ agreement to the inclusion of the proposed M5 Junction 10 contribution of £2.5 million in the s106 Agreement and assurance that Persimmon Homes and Bloor Homes are continuing to collaborate to bring the wider Elms Park site forward and that Bloor Homes are comfortable with the Swindon Farm application. Although designed to be self-sufficient in movement terms, the letter also sets out aspects of the design and layout of the proposals and various revisions to the scheme which align with the wider Elms Park proposals. Bloor Homes responded in a similar fashion on 25<sup>th</sup> January 2023 and confirmed that Bloor and Persimmon Homes have entered into a Collaboration Agreement which should ensure that approval of the 266 dwellings will not prejudice the comprehensive development of the wider Elms Park scheme. Both letters are attached as an Appendix to this report.
- 1.12** Should planning permission be granted for the 266 proposed dwellings, officers will need to full consider the implications for application 16/02000/OUT in relation to matters such as site wide s106 planning obligations, including highways infrastructure. But notwithstanding these considerations, officers are of the opinion that the two planning applications are compatible and capable of being implemented alongside each other and at different times.
- 1.13** The cross boundary Elms Park outline application (16/02000/OUT) is progressing and likely to presented to the Planning Committee in summer 2023. Final agreement on the s106 obligations may continue beyond the summer, which will delay the issue of any decision until later this year.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Strategic Allocations Red Line Boundary  
Landfill Sites boundary

### Relevant Planning History:

#### 16/02000/OUT PCO

Up to 4115 new homes providing a range and choice of mix and tenure, including affordable housing (C3) and elderly persons accommodation (C2 up to 200 rooms), 24 ha of employment generating uses including 10 ha B1 business park (up to 40,000 sqm), a hotel (C1 up to 100 rooms), and mixed use centres providing retail uses and community facilities (A1 - A5 up to 6,150 sqm, D1/D2 up to 1,000 sqm) A transport hub and public

transport inter change, primary and secondary school education (D2), new areas of green infrastructure including areas of play sports hub, woodland planting, allotments and habitat at creation, creation of new means of access onto Tewkesbury Road and Manor Road, new footways and cycleways, and drainage infrastructure.

**20/00771/FTP 15th March 2021 WDN**

Application for formal right of way diversion (Road number CH515)

### 3. POLICIES AND GUIDANCE

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development

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 10 Supporting high quality communications

Section 11 Making effective use of land

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 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

SL1 Safe and Sustainable Living

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

CI3 Statutory and Non-Statutory Allotments

CI4 Broadband provision

#### **Adopted Joint Core Strategy Policies**

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

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

INF5 Renewable Energy/Low Carbon Energy Development

INF6 Infrastructure Delivery  
INF7 Developer Contributions  
SA1 Strategic Allocations Policy  
A4 North West Cheltenham

## **Supplementary Planning Guidance/Documents**

Swindon Village Conservation Area Character Appraisal & Management Plan (February 2007)

Cheltenham Climate Change (2022)

## **4. CONSULTATIONS**

All consultation responses are set out in full at the end of the report or as an Appendix to the report. To avoid repetition and for ease of reading of the most up to date responses, some earlier consultation responses are indicated as available to view online.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>97</b>
Total comments received	<b>31</b>
Number of objections	<b>28</b>
Number of supporting	<b>1</b>
General comment	<b>2</b>

- 5.1** The application was advertised by way of 97 letters sent to neighbouring properties and businesses, site notices displayed at several publicly accessible locations adjacent and near to the site, and an advert placed in the Gloucestershire Echo.
- 5.2** During the course of the application a total of 31 third party representations were received, the majority in objection to the proposed development. Neighbouring properties/businesses were also notified in writing of the revised scheme submitted in 2021.
- 5.3** All of the comments have been made available to Members separately but the main comments and concerns raised are summarised as follows:
- Increase in traffic and congestion on Manor Road and other local roads and inadequate junction arrangements. Existing road network constraints exacerbated.
  - Existing schools oversubscribed
  - Loss of wildlife/biodiversity and long term impacts on retained trees
  - Lack of facilities proposed for proposed increase in Parish population
  - Land adjacent to Flood Zone 3/submitted Flood Risk Assessment and Drainage strategy lacks assurance against flooding
  - Proposed development relies on infrastructure, transport modelling and facilities forming part of the larger Elms Park development
  - Transport Assessment must be complete prior to any development on wider Elms Park site, including Swindon Farm
  - Volume of traffic using the proposed new junction and vehicular access onto Manor Road. Vehicular access should be via Tewkesbury Road only as per Elms Park outline application.
  - No on site road safety measures to reduce traffic speeds
  - Poor cycle path provision cycle and connections to the existing cycle network are incomplete
  - Potential for rat running and long driving/walking distances to schools

- National Highways/J10 works not yet commenced
- No safe pedestrian crossing to Swindon Village
- Proposed three storey height buildings and external facing materials out of character with surrounding area
- Countryside character of Swindon Village would change
- Some consultee comments relate to this site and not wider Elms Park development
- Sustainability measures and proposed low carbon technologies insufficient
- Local Green Space not identified clearly within the proposals
- Site located in (former) Green Belt and a flood plain which should be afforded greater protection

**5.4** Representations have also been received from Swindon and Uckington Parish Councils and the Civic Society. Their respective comments are set out in full in the Consultations section of the report.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** There has been significant officer intervention in this application that has led to a series of design reviews of the application; the December 2021 revisions involving substantial amendments to house design/type, green infrastructure and site layout. There has been a continuing dialogue between the applicant and Housing Enabling team to secure, through a s106 obligation, an appropriate affordable housing provision in terms of tenure mix, house size and location within the site. There has also been significant engagement with GCC highways, recognising the issues raised through the various objections.

**6.3** During the lifecycle of this application, the Council has adopted the Climate Change SPD that resulted in further engagement with the applicant on a range of matters. This necessitated several revisions to the applicant's Sustainability Statement and the addition of further measures to significantly reduce energy demand and CO2 emissions beyond Building Regulations Part L. The proposals should therefore achieve a 55.88% reduction in CO2 emissions. The proposals now include a non-gas heating strategy with low carbon air source heat pumps (ASHPs) installed for all dwellings, plus solar PV panels installed on all buildings.

**6.4** The key issues (in no particular order of importance) for consideration are

- Environmental Impact Assessment
- the Policy Framework and Principle of Development
- Affordable Housing
- Community and Highways Infrastructure
- Design and Layout
- Impact on neighbouring amenity
- Access and Highway Safety
- Sustainability and Climate Change
- Drainage and Flood Risk

- Ecology/Biodiversity and Green Infrastructure
- Landscape and Visual Impact
- Trees and Landscaping
- Heritage, Conservation and Archaeology
- Section 106 Obligations
- Other considerations – Noise and Utilities

### **6.5 Environmental Impact Assessment (EIA)**

- 6.6** The application proposal is schedule 2 development as defined within the Environmental Impact Regulations 2017 (as amended). Upon receipt of such applications the LPA is required to produce a screening opinion as to whether an EIA is required. Whilst the applicant was verbally advised that an EIA was not required this was not confirmed in writing. Note, an EIA is submitted as part of the 2016 outline planning application, which includes the current application site area.
- 6.7** The time period for issuing a screening opinion has now passed. The applicant has therefore made a request for a screening opinion to the Secretary of State (SoS) which is currently under consideration. The LPA would not be able to issue any decision on this application prior to receipt of the SoS EIA screening opinion.
- 6.8** Members are therefore being asked to consider the officer recommendation with suggested conditions and resolve to either grant or refuse planning permission (subject to completion of the s106 agreement). The decision notice would be issued upon conclusion of the EIA screening process.

### **6.9 Policy Framework and Principle of Development**

- 6.10** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated in NPPF paragraph 47.
- 6.11** The development plan comprises of the saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP), adopted policies of the Cheltenham Plan 2020 (CP) and the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the National Planning Policy Framework 2021 (NPPF), and Planning Practice Guidance (nPPG).
- 6.12** Policies D1, SL1, CI1 and CI2 of the Cheltenham Plan and policies SP1, SP2, INF1, INF2, INF6, INF7, SD3, SD4, SD10, SD11, SD12, SD14 and A4 of the JCS are most relevant.
- 6.13** 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*'. The application site forms part of the JCS, Policy A4 North West Cheltenham Strategic Allocation. As such, the general principle of residential development on this site must be acceptable.
- 6.14** Paragraph 11 of the NPPF states '*Plans and decisions should apply a presumption in favour of sustainable development....and for decision making this means approving development proposals that accord with an up-to-date development plan*'. Where policies which are most important for determining the application are out-of-date, the NPPF at

paragraph 11(d) advises that planning permission should be granted '(i) *unless 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*'. This is referred to as the 'tilted balance' and the government's approach to ensuring delivery of housing nationally.

- 6.15** Footnote 7 of paragraph 11 of the NPPF explains further that for applications involving the provision of housing, relevant policies must be considered out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing.
- 6.16** Cheltenham Borough Council is currently unable to demonstrate a five-year supply of housing land and at the time of writing, the latest published figure sits at 2.9 years.
- 6.17** Notwithstanding the above, the application site is sustainably located within the strategic allocation of adopted JCS policy A4. The contribution of 266 (market and affordable) dwellings towards alleviating the above housing land supply shortfall carries significant weight and is a material consideration in the determination of this planning application.
- 6.18** Notwithstanding the above and the site forming part of the larger strategic allocation, the site specific issues and merits of the proposed development require careful consideration in order to determine whether the proposals are acceptable overall. This will include consideration of the wider implications for the Elms Park/North west Cheltenham strategic allocation site's location, the proposed tenure mix, design, layout and scale of the proposed development and their impacts upon the character and appearance of the wider locality, highway safety and any potential impact upon the amenities of neighbouring land users.

### **6.19 Affordable Housing/s106 Obligations**

- 6.20** Policy SD12 of the JCS seeks a minimum provision of 35% affordable housing for all strategic allocation sites. In addition, Policy SD11 requires housing development to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced market, having regard to local housing needs, as evidenced by the latest evidence bases on housing need.
- 6.21** The applicant proposes a policy compliant scheme in that 93 dwellings would be delivered as affordable 1-4 bed units, with a tenure mix of (65 no.) social rented housing, (23 no.) first homes and (5 no.) shared ownership houses. This equates to a housing mix of 70% social rented and 30% affordable home ownership. Dependent on the views of the Council's preferred provider partners, the 30% affordable home ownership element would be delivered in the aforementioned shared ownership and First Homes mix.
- 6.22** The Council's Housing Enabling Officer (HEO) supports the applicant's commitment to delivering 35% affordable housing on this site and is in broad agreement with the proposed tenure mix and the categories, size and space standards of the dwellings. The distribution and clustering of affordable units across the site is acceptable and the appearance, build quality and materials would be indistinguishable from the market dwellings.
- 6.23** Although none of the proposed house types are full wheelchair user designed, the applicant has confirmed the delivery of M4(2) Cat 2 level access homes. In officers' opinion, any shortfalls in house type category is outweighed by the benefits of delivering 93 new affordable dwellings, with the delivery of 65no. social rented homes being of particular importance given the significant identified need for these homes, the current cost of living crisis and past undersupply. Moreover, delivering 65 homes at social rent



levels is always welcomed and will help to create sustainable tenancies and strong communities in perpetuity.

- 6.24** Following extensive discussions with the applicant (Persimmon Homes), the clustering and distribution of the affordable units across the site has also been amended to ensure that the proposed affordable homes are evenly and seamlessly distributed throughout the development. In practice therefore, the shared ownership/First Homes and rented properties would be evenly distributed across the site and the design and appearance of the dwellings would achieve a tenure blind scheme.
- 6.25** The HEO's full comments are set out in full in the Consultations section of the report.
- 6.26** The applicant has entered into a s106 agreement to secure the provision of 35% affordable housing on this site and in accordance with the submitted and agreed Affordable Housing Layout. The s106 includes triggers for the phased delivery of affordable units; specifically requiring that the owner shall not permit or cause the occupation of more than 50% of the open market homes before 50% of the affordable housing units have been made available for occupation and have been transferred to an Affordable Housing Provider (for the social rented and shared ownership homes).
- 6.27** Additionally, the s106 includes a trigger which prevents the occupation of more than 90% of the open market homes until all (100%) of the affordable housing units have been completed and have made available for occupation.
- 6.28 Community and Highways Infrastructure/s106 Obligations**
- 6.29** 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.
- 6.30** JCS policy INF7 advises that financial contributions will be sought through the s106 and CIL mechanisms as appropriate; in this case, the s106 mechanism being used to secure site-specific obligations.
- 6.31** Having regard to the objectives of JCS policies INF1, INF6, INF7 and A4 (and Cheltenham Plan policies D1 and C11), contributions towards the provision of education and library facilities are required as a consequence of the proposed development. Financial contributions towards off site highway improvements works and road infrastructure, including a (proportionate) contribution towards the M5 J10 improvement scheme, are also necessary. In this case, financial contributions are sought through a s106 Agreement. The off-site highway works are discussed in more detail from paragraph 6.60.
- 6.32** The County Council (GCC) has assessed the impact of the proposed development on various community infrastructure, in accordance with the Local Development Guide (LDG) and with regard to CIL regulations. GCC in its capacity as education and libraries authority, requests financial contributions towards (41no.) secondary school places provision in the Cheltenham school catchment area for pupils aged 11-18. GCC has concluded that there is sufficient capacity within the local primary schools (Primary Planning Areas) to accommodate the expected increase in population arising from the proposed development.

- 6.33** The development would generate a need for additional library resources (through refurbishment of the building, stock and IT improvements) at Hesters Way Library. GCC therefore requests a libraries contribution; costed on the basis of the 266 proposed dwellings.
- 6.34** At the time of writing, a draft s106 Agreement to secure the above highway improvement works, the education and libraries provision, affordable housing delivery and other required contributions, is largely agreed by all parties and nearing completion. Additional obligations to be secured via the S106 agreement include the provision and future management/maintenance of the proposed public open space and LEAP.
- 6.35 Design and Layout**
- 6.36** Section 12 of the NPPF sets out that good design is a key aspect to achieving sustainable development and creating better places to in which to live. Similarly, Policy SD4 and the relevant criteria of Policy A4 of the Joint Core Strategy (JCS), require development to respond positively to and respect the character of the site and its surroundings, including in the case of A4, a layout and form of development that respects the landscape character and separation of Swindon Village and takes account of the indicative Local Green Space and the special features of that area. These objectives are reiterated in Policy D1 of the Cheltenham Plan which requires development to achieve a high standard of architectural design that complements neighbouring development.
- 6.37 Layout**
- 6.38** In addition to the Elms Park allocation specific requirements of Policy A4, Policy SA1 sets out 8 points in relation to the delivery of strategic allocations. Point 4 states that proposals should enable a comprehensive scheme to be delivered across the developable area of the strategic allocation. Sites must provide an appropriate scale and mix of uses, in suitable locations, to create sustainable developments that support and complement the role of existing communities. The proposed use of the site for housing is, in part, in line with the JCS indicative layout for Elms Park. However, the extent to which the proposals align with and would help deliver a comprehensive scheme across the allocation is a key consideration of this application. In this respect, point 5 of SA1 requires that proposals be accompanied by a comprehensive masterplan for the entire SA. This should demonstrate how new development will integrate with and complement its surroundings whilst taking into account the wider development and infrastructure needs of the SA and without prejudicing the delivery of the wider allocation. This is particularly important in relation to connection points and green infrastructure linkages. Elms Park will provide a mixed use local centre and as such, there will be a need to secure future connections from the Swindon Farm site and existing neighbouring communities into Elms Park.
- 6.39** The proposed development comprises of 266 (market and affordable) dwellings, distributed across the site in roughly three parts; two areas either side of the River Swilgate and a smaller parcel of housing south of the main spine road which runs along the western edge of the site, with a hierarchy of estate roads leading off. The main vehicular access into the site would be via a new mini roundabout junction off Manor Road and the primary route (Enhanced Street) through the site includes a dedicated pedestrian and cycle path and is wide enough to accommodate bus traffic. The retained PROW along the western site boundary would be contained within proposed public open space. There would also be several other informal pedestrian and cycle connections linking the various parts of the site and off site cycle routes.
- 6.40** The design and layout of the scheme has been influenced by certain site constraints and features plus the need to align with the wider objectives and design parameters of the SA. These include the retention of the public right of way (Dog Bark Lane), no build area

surrounding the overhead power lines, buffer between housing and the River Swilgate, the retention of trees and important hedgerow plus suitable access to the site and connectivity (in terms of movement and green infrastructure) with the wider Elms Park site.

- 6.41** In response to officer and Architects Panel concerns, aspects of the scheme design and layout were substantially revised in 2021; the revisions limited to house type and design alterations, the amount and form of open space provision and structural landscape features. The number of character areas has been reduced from 6 to 5 and house design amended to respond better to local character. The three storey houses fronting Dog Bark Lane have been relocated to the south of the site and, in this location, would create a more urban character and appearance to the site entrance and Manor Road gateway frontage; this area set within a commercial building context.
- 6.42** The spine road was also altered to provide better permeability and vehicular and pedestrian/cycle separation. The height of the proposed raised table along the spine road has been adjusted and street trees have been added. Other scheme revisions relating to drainage, access, public right of way, affordable housing and trees are discussed in the relevant sections of the report.
- 6.43** Green infrastructure would be provided in the form of retained and new structural landscape features; a central corridor of public open space, which dissects the site roughly east/west and retention and replacement of hedgerow along the site boundaries. The main access road now incorporates a central avenue of trees and a large attenuation basin in the north east corner of the site would provide further public open space and recreation facilities. In addition to recreational opportunities, these features would form part of the SuDS drainage and biodiversity site strategies.
- 6.44** A Locally Equipped Area of Play (LEAP), located centrally within the site and appropriate bin and cycle storage for all dwellings are also provided. The provision and future management and maintenance of the LEAP and all public open space would be secured by way the agreed s106 provisions (the responsibilities transferred to a management company).
- 6.45** House types are a mix of 1 and 2 bed apartments and 2 to 5 bedroom, detached and semi-detached dwellings. Several of the proposed dwellings and flatted development (occupying prominent corner/end plots) have been designed to act as feature buildings within the street scene. These buildings are larger in scale and would incorporate higher quality materials and additional architectural design detail. Building heights range from one to three storey buildings; the majority of the three storey buildings located along the site peripheries facing onto the main access road, open land and the River Swilgate. All proposed dwellings would be provided with allocated parking, in the form of (front or side) on plot parking/garages, parking courts or allocated street parking.
- 6.46** House type design also varies across the site and includes a mix of traditional pitched and hipped roofed detached and semi-detached dwellings, some with gable projections on the front elevation. The Manor Road frontage would consist of the taller three storey buildings with gable fronted town houses and pitched and flat roofed blocks of flats. Properties fronting Dog Bark Lane would also be three storey in height.
- 6.47** The proposed external materials palette consists of artificial grey slate roof coverings, facing (dark red multi, red/orange and buff) brickwork with the use of render in dwellings fronting the attenuation pond feature and Dog Bark Lane. Wood grain effect, composite cladding is also a feature within some elevations. The proposed street scene elevations demonstrate a general uniformity in house types, materials palette and building heights within individual streets. In other words, there is variety across the site but with road frontages and areas within the site displaying distinct place making characteristics. The

accompanying Design and Access Statement includes a series of helpful viewpoint images to illustrate the intended creation of distinct character areas within the site.

- 6.48** The relatively traditional design approach is considered appropriate for the context and although distinct character areas would be created, the general conformity in materials palette and building form, would result in a coherent appearance across the site as a whole. Furthermore, the proposed affordable units, in terms of elevation detailing and materials, would be consistent with the open market dwellings and thereby seamlessly integrated into the wider scheme.
- 6.49** In conclusion, officers are satisfied that the proposals achieve an acceptable standard of design and layout that adheres to the wider objectives for the delivery of the North West Cheltenham Strategic Allocation.
- 6.50** Conformity with Elms Park outline application
- 6.51** The applicant has submitted a Compliance Statement to demonstrate the proposal's compliance with the Parameter Plans of the Elms Park outline application (16/02000/OUT).
- 6.52** In summary and as discussed in the report introduction, the proposed development complies with all Parameter Plans and relevant parts of the Environmental Statement (ES) of the outline application, including land use, access, green infrastructure, landscape and biodiversity, site contamination, drainage, noise and housing density.
- 6.53** The land to the north of Swindon Farm is proposed as a Green Infrastructure Corridor and would therefore provide an appropriate boundary with adjoining development. Adjacent land to the west is proposed for mixed-use development (residential, business, retail, education and infrastructure) and therefore compatible with the Swindon Farm residential scheme. The proposed Manor Road mini roundabout junction is the secondary access serving Elms Park and the spine road has two spurs at the boundary with Elms Park allowing connectivity between the two sites.
- 6.54** The land outside of the red line and immediately to the east of the proposed Manor Road mini roundabout was the subject of outline planning permission for light industrial use (19/01260/OUT) but falls outside of the Elms Park and North West Cheltenham SA. Some of the submitted drawings include this area and show an spur and mini-roundabout providing access to this site off the main spine road; to demonstrate that the proposed development at Swindon Farm would not prejudice this land coming forward for future development.
- 6.55** **Impact upon Neighbouring Amenity**
- 6.56** Section 12 of the NPPF requires development to create places with a high standard of amenity for existing and future users. Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users or the locality. In assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, light and outlook. The policy is consistent with adopted JCS policy SD14.
- 6.57** The nearest residential properties are located to the north east of the site in Manor Road and Manor Court, Swindon Village. All other surrounding development is in commercial use.

- 6.58** All the concerns raised by local residents are duly noted. These concerns include the traffic impacts associated with the proposed development, during both the construction phase and once the development is occupied. Highway safety and transport matters are discussed in detail at paragraphs 6.60-74 of the report. The construction phase would be temporary in nature and therefore any noise, disturbance and disruption during this period can only be afforded limited weight. A Construction Management/Environmental Plan, which would include measures to minimise noise, dust and pollution and manage construction traffic and deliveries etc., would be approved prior to commencement of development and secured by planning condition.
- 6.59** Given these separation distances, the proposal should not result in an adverse impact in terms of noise and disturbance, overlooking, loss of privacy, light or outlook, shading or overbearing appearance. Overall, the proposals would have an acceptable impact upon the amenities of neighbouring land users.
- 6.60** The living conditions of future occupiers of the proposed dwellings have also been considered. The layout of the proposed development, plot and garden sizes, distances between property boundaries and any facing windows are acceptable and, where relevant, meet the (policy SL1) minimum recommended distances.
- 6.61** For the above reasons, the proposals are considered to be in accordance with section 8 of the NPPF, policy SL1 of the Cheltenham plan and policy SD14 of the JCS.
- 6.62 Access and Highway Safety**
- 6.63** Paragraph 11 of the NPPF states that development should only be 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.
- 6.64** Policy INF1 of the JCS reiterates the stance of the NPPF and states that proposals should ensure that safe and efficient access to the highway network is provided for all transport modes. In turn, points (xi-xiv) of Policy A4 require various measures to mitigate the traffic impacts of the North West Cheltenham allocation, as set out in paragraph 1.7.
- 6.65** The applicant has submitted a Transport Assessment (TA), a revised TA and TA updates addressing transport modelling issues and other consultee concerns, including those of the Parish Council.
- 6.66** National Highways and Gloucestershire County Council, acting as Local Highway Authority (HA), have reviewed the proposals (as revised) alongside the submitted transport related documents. Throughout the application, the HA has worked collaboratively with the applicant and their transport consultant to resolve the many issues raised. Their respective comments are set out in full in the Consultations section of the report.
- 6.67** By way of background, GCC was successful in a Housing Infrastructure Fund (HIF) bid to secure funding and bring forward an all movements junction at M5 junction 10 and a package of related highway improvement works. These works are subject to the Development Consent Order (DCO) process and include the M5 Junction 10 south facing slips, A4019 improvements, Coombe Hill junction improvements, Arle Court Transport Hub and the West Cheltenham link road.
- 6.68** The junction 10 improvements are identified as necessary within the Gloucestershire Local Transport Plan to accommodate the expected increases in traffic generated by the planned housing and economic growth identified within the JCS. Therefore, a key consideration of this application is when the junction 10 improvements will be delivered and should the proposed scheme for 266 houses come ahead of these works, could the existing M5 corridor junctions accommodate the expected increase in traffic movements

or alternatively, what quantum of development could be accommodated ahead of the junction 10 improvements without impacting on the strategic road network.

**6.69** Other considerations include the connectivity, in movement terms, between the application site and the wider Elms Park development area and wider transport network. An agreed infrastructure mitigation plan for this site will need to be in place alongside a proportionate package of infrastructure which overlaps that of the Elms Park outline application to ensure that abortive highway works do not occur.

**6.70** In response to the concerns raised by the HA and those of the Parish Council, revisions to the scheme include (but are not limited to) the following:

- amended housing and internal estate road layout with associated swept path and visibility analysis
- the provision of a tree lined, central boulevard to the main spine road to separate opposing traffic lanes and reduce traffic speeds. Spine road flanked by footways and cycleways. Imposed 20mph speed limit along spine road.
- Low speed street design in site parcels and cul-de-sacs north and south of spine road. Street trees and varied palette of materials used and side road priority features to encourage active travel.
- Internal street details amended to reduce parking spaces in front of dwellings and increase rear parking,
- design amendments to turning heads for better vehicle manoeuvrability, ensure provision of continuous footways and appropriate priority crossings
- separate junction to serve the future business park within the wider Elms Park development
- car parking provided in accordance with Manual for Gloucestershire Streets Addendum and visitor parking included around clusters of 4 bed houses
- one EV charging point per dwelling
- new footway on western side of Manor Road for pedestrian access to Swindon Village primary school
- funding towards the upgrade of bus stops – bus shelters
- new cycle infrastructure (shared access) scheme on Manor Road to be delivered ahead of Elms Park cycle infrastructure – off-site cycle route from the site access through to Tewkesbury Road and onto the wider cycle network
- controlled crossings on Manor Road
- speed limits reduced to 30 mph between Runnings Road and Tewkesbury Road
- signalised junction at Manor Road/Runnings Road (an element of the Elms Park infrastructure package brought forward
- retention of the Public Right of Way through the proposed public open space

**6.71** A number of matters identified by the HA and Road Safety Audit remain outstanding but these can be addressed post decision and by agreement with the HA; the applicant

having been made aware of the requirements. A Stopping Up Order is also required for the track serving Swindon Farm.

- 6.72** In light of the above, the HA concludes that there would be no unacceptable impact on highway safety or severe impact on congestion. In terms of vehicle impact the level of development does not result in any capacity failing with the mitigations proposed. These include a new roundabout to service the main access to the site and a signal controlled junction at Manor Road/Runnings Road.
- 6.73** The HA has also considered the impact on the A4019 and Junction 10 improvement schemes. Whilst the impact of the Swindon Farm scheme alone is not significant, when considered alongside the other planned growth in the JCS and specifically the strategic allocations, the HA concludes that cumulatively, the proposed development would adversely impact on network capacity. It is therefore necessary and reasonable for the applicant/developer to make contributions towards the M5 junction 10 works.
- 6.74** The HA has prepared a draft methodology to apportion the funding gap associated with junction 10 package of works between those development sites that would be reliant on this infrastructure for their delivery. The draft methodology apportions the cost on the basis of vehicle kilometres travelled by those development sites. The methodology is currently subject to consultation with affected land owners/developers and any viability issues that may arise.
- 6.75** For the Swindon Farm proposal, a provisional cost of £2,541,222.00 is apportioned and included within the s106 Agreement; payable upon first occupation of the proposed development. The HA think it unlikely that this figure will significantly change following the consultation exercise, however a mechanism to deal with any fluctuations in the cost is covered within the s106.
- 6.76** No objection is therefore raised subject to conditions (including Grampian conditions) covering the proposed off site highway works, TRO's, cycle track Conversion Order, street design, street tree planting, EV charging and cycle parking. These conditions and others relating to construction management and implementation of the access, parking and cycle storage arrangements are also included in the below full list of suggested conditions. The agreed apportioned share of funding for the junction 10 improvement package would be secured by a s106 Agreement alongside the implementation and monitoring of a Residential Travel Plan and Travel Plan Deposit.

### **6.77 Sustainability**

- 6.78** 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'.*

- 6.79** 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'.*
- 6.80** Policy SD3 of the JCS requires all new development to be designed to contribute to the aims of sustainability by increasing energy efficiency and minimising waste and air pollution. Development proposals are also required to be adaptable to climate change in respect of the design, layout, siting, orientation and function of buildings. Similarly, Policy

INF5 of the JCS sets out that proposals for the generation of energy from renewable resources or low carbon energy development will be supported.

- 6.81** The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising buildings over the next decade. For residential development there is an opportunity to improve the environmental performance of buildings through the inclusion of technologies and features such as photovoltaics, heat recovery, permeable (or minimal) hard surfaces, fabric first design approach, insulation renewable and appropriately sourced materials, alternative heating systems (heat pump) and thoughtful kitchen design.
- 6.82** This application was submitted prior to the adoption of the SPD but, nonetheless, is accompanied by Sustainability Statement (subsequently revised), as required by SD3. Appendix A of the revised Statement includes a Cheltenham Climate Change SPD Checklist. The revised Statement sets out the proposed approach to sustainable design and measures to reduce carbon emissions, as follows:

- Forecast 55.8% saving in CO2 emission rate over current 2021 Part L Building Regulations.
- SAP calculations undertaken to establish energy demand of proposed dwellings
- High levels of insulation for all homes, exceeding minimum benchmarks and delivering compliance with the Fabric efficiency standard
- Thermal bridging guidance adopted
- Use of waste water heat recovery systems
- Water efficiency standards of 110 litres per person per day or less achieved
- Building orientation and placement and fenestration arrangements to maximise solar gain and control overshadowing
- Glazing specification transmittance value of 0.71 or better
- Use of natural ventilation in all dwellings, using decentralised extract fans.
- Non-gas heating strategy with low carbon air source heat pumps (ASHPs) installed in all dwellings. Heating design will include dual time zone and delayed start thermostats.
- In apartments, hot water sourced from domestic air to hot water heat pump cylinders
- The proposed heating strategy will ensure that 47.90% of the site's regulated energy requirement will be sourced from low carbon technologies.
- Energy efficient lamps installed in all light fittings
- Fabric first approach (compliance with revised Fabric Energy Efficiency Standard) – to minimise heat loss through fabric and unnecessary bridging of insulation measures
- Modern timber frame construction method specification with lower embodied carbon. Sustainable sourcing of FSC rated timber.
- Solar PV panels installed on roof spaces of all dwellings
- Electric vehicle charging for all proposed dwellings
- Adoption of Site Waste Management Plan
- Home office option for each dwelling
- Fixed segregated waste and recycling facilities incorporated into all kitchen designs
- At the first point of occupation each home will be 'zero carbon ready'.

- 6.83** These measures are welcomed and should significantly reduce energy demand and CO2 emissions beyond Building Regulations Part L. The proposals should therefore achieve a 55.88% reduction in CO2 emissions, as set out in the Energy and Sustainability Statement. In this respect, officers have utilised the SPD effectively to seek enhancements to the sustainability and low carbon approach to this development.



**6.84** Conditions are added to ensure the implementation and retention of ASHPs and solar PV panels and that the development is carried out in accordance with the measures set out in the revised (August 2022) Sustainability Statement.

### **6.85 Other Considerations**

#### **6.86 Utilities**

**6.87** The supporting Utilities Statement confirms that appropriate telecommunications, gas, water and electricity supplies would serve the proposed development; the relevant utilities companies approached by the applicant, where relevant.

#### **6.88 Noise**

**6.89** The proposal forms part of a wider allocation for mixed uses, including employment uses. Parts of the site are also in close proximity to existing commercial and industrial units. Although the findings of previous noise report and Environmental Statement submitted alongside the Elms Park outline application did not raise any noise related issues, the applicant for this application has carried out a further site specific noise assessment.

**6.90** The submitted Noise Assessment (NA) identifies several noise sources; the Gallagher retail park delivery yard, the industrial units at Spirax Sarco and road noise, principally from Manor Road. The NA sets out recommendations for suitable road and industrial noise mitigation within a defined building envelope. These include appropriate façade design (glazing and ventilation), a 4 metre acoustic fence to gardens backing onto noise sources (delivery areas) and a 2.5 metre acoustic standard fence to the garden of Plot 4. In addition, alternative ventilation methods will be required for proposed dwellings overlooking Manor Road, the new roundabout and servicing areas of neighbouring commercial units.

**6.91** The NA has been reviewed by the Council's Environmental Protection team who raise no objection to the proposed development on noise grounds, subject to the addition of planning conditions to secure the above recommended noise mitigation.

#### **6.92 Drainage/Flood Risk**

**6.93** The application has been assessed in accordance with JCS Policies INF2 and A4 and section 14 of the NPPF; paragraph 167 setting out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and where appropriate, applications should be supported by a site-specific flood-risk assessment.

**6.94** The application site is located in Flood Zone 1 (lowest flood risk) and is not affected by fluvial flooding from nearby watercourses. The application is accompanied by a Flood Risk Assessment and Drainage Strategy; the Drainage Strategy revised to include two attenuation ponds and outfalls that discharge to an existing pond and the River Swilgate.

**6.95** In summary, the drainage proposals (in their revised form) include the attenuation of surface water sewers by two ponds at the northern edge of the site which would discharge to match the two existing greenfield discharge flow routes of the site. In addition, the surface water run-off rate would be restricted to existing greenfield run off rates, via a flow control device. The proposed attenuation pond would be large enough to accommodate the 100 year + 40% climate change storm event. The existing combined sewer located in the middle of the site would be diverted with alternative foul drainage proposed via a combined water sewer and pumping station.

**6.96** The Local Lead Flood Authority (LLFA) has reviewed the FRA, proposed drainage strategy all subsequent revisions. The LLFA raised a number of concerns over the

capacity of the existing pond, surface water flow routes, adjoining landownership and number of proposed outfall points within the existing pond. Following the submission of survey information of the existing pond and the relationship it would have with the proposed attenuation basin, the LLFA is satisfied that the proposed discharging to this feature will be possible. In its revised form (as outlined in paragraph 6.88), the LLFA has no further objections to the proposal, subject to conditions relating to the detailed design and maintenance schedule for the drainage strategy. All recommended LLFA conditions have been added. The LLFA's comments are set out in full in the Consultations section of the report.

**6.97** The river Swilgate (main river) runs through the site; as such the Environment Agency (EA) was consulted. As first submitted, The EA objected to the proposed development on flood risk grounds. The principles contained in the wider Elms Park/North West Cheltenham development (ref 16/02000/OUT) had not been demonstrated, nor did the drainage scheme contain sufficient detail for a full planning application.

**6.98** In response to the Flood Risk Addendum dated 19 February 2021, the EA is now satisfied that appropriate information has been presented in that the development lies entirely outside of Flood Zone 2 (and Flood Zone 3), and finished floor levels are all above the recommended heights. In its revised form, the EA raise no objection to the proposed development.

**6.99** The LLFA and EA comments are set out in full in the Consultations section below.

**6.100** In terms of foul drainage a phased approach is to be taken. A Sewer Capacity Assessment has been completed and confirms that there is capacity at the Hayden Sewage Treatment Works. Severn Trent raise no objection subject to the inclusion of a condition requiring the submission of drainage plans for the disposal of foul and surface water flows.

### **6.101** Ecology/Biodiversity and Green Infrastructure

**6.102** Policy SD9 of the JCS seeks the protection and enhancement of ecological networks and across the JCS area, improved community access and for new development to contribute positively to biodiversity and geodiversity whilst linking with wider networks of green infrastructure.

**6.103** JCS policy A4(v and vi) seeks the protection of key biodiversity assets and an appropriate Green Infrastructure network which will conserve the River Swilgate and Hyde Brook corridors and protect important trees and hedgerows where appropriate and contribute to water quality enhancements. A4(xv) also requires consideration of the special features of Local Green Space. Although A4 applies to the wider Elms Park allocation, consideration of the policy's wider objectives, particularly in relation to the River Swilgate corridor and Green Infrastructure links, are relevant and a material consideration of this application.

**6.104** Similarly, NPPF paragraph 174 seeks through development, the protection and enhancement of valued landscapes and sites of biodiversity value and the need to minimise and provide net gains for biodiversity and coherent and resilient ecological networks. Paragraph 175 sets out a mitigation hierarchy in terms of retained and enhanced environmental features that can be incorporated into a development proposal.

**6.105** The application details include a comprehensive (revised) Ecological Appraisal which includes a Phase 1 Habitat Survey, protected and notable species investigations and an assessment of Biodiversity Net Gain (BNG).

**6.106** The 9.50 ha site comprises of improved grassland, poor semi-improved grassland, an arable field and hedgerow. Three statutory designated sites were identified within a 10k of the site; the Dixton Wood and Cotswold Beechwood SACs and the Cotswold AONB.

The impact on these designations and a Shadow Habitats Regulation Assessment (sHRA) are discussed further at paragraphs 6.58-6.65 below.

- 6.107** In summary, the appraisal considers that hedgerows provide the highest on-site biodiversity value and, where possible, this feature has been retained within the proposed green infrastructure of the development, alongside newly planted hedgerow and filling in of gaps within retained areas of hedgerow, thereby increasing connectivity and species composition.
- 6.108** Protected species were recorded within and adjacent to the site. Badger activity (in the form of runs and latrines) was recorded across the site with confirmed extensive use of the wider Elms Park by badgers; the nearest sett being adjacent to the north of the application site. Bat species were also recorded within 2km of the survey area and the site is considered to be of moderate value to bats, with the hedgerow and riparian corridor providing the highest habitat value. The existing dwelling and structures proposed to be removed from the site are considered to offer negligible roosting potential and there is only one (retained) tree identified on site that has limited roosting potential for bats.
- 6.109** Generally, the wider Elms Park survey area supports an unremarkable number of birds species with the Swindon Farm application site being no more than local conservation value to birds. With appropriate mitigation, in the form of new hedgerow planting, and planting associated with residential gardens, drainage features and electricity pylon easements, the proposed development should have a minor positive residual impact on recorded bird species.
- 6.110** Similarly, ecological enhancement measures to ensure the delivery of BNG are included in the BNGr of the Ecological Appraisal. Proposed hedgerow planting is sufficient to compensate for the hedgerow habitat removed and also has a capacity to deliver 10% Biodiversity Net Gain for hedges calculated using DEFRA 3.0. Overall, the proposed landscape strategy has the capacity to deliver a net gain in habitats (BNG) of 9.48% based on the DEFRA 3.0 metric, ensuring a net gain in both habitats and hedgerows on site.
- 6.111** The applicant's Ecological Appraisal was reviewed by the Council's ecology advisor (EO) who requested further information on Great Crested Newts (GCN) and reptile site surveys. A dormice mitigation strategy and an outline mitigation strategy for farmland birds were also requested prior to determination of the application.
- 6.112** In response to an updated Ecological Appraisal (December 2021) and subsequent GCN and reptile surveys, the EO recommends various mitigation strategies that should be included in a (pre-commencement) Construction and Ecological Management Plan (CEMP) and Landscape Environmental Management Plan (LEMP). In addition to a Natural England Licence and a bat mitigation strategy in respect of tree removals, these measures include a pre-commencement badger survey, mitigation strategy for farmland birds, revised dormice mitigation strategy and consideration, and mitigation for hedgehogs (gaps under fences). All of these measures will need to be detailed within the CEMP.
- 6.113** The LEMP will also need to accord with the reported Biodiversity Net Gain (BNG) calculations, include measures for the retention of dormouse habitat and compensatory dormouse habitat, and includes timescales for implementation, management and monitoring of the site.
- 6.114** All recommended mitigation and enhancement measures will need to be set out in the CEMP and LEMP and their implementation secured by way of planning conditions. The EO also recommends that conditions are attached to any planning permission, requiring approval of an external lighting scheme, details of hedgerow coppicing, compliance with all measures set out in the updated Ecological Appraisal and pre-commencement badger survey/check.

**6.115** In addition GCER records also show that important species or habitats have been sighted on or near the application site in the past. These have been considered as part of the supporting Ecological Appraisals discussed above.

**6.116** Habitats Regulations Assessment/Cotswold Beechwoods Special Area of Conservation (SAC)

**6.117** Policy BG1 of the Cheltenham Plan states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network (alone or in combination), and the effects cannot be mitigated.

**6.118** Therefore, in order to retain the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) all development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.

**6.119** Natural England were consulted on the proposals. Recognising the site's location within the North west Cheltenham strategic allocation, HE advised that the application could, in combination with other new residential development in the authority area, have potential significant effects on the Cotswold Beechwoods SAC. An appropriate assessment in recognition of the application site's location relative to the SAC and the strategic status of the allocation should therefore be undertaken. The local planning authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the appropriate assessment stage where significant effects cannot be ruled out.

**6.120** In response to NE's advice, the applicant subsequently provided a shadow Habitats Regulations Assessment (sHRA) of the site's location relative to the above SAC and Severn Estuary SPA/Ramsar in accordance with the Conservation of Habitats and Species Regulations 2017. NE also sought clarification on the provision of alternative recreational greenspace in the context of the site's location within the (A4) North West Cheltenham Strategic allocation. Clarification on functional linkage impacts in relation to the Severn Estuary Special Protection Area (SPA) connected to Coombe Hill SSSI was also required.

**6.121** The sHRA concludes that, the effects of the proposed development alone, are not likely to lead to a negative impact on the integrity of the SAC or compromise the conservation objectives of the SAC. Visitor surveys suggest that the proposed development is unlikely to generate a significant increase in visitor numbers to the SAC and the greenspace on-site mitigation and options off-site are sufficient to ensure alternative recreational opportunities available to future occupiers of the development. The sHRA concludes that the effects of the proposals in-combination are also not likely to have an adverse impact on the integrity of the SAC and any residual impacts are likely to be 'di minimus'. Nonetheless, it is recommended that further mitigation is secured.

**6.122** The sHRA and its mitigation proposals have been reviewed by officers who consider that suitable mitigation could be secured to minimise recreational pressures and any residual risk to the Beechwoods SAC. This would be provided in the form of a homeowner pack/information leaflet issued to all first occupiers of the dwellings. This would both educate and raise awareness of the SAC and list other recreation opportunities locally and further afield; broadly as set out at paragraph 4.24 of the sHRA. A condition has been attached accordingly.

**6.123** The Shadow sHRA dated February 2021 is therefore considered acceptable and Cheltenham Borough Council as the Competent Authority has adopted the sHRA as the Council's Appropriate Assessment (AA) under the Habitats Regulations.

**6.124** Landscape and Visual Impact

**6.125** 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.

**6.126** The site is not located within or adjacent to any special designated area (e.g. AONB, Green Belt), albeit the Swindon Village Conservation area is within 1 km of the site.

**6.127** Landscape matters were considered in detail for the North West SA through the JCS adoption process; the allocation subsequently reduced in size (in the northern section of Elms Park). Landscape issues were not found to be significant in the Swindon Farm area of Elms Park/SA.

**6.128** Notwithstanding the above, landscape impact has been fully considered as part of the Elms Park outline application and the Swindon Farm proposals are considered to be fully compliant with this assessment. The proposals include appropriate Green Infrastructure, landscape buffers, enhancement of the River Swilgate corridor, retention and enhancement of hedgerow, retained and additional trees and demonstrate biodiversity net gain. The landscape and visual impacts of the proposals are therefore considered to be acceptable.

### **6.129** Trees and Landscaping

**6.130** The Council's Trees Officer (TO) has undertaken a review of the proposed tree and soft landscaping proposals. His comments on the scheme as first submitted and subsequent revisions, are set out in full in the consultation section of this report.

**6.131** During the course of the application, the TO raised a number of concerns regarding remaining Veteran trees and Veteran tree buffer zones, retention and management of hedgerow, the proximity of some proposed houses to retained trees and their root protection areas and appropriate tree species for new planting. Additional tree planting within the proposed linear open space bisecting the site, a management plan for the hedgerow (with mature willow pollards) and footpath north of Swilgate Lane and the retention of some trees (both on and off site) marked for removal were also requested. Of particular concern was the lack of trees proposed within the housing areas of the site, i.e. large, landmark trees, street trees and tree planting within front and rear gardens was missing. Initially, tree planting was largely confined to the peripheries of the site.

**6.132** Upon submission of a revised landscaping scheme, the proposed extensive mitigating planting of trees and soft landscaping within the site is generally welcomed by the TO, subject to some minor amendments to tree and plant species, size of trees in certain locations, and the addition of planning conditions to ensure future hedgerow management and approval of an Arboricultural Method Statement/Tree Protection Plan for works within (TPO) Root Protection Areas.

**6.133** There is now an interesting mix of suitably sized native and exotic tree species, the retention of 6 no. additional mature trees and a number of potentially large trees to be planted at appropriate strategic locations. There are suitable tree species planted along the main arterial routes within the site (albeit in relatively sparse numbers within secondary roads). As requested, the proposed willow in the public open space has been removed and now confined to the wetland site to the north west of the site.

**6.134** In summary, following submission of a revised landscaping scheme, the TO considers the proposed planting appropriate in terms of species and tree locations. The revised scheme also includes tree planting within several private rear gardens. The implementation of the landscaping scheme (and BNG requirement), can be secured by condition. All recommended conditions have been attached accordingly.

### **6.135** Heritage and Conservation

- 6.136** The application site is within 300m of the grade II\* Church of St Lawrence, 1km from a Scheduled Ancient Monument (Moat House) and to the west of the Swindon Village Conservation Area. The submitted Cotswold Archaeology report considers the impact of the proposals on the significance of each of these assets.
- 6.137** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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*". Similarly, Section 72 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. Policy SD8 of the JCS requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 6.138** Both Historic England (HE) and the Council's Conservation Officer (CO) were consulted on the proposals. Their comments are set out in full in the Consultations section of the report.
- 6.139** When commenting on the Elms Park outline application, HE advised that the proposed local green space (to the north of the Swindon Farm site boundary) will help to maintain the setting of Swindon Village Conservation Area and the Church of St Lawrence, and that further detailed analysis would be required to consider the resultant views out from and towards the conservation area.
- 6.140** HE raises no objection on heritage grounds and broadly concurs with the applicant's Heritage Statement which concludes that the application site does not form part of the setting of the Grade II\* Church of St Lawrence due to an absence of inter-visibility, intervening topography and built form. However, HE suggest that officers give further consideration to variations in local topography which may allow views of the proposed development and thereby impact on the wider setting of the Church.
- 6.141** Officers are satisfied that any partial views of the application site from the Conservation Area and Church would be distant and should not therefore impact on the significance of the heritage assets.
- 6.142** Archaeology
- 6.143** An archaeological evaluation of the land at Swindon Farm was carried out in June 2021; the scope of evaluation first agreed with the County Archaeologist. The site has also been subject to a series of previous archaeological studies and investigations.
- 6.144** Archaeological features were identified in several excavated trenches, the majority dated to the Roma period and which corroborated the results of the previous phase of evaluation fieldwork. Some evidence of ridge and furrow was also identified.
- 6.145** The County Archaeologist (CA) has reviewed the proposed development and confirms the previous programmes of archaeological evaluation and the presence of Roman settlement and agricultural activity on this site. Due to the presence of an area of archaeological interest, the CA recommends that a programme of archaeological excavation is made a condition of planning permission. A suitably worded condition is included in the suggested conditions list and agreed with the applicant.
- 6.146** Section 106 Obligations
- 6.147** During the course of the application and consideration in respect of the policy framework and material planning considerations, regard has been given to the consultation responses received and the likely impacts that would arise as a result of the development. The Community Infrastructure Levy Regulations (2010) came into effect in 2010 and

Regulation 122 sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- 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.

**6.148** Regard has been given to the CIL Regulations in making a recommendation and the following matters, which are considered in the above paragraphs, are considered to represent obligations that are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

### 1. Affordable Housing

To be policy compliant the scheme needs to deliver a minimum of Affordable Housing for Local Needs. It is therefore necessary to ensure the delivery of 93 affordable units dwellings with a tenure mix of (65 no.) social rented housing, (23 no.) First Homes and (5 no.) shared ownership houses. This equates to a housing mix of 70% social rented and 30% affordable home ownership. Affordable housing will be delivered in an agreed phased programme of works. Delivery sought at various trigger points.

### 2. Education provision

The proposed development would generate demand for additional school places within the relevant school catchment area. Financial contributions are therefore sought towards secondary school education provisions for pupils aged 11-18. Payment sought at various trigger points.

### 3. Libraries provision

The proposed development would generate demand for additional library resource. Financial contributions towards improvements in library provision at Hesters Way library are therefore sought. Payment sought upon first occupation of development.

### 4. Off-site Highway Works

Financial contributions towards M5 Junction 10 improvement scheme. Payment sought in two parts (occupation of 150<sup>th</sup> and 250<sup>th</sup> dwelling).

### 5. Residential Travel Plan Implementation and Monitoring/Cash Deposit

Appointment of Travel Coordinator. Financial contribution towards monitoring of Travel Plan. Residential Travel Plan Cash Deposit (as guarantee of performance of the Travel Plan).

### 6. Public Open Space

Agreement of Green Infrastructure Management and Maintenance Plan for Public Open Space including details of outdoor play space and equipment as shown on the Green Infrastructure Layout Plan in accordance with the approved Green Infrastructure Layout Plan and Public Open Space Phasing Plan. No more than 95% of the dwellings to be occupied until all Green Infrastructure has been laid out in accordance with the Green Infrastructure Phasing Plan and Management and Maintenance Plan.

**6.149** Public Sector Equalities Duty (PSED)

**6.150** 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.

**6.151** 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.

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

**7. CONCLUSION AND RECOMMENDATION**

**7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise.

**7.2** The relevant policies of the development plan currently in force are out of date due to a shortfall in the five-year supply of housing land. The proposal has therefore been assessed against the guidance contained within the NPPF. Paragraph 11(d) of the NPPF applies a presumption in favour of sustainable development 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 application site forms part of North West Cheltenham Strategic Allocation (JCS Policy A4). As such, and notwithstanding the shortfall in the Council’s housing land supply (HLS), the principle of developing the site to provide 266 new dwellings remains acceptable.

**7.4** In carrying out an objective assessment of the proposals (in line with NPPF paragraph 11d), officers have had to balance any potential adverse impacts of the proposals on the character of the site and wider locality, any implications associated with the delivery of the wider Elms Park development, the amenities of neighbouring land users and highway safety implications, against the positive contribution the proposal would make towards HLS and any wider economic or social benefits that the scheme might bring. In this regard, the contribution of 173 market and 93 affordable dwellings towards meeting the Council’s identified housing needs weighs heavily in favour of the proposals.

**7.5** In their revised form, the design, scale and layout of the proposals are considered acceptable and respond appropriately to the context of the site and the objectives of JCS Policy A4. The scheme incorporates appropriate connected green infrastructure, public open space, habitat creation and wildlife corridors. Suitable pedestrian, cycle and bus routes would offer appropriate sustainable transport opportunities. Following various adjustments to house type design, location and materials palette, and with the use of good



quality facing materials, the proposals should achieve a high standard of architectural design and appearance. In this respect, the proposed development adheres with relevant development plan policy and is considered to be in general conformity with the objectives and criteria of JCS Policies SA1 and A4.

- 7.6** The delivery of much needed housing on this site ahead of the remaining Elms Park development would not prejudice the aims or delivery of the SA. The proposals have been designed to 'align' with the larger area identified by the Elms Park outline application and should therefore meet the design, layout and infrastructure parameters of the outline application. The two schemes are therefore compatible and can be implemented separately and at different times.
- 7.7** The application proposes a policy compliant (35%) level of affordable housing, which would make a valuable contribution to meeting the identified local housing needs of the borough.
- 7.8** The potential for harm to the amenities of neighbouring land users and those of future occupiers of the development would be minimal and the proposals should not harm the significance of the setting of nearby heritage assets.
- 7.9** In response to changes in Building Regulations and the adoption of the Council's Climate Change SPD, the proposed sustainability measures are substantially improved; including all 266 dwellings to be provided with ASHPs, solar panels and EV charging points. Overall, the proposed development would achieve a 58% reduction in CO2 emissions over that required by Part L of Building Regulations.
- 7.10** The proposed development has been fully scrutinised by the Highway Authority alongside detailed collaborative discussions with the applicants for both the Swindon Farm and Elms Park applications, plus the applicants/stakeholders of the West Cheltenham SA. Overall, no objection is raised to the proposed development, subject to various conditions and financial contributions in relation to the M5 J10 improvement scheme and necessary off site highway improvement works, secured by way of a s106 obligation. In movement terms, the proposals would achieve appropriate connectivity with the proposed Elms Park development and surrounding road and cycleway network.
- 7.11** Officers have taken account of the social, economic and environmental benefits of the proposals and having assessed the proposals in accordance with NPPF paragraph 11(d), the 'tilted balance' in favour of sustainable development is engaged in this case and there are no other adverse impacts arising from the proposals that would significantly outweigh the benefits of the scheme and substantiate a refusal.

### **7.12 RECOMMENDATION**

- 7.13** Approve subject to the following conditions and the applicant entering into a Section 106 Agreement to provide:
- Affordable Housing (93 units)
  - Education (secondary 16-18 school places) provision
  - Libraries provision
  - M5 J10 improvement scheme (apportioned contributions)
  - Travel Plan implementation and monitoring
  - Travel Plan Cash Deposit guarantee
  - Public Open Space delivery, management and maintenance
- 7.14** All pre-commencement conditions are agreed with the applicant. The above s106 obligations are agreed between all parties and, at the time of writing, the Agreement nearing completion.

- 7.15** It should be noted that a decision will not be issued by the Council until conclusion of the SoS EIA Screening request. The Planning Committee should therefore resolve to either grant or refuse planning permission.

### 8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of development or, if relevant, prior to the commencement of each phase of the development, a Construction Traffic Environmental Management Plan (CTEMP) and Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTEMP and SWMP shall be adhered to throughout the site preparation, demolition and construction periods unless the Local Planning Authority gives prior written permission for any variation. The plans/statements shall include but shall not be restricted to:

#### CTEMP

- Parking of vehicles 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;
- Types, size and numbers of construction related vehicles anticipated daily including arrangements to receive abnormal loads or unusually large vehicles;
- Any temporary access into 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;
- Measures for the control of noise, dust and other air borne pollutants during works of demolition and construction;
- Wheel washing facilities;
- Arrangements for turning vehicles;
- Measures for the control of site lighting (required for safe working or for security purposes);
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the CTEMP to staff, visitors and neighbouring residents and businesses.

#### SWMP

- Information on the type and amount of waste likely to be generated prior to and during the construction phase;
- Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and

- Details of the measures for ensuring the delivery of waste minimisation during the construction phase.
- No construction works and/or ancillary operations which are audible at the site boundary shall be carried out on site outside the following hours:
  - Monday to Friday - 8am to 6pm
  - Saturday - 8am to 1pm
- There shall be no working on Sundays or Public or Bank Holidays. Deliveries to, and removal of plant, equipment, machinery and waste from, the site shall only take place within the permitted hours detailed above.

Reason: In the interests of highway safety and to safeguard the amenity of occupiers of neighbouring properties, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and to ensure the effective implementation of waste minimisation in accordance with the Gloucestershire Waste Core Strategy. Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 4 Prior to the commencement of development, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) a full site survey showing:

- i) the datum used to calibrate the site levels;
- ii) levels along all site boundaries at regular intervals;
- iii) levels across the site at regular intervals;
- iv) finished floor levels or other datum of adjacent buildings; and
- v) cross section drawings clearly showing existing ground levels in relationship with the finished floor and eaves levels of adjacent buildings

(b) full details showing:

- i) the proposed finished floor level of all buildings and ground levels including hard surfaces; and
- ii) cross section drawings showing the proposed finished floor and eaves levels of all buildings and ground levels including hard surfaces.

The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 5 Prior to the commencement of development (other than demolition/site clearance works), full details of a Sustainable Drainage (SuDS) Strategy shall be submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the proposal set out in the approved submission (Drainage Strategy Sheet 1 (20012-10-C) and 2 (20012-11-C); 19th February 2021).

The SuDS Strategy must include a detailed design and a timetable for implementation. The

SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development.

Prior to the occupation of each dwelling, the approved drainage details necessary to drain that dwelling shall be implemented in full.

The surface water drainage scheme shall be implemented strictly in accordance with approved details and thereafter retained as such for the lifetime of the development.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 6 No dwelling shall be 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 include the maintenance of the existing pond and ditch that lies within the undertaker's responsibility and shall be implemented in full in accordance with the agreed plan.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 7 Prior to the commencement of development, full details for the treatment, routing and disposal of foul water (including pollution control and monitoring measures) for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure adequate foul drainage infrastructure is provided, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 8 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).

- 9 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).

- 10 No piling activities shall be carried out at this site until a full pile method statement has been submitted to and been approved in writing by the Local Planning Authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential property, dates and times of piling and details of monitoring measures.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 11 The development shall be carried out in accordance with the following materials and measures specified for noise mitigation (as set out in the 'sharps acoustics' Environmental Noise Assessment dated February 2021), unless otherwise agreed in writing by the Local Planning Authority.

- 4 metre acoustic grade fence to gardens directly backing on to noise sources (delivery areas) (Plots 56/57)
- 2.5 metre acoustic standard fence to the garden of Plot 1
- properties identified as requiring 'Medium' construction methods must meet ventilation requirements with windows closed by way of Mechanical Ventilation systems (MVHR) or pulling the required air from the 'quiet' side of the property

The approved noise mitigation measures shall be installed in full prior to occupation and retained thereafter for the lifetime of the development.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 12 Prior to the commencement of development (other than development or works required by this condition), a programme of archaeological works shall be carried out in accordance with a Written Scheme of Investigation, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains and features are preserved in situ or, if this is not feasible, to enable a record of the remains of archaeological interest to be made prior to their disturbance, having regard to adopted policy HE2 of the Cheltenham Plan (2020) and Historic Environment Good Practice Advice Note 2. Approval is required upfront because archaeological remains and features could otherwise be permanently lost.

- 13 Prior to the commencement of development an Arboricultural Method Statement and Arboricultural Monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Monitoring scheme shall include details of (i) person(s) to conduct the monitoring; (ii) the methodology and programme for reporting; (iii) a timetable for inspections, and (iv) details of the retention of an arboricultural Clerk of Works. The development and all tree related works shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 14 Prior to the commencement of development, full details of the proposed no-dig method for works within the tree Root Protection Area(s) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the approved details. All paths, parking areas and other forms of hard landscaping that fall within the tree Root Protection Area(s) shall be constructed using a no-dig method.

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). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 15 Prior to the commencement of development (including site clearance works), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and/or hedge protection, indicate where 'no- dig' surfacing methods are to be utilised/located, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 16 All trees and hedging within the site shall be retained unless shown on the approved drawings as being removed. Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. Any pruning works within the five year period shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

Reason: In the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

- 17 All landscaping works shall be carried out in accordance with the approved details, including the approved Public Open Space Phasing Plan (drawing No. 050), unless otherwise first agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 18 Prior to the implementation of any landscaping for individual building plots, full details of a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All soft landscaping works shall be carried out in accordance with the approved details. The proposed landscaping for each individual building plot shall be carried out prior to first occupation of that building unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants (outside of private enclosed gardens) indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 19 Prior to the occupation of each dwelling, refuse and recycling storage facilities shall be provided for that dwelling in accordance with the approved plans and shall be retained as such thereafter.

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

- 20 No dwelling hereby permitted shall be connected to mains gas supplies for the purposes of domestic hot water or space heating.

Reason: To ensure that the development contributes towards the mitigation of climate change, having regard to Strategic Objective 6, policies SD3 and INF5 of the Joint Core Strategy (2017) and the guidance set out in Cheltenham Climate SPD (adopted 2022).

- 21 The following highway improvements/site access works shall be constructed in full and in accordance with the approved details and following timescales.

1. Pedestrian and bicycle infrastructure on Manor Road - to be completed before occupation of 10th dwelling
2. New roundabout on Manor Road - to be completed before occupation of 1st dwelling
3. Signal controlled junction at Manor Road and Runnings Road - to be completed before occupation of 50th dwelling

Reason: To ensure the safe and free flow of traffic onto the highway, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and Section 9 of the National Planning Policy Framework (2021).

- 22 No dwelling hereby approved shall be occupied until a traffic regulation order (TRO) relating to a 30 mph speed limit between Runnings Road and Tewkesbury Road has been implemented.

Reason: To ensure the delivery of suitable mitigation, in the interests of highway safety and in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the National Planning Policy Framework (2021).

- 23 No dwelling hereby approved shall be occupied until a traffic regulation order (TRO) relating to a 20 mph speed limit on the proposed on-site streets has been implemented.

Reason: To ensure the delivery of suitable mitigation, in the interests of highway safety and in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the National Planning Policy Framework (2021).

- 24 Prior to occupation of the 10th dwelling a cycle track conversion order relating to the proposed bicycle infrastructure on Manor Road shall be implemented.

Reason: To ensure the delivery of suitable mitigation, in the interests of highway safety and in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the National Planning Policy Framework (2021).

- 25 Notwithstanding the details submitted and prior to the commencement of development, details of the proposed street designs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved.

Reason: To ensure the proposed development is updated to reflect the latest agreement with the applicant and the Highway Authority and to ensure that the proposal provides safe and suitable access, in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the National Planning Policy Framework (2021).

- 26 Prior to commencement of development, full details of all proposed street tree planting, root protection systems, a future management plan, and the proposed times of planting, shall be submitted to and approved in writing by the local planning authority. All street tree planting shall be carried out in accordance with the details approved, and in accordance with an implementation scheme which shall be submitted to and approved in writing by the local planning authority prior to commencement of development.

Reason: To ensure the long term health of the street trees in the interests of the amenity and environmental quality of the locality, having regard to adopted policy SD4 of the JCS (2017) and adopted policies D1 and GI3 of the Cheltenham Plan (2020).

- 27 No dwelling shall be occupied until:



- (i) the carriageway(s) providing access from the public highway to that dwelling has been completed to at least binder course level and the footway(s) to surface course level and in accordance with the approved plans; and
- (ii) the car/vehicle parking area, visitor parking and turning space associated with that dwelling (including garages and car ports where proposed) have been completed in accordance with the approved plans.

The access, parking (including garages) and turning areas shall thereafter be kept free of obstruction and available for the access, parking and turning of vehicles associated with the development.

Reason: To ensure that safe and suitable access is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 28 All proposed houses shall be provided with one electric vehicle charging point. Within car courts/parking areas associated with flats or apartments, provision shall be made for 1 active electric vehicle charging point in every 10 parking spaces and passive provision provided to the equivalent of 1 electric vehicle charging point per dwelling served by the car court. The details of the appearance, location and type of electric charging point shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground development. The electric vehicle charging points shall be installed prior to the first occupation of the dwelling to which it relates and 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: In the interests of sustainable development and the reduction of carbon emissions, having regard to Section 9 of the NPPF and the Council's Climate Change SPD (adopted 2022).

- 29 No dwelling hereby approved shall be occupied until secure covered cycle storage for that dwelling has been provided and in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall thereafter be retained available at all times for such use in accordance with the approved details.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

- 30 Prior to first occupation of the development, details of the proposed arrangements for future management and maintenance of the proposed roads/streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The roads/streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe and suitable access is provided and maintained in the interests of highway safety, having regard adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the NPPF.

- 31 Prior to their installation, a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and agreed in writing by the Local Planning

Authority. No dwelling shall be occupied until the fire hydrant serving that property has been provided in accordance with the agreed scheme.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire, having regard to adopted policy INF6 of the Joint Core Strategy (2017).

- 32 Prior to first occupation of the development, details of a Homeowner's Information Pack providing information on recreation resources in the locality shall be submitted to and approved in writing by the local planning authority. The pack should present information describing informal recreation opportunities in the following sequence:

1. Public Open Space on Your Doorstep: Information pertaining to both existing POS within the development and any future POS coming forward as part of the scheme. It should detail walking routes on site of different lengths, connections to offsite footpaths and locations of open POS and the facilities (play areas etc.).

2. Public Open Space a Short Drive or Bus Ride: To include formal parks and open spaces within Cheltenham town centre and open space/countryside to visit that are within easy reach by car and/or bus in under 15 mins with visitor facilities and car parking.

3. Visiting the Cotswolds: Provide information on local places to visit within the Cotswolds with car parks and visitor facilities at different scales, focusing on those areas that are most easily accessible and those further afield. Provide general information regarding the country code, keeping to footpaths, reading and following visitor information signs etc.

4. Weekend and Day Visits: Provide several options for visits that are 30mins to 1 hour from Site, that offer scenic views and facilities.

Reason: To ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the development are suitably addressed, having regard to adopted policies SD9 and INF3 of the Joint Core Strategy (2017), policy BG1 of the Cheltenham Plan (2020), and paragraphs 180, and 181 of the National Planning Policy Framework (2021).

- 33 No dwelling shall be occupied until dog bins and an information board showing rights of way and permissive paths have been located at either side of the development on access points to neighbouring footpaths.

Reason: To safeguard important ecological species, to ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the proposal are suitably addressed, having regard to adopted policies SD9 and INF3 of the Joint Core Strategy (2017), policy BG1 of the Cheltenham Plan (2020), and paragraphs 180, and 181 of the National Planning Policy Framework (2021) and to promote healthy communities in accordance with policies SD9 and SD14 of the Joint Core Strategy (2017).

- 34 The development shall be carried out in accordance with the requirements for mitigation set out in the adopted Habitats Regulations Assessment (Shadow Habitats Regulations Assessment, FPCR, June, 2022) and in accordance with the requirements for mitigation and enhancement detailed within the Ecological Appraisal (fpcr, May 2020 as updated by fpcr Ecological Appraisal dated 15th December 2021).

Reason: To safeguard important ecological species in accordance with policy SD9 of the Joint Core Strategy (2017).

- 35 A survey of the site for badgers shall be carried out prior to the commencement of development (including site clearance works). If active badger setts are recorded within

30m of the application site, details of the location of badger sett activity, supported by appropriate mitigation, shall be submitted to and approved in writing by the local authority and prior to the commencement of any site works.

Reason: To safeguard important ecological species in accordance with policy SD9 of the Joint Core Strategy (2017).

- 36 Prior to the commencement of development (including site clearance works), a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local authority. The LEMP must be in accordance with the reported Biodiversity Net Gain (BNG) calculations set out in the Ecological Appraisal (fpcr, May 2020 updated by fpcr Ecological Appraisal Rev A, dated 15th December 2021) and include the updated BNG spreadsheet that confirms positive BNG. The LEMP must also consider the requirements for the retention of dormouse habitat and compensatory dormouse habitat planting. The LEMP should expand on the (fcpr) Ecology Appraisal recommendations for site wide enhancements for identified ecological species and should detail timescales for implementation and persons responsible for managing and monitoring the site.

In addition to the approved LEMP, hedgehog tunnels shall be installed within the bases of some garden or other boundary fences, in accordance with details which shall have been first submitted to and approved in writing by the local planning authority.

The development hereby approved shall be carried out at all times (including during all ground and vegetation clearance works) and thereafter maintained in accordance with the ecological enhancement measures and management and maintenance measures set out in the approved LEMP.

Any modifications to the approved LEMP details, for example as a result of requirements of a protected species license, must be submitted to and agreed in writing by the Local Planning Authority and prior to the implementation of any modifications.

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, in accordance with policy SD9 of the Joint Core Strategy (2017). Approval is required upfront to ensure appropriate mitigation for the protection and enhancement of ecological species during all stages of the development.

- 37 Prior to the commencement of development (including site clearance works), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local authority. The CEMP shall detail the methods, recommendations and ecological protective measures during construction. The development hereby approved shall be carried out at all times (including during all ground and vegetation clearance works) in accordance with the methods, recommendations and ecological protective measures set out in the approved CEMP.

Any modifications to the approved CEMP details, for example as a result of requirements of a protected species license, must be submitted to and agreed in writing by the Local Planning Authority and prior to the implementation of any modifications.

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, in accordance with policy SD6 and SD9 of the Joint Core Strategy (2017). Approval is required upfront to ensure appropriate mitigation for the protection and enhancement of ecological species during all stages of the development.

- 38 Prior to commencement of above ground works (excluding site clearance, utilities and drainage works), an external lighting scheme for the proposed residential units fronting boundary hedgerows, shall be submitted to and approved in writing by the local authority. The scheme shall provide details of the location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan should be completed in conjunction with advice from the project ecologist (particularly with regards to bat activity patterns and dormice).

Reason: To safeguard important ecological species in accordance with policy SD9 of the Joint Core Strategy (2017). Approval is required upfront to ensure the protection of ecological species during all stages of the development.

- 39 No external facing or roofing materials shall be applied unless in accordance with:  
a) a written specification of the materials; and/or  
b) physical sample(s) of the materials.  
The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 40 The design and profile of all new windows (including cills, heads and reveals, materials, finish and colour) shall be carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall be accompanied by elevations and section drawings to a minimum scale of 1:5. The windows shall thereafter be retained in accordance with the approved details at all times.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 41 Prior to the implementation of any hard surfaces within the site, including driveways, parking and turning areas, footways and patios, details shall be submitted to and approved in writing by the Local Planning Authority. All new hard surfacing areas shall be permeable or drain to a permeable area and shall be carried out in accordance with the approved details prior to first occupation of any part of the development.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 42 Prior to the implementation of any new boundary treatments, including boundary walls, fences or other means of enclosure, details shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: In the interests of the character and appearance of the area and residential amenity, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 43 The development shall be carried out in accordance with the measures set out in the JSP Energy, Sustainability & Climate Emergency Statement Rev E (dated August 2022). Sustainability Appraisal dated October 2021.

Reason: In the interests of the reducing carbon emissions, having regard to adopted policies adopted policy SD3 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD (2022).

- 44 No dwelling or apartment building hereby approved shall be occupied until the proposed solar PV panels serving that dwelling or apartment building have been fully installed and in accordance with details (to include their operation, design, appearance and positioning on the roof) which shall have been submitted to and approved in writing by the local planning authority. The solar PV panels shall be retained as such thereafter unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of the character, appearance and amenities of the area and reducing carbon emissions, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD3, SD4 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD (2022).

- 45 Details of the type/model, location and predicted noise levels of the proposed air source heat pumps (ASHPs) shall be submitted to and approved in writing by the local Planning authority. An ASHP(s) shall be installed prior to first occupation of each dwelling or apartment building hereby approved and in accordance with the details approved. The ASHPs shall be retained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers and neighbouring properties and to reduce carbon emissions, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD3, SD4 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD.

## 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 design, layout and appearance of the proposed development in the interests of local amenity.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 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](mailto: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 Council's 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.

- 3 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 straight forward; 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](mailto:highwaylegalagreements@gloucestershire.gov).

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.

- 4 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](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's 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.

- 5 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.
- 6 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](mailto: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.
- 7 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](mailto: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.
- 8 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.
- 9 You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247, 248 or 257 of the Town and Country Planning Act 1990. Contact the National Transport Casework team.
- 10 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 principal 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.

### **CONSULTATION RESPONSES**

#### **Cheltenham Civic Society 1**

3rd July 2020 –  
OBJECT

This proposal is one small part of the North West Cheltenham JCS urban extension. It is difficult to comment on this without access to a master plan for the allocation as a whole, including details of the infrastructure that will support the development.

The site's layout has been dictated by the power line and the pylon. This restricts landscaping options. If the power line is allowed to remain, this is likely to have a similar effect on the rest of the North West Cheltenham development. It should be a condition of any planning permission granted that the power cable be buried (we understand that burying a 132 kv power line might cost between £500,000 and £1m a kilometre). The green space could then be distributed throughout the development, and used to create recreational space much more sympathetic to the location, e.g. village green layouts.

There has been no attempt at place making. The street plans and building designs appear to be mass produced with no attempt at making them sympathetic to the area. The apartment block is particularly dismal and inappropriate to the surroundings. The layout and forms of the development should make reference to neighbouring Swindon Village.

The cul de sac layout mitigates against safe and convenient cycle and pedestrian routes both within the site and to neighbouring areas. There needs to be more provision for sustainable transport. There is no mention of measures to ensure that the new estate would contribute towards the CBC target of net zero carbon emissions by 2030.

The balancing pond is a token attempt to address Environment Agency concerns about flood management, and contributes little in the way of landscape or recreational use. We recommend instead that the developers use the Building with Nature (BwN) model for managing water <https://www.buildingwithnature.org.uk/about>.

Far more attention should be given to the landscaping round the perimeter of the development, and within the site, taking into account the surrounding rural area, and again adhering to the BwN principles. We note that Tewkesbury Brough Council has formally adopted the BwN standards in its emerging local plan and urge CBC to do likewise for large new developments like this.

#### **Civic Society 2**

14th March 2022 –  
OBJECT

Our original objections still stand. The sustainability issues we raised have not been addressed. The pylons still determine the layout of the development, to the detriment of the overall design, and particularly to the detriment of the amenity space.



Given Cheltenham's limited supply of employment land, we are concerned that the layout of housing abutting the boundary of employment land could potentially kill off the use of that area for employment in the future.

As the first bit of the North West Cheltenham JCS urban extension to come to planning, this scheme should be the standard for the rest of this development.

### **Civic Society 3**

*25th March 2021 –*

The Civic Society Planning Forum stands by its original objection (below). The decision by the developer to keep the power line above ground has seriously compromised the site layout and landscaping. The proposed layout and form do not meet the design standards set out for the North West Cheltenham development in the adopted JCS document.

In addition we note that there has been little effort to incorporate "green" technology and facilities. The pandemic has shown that people need more room in their houses to work from home. The Affordable units are not wide enough to park 2 cars within their curtilage, creating the public path dividing the cars from the house, which results in difficulty in charging electric cars. The gardens are still too small for bike storage, recycling/ rubbish bins, tree planting, trampoline, patios not provided, and there is no space for future extensions/ conservatories. There is insufficient space for the "tree lined streets".

This proposal is one small part of the North West Cheltenham JCS urban extension. It is difficult to comment on this without access to a master plan for the allocation as a whole, including details of the infrastructure that will support the development.

The site's layout has been dictated by the power line and the pylon. This restricts landscaping options. If the power line is allowed to remain, this is likely to have a similar effect on the rest of the North West Cheltenham development. It should be a condition of any planning permission granted that the power cable be buried (we understand that burying a 132 kv power line might cost between £500,000 and £1m a kilometre). The green space could then be distributed throughout the development, and used to create recreational space much more sympathetic to the location, e.g. village green layouts.

There has been no attempt at place making. The street plans and building designs appear to be mass produced with no attempt at making them sympathetic to the area. The apartment block is particularly dismal and inappropriate to the surroundings. The layout and forms of the development should make reference to neighbouring Swindon Village.

The cul de sac layout mitigates against safe and convenient cycle and pedestrian routes both within the site and to neighbouring areas. There needs to be more provision for sustainable transport. There is no mention of measures to ensure that the new estate would contribute towards the CBC target of net zero carbon emissions by 2030.

The balancing pond is a token attempt to address Environment Agency concerns about flood management, and contributes little in the way of landscape or recreational use. We recommend instead that the developers use the Building with Nature (BwN) model for managing water <https://www.buildingwithnature.org.uk/about>.

Far more attention should be given to the landscaping round the perimeter of the development, and within the site, taking into account the surrounding rural area, and again adhering to the BwN principles. We note that Tewkesbury Borough Council has formally adopted the BwN standards in its emerging local plan and urge CBC to do likewise for large new developments like this.

**Gloucestershire Centre For Environmental Records**

*9th July 2020 – Available to view online*

## **Building Control**

19th March 2021 - Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

## **Housing Enabling Officer 1**

17th May 2021 – Available to view online

## **Housing Enabling Officer 2**

1st March 2022 – Available to view online

## **Housing Enabling Officer 3**

11th March 2022 – Available to view online

## **Housing Enabling Officer 4**

28th February 2022 –

Please see my final, updated comments for the scheme at Swindon Farm, Planning Reference 20/00759/FUL (265 homes, 35% affordable i.e. 93 units).

I have amended the comments to provide clarification around the Planning Layout (Planning Layout Drawing P-02, Revision G, dated 27/01/22) and Affordable Housing Layout (Drawing Number P-04, Revision B, dated 27.01.22)

The outstanding issues regarding the applicant's proposed AH provision are as follows:

- o AH Mix; the applicants mix of 100% Affordable Rent (capped at LHA) does not meet policy requirement (SD11/SD12), identified needs (as set out in 2020 Gloucestershire LHNA) or account for massive past undersupply of social rented homes (Net -32 SR delivered since 2016/17 vs need to deliver 372 SR dwellings over this period!). The applicant's mix also doesn't accommodate our acute (and longstanding) need to deliver larger 5 bedroom homes (1 x 5b home delivered in past 10 years, 20+ households on Housing Register!).

- o AH Distribution; whilst the distribution of AH across the scheme has been markedly improved, it would be difficult to reasonably describe this as 'seamlessly integrated' across the development scheme as per JCS SD12. For this reason, I have requested minor amendments to the distribution of the Affordable Homes.

- o Size of Affordable Homes; The delivery of 4b6p rented homes and 2b3p rented homes cannot be reasonably described as 'fit for purpose' as per JCS SD4, nor can it provide sufficient flexibility to fully accommodate changing social, requirements (e.g. wfh, family members growing up, storage space etc etc). For this reason I have requested that the size of these particular homes be increased.

I will be having further discussions with the applicant shortly to reiterate our policy requirements as addressed above.

## **Historic England 1**

10th June 2020 –

Thank you for your letter of 2nd June 2020 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.

Historic England Advice

The application site is within approx 300m of the Church of St Lawrence, 1km from a Scheduled Ancient Monument (Moat House) and to the west of the Swindon village Conservation Area. The significance of each of these assets is covered with the associated Cotswold Archaeology report. The Church of St Lawrence is designated as Grade II\*, and as such is in the top 8% 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'.

At the time of the Outline application we advised that principle of development as capable of implementation with a negligible impact on the designated assets noted above (in addition of the Church of St Mary's to the west). We also advised that the proposed local green space (to the north of the present site boundary) will help to maintain the setting of Swindon Conservation Area and the Church of St Lawrence, and that further detailed analysis would be required to consider the views out from and towards the conservation area on development of the proposals.

Para 5.7 of the Heritage Statement concludes that the application site does not form part of the setting of the Grade II\* Church of St Lawrence due to an absence of intervisibility, intervening topography and built form. While we have been unable to visit the site due to the current restrictions, we advise that you satisfy yourselves that there are no key views that would include the application site within those of the church. We agree that intervisibility is very unlikely, but variations in local topography may allow views (possibly distant ones) where the development could impact upon the wider setting of the Church.

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 189 of the NPPF, the significance of the asset's setting requires consideration. Para 193 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 194 goes on to say that clear and convincing justification is needed if there is loss or harm. When considering development that has the potential to affect setting, Historic England's guidance (Historic Environment Good Practice Advice in Planning - Note 3. The Setting of Heritage Assets) should be referred to. The key steps for the assessment of setting are provided on page 7 of the guidance.

### Recommendation

Historic England has no objection to the application on heritage grounds. 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 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

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.

## Page 56

Thank you for your letter of 2 June 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.

### **Historic England 3**

*10th January 2022 –*

Thank you for your letter of 22 December 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 1**

Natural England

2nd July 2020 – Attached as Appendix.

### **Natural England 2**

*13th May 2021* - Thank you for your most recent consultation on this development proposal. We are sorry for the delay replying.

Objection- Habitats Regulations Assessment HRA (Stage 2 - appropriate assessment) required in order to assess impacts on European Sites and the scope for mitigation

Our previous advice letter dated 2.7.2020 refers and we attach a copy for ease of reference. The revised Design and Access Statement (ecology section) appears to overlook any reference to our previous advice.

In addition to the designated sites named in our 2020 advice letter we would also draw your attention to the Coombe Hill Canal SSSI and Coombe Hill Meadows Gloucestershire Wildlife Trust Nature Reserve with regard to additional recreation pressure from new home building in the locality. Natural England has recently commissioned research into the use of land in the Severn Vale with potential 'functional linkages' to the Severn Estuary Special Protection Area (SPA) and Upper Severn Estuary/Severn Estuary SSSIs. This unpublished report provides information on the use of land such as that at Coombe Hill Canal SSSI and the associated nature reserve by wild birds designated as part of the SPA. Appropriate assessment should address the scope for additional recreation pressure on this SSSI, consistent with recent case law (the 'Holohan' judgement - CJEU reference C461/17). We can provide access to a copy of the pre-publication draft of the report on request.

Please get in touch if you require further information or wish to discuss next steps.

### **Natural England 3**

*13th April 2022* – Attached as Appendix

### **Natural England 4**

13th September 2022 – Attached as Appendix.

### **GCC Community Infrastructure Team 1**

*25th June 2020* – available to view online

## **GCC Community Infrastructure Team 2**

*26th January 2022* – available to view online

## **GCC Community Infrastructure Team 3**

3rd November 2022 – available to view online

## **GCC Community Infrastructure Team 4**

*15<sup>th</sup> February 2023* – attached as Appendix

## **National Highways 1**

*27th October 2020* –

Referring to the planning application for the demolition of a dwelling and the erection of 260 dwellings (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure at Elms Park, Tewkesbury Road, Cheltenham, Gloucestershire notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection;

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

1 Where relevant, further information will be provided within Annex A.

Highways England Planning Response (HEPR 16-01) January 2016

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk).

## **National Highways 2**

*9th March 2021* –

Thank you for providing Highways England with the opportunity to comment on revised information submitted in support of the above planning application.

We are satisfied that our formal recommendation dated 27 July 2020 remains appropriate and we have no further comments to add. A copy is attached for ease of reference.

## **Building Control**

*3rd June 2020* - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

## **Swindon Parish Council 1**

*23rd June 2020* - Many thanks for confirming that the above planning application will go to the planning committee and that comments will be accepted after the today's "formal" close of the consultation period. This will give us a better opportunity to consult with our residents in what remain difficult circumstances.

We held a Parish Council meeting last night specifically to discuss the application. I have been asked to submit these preliminary comments whilst my members continue to scrutinise the large number of documents comprising the application.

In summary, to date we have identified the following concerns but expect to submit detailed comments (with references to the applicant's documents where appropriate) within the next two weeks.

## Alignment with Outline Application & Phasing

We object to the proposed development on the basis that:

1. Many of the documents submitted with this application rely on commitments made in the outline application. We do not accept that this full application for phase 1 of Elms Park should be reliant on the parameters of an outline application which has yet to be determined.
2. A design brief for the entirety of Elms Park needs to be provided that details the requirements, in terms of supporting infrastructure, sustainability and other commitments, for different phases of the complete development.

We underline the importance of this phase 1 application setting a precedent for the future impact on our community of other applications.

### Design & Visual Impact & Heritage

We object to the proposed development on the basis that:

1. The application's drawings do not reflect the topography of the site.
2. The appearance of the buildings do not reflect the character of the conservation area.

### Traffic & access

We object to the proposed development on the basis that:

1. The site access deviates from commitments made in the outline planning application.
2. The traffic assessment fails to substantiate (through lack of modelling) that the existing road network (including Manor Road) will not be adversely impacted by the development.
3. The traffic assessment fails to include local committed developments which we expect to have a significant impact on traffic and congestion.
4. There is a lack of design information and justification for the proposed emergency vehicle access.

### Flooding & Ground Conditions

We object to the proposed development on the basis that:

1. The flooding assessment fails to acknowledge the local experience of flooding within the area.
2. The flooding assessment fails to validate the proposed design through best practise fluvial and pluvial modelling.
3. The correspondence received from Severn Trent (April 2020), upon which the flooding assessment is based, does not indicate whether it applies to this planning application for 260 houses or to the entirety of the proposed Elms Park development.

### Sustainability

We object to the proposed development on the basis that:

1. The application does not meet the minimum requirements as it does not include an energy policy.

We encourage the developer to work collaboratively to establish a community that is sustainable in every respect and meets sustainability definitions (economic, environmental and social) agreed through legal, NPPF and JCS resolutions through the Planning Inspectorate's process.

### **Swindon Parish Council 2**

*22nd July 2020* – attached as Appendix

### **Swindon Parish Council 3**

26th March 2021 – attached as Appendix

### **Swindon Parish Council 4**

27th January 2022 – attached as Appendix.

### **Uckington Parish Council 1**

*25th June 2020* -

1. The land subject of the application is currently in agricultural use and the Parish Council consider there should be an application for change of use from agricultural use to residential use.

2. The Parish Council consider the application is premature since the land subject of the application forms part of the North West Cheltenham /Elms Park JCS Strategic Allocation which is subject to an ongoing application for outline permission (16/020000/OUT). Until the outline application is determined it is considered there is no basis to make an application for full permission.

3. The proposed development is fundamentally car dependant. It provides for 474 on-site parking spaces i.e.1.82 cars per household. This additional vehicle usage will inevitably lead to increased congestion, further reduction in air quality and associated issues. The existing road network is already at a breaking point with demands from dwellings, the industrial units, the retail outlets and rat runners. This is compounded by the absence of any provision for cycle routes. If the developers wish to be forward thinking they should have in mind a development that does not have facilities for the car as is the case in some parts of some London boroughs.

4. The Manor Farm Air Quality Statement draws attention to both the existing air quality impact and the increased impacts mainly from Nitrogen Dioxide and particulates arising from any potential development.

5. The Swindon Farm Cheltenham Environmental Noise Assessment underlines a significant need for any potential development to address and mitigate noise from industry and traffic by way of acoustic barriers, glazing and ventilators.

6. In relation to the application for outline permission (16/020000/OUT) Highways England have made a formal recommendation dated 21/04/20 that planning permission not be granted for a period of six months in order to provide further time for Highways England's concerns regarding the proposed North West Cheltenham / Elms Park development's traffic impact on the Strategic Road Network. It is understood that the traffic modelling process is

continuing and clearly it is difficult to see how matters can proceed until such time as Highways England are satisfied as to the issues under their control.

7. An Agricultural Land Classification (ALC) Survey does not appear to have been carried out. Such survey, carried out in 1995 by ADAS on behalf of MAFF on Swindon Farm showed 24% of the agricultural land surveyed within ALC Grade 2 (i.e. very good quality agricultural land). This is, therefore by definition, best and most versatile agricultural land and should be protected and retained for sustainable food production. 76% was within Grade 3b (i.e. moderate quality agricultural land).

I trust this meets with your requirements.

### **Uckington Parish Council 2**

*9th March 2021 –*

Our view is that the objections raised by Uckington Parish Council are still valid, and that they should be re-submitted. Please see below.

1. The land subject of the application is currently in agricultural use and the Parish Council consider there should be an application for change of use from agricultural use to residential use.
2. The Parish Council consider the application is premature since the land subject of the application forms part of the North West Cheltenham / Elms Park JCS Strategic Allocation which is subject to an on-going application for outline permission (16/020000/OUT). Until the outline application is determined it is considered there is no basis to make an application for full permission.
3. The proposed development is fundamentally car dependant. It provides for 474 on-site parking spaces i.e. 1.82 cars per household. This additional vehicle usage will inevitably lead to increased congestion, further reduction in air quality and associated issues. The existing road network is already at a breaking point with demands from dwellings, the industrial units, the retail outlets and rat runners. This is compounded by the absence of any provision for cycle routes. If the developers wish to be forward thinking they should have in mind a development that does not have facilities for the car as is the case in some parts of some London boroughs.
4. The Manor Farm Air Quality Statement draws attention to both the existing air quality impact and the increased impacts mainly from Nitrogen Dioxide and particulates arising from any potential development.
5. The Swindon Farm Cheltenham Environmental Noise Assessment underlines a significant need for any potential development to address and mitigate noise from industry and traffic by way of acoustic barriers, glazing and ventilators.
6. In relation to the application for outline permission (16/020000/OUT) Highways England have made a formal recommendation dated 21/04/20 that planning permission not be granted for a period of six months in order to provide further time for Highways England's concerns regarding the proposed North West Cheltenham / Elms Park development's traffic impact on the Strategic Road Network. It is understood that the traffic modelling process is continuing and clearly it is difficult to see how matters can proceed until such time as Highways England are satisfied as to the issues under their control.
7. An Agricultural Land Classification (ALC) Survey does not appear to have been carried out. Such survey, carried out in 1995 by ADAS on behalf of MAFF on Swindon Farm showed 24% of the agricultural land surveyed within ALC Grade 2 (i.e. very good quality agricultural land). This is therefore, by definition, best and most versatile agricultural land and should be protected and retained for sustainable food production. 76% was within Grade 3b (i.e. moderate quality agricultural land).

### **GCC Highways Planning Liaison Officer 1**

*5th July 2020 –*

Recommendation: DEFERRAL



The application submitted is a full application for up to 260 dwellings. The site forms part of the North West Cheltenham strategic allocation which is subject to application 16/2000 which is currently under consideration.

This applicant has provided a Transport Assessment and residential Travel Plan to support the proposal. The application documents have been carefully considered by Gloucestershire County Council (GCC) in its function as the Local Highway Authority. It should be noted that the application is close to the J10 motorway junction and this application will place further demands onto that part of the network. J10 is subject to an improvement scheme which is led by GCC, however Highways England are responsible for the junction and consequently should be invited to comment on this application.

Whilst fully recognising the sites allocation in the adopted JCS and it forming part of a current application, GCC wish to raise concern that this application represents a piecemeal approach for development which fails to address the cumulative impacts of demand from the total local plan allocation and consequently does not address the wider infrastructure needed to deliver the strategic allocation. Policy A4 of the adopted Joint Core Strategy defines the expectations from the allocation, as such proposals should be appraised in the context the support local centre, employment land and education facilities. The promotion of this proposal in advance of the required supporting infrastructure will result in the externalisation of all trips, consequently the proposal conflicts with the adopted local plan. Proposals should be brought forward as reserved matters associated to an outline permission which secures the necessary community infrastructure.

The accessibility assessment contained within the Transport Assessment (TA) demonstrates that the site exceeds the acceptable walking distance to primary school education and bus stops. The route quality to Swindon Village primary school is also poor with narrow footways and lack of street lighting. Given the likely age of pedestrians it is not considered that this route would be used even with an escort and it is likely to result in a transfer to a vehicle trip. Comments from the Education Authority confirm that there is no immediate capacity at this school to cater for the increased number of pupils that this site generates, therefore pupil will be displaced to more distant schools in the absence of a new education facility placing further burden on the transport network as the walking distances would be excessive.

Access to bus services exceeds the recommended walking distances, this needs to be set in the context of the wider strategic allocation which would see a bus service pass through this phase. Access to services and Cheltenham by bicycle is within accepted distances, however this would require cycling on the Tewkesbury Road dual carriageway which is a considerable disincentive to active travel, no dedicated cycle infrastructure is proposed by this application along this key corridor. It is therefore considered that the site fails to provide suitable access to Cheltenham by bicycle.

The proposal is reliant on the provision of the wider package of infrastructure associated with the promotion of the wide land allocation to support it as a sustainable community, and at this time there is no permission in place to ensure that is delivered.

The specific site layout also is a matter of concern. The layout is a vehicle dominated street layout that provides minimal infrastructure to encourage active travel. The proposed "side roads" are generally acceptable, but they are principally cul-de-sacs and consequently do not make a permeable layout. More concerning is the spine road which is wide, long and has not design features to maintain a slow design speed. This is considered to be unsuitable for the intended use for 260 dwellings and does little to promote active travel over car-based trips. A further issue is the ability to access the cycle parking areas, particularly for terraced housing which relies on narrow alleyways which turn through 90 degrees. This significantly reduces the ability to access the bike which should be thought of as a primary transport mode.

Car parking levels are not justified, an approach of using locally collected data from donor site or using census data should be applied. Parking spaces appear to fall below the dimensions advocated by lifetime homes. No provision is made for electric vehicles.

There is no agreed infrastructure mitigation plan in place to address this site and not financial contributions are suggested. It is acknowledged that a CIL contribution will apply but that does not address how this site integrates into the wider transport network.

This applicant needs to be promoted alongside a proportionate package of infrastructure which overlaps that contained in application 16/2000 to ensure that abortive highway works do not occur. Additionally, the matters of internal site design need to be addressed.

In its current form the proposal does not provide a suitable approach to reduce car dependency based on the specific detail of the design presented or with regards to its ability to access local goods and services, it consequently results in unmitigated harm to the highway network. The application is therefore in conflict with policy A4 of the adopted Joint Core Strategy 2011-2031, Policy LTP PD 4 of the Current Local Transport Plan, and paragraphs 91, 92, 102, 103, 108 and 110 of the National Planning Policy Framework.

The Highway Authority wishes to positively engage with the Applicant and the Local Planning Authority to seek solutions to bring this proposal forward, and it would invite the LPA to host a meeting to look to resolve these matters. It is therefore recommended that his application is not determined until such a time where a compatible level of mitigation has been provided and the design issues have been resolved which align the aspirations of GCC and the urban designer.

### **GCC Highways Planning Liaison Officer 2**

*18th July 2022 –*

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 strategic allocation in the adopted Joint Core Strategy, known as Northwest Cheltenham. Application 20/01600 known as "The Elms" covers the majority of the overall allocation and also washes over the land contained in this application. This application has been considered on its own merits based on the evidence presented, the overarching JCS site allocation policy and the consideration of local and national policy and guidance.

The application has been subject to revisions to ensure that the proposal provides suitable walking and cycling infrastructure to connect into existing services given the sites promotion in advance of the services and amenities which will otherwise be forthcoming within the Strategic Allocation, this has resulted in improved linkage along Manor Way and towards Swindon Village, and additional connections will be made in the wider site as and when that develops.

Given the site forming part of the strategic allocation the principle is established, it remains necessary to ensure that the impact is not severe or unsafe, and that there are links to services to give choices to future residents.

In terms of vehicle impact the level of development does not result in any capacity failing with the mitigations proposed, these are a new roundabout to service access to the site and the provisions of a signal controlled junction at Runnings Lane. The proposal must consider the impact on the A4019 and Junction 10 improvement scheme which has been granted HIF funding to help to release additional housing growth in the area. Whilst the impact of this scheme along is not significant considered alongside the other growth in the JCS and specifically the strategic allocations and cumulatively it adversely impacts on network capacity. It is therefore necessary and reasonable for it to make contributions towards the junction 10 scheme.

The proposal includes a new footway on Manor Road which will allow for a direct walking route to access Swindon Village and primary school education. This connection is suitable given the anticipated additional demands and looked at in context of the adjoining walking network.

It is also essential that Manor Road is made suitable for pedestrians and cyclists give the lack of active travel routes and derestricted speed limit. The proposal looks to maximise the opportunities recognising the limitations of the existing highway and larger vehicles that use it to support the surrounding employment uses. It is not possible to provide consistent walking and cycling routes on the same side of the road, as such it is unavoidable to have several crossing points, however these are proposed to be controlled crossings which will give priority over the relatively high traffic volumes. Walking and cycling routes are proposed to be shared facilities, these are normally not considered to be the preferred solution but still can be acceptable. In this instance the applicant has looked to provide the best facilities given the constraints and has assessed the impact using a Cycling Level of Service tool and a road safety audit. Furthermore, the speed limit will be altered to be 30mph which reflects the new demands that arise from this proposal.

The internal street layout has been amended and is now acceptable but recognising that some minor alterations are still needed. It is considered that these changes do not change the principle or layout and as such can be addressed during the technical checking process associated with the street adoption process. It is proposed that conditions be included that ensure that these changes are accounted for in the proposal to ensure the scheme fully addresses the needs to future users.

The site can be considered in 3 sections from a transport perspective.

### 1. Spine Road.

This is proposed to be a tree lined street with a central swale, this makes a positive impact on environmental management as well as contributing to the design speed. The proposal

also includes a zebra crossing with parallel cycle facilities as well as dedicated pedestrian and bicycle areas which reflect national good practice. This street will also be subject to a 20mph speed limit order to help ensure the desired design speed recognising that the street is relatively straight.

### 2. South of spine road.

This is a small cul-de-sac which has a very low design speed and has low volumes of traffic. It provides a direct walking and cycling access onto Manor Way.

### 3. North of spine road.

This parcel contains the majority of the housing and public open space. The street is a low design speed that will include street trees, a varied palette of materials will be used and side road priority features to encourage active travel.

Whilst the proposal is overall acceptable the following matters which have been identified by the Highway Authority and the Road Safety Audit need to be addressed, this is recognised and accepted by the applicant.

- o Block Paved Feature between plots 126-145 should be raised.
- o Access near plot 68 needs to connect to the existing highway and an interim scheme is needed.
- o Road opposite plot 54 needs a priority side road crossing and the buildout needs to be adjusted to avoid the car parking space.
- o The cycleway access onto Manor Road adjoining apartments 26-34 needs to be positioned with ancillary kerbing to prevent the need to dismount when using this link.
- o A cycleway connection is needed from the proposed roundabout on Manor Road to the proposed zebra crossing in the site.
- o The interface between the proposed stepped cycleway and zebra crossing requires refinement to ensure that the proposal addresses the desire lines.
- o The applicant should account for the comments of the Road Safety Audit in their technical submission post any planning permission being granted.

The applicant should note that a stopping up order is needed based on the current alignment of the track to Swindon Farm (demolished) which is a publicly maintained highway. Any alternative route will need to be made available before the extinguishment order can be completed. The process is administered by the National Planning Casework Unit and the applicant should submit their proposal in a timely manner.

It is also necessary to see conditions which limit occupation until the essential infrastructure has been delivered, these are detailed below along with planning obligations.

The Highway Authority has reviewed the planning application and based on the analysis of the information submitted it is concluded 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.

### Conditions

Highway improvements / offsite works / site access - Notwithstanding the Details Provided

Notwithstanding the details submitted, the Development hereby approved shall not commence until drawings of the highway improvements / site access works comprising:

1. Pedestrian and Bicycle infrastructure on Manor Road indicatively shown on drawings 0110 - P1, 0111 - P1, 0104 - P4,
2. New Roundabout on Manor Road as indicatively shown on drawing 01 - P02
3. Signal controlled junction at Manor Road and Runnings Lane 0006 - P0 Have been submitted to and approved in writing by the Local Planning Authority; and the building shall

not be occupied until those works have been constructed in accordance with the approved details.

REASON: To ensure the safe and free flow of traffic onto the highway.

### Grampian Traffic Regulation Order - Manor Road

No development shall take place until a traffic regulation order (TRO) relating to a 30 mph speed limit between Runnings Lane and Tewkesbury Road has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

### Grampian Cycle Track Conversion Order

No development shall take place until a cycle track conversion order relating to the proposed bicycle infrastructure on Manor Road has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

### Street design

Notwithstanding the details submitted and prior to the commencement of development, details of the proposed street designs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved details.

Reason: To ensure the proposal is updated to reflect the latest agreement with the applicant and the Highway Authority and to ensure that the proposal provides safe and suitable access.

### Grampian Traffic Regulation Order - Site Roads

No development shall be occupied until a traffic regulation order (TRO) relating to a 20 mph speed limit on the proposed streets has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

### 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.

### Electric Vehicle Charging Points (Residential)

Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

### Bicycle Parking

The no dwelling hereby approved shall 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. The storage area shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities

### Residential Travel Plan

The Residential Travel Plan hereby approved, dated April 2020 shall be implemented and monitored in accordance with the regime contained within the Plan.

REASON: To reduce vehicle movements and promote sustainable access.

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](mailto: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 Council's 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 straight forward; 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](mailto:highwaylegalagreements@gloucestershire.gov).

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](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- o Drafting the Agreement
- o Set up costs
- o Approving the highway details
- o 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.

T

he 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](mailto: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](mailto: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.

### Stopping Up/Diversion of Adopted Highway

You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247, 248 or 257 of the Town and Country Planning Act 1990. Contact the National Transport Casework team.

### 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

- o Informing, respecting and showing courtesy to those affected by the work;
- o Minimising the impact of deliveries, parking and work on the public highway;
- o Contributing to and supporting the local community and economy; and
- o Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal 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

Contribution - £49,700

Trigger - Prior to the First Occupation of Any Dwelling

Retention Period - 5 Years from the occupation of the first dwelling

Specific Purpose - Travel Plan Monitoring

Contribution - £5,000

Trigger - Prior to the First Occupation of Any Dwelling

Retention Period - 5 Years from the occupation of the first dwelling

Specific Purpose - Contribution towards Junction 10 improvement scheme

Contribution - To be confirmed

Trigger - To be confirmed

Retention Period - To be confirmed

### **GCC Highways Planning Liaison Officer 3**

*23<sup>rd</sup> January 2023-*

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 strategic allocation in the adopted Joint Core Strategy, known as Northwest Cheltenham. Application 20/01600 known as "The Elms" covers the majority of the overall allocation and also washes over the land contained in this application. This application has been considered on its own merits based on the evidence presented, the overarching JCS site allocation policy and the consideration of local and national policy and guidance.

The application has been subject to revisions to ensure that the proposal provides suitable walking and cycling infrastructure to connect into existing services given the sites promotion in advance of the services and amenities which will otherwise be



forthcoming within the Strategic Allocation, this has resulted in improved linkage along Manor Way and towards Swindon Village, and additional connections will be made in the wider site as and when that develops.

Given the site forming part of the strategic allocation the principle is established, it remains necessary to ensure that the impact is not severe or unsafe, and that there are links to services to give choices to future residents.

In terms of vehicle impact the level of development does not result in any capacity failing with the mitigations proposed, these are a new roundabout to service access to the site and the provisions of a signal controlled junction at Runnings Lane. The proposal must consider the impact on the A4019 and Junction 10 improvement scheme which has been granted HIF funding to help to release additional housing growth in the area. Whilst the impact of this scheme along is not significant considered alongside the other growth in the JCS and specifically the strategic allocations and cumulatively it adversely impacts on network capacity. It is therefore necessary and reasonable for it to make contributions towards the junction 10 scheme.

Gloucestershire County Council have prepared a draft methodology to apportion the funding gap associated with delivery of the junction 10 package between those development sites that are unlocked by this infrastructure. This package of works includes the M5 junction 10 south facing slips, A4019 improvements, Coombe Hill Junction improvement, Arle Court Transport Hub and West Cheltenham link road. This methodology apportions the cost on the basis of vehicle kilometres travelled by those development sites that are dependent on this infrastructure. This is a provisional methodology to apportion costs and will be subject to consultation with affected land owners and any viability issues that may arise. The provisional cost has been included in the Section 106 funding recommendation in this response. Whilst it is unlikely to significantly change, it is possible the level of funding required may increase or decrease if any consultation feedback is received that materially affects the methodology or if there is refinement in the scheme costs.

The proposal includes a new footway on Manor Road which will allow for a direct walking route to access Swindon Village and primary school education. This connection is suitable given the anticipated additional demands and looked at in context of the adjoining walking network.

It is also essential that Manor Road is made suitable for pedestrians and cyclists given the lack of active travel routes and derestricted speed limit. The proposal looks to maximise the opportunities recognising the limitations of the existing highway and larger vehicles that use it to support the surrounding employment uses. It is not possible to provide consistent walking and cycling routes on the same side of the road, as such it is unavoidable to have several crossing points, however these are proposed to be controlled crossings which will give priority over the relatively high traffic volumes. Walking and cycling routes are proposed to be shared facilities, these are normally not considered to be the preferred solution but still can be acceptable. In this instance the applicant has looked to provide the best facilities given the constraints and has assessed the impact using a Cycling Level of Service tool and a road safety audit. Furthermore, the speed limit will be altered to be 30mph which reflects the new demands that arise from this proposal.

The internal street layout has been amended and is now acceptable but recognising that some minor alterations are still needed. It is considered that these changes do not change the principle or layout and as such can be addressed during the technical checking process associated with the street adoption process. It is proposed that conditions be included that ensure that these changes are accounted for in the proposal to ensure the scheme fully addresses the needs to future users.

The site can be considered in 3 sections from a transport perspective.

1. Spine Road. This is proposed to be a tree lined street with a central swale, this makes a positive impact on environmental management as well as contributing to the design speed. The proposal also includes a zebra crossing with parallel cycle facilities as well as dedicated pedestrian and bicycle areas which reflect national good practice. This street will also be subject to a 20mph speed limit order to help ensure the desired design speed recognising that the street is relatively straight.

2. South of spine road. This is a small cul-de-sac which has a very low design speed and has low volumes of traffic. It provides a direct walking and cycling access onto Manor Way.

3. North of spine road. This parcel contains the majority if the housing and public open space. The street is a low design speed that will include street trees, a varied pallet of materials will be used and side road priority features to encourage active travel.

Whilst the proposal is overall acceptable the following matters which have been identified by the Highway Authority and the Road Safety Audit need to be addressed, this is recognised and accepted by the applicant.

- ☐ Block Paved Feature between plots 126-145 should be raised.
- ☐ Access near plot 68 needs to connect to the existing highway and an interim scheme is needed.
- ☐ Road opposite plot 54 needs a priority side road crossing and the buildout needs to be adjusted to avoid the car parking space.
- ☐ The cycleway access onto Manor Road adjoining apartments 26-34 needs to be positioned with ancillary kerbing to prevent the need to dismount when using this link.
- ☐ A cycleway connection is needed from the proposed roundabout on Manor Road to the proposed zebra crossing in the site.
- ☐ The interface between the proposed stepped cycleway and zebra crossing requires refinement to ensure that the proposal addresses the desire lines.
- ☐ The applicant should account for the comments of the Road Safety Audit in their technical submission post any planning permission being granted.

The applicant should note that a stopping up order is needed based on the current alignment of the track to Swindon Farm (demolished) which is a publicly maintained highway. Any alternative route will need to be made available before the extinguishment order can be completed. The process is administered by the National Planning Casework Unit and the applicant should submit their proposal in a timely manner.

It is also necessary to see conditions which limit occupation until the essential infrastructure has been delivered, these are detailed below along with planning obligations.

The Highway Authority has reviewed the planning application and based on the analysis of the information submitted it is concluded 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.

### Conditions

Highway improvements / offsite works / site access – Notwithstanding the Details Provided

Notwithstanding the details submitted, the Development hereby approved shall not commence until drawings of the highway improvements / site access works comprising:

1. Pedestrian and Bicycle infrastructure on Manor Road indicatively shown on drawings 0110 – P1, 0111 – P1, 0104 - P4,

2. New Roundabout on Manor Road as indicatively shown on drawing 01 – P02

3. Signal controlled junction at Manor Road and Runnings Lane 0006 – P0

Have been submitted to and approved in writing by the Local Planning Authority; and the building shall not be occupied until those works have been constructed in accordance with the approved details.

REASON: To ensure the safe and free flow of traffic onto the highway.

## Grampian Traffic Regulation Order – Manor Road

No development shall take place until a traffic regulation order (TRO) relating to a 30 mph speed limit between Runnings Lane and Tewkesbury Road has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

## Grampian Cycle Track Conversion Order

No development shall take place until a cycle track conversion order relating to the proposed bicycle infrastructure on Manor Road has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

## Street design

Notwithstanding the details submitted and prior to the commencement of development, details of the proposed street designs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved details.

Reason: To ensure the proposal is updated to reflect the latest agreement with the applicant and the Highway Authority and to ensure that the proposal provides safe and suitable access.

## Grampian Traffic Regulation Order – Site Roads

No development shall be occupied until a traffic regulation order (TRO) relating to a 20 mph speed limit on the proposed streets has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

## 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.

## Electric Vehicle Charging Points (Residential)

Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

## Bicycle Parking

The no dwelling hereby approved shall 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. The storage area shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities

## Residential Travel Plan

The Residential Travel Plan hereby approved, dated April 2020 shall be implemented and monitored in accordance with the regime contained within the Plan.

REASON: To reduce vehicle movements and promote sustainable access.

## 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](mailto: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 Council's 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 straight forward; 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](mailto:highwaylegalagreements@gloucestershire.gov). 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](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's 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](mailto: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](mailto: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.

### Stopping Up/Diversion of Adopted Highway

You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247, 248 or 257 of the Town and Country Planning Act 1990. Contact the National Transport Casework team.

### 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 principal 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

Contribution - £49,700

Trigger – Prior to the First Occupation of Any Dwelling

Retention Period - 5 Years from the occupation of the first dwelling

Specific Purpose – Travel Plan Monitoring

Contribution - £5,000

Trigger – Prior to the First Occupation of Any Dwelling

Email: [nathan.drover@gloucestershire.gov.uk](mailto:nathan.drover@gloucestershire.gov.uk)

Retention Period – 10 Years from the occupation of the first dwelling

Specific Purpose – Contribution towards the design and delivery of Junction 10 package of works, including M5 junction 10 south facing slips, A4019 improvements, Coombe Hill Junction improvement, Arle Court Transport Hub and West Cheltenham link road.

Contribution – £2,541,222.00

Trigger – Prior to the First Occupation of Any Dwelling

Retention Period – 12 Years

### **Severn Trent Water Ltd**

*18th June 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:

- o 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
- o 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 are public sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact 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, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the

provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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 if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto: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).

### **Environmental Health**

*23rd June 2020 –*

20/00759/FUL Demolition of a dwelling and the erection of 260 dwellings (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure

I have reviewed the application and the documents relating to planning application 20/00759/FUL, Elms Park Tewkesbury Road Cheltenham Gloucestershire . In the light of this, I recommend that should permission be granted, the following conditions are attached:

#### **Condition 1**

No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- ' Parking of vehicles of site operatives and visitors
- ' Method of prevention of mud being carried onto highway
- ' Waste and material storage
- ' Control measures for dust and other air-borne pollutants
- ' Control measures for noise in regards to both demolition and construction
- ' Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works.

#### **Noise**

The application site is situated next to several sources of commercial and industrial noise including the Gallagher Retail Park and Spirax Sarco., as well as noise from nearby roads. The submitted Environmental Noise Assessment has specified a number of noise mitigation measures to protect future residents from a loss of amenity.

I recommend a condition that development shall be carried out in accordance with the materials specified for mitigation unless otherwise agreed in writing by the Local Planning Authority.

### Condition 2

The development shall be carried out in accordance with the materials specified for mitigation unless otherwise agreed in writing by the Local Planning Authority.

' the inclusion of a 4 metre acoustic grade fence to gardens directly backing on to noise sources (delivery areas) (Pot 56/57)

' the inclusion of a 2.5 metre acoustic standard fence to the garden of Plot 1

' properties identified as requiring 'Medium' construction methods must meet ventilation requirements with windows closed by way of Mechanical Ventilation systems (MVHR) or pulling the required air from the 'quiet' side of the property

The approved noise mitigation measures shall be installed in full prior to occupation and retained thereafter.

Reason: To ensure that the amenities of future occupiers are protected.

### Informatives.

Electric vehicle charging points shall be considered as a basic minimum requirement and where it is considered unviable to do so, dwellings should be designed to enable the provision of an electrical charging point either as an optional extra or at a later date. Where residential dwellings do not have parking within their curtilage, consideration should be given to providing charging points on-street or within communal parking areas, including designing the development so as to minimise the cost and disturbance of retrofitting charging points at a later date.

If you would like to discuss further, or if you believe the recommendations are not suitable, please do not hesitate to contact me.

### Environmental Health 2

1st February 2022 –

Very little of the "new" information relates to us in EH, and we have previously commented about the need for a contaminated land report, which doesn't appear to have been provided, yet. So I'm not sure it needs any further comment from us at present, unless you think I have missed something?

### Ubico Ltd

8th March 2021 –

#### Suggested Solutions

- 1      Pathway      Pathways need to be of hard standing
- 2      Bins Locations Residents would need to be informed that due to it being private dwellings the ownership would be for them to present on the kerbside for 7am on the morning of collection.
- 3      Road Layout      Parking in the new road will reduce the amount of space to be able to turn a 26 tonne vehicle in. Ideally off road parking is advisable with a turning space for refuse and recycling trucks that is to be kept free on collection days. Ideally double yellow lines to be installed in turning areas
- 4      Road Surface      The road surface will need to be of a good surface that will take the weight of a 26 tonne vehicle. Until the road has been completed and passed on, Ubico would need assurances that they are safe to enter and not held responsible for any damage.
- 5      Turning Section      Due to the main road leading into the new estate reversing off or onto is not advisable. Also the distance to reverse and navigate the new estate would



also not be possible. Therefore the road into the new estate will need turning spaces to allow for a 26 tonne vehicle to turn safely. This would require the road to have adequate measures to prevent parking in these spaces.

6      **Presentation Points**      The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.

7      **Storage of bin and boxes for single dwellings**      Properties need adequate space to store bins and boxes off the public highway when not out for presentation

8      **Communal**      If any of the properties are to be communal then a bin shed will need to be planned. The bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 30 metres away from the adopted highway as per the planning guidance document.

9      **Entrance to roads**      Ideally the entrance to the roads will need to have double yellow lines to prevent parking at the junction which causes access issues

### **County Archaeology 1**

*9th June 2020 –*

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

I advise that I have checked the proposed development area against the County Historic Environment Record. The site has previously been subject to archaeological desk-based assessment in connection with the wider Elms Park application (16/02000/OUT). A geophysical survey of the wider Elms Park identified one area of archaeological interest within the current application site. Subsequent trial trenching, restricted to one of the fields subject to the current application, confirmed the presence of a Romano-British rural settlement. Ground works required for development at this location may therefore have an adverse impact on archaeological remains.

I note that the application is supported by a Heritage Statement (Cotswold Archaeology, March 2020). This report highlights the specific information already available regarding the areas that have been archaeologically evaluated and the high archaeological potential of the general vicinity.

The earlier geophysical survey does not prove the absence of archaeology on the area of the site that has not been subject to trial trenching and therefore, in accordance with the NPPF, paragraph 189, I recommend that in advance of the determination of this planning application the applicant should provide the results of an archaeological field evaluation, covering the parts of the proposed development that has not yet been subject to trial trenching, which describes the significance of any archaeological remains within the proposed development area, and how these would be affected by the proposed development.

I look forward to advising you further when the results of the evaluation are made available.

I have no further observations

### **County Council Archaeology 2**

*29th March 2021 -*

Thank you for consulting the archaeology department on the revised details for planning application 20/00759/FUL. We offer no further comment that those made previously in which we advised that the results of further archaeological evaluation to made available prior to determination of the application.

Please do not hesitate to get in touch if you wish to discuss.

### **County Archaeology 3**

*6th October 2021 -*

Thank you for consulting the archaeology department on the additional details submitted with the application. Further archaeological evaluation of the proposed development was carried out in June 2021 and the report has been submitted with the application. Roman ditches were recorded in the north-eastern part of the site correlating with features identified in the geophysical survey and previous archaeological evaluation. Two programmes of archaeological evaluation have been carried out within the proposed development site which have established the presence of Roman settlement and agricultural activity.

Due to the presence of a site of archaeological interest within the site I recommend that a programme of archaeological excavation is made a condition of planning permission. 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.

### **County Archaeology 4**

*13th January 2022 -*

Thank you for consulting the archaeology department on this application. The county Historic Environment Record informs that archaeological evaluation within the site recorded the presence of Romano-British settlement from 1st-4th centuries AD. Prehistoric pottery also recorded could indicate activity within the site from this period also.

Due to the presence of significant archaeological remains within the proposed development site which will be impacted by the proposals, I recommend that a programme of archaeological investigation should be carried out, consisting of excavation and recording prior to construction, followed by post-excavation work, reporting and archive deposition with a local museum.

To facilitate this 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 which may be present. 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.

### **Clean Green Team**

*15th June 2020 –*

#### Pathway

Pathways need to be of hard standing

2 Bins Locations Residents would need to be informed that due to it being private dwellings the ownership would be for them to present on the kerbside for 7am on the morning of collection.

3 Road Layout Parking in the new road will reduce the amount of space to be able to turn a 26 tonne vehicle in. Ideally off road parking is advisable with a turning space for refuse and recycling trucks that is to be kept free on collection days. Ideally double yellow lines to be installed in turning areas

4 Road Surface The road surface will need to be of a good surface that will take the weight of a 26 tonne vehicle. Until the road has been completed and passed on, Ubico would need assurances that they are safe to enter and not held responsible for any damage.

5 Turning Section Due to the main road leading into the new estate reversing off or onto is not advisable. Also the distance to reverse and navigate the new estate would also not be possible. Therefore the road into the new estate will need turning spaces to allow for a 26 tonne vehicle to turn safely. This would require the road to have adequate measures to prevent parking in these spaces.

6 Presentation Points The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.

7 Storage of bin and boxes for single dwellings Properties need adequate space to store bins and boxes off the public highway when not out for presentation

8 Communal If any of the properties are to be communal then a bin shed will need to be planned. The bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 30 metres away from the adopted highway as per the planning guidance document.

9 Entrance to roads Ideally the entrance to the roads will need to have double yellow lines to prevent parking at the junction which causes access issues

### **Clean Green Team 2**

*22nd December 2021 -*

#### Pathway

Pathways need to be of hard standing

2 Bins Locations Residents would need to be informed that due to it being private dwellings the ownership would be for them to present on the kerbside for 7am on the morning of collection.

3 Road Layout Parking in the new road will reduce the amount of space to be able to turn a 26 tonne vehicle in. Ideally off road parking is advisable with a turning space for refuse and recycling trucks that is to be kept free on collection days. Ideally double yellow lines to be installed in turning areas

4 Road Surface The road surface will need to be of a good surface that will take the weight of a 26 tonne vehicle. Until the road has been completed and passed on, Ubico

would need assurances that they are safe to enter and not held responsible for any damage.

5      Turning Section      Due to the main road leading into the new estate reversing off or onto is not advisable. Also the distance to reverse and navigate the new estate would also not be possible. Therefore the road into the new estate will need turning spaces to allow for a 26 tonne vehicle to turn safely. This would require the road to have adequate measures to prevent parking in these spaces.

6      Presentation Points      The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.

7      Storage of bin and boxes for single dwellings      Property's need adequate space to store bins and boxes off the public highway when not out for presentation

8      Communal      If any of the properties are to be communal then a bin shed will need to be planned. The bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 30 metres away from the adopted highway as per the planning guidance document.

9      Entrance to roads      Ideally the entrance to the roads will need to have double yellow lines to prevent parking at the junction which causes access issues

10     Hedges, Bushes & Grass Cutting      Until the land is fully adopted by GCC the maintenance would be the responsibility of the developer and not CBC/Ubico. Ideally CBC/Ubico would need to be involved in what is being put in as the maintenance will affect them once the land is adopted.

11     Street Bins      Until the land is fully adopted by GCC the maintenance and emptying of the street bins would be the responsibility of the developer and not CBC/Ubico. Ideally CBC/Ubico would need to be involved in what bins are installed to make sure they are in keeping with the remainder of the borough.

12     Road surface and gulley cleaning      Until the land is fully adopted by GCC the maintenance and cleaning of the road surface and gulleys would be the responsibility of the developer and not CBC/Ubico. Ideally CBC/Ubico would need to be involved as dependant on road surface may affect the long term cleaning process

### **Contaminated Land Officer**

*23rd June 2020 –*

20/00759/FUL Demolition of a dwelling and the erection of 260 dwellings (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure.

With reference to the above planning application I have reviewed the Phase I Geo-environmental Assessment provided which recommends that a Phase II intrusive site investigation is undertaken across the site. (Section 7.11.1) The report has also identified the possibility that piled foundations may be required (Section 7.3.4) which would have significant potential for noise and vibration from this operation to affect nearby premises and will require a full pile method statement. In the light of this, I recommend that should permission be granted, the following conditions are attached:

Contaminated Land Condition.

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.

Pile Foundation Condition.

No piling activities shall be carried out at this site until a full pile method statement method statement has been submitted to and been approved in writing by the Local Planning Authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential property, dates and times of piling and details of monitoring measures.

Reason: To prevent nuisance being caused to residents of neighbouring property due to noise and vibration.

### **Urban Design**

*23rd June 2020 –*

These are our main thoughts regarding the current application.

LOCATION: Elms Park Tewkesbury Road Cheltenham

- o The approach to soft landscape design does not demonstrate good practice in terms of successful establishment, sustainability, low cost maintenance or habitat benefit.

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- o Pedestrian access within site and to the existing external network is poor. The only pedestrian routes are along footpath next to the roads.
- o Where is the cycling provision through the site, to later developments and in/out of the site?
- o Areas that will have permanent standing water - putting the strip of hedge along the edges but leaving gaps for informal access to the site might be a bit pointless. What is the idea behind this concept and what is it achieving? Can this whole area be integrated in a more logical working landscape, giving residents greater views and design the space to fulfil it's potential (far more woodland planting, trees for wet areas and poorly drained soils)
- o What is the management plan for this space? Who is going to maintain this area?
- o There is the possibility of a more modern design taking SUD's, swales into consideration, making this space sustainable and rethinking its use as an amenity, potential to improve the ecology and incorporate recreational purposes.
- o Planting individual trees in the meadow doesn't make sense, it might be impossible to establish them. Far more woodland planting is needed together with few smaller species would be beneficial. The native woodland mix is supplied in containers - why not bare root?
- o POS trees - only the native woodland mix is recommended with a greater variety in sizes, plus nurse species around them to help with establishment.
- o Street trees could be bigger for better establishment, perhaps a couple of more species? And linked to a sustainable swales approach. We need to see the ground details of these trees to understand how they can work.
- o Fruit trees seem to be located in the wrong place without any protection. There are not enough trees to make an orchard. Who will be involved in maintenance?
- o It appears that there are only trees along the main road and by the back gardens, private drives. There is a very poor amount of vegetation along the rest of the tight streets, dead ends and pavements. The overall design is very urban in character, contains very little street planting which doesn't meet CHELTENHAM PLACE VISION STRATEGY. The 'street scenes' within the design and access statement show how little vegetation is incorporated into the design.
- o The design in general is very simple and lacking imagination. The linking of spaces is not thought through. There is no integration of the landscape with the housing.
- o The play area should be located further away from the pylons. It is relatively small for the development size and lacks imagination in its design. It appears to be for a very narrow age group, especially if Elms Park is going to expand in the future. More, local smaller play areas would make play more accessible to children, the space as shown is only easily accessible to the houses immediately adjacent.
- o The majority of green space within the development is located along the electrical pylons route which is a designated non-developable area as well as the drainage basin, which is not an interactive feature. This is understandable from the developer's view in order to maximise dwelling numbers but does diminish the attractiveness of that green space. Further green spaces should be provided away from the overhead power lines and drainage basin.
- o Without the confirmation of planning permission for the entire Elms Park development the only vehicular access point for 260 dwellings will be Manor Road which

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will cause considerable traffic issues, especially at peak times, and for surrounding locations, placing pressure on local road infrastructure. The traffic using Swindon Village and Runnings Road will greatly increase, which is not suited to an increase in traffic levels due to small, tight roads. The junctions around Manor Road and Runnings Road will see greater volumes of traffic, which are already busy.

- o The Design and Access statement states that the Swindon farm development gives access to a range of existing facilities and services in the area but, as phase 1 of the greater elms park development, relies on the completion of the services and facilities delivered by the overall project which has not yet received planning consent. An example of this is access to the local primary school, but the overall elms park development incorporates schooling provision as part of the requirements.
- o Who takes responsibility for maintenance of non-private green spaces?
- o The landscape is not used to breakdown the scale of the development, there is no consideration for focal points or landmarks or identifying features to make the development more legible.
- o Drainage to river Swilgate from suds needs approval. (The Environment Agency will be consulted about this)
- o What is the turning point at entrance.

### **Ramblers Association**

*29th June 2020 –*

I'm writing to object to the above proposal on two grounds:

a) Public Right of Way CHS16 is an historic route. At the southern end it connects to an unclassified road that leads past Swindon Farm. At the northern end it connects to Dog Bark Lane. It has evidence of Roman heritage at this end as evidenced by the trenches dug in the archaeological heritage report. The proposal is to extinguish this footpath CHS16 and divert it along new streets constructed in the development.

The Defra Rights of Way Circular 1/09 Guidance for Local Authorities suggests that if a revision to a Public Right of Way is necessary to accommodate the development, any alternative alignment should avoid the use of estate roads. The preference is for estate paths to go through landscaped or open space away from vehicular traffic. This route should therefore be channelled through a green corridor and maintained for the enjoyment of the walking public and the residents of the new neighbourhood.

The National Planning Policy Framework section 97 suggests that loss of green space should be replaced by equivalent or better provision in terms of quantity and quality and section 98 that developments should protect and enhance Public Rights of Way and take opportunities to provide better facilities for users. This is a green belt development and care should be taken in particular to optimise the natural environment for the walking public.

b) The green space in the plans largely consists of a corridor beneath electricity pylons. The scheme should obtain a green infrastructure accreditation and provide green features within the housing development and not just along the periphery of the site or beneath pylons. There should be suitable natural walking access from the development into the surrounding countryside, not just along streets.

Ramblers campaigns to defend footpaths and protect places we like to walk and to promote the positive values that the countryside brings in providing access to the outdoors and contact with nature.

## **Architects Panel 1**

*9th July 2020 –*

### Design Detail

The massive balancing pond does not relate to the housing and breaking this down could free up the design and create a more imaginative layout of public open spaces. Reference is made to "park frontage" but this is not articulated on plan. A softer approach and a better mix of different road finishes with more emphasis on pedestrian and shared amenity use would greatly enhance the scheme.

The scheme requires a landscape assessment of the site and its context identifying key views through the site and its relationship to existing built form and the open countryside.

The building designs are uninspiring and do not relate to local distinctiveness. The vocabulary of elements are randomly composed resulting in a jarring of different components. The apartment blocks with their incongruous monopitched roofs are particularly ugly. These buildings should be of notable design quality anchoring the scheme together and setting the tone of the development.

Other unsatisfactory elements include badly positioned oversized dormers and tall narrow gaps between buildings.

### Recommendation

Not supported.

## **Architects Panel 2**

*18th April 2021 –*

### Design Concept

The panel had reviewed the scheme for this site on 24th June 2020 when the principle of the development was accepted but concerns were raised over the proposals submitted.

The revised plans now submitted still do not adequately address concerns raised previously which stated:

The overall site layout gives too much importance to vehicles and to road layouts at the expense of the architecture and landscape design. There is no attempt at place making or creating a unique environment for collective living.

The quality of external spaces is uninspiring and a wasted opportunity. Analysis diagrams emphasize road layouts rather than how people will use the spaces.

No significant weight is given to sustainable design which, given the Borough Council's commitment to responding to our climate emergency, should be a major generator of good forward-thinking house design.

### Design Detail

The revised design includes amendments to the architecture: the incongruous mono-pitched roofs of the apartment blocks of the previous scheme have now become square bulky and very dominant blocks that are particularly unattractive and poorly planned.

The panel felt that there was no imaginative landscape design, no pleasing green spaces or place-making features: the strip of "landscape" under the pylons is of limited value; and the diversion of the existing public footpath gives nothing back to the general public making the new route through the site most unattractive and unwelcoming.

### Recommendation

Not supported.



## **Tree Officer 1**

*23rd June 2020 –*

The CBC Tree Section has some significant concerns regarding this proposed tree application.

T9-Oak marked as a veteran oak and therefore has special status is, sadly, dead. No leaves were apparent on 22.6.20 and so one can only presume that this tree will not recover. It would be preferable if this tree is left as a standing deadwood monoxyle (for habitat purposes). It maybe that extra housing unit(s) can be incorporated within what was the Veteran Tree Buffer in this area.

T93-another 'A' class tree (as per BS5837 (2012)) T93 has a proposed driveway and newly landscaped area within its formal Root Protection Area. Whilst there is a proposed 'no-dig' solution to this layout described within the Persimmon Homes' Arb Assessment, Trees Officers consider no development should take place within the RPA of this high quality tree and the proposed house/road/garden layout should be altered to achieve this.

Please could it be confirmed that no underground services are to be laid within the RPA of all trees to be retained.

The hedgerow north of Swillgate Lane has a significant proportion of mature willow pollards. These trees appear to have been unmanaged for many years and in places have started to break out leaving collapsed fallen limbs. A formal management plan should be drawn up so as to detail, how this hedgerow and adjacent footpath will be managed into the future.

Mature Oak T92 of 'B' quality is shown as being removed. This tree must be retained-even if this is to be at the expense of some of the adjacent proposed open space. This is a valuable mature tree likely over 100 years old on the periphery of a site with not many quality trees.

Please could it be confirmed that the 5 large oaks west of T49 (lime) with within H5 are to be retained. They are outside this development site and their retention will add maturity when seen from proposed plots 74-81.

The proposed landscape plan shows trees to be planted as 'street trees', public open space trees and a small orchard.

Whilst the proposed open space native species, it is considered that there are insufficient numbers of trees proposed-many more trees need to be planted within the linear open space bisecting the site. It is recommended that no proposed *Salix caprea* are planted. Given the name of this proposed site, Dutch Elm-resistant tree species should be planted within this site.

Orchard trees are to have a 'prioritised' local Gloucestershire provenance. It is a necessity that such an orchard is to be composed of trees local origin.

Nearly all trees to be planted are on the periphery of the site and there are no proposed tree planting within the housing area. This needs to be amended and street trees species should be planted in strategic locations. It would also be welcome if trees were also planted in front/rear gardens of the proposed properties.

Large 'landmark' trees should be planted at the entrance to this estate.

Agreed detailed tree pits designs and locations of tree species could be submitted as a condition of any planning permission.

## **Tree Officer 2**

*25th March 2021-*

The CBC Tree Section welcomes the revised updated Arb Assessment of February 2021

Please could clarification be made regarding the retention or removal of hedgerows H1 + H2. These hedges are shown as retained on the Tree Removal/Retention Plan but shown as removed within Table 1 within this report. The CBC Tree Section would expect these hedges to be retained. Clarification needs to be made as to who will maintain all hedges and trees into the future.

The Arb Assessments refers to Arb monitoring of various works within the Root Protection Area of various retained trees (para's 5.7, 5.10, 5.14 and 5.20). The proposed scheme appears acceptable but such arb supervision is critical so that no significant damage is incurred during any construction process.

The Arb Method Statement referred to in para 5.19 should be submitted and agreed prior to the commencement of any construction works.

The Landscape design drawings appear to have been "superseded" but no new landscape design appears to have been submitted which take account of previous Trees Officer comments made 20.6.20. This must demonstrate that there will be sufficient mitigation for mature trees and hedgerows to be lost in the form of new tree and hedge planting. The proposal to leave T9 as a monoxyle is welcome. Barrier planting with thorny species (bramble, hawthorn, blackthorn etc) would be welcome around this feature so as to reduce the risk (or perceived risk) around this important habitat feature.

### **Trees Officer 3**

*11th May 2021-*

The CBC Tree Section welcomes the additional information contained within the Arb report of 30.3.2021

For information T's 92,93 and 157 of the report (all oak) are protected by TPO #no 675 (T's 7,8,9 of the TPO respectively).

The CBC Tree Section welcomes the proposed extensive mitigating planting of trees within the site. The proposed tree species to be planted are appropriate, but it is recommended to not include *Salix fragilis* as it is considered that these trees will overwhelm other adjacent planting as they quickly grow. Please could the landscape plan be amended to demonstrate this amendment. It is not clear what species are the proposed "on plot" trees to be planted. These are marked as grey circles within the housing areas. This needs clarification. Similarly, a short, medium and long term management plan of G110 (lapsed willow pollards) needs to be submitted and agreed as a condition forming a part of any planning permission.

As described within para 8.5-an Arb Method Statement needs to be submitted and agreed. This needs to include a detailed time table of arb supervision which must include supervision of works within the Root Protection Area of T92 (a TPO'd oak tree). A Tree Protection Plan based on the results of the survey and BS5837 (2012) needs to be submitted and agreed as a part of the Arb Method Statement.

### **Trees Officer 4**

*17th January 2022 –*

The CBC Tree Section welcomes the arb report of Dec 2021.

Paragraphs 5.20 + 5.21 describe the requirement for a future Arb Method Statement and also the retention of an arb Clerk of Works. Please could these also be formally conditioned as a part of any planning permission to be granted.

Similarly, please could this arb report be an "approved document" within any permission to be granted.

Several clarifications and adjustments need to be made to the proposed soft landscape proposals:

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- 1) Please could the proposed Salix species recommended within public open space and as "Focal trees" be removed and an alternative genus be planted. It is considered that such willow will outgrow and suppress other species.
- 2) Please could detailed proposals be submitted for the planting of street trees. Species, location, size and tree pit details should be submitted and approved prior to determination.
- 3) It is noted that several very large trees (16-18cms + 18-20cms trunk circumference) are planted. There is concern that unless it can be guaranteed that these trees will establish and thrive at these locations, smaller trees 10-12's or 12-14's should be planted.

### **Tree Officer 5**

*4th April 2022 –*

The CBC Tree Section has some significant concerns regarding this proposed tree application.

T9-Oak marked as a veteran oak and therefore has special status is, sadly, dead. No leaves were apparent on 22.6.20 and so one can only presume that this tree will not recover. It would be preferable if this tree is left as a standing deadwood monoxyle (for habitat purposes). It maybe that extra housing unit(s) can be incorporated within what was the Veteran Tree Buffer in this area.

T93-another "A" class tree (as per BS5837 (2012)) T93 has a proposed driveway and newly landscaped area within its formal Root Protection Area. Whilst there is a proposed "no-dig" solution to this layout described within the Persimmon Homes' Arb Assessment, Trees Officers consider no development should take place within the RPA of this high quality tree and the proposed house/road/garden layout should be altered to achieve this. Please could it be confirmed that no underground services are to be laid within the RPA of all trees to be retained.

The hedgerow north of Swillgate Lane has a significant proportion of mature willow pollards. These trees appear to have been unmanaged for many years and in places have started to break out leaving collapsed fallen limbs. A formal management plan should be drawn up so as to detail, how this hedgerow and adjacent footpath will be managed into the future.

Mature Oak T92 of "B" quality is shown as being removed. This tree must be retained-even if this is to be at the expense of some of the adjacent proposed open space. This is a valuable mature tree likely over 100 years old on the periphery of a site with not many quality trees.

Please could it be confirmed that the 5 large oaks west of T49 (lime) with within H5 are to be retained. They are outside this development site and their retention will add maturity when seen from proposed plots 74-81.

The proposed landscape plan shows trees to be planted as "street trees", public open space trees and a small orchard.

Whilst the proposed open space native species, it is considered that there are insufficient numbers of trees proposed-many more trees need to be planted within the linear open space bisecting the site. It is recommended that no proposed Salix caprea are planted.

Given the name of this proposed site, Dutch Elm-resistant tree species should be planted within this site.

Orchard trees are to have a "prioritised" local Gloucestershire provenance. It is a necessity that such an orchard is to be composed of trees local origin.

Nearly all trees to be planted are on the periphery of the site and there are no proposed tree planting within the housing area. This needs to be amended and street trees species

should be planted in strategic locations. It would also be welcome if trees were also planted in front/rear gardens of the proposed properties.

Large "landmark" trees should be planted at the entrance to this estate.

Agreed detailed tree pits designs and locations of tree species could be submitted as a condition of any planning permission.

### **Ecologist 1**

*1<sup>st</sup> December 2021* – Available to view online

### **Ecologist 2**

*1st February 2022* –

I have reviewed the Ecological Appraisal (fpcr, May 2020) and updated Ecological Appraisal (fpcr, December 2021) and my response with regards to Ecology is provided below.

Extensive badger surveys have been undertaken and found that no activity has been recorded at the most significant setts closest to the site, latest visit being 2020. A pre-commencement survey will be expected due to badgers being highly mobile.

The building on site was assessed as being of negligible potential for roosting bats. One tree was identified as being of low potential for roosting bats, this will be retained. Activity surveys were carried out as part of the wider Elms Park survey area and species recorded included common pipistrelle, soprano pipistrelle, lesser horseshoe, barbastelle, brown long-eared bat, noctule, myotis and serotine. Sensitive lighting has been recommended and will form an appropriately worded condition. Enhancements have been recommended and these are welcomed. Two trees were assessed as being low potential for roosting bats, further survey identified roosts for common pipistrelle and brown long-eared bats in T92 and

common pipistrelle roost in T158. T158 will be removed as part of the proposal and a Natural England licence will be required.

Wintering and breeding bird surveys were undertaken and a total of 52 species were recorded including one schedule 1 species a peregrine falcon. Farmland birds will be the most impacted by the proposal, mitigation has been proposed and will be expanded within the CEMP, however due to the impact on nesting and foraging birds, an outline mitigation strategy will be required with specific focus on farmland birds prior to determination and then detailed within the CEMP for completeness.

Enhancements have been recommended and these are welcomed.

One dormouse nest was recorded in 2018 surveys and 0.643km of hedgerow is proposed to be removed under an EPS license. An outline mitigation strategy has been provided. Impacts to great crested newts has not been detailed within the report, the hedgerows will provide suitable terrestrial habitat and there are two ponds in close proximity to the site and a

pond located along the hedgerow which connects to the site approx. 440m west of the site at its closest point. Habitat Suitability Assessments are required on all ponds within 500m of the site (i.e. ponds not beyond major dispersal barriers) supported by presence/absence surveys where required. The survey results supported by appropriate mitigation is to be submitted to the local authority prior to determination.

Reptiles have not been mentioned within the report, though the majority of the habitats may be of low suitability for reptiles impacts are to be fully assessed including impacts to hedgerows. Assessment supported by appropriate mitigation is to be submitted to the local authority prior to determination.

### HRA

Dixton Wood SAC is 6.2km from the site, however has been screened out of the assessment due to distance, lack of sensitivity of the qualifying feature and lack of both

recreational draw and public footpaths. Cotswolds and Beechwoods SAC is 9.6km from the site. The following were screened out as it was assessed that there would be no impact alone or in combination:

- Habitat loss (no habitat loss)
- Air pollution (see sHRA)
- Noise and light (site is 9.6km from the SAC)
- Water quality and quantity (Site is not hydrologically linked to the SAC)

Severn Estuary SPA/SAC/Ramsar has been included in the HRA as per the response from Natural

England. All ecological pathways were screened out due to the distance of the site to the SPA (24km). NE requested consideration for Coombe Hill SSSI and Coombe Hill Meadows GWT Nature Reserve and their potential to be functionally linked to the Severn Estuary.

The functional linkages to the Severn Estuary were screened out as part of (APP/G1630/W/20/3257625). From the appeal decision the potential impact of increased recreation on Coombe Hill SSSI in general would not lead to a Likely Significant Effect on the Severn Estuary through a loss of breeding curlew. It was predicted given the size of the proposed development and its distance from the SSSI in addition to the alternative recreational opportunities that there will be a significant increase in visitors to the SSSI. There is also no evidence from the aforementioned appeal that there would be a significant indirect effect on

the Severn Estuary. No Appropriate Assessment is required.

Regarding the recreational pressure on Cotswold Beechwood SAC, the report demonstrates that there would be a 0.049% increase in visits to the SAC. Recent visitor surveys have also found that visitor numbers are low. There are a number of alternative recreational areas in close proximity to the site including open space provided within the development (1.8ha), these are detailed within the sHRA. It was concluded that there will be no significant recreational impact on Cotswold Beechwood SAC alone or in combination of other developments. Mitigation has been recommended within the report, which includes the provision of a home information pack (HIP) provided to every resident highlighting recreational areas close to the site, due to the results from the visitor survey it is advised that the SAC is not mentioned within the HIP in order to not draw further attention to its existence.

### Requirements prior to determination:

1. The dormouse mitigation strategy needs to be detailed further to ensure that appropriate mitigation is undertaken to minimise harm to dormice and that dormouse habitat is removed in a phased approach in accordance with the Dormouse Conservation Handbook. Detailed mitigation and enhancement strategy including timings, a plan of phased habitat removal and compensatory dormouse habitat planting should be submitted to the local planning authority for review prior to permission being granted. The mitigation and enhancements should be included in the CEMP and LEMP.
2. Reptiles have not been mentioned within the report, though the majority of the habitats may be of low suitability for reptiles; impacts are to be fully assessed including impacts to hedgerows. Assessment supported by appropriate mitigation is to be submitted to the local authority prior to determination. This mitigation should be included in the CEMP.
3. Impacts to great crested newts has not been detailed within the report, the hedgerows will provide suitable terrestrial habitat and there are two ponds in close proximity to the site and a pond located along the hedgerow which connects to the site approx. 440m west of the site at its closest point. Habitat Suitability Assessments are required on all ponds within 500m of the site supported by presence/absence surveys where required. The survey results supported by appropriate mitigation is to be submitted to the local authority prior to determination. This mitigation should be included in the CEMP.
4. Farmland birds will be the most impacted by the proposal, mitigation has been proposed and will be expanded within the CEMP, however due to the impact on nesting and foraging birds, an outline mitigation strategy will be required with specific focus on farmland birds

prior to determination and then detailed within the CEMP for completeness. Enhancements have been recommended and these are welcomed.

5. A construction and ecological management plan (CEMP) is required prior to determination, this is to include all measures that must be adhered to in order to prevent disturbance and injury to protected species. This should include consideration of the likelihood of hedgehogs (a NERC Priority Species) to be present and appropriate mitigation for this species (e.g. 13x13cm gaps under fences to allow permeability).

6. The report has detailed that T158 will be lost as part of the proposal and will require a licenced to proceed, a bat mitigation strategy, either a standalone document, as part of the CEMP or as part of the bat licence method statement will be required to be submitted to the local authority for review.

7. A Landscape and Ecological Management Plan (LEMP) is to be submitted to the local authority prior to determination and this must be in accordance with the reported Biodiversity Net Gain (BNG) calculations to ensure positive BNG is guaranteed. The LEMP must reflect the requirements for retention of dormouse habitat (as much as possibly can be achieved) and compensatory dormouse habitat planting. The updated BNG spreadsheet should be submitted with the LEMP to enable confirm of positive BNG. The LEMP should expand on the Ecology report's recommendations for site wide enhancements for these species, it should also detail timescales for implementation, persons responsible for managing and monitoring the site.

### Conditions to be attached to planning if permitted:

8. All mitigation and enhancements detailed within the Ecological Appraisal (fpcr, May 2020)(fpcr, December 2021) are to be strictly adhered to throughout the works.

9. A lighting strategy scheme is to be submitted to the local authority prior to commencement detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan should be completed in conjunction with advice from the project ecologist (particularly with regards to bat activity patterns and dormice).

10. A pre-commencement check of the site for badgers, if active badger setts are recorded within 30m of the works details are to be submitted to the local authority prior to works commencing supported by appropriate mitigation.

*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 2006*

· *Protection of Badgers Act 1992*

## **Environment Agency 1**

*22nd June 2020 –*

Thank you for consulting us on the above application which was received on 02 June 2020. The Environment Agency objects to the proposed development, as submitted, on flood risk grounds. Our comments are set out below:

We have reviewed the details submitted, in particular the Flood Risk Assessment (FRA) submitted by Travis Baker dated May 2020, in support of the above application. The flood risk information submitted is not acceptable to the Environment Agency for the following reasons: It has failed to include the detailed results specific to the site from the detailed

hydraulic modelling undertaken as part of the related pending outline application for the wider Elms Park / North West Cheltenham development (ref 16/02000/OUT). It has also failed to present the extents of these results (including the agreed appropriate allowances for climate change) spatially in relation to existing and proposed ground levels. It has failed to include the appropriate finished floor level mitigation measures for the site in line with the current draft conditions on the outline application.

The Agency therefore OBJECTS to the proposed development on the grounds that a proper assessment of flood risk has not been undertaken as required by the NPPF for a detailed "full" planning application.

Whilst the site is located mostly in Flood Zone 1, which is land outside the floodplain as shown on the Environment Agency's Flood Zone Maps. There are concerns that some localised ground raising may impact upon the floodplain and the position of the flood attenuation pond be impacted by future fluvial flooding as a result of the potential effects of climate change.

In addition to the above we are also concerned that the proposals appear to markedly depart from the original concepts set out within the master planning for the wider site presented by Black & Veatch in association with Persimmon and Bloor Homes on their drawing 121411/DP-1, by reducing the number of SuDS techniques used on the site to a minimum. These were issues highlighted back in 2017 by your, Tewkesbury Borough and the County Council's drainage departments in relation to a phased approach to development.

As part of the overall concept and design there was an agreement that all outfalls would be set back and the number of structures minimised as part of a holistic approach to the development as agreed in the meeting notes from 8 September 2009, specifically point B31 (below):

B31 Outfalls should be separated from the river by a swale or reed bed. This provides environmental and maintenance benefits.

As any outfall structure discharging into the River Swilgate/Wymans Brook will also require the prior formal permission of the Environment Agency in the form of a Flood Risk Activity Permit under the Environmental Permitting Regulations, any design that does not meet the above criteria would be refused permission.

The lack of detailed design information submitted generally on all the above points is regarded as falling well short of the requirement of a full detailed planning application and is sufficient reason for refusal by your Authority.

It should also be noted that recent changes in legislation may also change the way in which SuDS features are adopted and by whom.

Finally, we have not made a detailed assessment of ecology aspects in this instance due to our risk based approach given the scale of this particular site/planning application. However we anticipate that there may be similar issues with taking a piecemeal approach to ecology as has happened with flood risk and a lack of cross-referencing with the wider outline application for Elms Park / North West Cheltenham. We would therefore support any comments made in this regard by the County Ecologist and/or Natural England. We would encourage the same joined-up approach to ecology to ensure this proposed development plays its part in providing ecological benefit and protection on the site itself and the wider green infrastructure network. Ultimately the application needs to demonstrate that it will deliver suitable ecological protection and enhancement, including net gain.

I trust the above will assist at this time. Please do not hesitate to contact me if you have any queries. If you are minded to approve the application we would request notification of this so as to make further representation. If you refuse the application at this time based on our advice we would be prepared to support you in any subsequent appeal. If a determination is made, a copy of the subsequent decision notice would be appreciated.

### **Environment Agency 2**

*23rd March 2021 –*

We write further to our letter dated 22 June 2020, our reference SV/2020/110648/01-L01, in which we objected to the above application on flood risk grounds as it had not carried through the principles contained in the wider Elms Park / North West Cheltenham development (ref 16/02000/OUT), nor did it contain sufficient detail for a full planning application. This letter should be read in conjunction with our previous response.

We are now in receipt of the revised plans/additional information consultation which was received on 5 March 2021.

We have reviewed the additional information, in particular the Flood Risk Addendum submitted by Travis Baker, dated 19 February 2021, in response to our previous letter of 22 June 2020.

We are now satisfied that the appropriate information has been presented within Appendix D of the Flood Risk Addendum, as provided by JBA Consulting.

The layout plan reference 20012/11 within Appendix A confirms that the development lies entirely outside Flood Zone 2 (and Flood Zone 3), and that the finished floor levels are all above the recommended heights.

Hence this has addressed our previous objection, and we have no further comments to make from a flood risk perspective.

With regards to the SuDS and drainage design details, we recommend you seek the views of the Lead Local Flood Authority (LLFA) on this as the LLFA has lead responsibility for such matters. In our previous letter we raised concerns about the departure from the original concepts set out within the master planning for the wider site. I understand that the LLFA has had sight of our comments and we hope this will assist in their review of the details.

Finally, we would reiterate our previous comments in relation to ecology: We would support any comments made by the County Ecologist and/or Natural England with regard to a joined-up approach to ecology to ensure this proposed development plays its part in providing ecological benefit and protection on the site itself and the wider green infrastructure network. Ultimately the application needs to demonstrate that it will deliver suitable ecological protection and enhancement, including net gain.

I trust the above will assist in your determination of the application. Please do not hesitate to contact me if you have any queries. A copy of the subsequent decision notice would be appreciated.

### **Environment Agency 3**

*12th January 2022 -* Thank you for consulting us on the revised plans/additional information for the above application which was received on 22 December 2021. We have the following comments for your consideration at this time:

You will note we previously commented on this application ref 20/00759/FUL [when the site was known as 'Land at Swindon Farm, Manor Road' and the development description was



"Demolition of a dwelling and the erection of 260 dwellings (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure"] - see our letters dated 22 June 2020 our reference SV/2020/110648/01-L01, and 22 March 2021, our reference SV/2020/110648/02-L01, copies enclosed. For context, please read this letter in conjunction with these previous two letters.

Having reviewed the additional information submitted with regards to the above application, this appears to be related mainly to the proposed detailed drainage design strategy, which is a matter that the Lead Local Flood Authority (LLFA) would comment upon.

There are no significant changes to the design layout as shown on drawing reference 20012/12B from a fluvial flood risk perspective that would require further comment from us beyond the contents of our previous response dated 22 March 2021.

It is noted that the pond has moved slightly closer to the flood plain extents and that an embankment has been reintroduced, but that all this work is still just within Flood Zone 1.

In conclusion we have no further comments to make.

I trust the above will assist in your determination of the application. Please do not hesitate to contact me if you have any queries. A copy of the subsequent decision notice would be appreciated.

### **GCC Local Flood Authority (LLFA) 1**

*11th June 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

The Flood Risk Assessment and Drainage Strategy shows the site is at low risk of flooding from fluvial, surface water and reservoir sources.

### Surface water management

#### Discharge strategy

FRA and Drainage Strategy states that ground investigations will be carried out to determine whether infiltration will be a viable option for discharging surface water. The bedrock geology of the site is Charmouth Mudstone, which has low infiltration potential, however, there is an area of Cheltenham Sand and Gravel on the southern part of the site. This may allow the southern portion of the development to be served by infiltration and should be explored in their ground investigation report.

In line with the discharge hierarchy, the alternative strategy is to discharge into the River Swilgate/Wymans Brook. This would be acceptable except it requires work to install a new surface water pipe and headwall on land that is outside of the redline boundary and may be owned by a different landowner. Can the applicant confirm if it is the same landowner and if it isn't, provide evidence of an agreement with the landowner for this work? Without this, it is not possible to ensure that this strategy will be viable.

#### Discharge rates

The proposed discharge rate is 13.7 l/s, which is approximately equal to the greenfield runoff rate for QBAR. This will be how the discharge volume is controlled.

#### Drainage strategy and indicative plan

Surface water will be stored in an attenuation pond located to the north of the site. The applicant has shown that there is sufficient volume available in the pond to store surface water in rainfall events up to the 1 in 100 year plus 40% for climate change. The pond sides will have a 1 in 4 slope, which will allow for easy maintenance.

The pond will be up to 1.8m deep and the outfall not much higher than the water level in the River Swilgate. Please can the application demonstrate that the pond will still be able to function during times when the level in the River Swilgate is high or is in flood? This will ensure that there will be increase in surface water from the site entering the watercourse and exacerbating the flooding elsewhere.

Section 3.5 Ongoing Maintenance, states that the attenuation pond will be maintained by a private management company. Since Sewers for Adoption 8 was released in April this year, it is recommended that the applicant investigates whether Severn Trent Water will adopt the attenuation pond.

It should be noted that the River Swilgate is a Main River at this location so the Environment Agency is the consenting authority. The work may require an Environmental Permit, which is separate from the planning process, and the applicant is encouraged to engage with the EA.

Climate change

A value of 40% is being used to account for future climate change and meets the EAs latest guidance.

Exceedance flow paths

The routes that surface water will follow around the development when the capacity of the drainage is exceeded should be identified. However, this will rely on the final topography of the site and is accepted during the detailed design stage.

### LLFA Recommendation

In order to discharge to the River Swilgate, the applicant may have to cross third party land and without agreement to do this, the strategy may not be possible. I also have concerns about whether the pond will function effectively when the river level is high or in flood. The LLFA recommends an objection to the proposal and requests that information that addresses above be provided.

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](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

### **GCC Local Flood Authority (LLFA) 2**

*6th October 2021 –*

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.

Reviewing the applicant's email from 13th April 2021, I think it's important to have more information on the existing pond and it's outfall to the River Swilgate. The information

provided for the proposed drainage across the development is sufficient to approve with condition, however, it all relies on the ability for it to discharge through the existing pond that we have very little information about. It's therefore important to understand what impact it will have on the functioning of the proposed attenuation basin. For example, if it's a 150mm pipe, will this allow surface water from the proposed attenuation basin to discharge sufficiently without impacting its function? It might be fine for draining a field as it currently does but is it suitable to serve 265 dwellings?

This pond and outfall will need to be included in the SuDS maintenance and management plan. As for the how the application relates to the wider outline application for the area (16/02000/OUT), I've outlined how it differs in my response on 25th March 2021. If sites come forward as separate planning applications as this has then each will have their own separate drainage strategy that might be satisfactory in isolation but will lead to a "jigsaw" effect where each parcel of land is served by its own drainage. If this area of Cheltenham is to be developed, it is important that there is a coherent and cohesive drainage strategy throughout the whole area that puts SuDS that provide multiple benefits at the heart of it.

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](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

### **GCC Local Flood Authority (LLFA) 3**

*20th January 2022* - 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.

The surface water drainage has been separated into two networks, with the pond split into two and two outfalls instead of one. It's not clear why this has happened because the first FRA suggests one network and outfall would be sufficient to manage the development. Can the applicant explain the change in design?

The new design will introduce an extra outfall structure along the River Swilgate, which, if you consider the development ambitions in the wider area, could lead to a large number of structures in the river. This is counter to the aim of having a connected drainage strategy for the wider development area. The new outfall is also perpendicular to the river, which goes against good practice and could disrupt the flow in the watercourse and lead to an increase risk of erosion to the banks.

Furthermore, the discharge rate also appears to have increased from 13.7 l/s to 24 l/s. This needs to be justified or amended accordingly.

Finally, following on from our previous response on 28 September 2021, there should be more information on the pond being discharged into. This is to ensure it is suitable to serve a 260 dwelling housing development.

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

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

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

### **GCC Local Flood Authority (LLFA) 4**

*22nd March 2022* - 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 submission of survey information of the existing pond and the relationship it will have with the proposed attenuation basin, the applicant has demonstrated that the discharging to this feature will be possible.

The LLFA has no further objections to the proposal subject to the following conditions for a detailed design and maintenance schedule. The detailed design should include evidence that the site will not flood in a 1 in 30 year rainfall event, no buildings will flood in a 1 in 100 year rainfall event plus 40% for climate change, as well as an exceedance flow route plan for events that exceed the design of the drainage. The maintenance plan should include the maintenance of the existing pond and ditch network that the attenuation basin will be discharging into.

Condition: No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Drainage Strategy Sheet 1 (20012-10-C) and 2 (20012-11-C); 19th February 2021).

The SuDS Strategy must include a detailed design and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system

through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

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 will include the maintenance of the existing pond and ditch that lies with undertaker's responsibility and 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.

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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](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject

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

## REPRESENTATIONS

Number of contributors	<b>31</b>
Number of objections	<b>28</b>
Number of representations	<b>2</b>
Number of supporting	<b>1</b>

7 Manor Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9RQ

### **Comments:** 24th June 2020

After looking at the plans, while we understand the need for additional housing we object to this planning application due to the following reasons:

1. The traffic is already horrendously congested, many weekday evenings queuing all the way to Church Road, the weekends can be awful with the traffic going towards the retail park at a complete standstill.
2. The village school is already over subscribed - where will all the children go?
3. There is an abundance of wildlife living in the fields of the proposed site; where will this all go?

5 Manor Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9RQ

### **Comments:** 22nd June 2020

I object to this application on the grounds that all the new traffic generated will use Manor Road. This junction was designated as a secondary access in the Outline Plan for Elms Park. The traffic is already chaotic at peak times without this development and extra roundabout. The primary access routes have yet to be built and the development should be put on hold until they are completed

5 Manor Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9RQ

**Comments:** 23rd June 2020

I object to this application on the following grounds.

1. The only access route to this development is from Manor Road. Manor Road is already a very busy route and additional traffic will cause more congestion, as well as being a potential safety risk to pedestrians on what is a narrow footpath.
2. The number of homes in the development will increase the size of the existing parish by approximately one third. No new facilities for the increased population have been included in this application.

13 Stantons Drive  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9RL

**Comments:** 23rd June 2020

Summary:

I am writing with respect to the above planning proposal and I wish to object strongly to development in this location for the following reasons:

1. The proposed development is on land designated as Green Belt. This is in direct conflict with the Government's policy on protection of Green Belt as set out in chapter 9 of the National Planning Policy Framework (NPPF).
2. The proposed development is adjacent to an area containing Zone 3 (High risk of flooding) according to the Flood Map for Planning, provided by the Environment Agency (EA). The Flood Risk Assessment document does not provide assurance against flooding of the proposed development or existing neighbouring properties/infrastructure.
3. Insufficient provision for protection of two oak trees assessed as "high value".
4. Insufficient provision for protection of protected bat species.
5. Insufficient time given for interested parties to comment on the proposals.

Details:

Green Belt Development



6. Development on Green Belt land is acceptable in only very special circumstances. The planning proposals do not provide sufficient detail relating to the very special circumstances in relation to this development.

7. Government policy on protection for the green belt is set out in chapter 13 of the National Planning Policy Framework (NPPF) and states:

- (Para 133) "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

- (Para 137) "Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy: (a) makes as much use as possible of suitable brownfield sites and underutilised land;

- (Para 138) "Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well served by public transport.

- (Para 143) "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

8. On 12 March 2020, the government's new policy paper "Planning for the future" was published. This document sets out the government's plans for housing and planning following the announcements in the 2020 Budget. The overarching theme of this paper was the development of brownfield sites. There was no mention in this paper that greenfield land development should be encouraged.

9. The Campaign to Protect Rural England (CPRE) has analysed the Government's brownfield registers, and in their report "State of Brownfield 2019" dated March 2019 it details that there is still capacity for over 59,000 homes on brownfield sites in the SW region.

High Flood Risk (References relate to the Flood Risk Assessment document)

10. Swindon Village is surrounded by areas of flood plain to the North and East. Areas of the village are already exposed to flooding during heavy rainfall, and Manor Road still floods regularly, despite recent attempts to prevent this happening. Although the planning proposal states that development will not be directly on land designated by the EA as Zones 2 or 3, the Flood Risk Assessment and Drainage Strategy does not provide a sufficient level of assurance that the development will not increase the flood risk to existing neighbouring properties or highways. It also does not provide assurance regarding the flood risk to the new development. It is also unclear from the EA Flood Map for Planning whether recently produced data has been used in the flood mapping, as it is not possible to determine the age of the data used.

(2.2.1) The flood mapping clearly shows adjacent areas of flooding, although the assessment states that there is "no risk of fluvial flooding within the site. The nearest significant flood extent is associated with the River Swilgate north of the proposed site boundary." It should be noted that it stated in APPENDIX H1 Proposed Development - Elms Park Flood Risk Assessment (Planning ref 16/02000/OUT) p.22 7.6.2: "At the centre of the site, around the location where the public footpath crosses the River Swilgate, floodwaters are not confined on the left bank and floodwaters are predicted to encroach onto the floodplains on both banks".

(2.2.3) "The mapping provided by the Environment Agency is based upon aerial LIDAR survey, and places surface water in areas where there are low points in the topography. It is accepted that the mapping is generally coarse in nature." Considering the proximity of areas liable to flooding, the statement that the mapping is "generally coarse" does not give an assurance that the flood risk can be accurately predicted. This reflects a similar comment made in APPENDIX H1 Proposed Development - Elms Park Flood Risk Assessment (Planning ref 16/02000/OUT) (iv): "The completeness or accuracy of this information is not guaranteed by BVL." "we cannot guarantee that during the lifetime of this development flood risk may not exceed that stated in this report".

11. The following statements which I believe to be relevant to this proposal were made in APPENDIX H1 Proposed Development - Elms Park Flood Risk Assessment (Planning ref 16/02000/OUT):

p.29 8.2.11 "on the majority of this site, any water that does enter the ground will be held in the upper sandy layers and topsoil, as little will be able to penetrate the clay layers below"

p.37 10.2.1 "the majority of the site is underlain by Lias Clay deposits which will contain an insignificant amount of water and will only allow limited groundwater flow through them"

p.38 10.2.3 "the one soakaway test that was attempted failed due to rapid inflow of groundwater" "it has been assumed that limited parts of the development areas nearer Tewkesbury Road only could drain to soakaways" Comment: Rapid inflow of water suggests already saturated ground with limited drainage.

12. The severe flooding of 2007 resulted in significant flooding in many areas of the Swindon Village, including Manor Road, Church Rd (including Swindon Village Primary School) and Hyde Lane. This photograph shows the impact of flooding in Swindon Village at Hyde Lane junction with Church Rd. The Flood Risk Assessment and Drainage Strategy provides no assurance that the risk to flooding from such a massive development can be accurately predicted.

[http://www.bbc.co.uk/gloucestershire/content/image\\_galleries/july\\_floods\\_gallery.shtml?30](http://www.bbc.co.uk/gloucestershire/content/image_galleries/july_floods_gallery.shtml?30)

### Arboricultural Assessment

13. Paras (8.3-8.4) "...two high value, category A trees were recorded. The proposals will see the retention of both high value specimens. The retention of one, T93, must be prepared in line an Arboricultural Method Statement, which must detail the necessary measures to be taken during construction to ensure its protection. Without appropriate protection the long-term health of T93 would not be assured." The assessment states

that the Root Protection Area (RPA) for both trees extend under proposed development, and despite paras 5.4-5.12 detailing measures to be undertaken during development to protect the RPA, there appears to be a significant risk to the long term health of these trees.

### Ecological appraisal

14. (p.33 Para 7.19) "No trees are currently due to be removed as part of the development proposal. If this were to change then further assessment of the trees by a suitably qualified ecologist will be required." This statement was made with reference to the presence of bats within the proposed development area. Page 46 shows the location of a tree that has potential for bats. However, the Arboricultural Assessment document at para 5.13 states "A number of trees and lengths of hedgerows are proposed for removal". The table on p.14 para 5.2 shows that approx. 50% of the trees will be removed. It is possible that the tree shown on p.46 of the Ecological Appraisal, which has potential for bats, may be T92B (shown on p.25 of the Arboricultural Assessment), and may be one of the trees to be removed. The presence of bats, and the removal of trees appears to be a concern that requires further assessment by a suitably qualified ecologist.

15. In addition to the species listed in the Ecological assessment, I would like to add that in the area of the proposed development there have been recent sightings of slow worms, buzzards and a barn owl which are all protected under the Wildlife & Countryside Act 1981

### Insufficient time for feedback

With such a large-scale development, and volume of accompanying documentation relating to the planning proposal, the deadline for comments is unacceptable, bearing in mind the potential impact of this development on the local environment. As full-time working individuals, being designated Key Workers during the COVID-19 pandemic, it has not been possible to review all the documentation and respond in the amount of time that has been given. The comments provided here are based on only a few of over 60 documents that are listed.

43 Dark Lane  
Cheltenham  
Gloucestershire  
GL51 9RN

**Comments:** 17th June 2020  
Letter attached.

Trails End  
Stantons Drive  
Swindon Village Cheltenham  
Gloucestershire  
GL51 9RL

**Comments:** 25th March 2021

Save the Countryside provide the following statements of objection to the revised planning application which is the first phase of the Elms Park development detailed in

planning application 16\_02000\_OUT. The outcome of that planning application is still not finalised.

Many of the comments and objections that we raised in accordance with the application raised in 2020 remain as we have not seen satisfactory detail that resolves our concerns. We list those and all our comments below.

As this application refers to part of the largest incursion into previously greenbelt land. It is the position of Save the Countryside that this specific development, and all of Elms Park should set the standard for future similar developments in terms of sustainability and having the least possible detrimental impact on the environment and the existing population.

A key point is that this development is assumed to depend on infrastructure such as schools and cycle paths that are part of the wider Elms Park proposal, and these have not yet been approved. Approval of this phase must wait until overall approval. Access to the new site must be via Tewkesbury road as the original plans for Elms Park indicated, otherwise there is a danger of overwhelming traffic problems in the future, particularly when this area links to the full 4100 house estate.

Details of specific objections

### 1. Sustainable Development - amended comment from 23.6.2020

We are disappointed not to discover any more specific detail, comments or changes in relation to our previous comments. Except for the brief statement in 2.2.31 that the energy efficiency of the buildings will be improved in response to the government building regulations and future homes standard consultation.

Save the Countryside believe that this development should set the gold standard in terms of sustainability for the rest of the Elms Park development and many others nationwide - (such as following PassivHaus standards)

The evidence provided does not demonstrate adequate sustainability. This is contrary to what was promoted during the publicity of Elms Park, and throughout the Joint Core Strategy, and Cheltenham plan inquiry process.

There is no clear Energy Policy Statement.

There are no details provided mentioning carbon neutral power / Solar panels etc. Electric car charging points should be fully installed (beyond the proposed provision of passive infrastructure) at each property / car space within the development.

Sustainability and Climate Emergency Statement

While the Document is correct in stating that Policy SD3 does not establish energy efficiency targets or renewable energy generation targets for new residential development. In the absence of such a policy one is directed to national policy. The NPPF includes a presumption in favour of sustainable development, and specifically benchmarks this to national standards.

"New development should be planned for in ways that...can help reduce greenhouse gas emissions, such as through location, orientation and design. Any local requirements for

sustainability of buildings should reflect the Government's policy for national technical standards."

Paragraph 150, National Planning Policy Framework, 2019

In July 2019 Cheltenham Borough Council declared a climate emergency so this development as the first phase in one of the largest ever to be built on previously green belt agricultural land should set the standard for carbon neutral development.

During the Joint Core Strategy and the outline planning application for the whole Elms Park development proposals were promoted as sustainable development

This development as phase 1 of approx. 4100 homes and additional industrial and retail units must adhere to that statement.

More details are required to support sustainable development - specifically, the details included in the Sustainability and Climate Emergency Statement doc 1052523 should include specific measures to achieve carbon neutral status in this development. Point 8 does not provide any detail on green energy which must be a condition of the development approval other than the general comment that an efficient gas condensing boiler will be installed in each property.

This development should lead by example with reduced emissions per building  
All the homes should meet the PassivHaus standards (reference route to Zero Carbon standards doc and <https://www.passivhaustrust.org.uk/> )

The Persimmon Website states "We use the latest construction techniques and renewable energy sources such as solar panels and air-source heat pumps to make your home future-proof" but this application still does not specify any such measures.

A condition should be that the new homes be set up to store and even generate excess photovoltaic electricity for subsequent or external use with Heat pumps to further reduce carbon emissions.

### Emissions Rates

Despite the general positive statements regarding the building materials to be used and that the emissions rates are in line with current government standards, this development as an important example should match or improve upon the Emissions rates achieved in the following developments

Milton Keynes MK Smart program  
North West Bicester Eco town  
Norwich - Goldsmith Street

And as proposed in the Cotswold planning application for development of 88 homes at Severell's Field in Siddington, near Cirencester

### 2. Transport / Highways Infrastructure - amended comment

We note the comment by Highways England of no objection. However, their comment relates only to this specific site and not the wider Elms Park area.

We re iterate our concerns regarding road infrastructure below, considering the area around the site and the surrounding key roads have considerable congestion at peak times.

This application is a part of the overall Elms Park development. For that outline planning application Highways England has already advised that no approval is granted until the transport assessment work is completed.

Until the full transport study has been completed following the Cheltenham Plan, then the planning application as is cannot be approved from a transport perspective.

Save the Countryside believes that the Transport proposals for this part of Elms Park are unworkable and that the eventual congestion caused by traffic generated by the quantum of development will be unsustainable, bringing into question the sustainability of the whole proposal. Until the full transport infrastructure issues are resolved, this part of the development should not be permitted.

The Persimmon Transport Assessment document and the Persimmon Travel plan document documents state the assumption that the Highways England work is expected to be completed by 2024. So far, no evidence of work started has been found so it is unlikely that this work will all be completed by 2024. "Due to the application timescales, the Paramics modelling will not be completed prior to submission. It is intended the model results would follow-on shortly after submission as a separate addendum." This isn't acceptable - there must be sufficient modelling before the application can be considered. And it must consider the full 4100 houses as well as all the other houses that are being built in the area that rely on Tewkesbury road.

Save the Countryside have clearly stated during the consultations on the Cheltenham plan that additional traffic alleviation is required in the wider area including 2-way access on the M5 Motorway - this must be undertaken before this planning application can be approved.

As already stated in our comments on the Elms Park Outline planning application, there is insufficient evidence to demonstrate the modal shift in transport that would alleviate the additional congestion caused in the immediate and surrounding area.

The Area of Swindon Village Wymans Brook, Bishops Cleeve and Prestbury are today under pressure from Infrastructure limitations as listed below:

Existing Road Constraints in the Area surrounding the Elms Park Phase 1 (Swindon Farm) development

- Manor Road - often one lane of the road is blocked by delivery vehicles / transporters delivering to the Industrial units on Manor Road and Runnings Road resulting in delays and danger to pedestrians.
- Princess Elizabeth Way, congestion and poor air quality due to its use as access to M5 Motorway southbound
- Swindon Road - narrow railway bridge,
- Hyde Lane - low Railway bridge,
- Swindon Lane -level crossing
- Tewkesbury road already congested from M5 motorway junction towards Cheltenham

Site Access at Manor Road

In the Design and Access Statement for the Elms Park Outline planning application (16/02000/OUT)

the statement was made regarding the Elms Park second access point from Manor Road:

"This access was specifically requested by the local authority to increase local access to the central green space within the site. However, vehicular access has been removed and restricted to pedestrian and cycle access only."

This statement should be adhered to. The main access for this part of Elms Park Development during and after construction should only be from Tewkesbury Road. Now, this application reverses this statement by including a roundabout junction with Manor Road to serve the 265 houses and the adjacent proposed industrial / retail site directly via a single spine road. The site proposed in this application will be connected to the rest of the wider Elms Park development via extensions to the proposed internal site roads. Upon completion of the other phases of development, the exit onto Manor Road could be accessible to over 4100 homes and businesses.

Today Manor Road is very congested especially during peak times. The congestion has increased considerably with the increased usage of the Gallagher and other close by retail parks and the Kingsditch industrial Estate.

Already Manor Road and Runnings Road and the continuation of Manor Road up through Swindon Village are used as an alternative to Kingsditch lane to access Bishops Cleeve. If an additional volume of cars from this development are also using Manor Road, the situation will worsen.

Reducing the speed limit to 30mph along Manor road should be a condition of approval.

"Replacement of the Runnings Road / Kingsditch Lane / Wymans Lane double mini-roundabout with traffic signals" also to be welcomed since this is a very difficult place for pedestrians to cross and may impede people from walking to town.

### M5 Motorway

Section 7.4.4 of the Transport Assessment states:

"Based upon review of the traffic distribution in Table 6-6, only a small proportion of these arrivals would be via M5 J10. It is therefore unlikely that the development would exacerbate queuing at the junction, although this will be confirmed by the outputs of the Paramics model."

This statement is misleading as already today there is unsafe queuing traffic on the southbound hard shoulder of the M5 at J10 is due to the congestion experienced along the Tewksbury Road corridor into Cheltenham, including the junction with Manor Road. Due to the lack of adequate modelling, the Transport Assessment fails to consider the impact of the all journeys to and from this site on this important issue.

This application should not be approved until the specific details and timelines of the motorway junction improvement have been agreed

### 3. Public rights of Way - amended comment from 23.6.20

We note there has been some improvement in the revised proposal on this topic. But our comments remain.

Clear ownership of the maintenance of the footpaths in the whole Elms park area during the period of development must be clarified.

Cycle routes: While we support that the cycle route has been given priority across the adjoining roads at their junctions with the spine road, Specific enforceable plans for Cycling and clear designated footpaths through and leading from the site into neighbouring areas must be provided before approval.

Public Transport -supported

The installation of a Travel Plan Co-ordinator and measures to promote walking and Cycling is welcomed. A condition must be that this encompasses the wider area beyond Tewkesbury Road.

Electric vehicle charging ports should be part of the parking provision.

#### 4. Local green Space (LGS) - amended comment from 23.6.20

The Local Green Space that has been agreed to be included as part of the proposed Cheltenham plan has not been clearly identified within the documents. This results in an inaccurate representation of the overall area to be developed and leads to questions on the usage and maintenance of the designated local green space areas.

#### 5. Infrastructure / Services - amended comment from 23.6.20

According to outline plans in according with the Joint Core Strategy, the Elms Park development was promoted to deliver sufficient schooling and medical provision. There is no school or medical provision during this phase 1 for 265 homes just a reference that this will be part of the wider Elms Park Development (page 18 design and access statement) yet no formal indication of when this provision will be made. The closest School - Swindon Village Primary School is currently at full occupation. We expect demand on this school will be increased by the demands of families living in this development. A condition of this development should be the provision of a Nursery / Primary school.

#### 6. Flooding - amended comment from 23.6.20

We note the additional detail regarding the attenuation pond but details of the long-term maintenance plan and responsibility for the maintenance (beyond the comment regarding a management Company) must be confirmed.

A condition of the planning approval must be a total review of the surface road and area drainage in Manor road - Today land in this area particularly Manor Road by Dog Bark Lane frequently floods and has surface water for long periods (with flood water flowing south on Manor road towards the area of development) immediately after heavy rainfall as the existing drainage is unable to manage the water. This must be factored into the development.

Supplementary evidence to prove that the proposed flood alleviation from Fluvial and Pluvial flooding and water treatment plans are sufficient not only for the 265 homes as part of this development but are sufficient or easily adaptable for the wider scale Elms Park Development must be provided.

#### 7. Ecology / Wildlife - amended comment from 23.6.20



As echoed in the consultation statement from Natural England, there is a need to conduct a more detailed wildlife survey as much information regarding existing wildlife habitats is missing from the documentation.

A condition of acceptance should be for badger monitoring to be carried out immediately before building.

There should be a strong commitment to providing bat boxes and habitat for birds and other wildlife in the identified green areas of the site.

Measures to support the displaced wildlife such as hedgehog highways within the garden and green infrastructure should be included.

8. Arboriculture report amended comment from 23.6.20

We note the updated arboricultural report from February 2021.

As Sections of established hedgerow are also to be removed, a condition must be that more hedgerows and trees should be retained or new ones planted within the scheme, to compensate for those which will be removed.

29 Dark Lane  
Cheltenham  
Gloucestershire  
GL51 9RN

**Comments:** 22nd March 2021

No clear safe pedestrian crossing to allow access to/from Swindon Village (Manor Road to/from Gallagher Retail park.

The proposed 3 story development out of keeping with all other properties in surrounding area; will lead to precedence for all future development.

Are there any guarantees/covenants to ensure proposed small remaining green spaces within development cannot be built upon?

Are there any guarantees/covenants to ensure that the proposed new trees will be planted and maintained and will not be removed?

56 Quat Goose Lane  
Cheltenham  
Gloucestershire  
GL51 9RP

**Comments:** 14th January 2022

Repeating our objection to this application. The updates are minor and do not address the key issues relating to this development, namely traffic/highways, and the lack of facilities provided for the new residents. This is an attempt to get started with Elms Park, before Elms Park has been approved.

In addition, the recent government decision to pause any creation of new Smart Motorways should further call into question the impact of the Elms Park proposal, and as such any attempts by developers to begin building on the site should also be paused.

**Comments:** 16th June 2020

I strongly object to this application for two main reasons:

1. The infrastructure required to support the development does not yet exist. In much of the supporting documentation, the solutions provided to requirements of sensible and low impact development, are simply references to the larger Elms Park development. As this does not yet exist, and is currently 'Pending consideration', it is unreasonable to accept the amenities it may or may not include as reasons why this development would not be detrimental to the local area.
2. The traffic implications of only one entrance/exit to this development, and the location being on an already severely congested route.

Details of my objections:

- Location - Point 3.2 of Transport Assessment confirms that the only entrance/exit for this development is sandwiched between Runnings Road (major route through large trading estate), and Tewkesbury Road (Major A road to/from Cheltenham centre), with a roundabout serving Gallagher trading estate and Kingsditch retail park in between. Already a very congested route both at weekday mornings and afternoons, plus weekends. Adding another roundabout and several hundred vehicles onto this route will cause significant traffic issues for residents and businesses.
- Rat run - Given the choice of routes available to new residents of the development, it is clear that for anyone wishing to travel locally to the North, North-East, East (North Cheltenham, Cleeve, Winchcombe, Tewkesbury, Evesham, etc), they would use Manor Road to cut through Swindon Village using Church Road. Already an overused cut-through, this would increase traffic on a narrow residential street, including directly passing the Primary School, and local pre-school.
- Schools - Distances to nearest schools are well outside 'Acceptable' distance for walking, and the routes are not well suited for walking or cycling with children i.e. busy roads, narrow footpaths, crossing toward Swindon Village has no controlled crossing facilities or safe crossing point. This would certainly add to car journeys being made to/from the development. In addition, the nearest primary school referenced in the documentation is full and over-subscribed already.
- Local facilities - In addition to schools, the documentation asserts that there are a good number of local facilities accessible by foot or bike. However very few sit within the 'Acceptable' range, and in reality, would be undertaken by car.
- Point 4.1.2 - This states "Access to the site will be gained from Manor Road and connections through the site will subsequently provide access to further phases of development." Are we to assume that the rest of the Elms Park development is already decided? If Elms Park does not yet exist and is 'Pending consideration', how can this be taken into consideration for this application?

- Points 4.2.2, 4.2.3, 4.2.4 - In addition to the above, each of these points used the potential of Elms Park to prevent the developer having to solve any of the problems faced by this development.
- It is clear from the provision of garages, driveways and parking, that the developer is fully expecting each household to own and use multiple vehicles.
- Green space - The provision of green space is woefully poor for this many houses. A narrow strip with a pylon in the centre and overhead electrical cables is very unlikely to become a chosen recreation facility. This will further encourage more car journeys from the development.
- It is also stated that the baseline survey will not be used to set transport and traffic targets due to low sample size. It states that the second annual survey will be used to set targets. I find it wholly unacceptable that targets for traffic management would not even be set within two years of development. This shows a complete disregard for the actual impact of development.

To conclude, this entire proposal reeks of jumping the gun, rather than waiting for the approval of the wider Elms Park development. Elms Park is referenced again and again throughout this application, as the solution to all the issues this development will cause. This is clearly part of a wider development that has not yet been approved.

Adding hundreds of cars onto an already very busy set of roads is extremely worrying, and judging by the pace of the Elms Park development to date, it could be many years before any of the amenities and transport links that it will bring to this development become a reality.

I would therefore repeat my objections to this development going ahead based on the negative impact it will have on residents, businesses, and commuters.

31 Dark Lane  
Cheltenham  
Gloucestershire  
GL51 9RN

**Comments:** 16th June 2020

This will greatly change the village and impact the people who live here. It will change the character of the village and will limit the countryside space we have and use. Extra traffic on manor road will cause the village to be used as a cut through and make it less safe for our children and make it more difficult to get to our home. It is already very busy at different times along manor road and near the retail park. Adding 260 houses will make it even more busy and impact those of us already living in Swindon Village.

Tanglin  
Oakley Road  
Cheltenham  
Gloucestershire  
GL52 6NZ

**Comments:** 29th September 2020

I wish to register a strong objection to this application on the grounds of Road Safety. I notice from the Applicant's plans ['scheme proposals' drawing] that the proposed road access to this site, together with the main roads and side cul-de-sacs within the site, are almost entirely flat, wide and straight. There appear to be no steep gradients, narrow roads, tight corners or twisting sections.

CBC Planning Committee Councillors heard expert evidence from Mr Stephen Hawley, Gloucestershire County Council's Highways Development Management Team Leader, at the Planning Committee meeting considering application 20/00683/OUT on Thursday 17th September 2020. Mr Hawley advised the Planning Committee that the tortuous road access to this site via Ewens Farm Estate and Oakhurst Rise actually has some advantages because, being thereby a less conducive environment for motorists, this would actually make "a more safer (sic) environment for pedestrians and cyclists", precisely owing to the tortuous nature of these roads. Tortuous in this instance referred to the characteristics of these roads being twisting, of restricted width and with a very steep gradient. None of these characteristics appear to have been included by the Applicant for the road access to the proposed Elms Park site. One can only assume, therefore, that they are not as safe as could be achieved or as would be desired by Gloucestershire County Council Highways Development team.

Clearly, in light of the expert evidence provided by the highly experienced Mr Hawley, this makes the roads noticeably less safe than would be the case if such characteristics were to be incorporated into the road design. As it would be a relatively simple matter to lower traffic speeds and improve cycle and pedestrian safety by revising the road scheme so as to include at least some of these tortuous features, I find it hard to understand why Gloucestershire Highways have not, thus far, insisted upon such a revision.

So, until such features have been firmly and irrevocably incorporated into the site's access road and internal roads, I strongly request that you refuse permission for this application to proceed; this being in the interests of ensuring the safety of all future residents, pedestrians and cyclists within the proposed Elms Park Estate.

2 Mews Cottage  
St Peters Lane  
Dumbleton  
WR11 7TL

**Comments:** 2nd July 2020

From: Uckington Parish Council

Comments (Numbered 1 to 7 on above proposal)

Date: 25th June 2020

1. The land subject of the application is currently in agricultural use and the Parish Council consider there should be an application for change of use from agricultural use to residential use.
2. The Parish Council consider the application is premature since the land subject of the application forms part of the North West Cheltenham / Elms Park JCS Strategic Allocation which is subject to an ongoing application for outline permission

(16/020000/OUT). Until the outline application is determined it is considered there is no basis to make an application for full permission.

3. The proposed development is fundamentally car dependant. It provides for 474 on-site parking spaces ie 1.82 cars per household. This additional vehicle usage will inevitably lead to increased congestion, further reduction in air quality and associated issues. The existing road network is already at breaking point with demands from dwellings, the industrial units, the retail outlets and rat runners. This is compounded by the absence of any provision for cycle routes. If the developers wish to be forward thinking they should have in mind a development that does not have facilities for the car as is the case in some parts of some London boroughs.
4. The Manor Farm Air Quality Statement draws attention to both the existing air quality impact and the increased impacts mainly from Nitrogen Dioxide and particulates arising from any potential development.
5. The Swindon Farm Cheltenham Environmental Noise Assessment underlines a significant need for any potential development to address and mitigate noise from industry and traffic by way of acoustic barriers, glazing and ventilator
6. In relation to the application for outline permission (16/020000/OUT) Highways England have made a formal recommendation dated 21st April 2020 that planning permission not be granted for a period of six months in order to provide further time for Highways England's concerns regarding the proposed North West Cheltenham / Elms Park development's traffic impact on the Strategic Road Network. It is understood that the traffic modelling process is continuing and clearly it is difficult to see how matters can proceed until such time as Highways England are satisfied as to the issues under their control.
7. An Agricultural Land Classification (ALC) Survey does not appear to have been carried out. Such survey, carried out in 1995 by ADAS on behalf of MAFF on Swindon Farm showed 24% of the agricultural land surveyed within ALC Grade 2 (ie very good quality agricultural land). This is, therefore, by definition, best and most versatile agricultural land and should be protected and retained for sustainable food production. 76% was within Grade 3b (ie moderate quality agricultural land).

Moat House  
Uckingotn  
Cheltenham  
GL51 9SP

**Comments:** 10th June 2020  
Letter attached..

Moselle  
Hyde Lane  
Cheltenham  
Gloucestershire  
GL51 9QN

**Comments:** 18th June 2020

This would severely impact congestion around this area causing serious pollution on what is already a heavily used road. Also, the impact on the country side would be negative. This area also floods and I believe that this could cause other neighbouring houses and roads to flood too.

JS Bloor (services) Ltd  
Ashby Road  
Measham  
Swadlincote  
Derbyshire  
DER 7JP

**Comments:** 25th May 2021

Letter attached.

4 Manor Court  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9SD

**Comments:** 13th June 2020

Having seen the plans for the development of 260 homes on what is considered to be phase 1 of the Elms Park development, I must register my objections as detailed below. As I understand this is linked to the North West Cheltenham Strategic Allocation, which as stated in the initial outline application 16/02000/OUT, refers to the need of a Primary School, also a second school to accommodate 4 to 18 year olds. If this was recognised then as a need, how can this application be approved without the need for a additional school as a minimum. There is no possibility of additional children from this development to be accommodated in Swindon Village School, also the effect of more traffic travelling through the village and the general chaos that will be caused at peak times for school drop offs and people using the village as a Rat Run on their way to work. I would therefore, suggest that before this application can be approved the necessary Infrastructure is put in place.

5 Manor Court  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9SD

**Comments:** 19th June 2020

Letter attached.

17 Manor Court  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9SD

**Comments:** 8th June 2020  
Letter attached.

Hedwig House  
Brockhampton Lane  
Cheltenham  
Gloucestershire  
GL51 9RZ

**Comments:** 31st January 2022  
The cycle provision surrounding this development is exceptionally poor.

A 230 metre cycle route along Manor Road is broken up by two toucan crossings and two road crossings. It is not practical at all for any cyclist to use this route. At 15mph it takes 34 seconds to cycle this route currently. It'll take an awful lot longer having to wait at two traffic light crossings and cross two roads in this distance instead.

It is obvious that this route will not be used by any cyclists, causing car drivers to become angry as they are forced to wait behind cyclists riding on the narrow road when there is an (albeit unusable) cycle path to the left or right of them.

**Comments:** 10th June 2020  
Policy A4 states that developers are expected to deliver:

"Safe, easy and convenient pedestrian and cycle links within the site and to key centres, providing segregated links where practical"

Under the heading "Accessibility by Cycle", paragraph 3.4.13 refers to an extract of the Cheltenham Cycle Map. The map that Persimmon has included specifically illustrates that the only way to cycle to or from the proposed development is on a busy road with fast traffic, requiring increased cycling experience. The development will of course exasperate this problem. The developer has specifically illustrated how inaccessible the site is by cycle, which is presumably not what is required of a Transport Plan.

I cycle along Manor Road every day and cars often perform dangerous overtaking manoeuvres in order to attempt to pass cyclists whilst there is traffic coming in the opposite direction. Cycling along Manor Road is certainly not safe, easy or convenient.

The solution for this would be for the developer to provide a segregated cycle lane along Manor Road, starting at the development and ending at the cycleway referred to in paragraph 3.4.12. I believe that the application should be refused until this can be provided.

The footpath along Manor Road is narrow and the surface is deteriorating. I know from experience that two pushchairs cannot pass each other along it. In order to encourage the use of this path by new occupants of the development, it would be prudent to upgrade and widen it, as has been done at the Kingsditch end of the path.

In a similar vein, paragraph 10 of the NPPF states that developers must:

"Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas"

There is a public footpath that runs through the site. It is clear from the plan that houses have been placed on the site with little regard for the footpath, which has been diverted to use the closest available estate road to it. I believe that the footpath should have priority - its route should remain, with the houses arranged in such a way as to promote the footpath as a pleasant route through the site, rather than effectively having it disappear forever into a generic estate road.

25 Dark Lane  
Cheltenham  
Gloucestershire  
GL51 9RN

**Comments:** 13th January 2022

In respect of the revised and additional information:

- 1) Vehicle access documents fail to include any allowance for parked vehicles which will undoubtedly take up between 2 metres and 4 metres of the designed carriageway space leaving little or no room for emergency vehicles etc.
- 2) Revised housing locations and types proposed fail to reflect the recent preferred local designs featured in the nearby St Lawrence Court. IE Bungalows and use of local Cotswold stone.
- 3) New access road design still exits onto Manor Road/Runnings Road, it fails to exit the site via the obvious existing access road to the side of Gallagher Retail Park
- 4) Thursday 7th October the Prime Minister pledged there were to be no homes on green field sites. Presumably the whole Elms Park development is therefore abandoned?

**Comments:** 17th March 2021

Revised plans for this Green Belt development do not remove the access from Manor Road and redirect it to the already constructed access road adjacent to Gallagher Retail Park.

As an estimate 2" rainfall on this proposed development would generate 8 million gallons of surface water draining rapidly from the site. The existing fields retain and release this slowly.

I doubt the capacity of the attenuation basin would be able to accommodate this

**Comments:** 17th June 2020

- 1) First and foremost this is an incursion into what is historically Green Belt.



- 2) The buildings proposed are of a standard 'clone' type and make no reference or contribution to adjacent architecture or to Regency Cheltenham. The density of housing in this proposal has the potential to create slum conditions particularly around the smaller units.
- 3) Vehicular access has been badly and inaccurately assessed. Table 6-5 Transport Assessment does not include any reference to existing local traffic flow issues. Absolutely no consideration has been given to the likely use of the area for parking by local business users. (Councillors will be aware of the ongoing issues in the vicinity of GCHQ)
- 3a) During public consultations there was a clear commitment that traffic would only access the Elms Park green belt incursion from Tewkesbury Road. That appears to have been overlooked.
- 4) Swindon Village has a tradition of no street lighting, confirmed by local referendum. (see Parish Council minutes) I see no reference to this in any document submitted.
- 5) Flood mitigation makes no reference to the undoubted enhanced flood risk to historic Medieval Tewkesbury from the River Swilgate.
- 6) Generally claims that there is adequate infrastructure are misleading particularly in respect of local schools.
- 7) Persimmon has a particularly poor site development and build quality record. This is widely reported on the internet, press and elsewhere. This application should be considered in that context.

SAVE THE COUNTRYSIDE  
Trails End  
Stantons Drive  
Swindon Village Cheltenham  
Gloucestershire  
GL51 9RL

**Comments:** 23rd June 2020

A separate document will be sent with the full comments [available to view in Documents tab] - as copied below:

As this application refers to part of the largest incursion into previously greenbelt land, this specific development, and all of Elms Park should set the standard for future similar developments in terms of sustainability and having the least possible detrimental impact on the environment and the existing population.

1. Sustainable Development

This development should set the gold standard in terms of sustainability for the rest of the Elms Park development and many others nationwide - (such as following PassivHaus standards)

The evidence provided does not demonstrate adequate sustainability. This is contrary to what was promoted during the publicity of Elms Park, and throughout the Joint Core Strategy, and Cheltenham plan Inquiry process.

There is no clear Energy Policy Statement.

There are no details provided mentioning carbon neutral power / Solar panels / Electric car charging points.

### Sustainability and Climate Emergency Statement

While the Document is correct in stating that Policy SD3 does not establish energy efficiency targets or renewable energy generation targets for new residential development. In the absence of such a policy one is directed to national policy. The NPPF includes a presumption in favour of sustainable development, and specifically benchmarks this to national standards.

"New development should be planned for in ways that...can help reduce greenhouse gas emissions, such as through location, orientation and design. Any local requirements for sustainability of buildings should reflect the Government's policy for national technical standards."

Paragraph 150, National Planning Policy Framework, 2019

In July 2019 Cheltenham Borough Council declared a climate emergency so this development as the first phase in one of the largest ever to be built on previously green belt agricultural land should set the standard for carbon neutral development. During the Joint Core Strategy and the outline planning application for the whole Elms Park development proposals were promoted as sustainable development

This development as phase 1 of approx. 4100 homes and additional industrial and retail units must adhere to that statement.

More details are required to support sustainable development - specifically, the details included in the Sustainability and Climate Emergency Statement doc 1052523 should include specific measures to achieve carbon neutral status in this development. Point 8 does not provide any detail on green energy which must be a condition of the development approval other than the general comment that an efficient gas condensing boiler will be installed in each property.

This development should lead by example with reduced emissions per building

All the homes should meet the PassivHaus standards (reference route to Zero Carbon standards doc and <https://www.passivhaustrust.org.uk/> )

The Persimmon Website states "We use the latest construction techniques and renewable energy sources such as solar panels and air-source heat pumps to make your home future-proof" but this application does not specify any such measures.

A condition should be that the new homes should be set up to store and even generate excess photovoltaic electricity for subsequent or external use with Heat pumps to further reduce carbon emissions.

### Emissions Rates

Despite the general positive statements regarding the building materials to be used and that the emissions rates are in line with current government standards, this development as an important example should match or improve upon the Emissions rates achieved in the following developments

Milton Keynes MK Smart program  
North West Bicester Eco town  
Norwich - Goldsmith Street

And as proposed in the Cotswold planning application for development of 88 homes at Severell's Field in Siddington, near Cirencester

### 2. Transport / Highways Infrastructure

This application is a part of the overall Elms Park development. For that outline planning application Highways England has already advised that no approval is granted until the transport assessment work is completed.

Until the full transport study has been completed following the Cheltenham Plan, then the planning application as is cannot be approved from a transport perspective.

Save the Countryside believes that the Transport proposals for this part of Elms Park are unworkable and that the eventual congestion caused by traffic generated by the quantum of development will be unsustainable, bringing into question the sustainability of the whole proposal. Until the full transport infrastructure issues are resolved, this part of the development should not be permitted,

The Persimmon Transport Assessment document and the Persimmon Travel plan document documents state the assumption that the Highways England work is expected to be completed by 2024. So far, no evidence of work started has been found so it is unlikely that this work will all be completed by 2024. "Due to the application timescales, the Paramics modelling will not be completed prior to submission. It is intended the model results would follow-on shortly after submission as a separate addendum." This isn't acceptable - there must be sufficient modelling before the application can be considered. And it must consider the full 4100 houses as well as all the other houses that are being built in the area that rely on Tewkesbury road.

Save the Countryside have clearly stated during the consultations on the Cheltenham plan that additional traffic alleviation is required in the wider area including 2-way access on the M5 Motorway - this must be undertaken before this planning application can be approved.

As already stated in our comments on the Elms Park Outline planning application, there is insufficient evidence to demonstrate the modal shift in transport that would alleviate the additional congestion caused in the immediate and surrounding area.

The Area of Swindon Village Wymans Brook, Bishops Cleeve and Prestbury are today under pressure from Infrastructure limitations as listed below:

Existing Road Constraints in the Area surrounding the Elms Park Phase 1 (Swindon Farm) development

- Manor Road - often one lane of the road is blocked by delivery vehicles / transporters delivering to the Industrial units on Manor Road and Runnings Road resulting in delays and danger to pedestrians.
- Princess Elizabeth Way, congestion and poor air quality due to its use as access to M5 Motorway southbound
- Swindon Road - narrow railway bridge,
- Hyde Lane - low Railway bridge,
- Swindon Lane -level crossing
- Tewkesbury road already congested from M5 motorway junction towards Cheltenham

### Site Access at Manor Road

In the Design and Access Statement for the Elms Park Outline planning application (16/02000/OUT)

the statement was made regarding the Elms Park second access point from Manor Road:

"This access was specifically requested by the local authority to increase local access to the central green space within the site. However, vehicular access has been removed and restricted to pedestrian and cycle access only."

This statement should be adhered to. The main access for this part of Elms Park Development during and after construction should only be from Tewkesbury Road.

Now, this application reverses this statement by including a roundabout junction with Manor Road to serve the 260 houses and the adjacent proposed industrial / retail site directly via a single spine road. The site proposed in this application will be connected to the rest of the wider Elms Park development via extensions to the proposed internal site roads. Upon completion of the other phases of development, the exit onto Manor Road could be accessible to over 4100 homes and businesses.

Today Manor Road is very congested especially during peak times. The congestion has increased considerably with the increased usage of the Gallagher and other close by retail parks and the Kingsditch industrial Estate.

Already Manor Road and Runnings Road and the continuation of Manor Road up through Swindon Village are used as an alternative to Kingsditch lane to access Bishops Cleeve. If an additional volume of cars from this development are also using Manor Road, the situation will worsen.

Reducing the speed limit to 30mph along Manor road should be a condition of approval.

"Replacement of the Runnings Road / Kingsditch Lane / Wymans Lane double mini-roundabout with traffic signals" also to be welcomed since this is a very difficult place for pedestrians to cross and may impede people from walking to town.

### M5 Motorway

Section 7.4.4 of the Transport Assessment states:

"Based upon review of the traffic distribution in Table 6-6, only a small proportion of these arrivals would be via M5 J10. It is therefore unlikely that the development would

exacerbate queuing at the junction, although this will be confirmed by the outputs of the Paramics model."

This statement is misleading as already today there is unsafe queuing traffic on the southbound hard shoulder of the M5 at J10 is due to the congestion experienced along the Tewksbury Road corridor into Cheltenham, including the junction with Manor Road. Due to the lack of adequate modelling, the Transport Assessment fails to consider the impact of the all journeys to and from this site on this important issue.

This application should not be approved until the specific details and timelines of the motorway junction improvement have been agreed

### 3. Public rights of Way

"Delivery of the walking and cycling infrastructure strategy will improve accessibility between the site and key destinations by walking and cycling"

Clear ownership of the maintenance of the footpaths in the whole Elms park area during the period of development must be clarified.

A condition of planning should be the clear installation of cycle paths in the surrounding area.

Specific enforceable plans for Cycling and clear designated footpaths through and leading from the site into neighbouring areas must be provided before approval. This must include a suitable cycle route into Cheltenham from the site and nearby neighbourhoods like Swindon Village.

### Public Transport -supported

The installation of a Travel Plan Co-ordinator and measures to promote walking and Cycling is welcomed. A condition must be that this encompasses the wider area beyond Tewkesbury Road.

Electric vehicle charging ports should be part of the parking provision.

### 4. Local green Space (LGS)

The Local Green Space that has been agreed to be included as part of the proposed Cheltenham plan has not been fully included in the documents. This results in an inaccurate representation of the overall area to be developed.

### 5. Infrastructure / Services

While we understand that the wider Elms Park Development has expectations for School Shopping and Healthcare facilities, there is no clarity on when those will be provided. For this application there are no details regarding the provision of specific services such as schools or healthcare facilities by specific time periods and no commitment to give assurance that they would be in place before residential occupancy. The local Swindon Village Primary School may be heavily impacted by the demands of families living in this development. A condition of this development should be the provision of a Nursery / Primary school.

### 6. Flooding

A condition of the planning approval must be a total review of the surface road and area drainage in Manor road - Today land in this area particularly Manor Road by Dog Bark Lane frequently floods and has surface water for long periods (with flood water flowing south on Manor road towards the area of development) immediately after heavy rainfall as the existing drainage is unable to manage the water. This must be factored into the development.

Supplementary evidence to prove that the proposed flood alleviation from Fluvial and Pluvial flooding and water treatment plans are sufficient not only for the 260 homes as part of this development but are sufficient or easily adaptable for the wider scale Elms Park Development must be provided.

### 7. Ecology / Wildlife

There is a need to conduct a more detailed wildlife survey as much information regarding existing wildlife habitats is missing from the documentation

A condition of acceptance should be for badger monitoring to be carried out immediately before building.

There should be a strong commitment to providing bat boxes and habitat for birds and other wildlife in the identified green areas of the site.

### 8. Arboriculture report

There is a wide variety of mature trees and hedgerows on the site and there is a plan for a huge reduction in these trees which will have an impact on biodiversity and health and wellness for people.

Sections of hedgerow are also to be removed, and we consider this to be a negative impact on the area. The ecological appraisal report states "Hedgerows provide the habitat of greatest biodiversity value on Site". There are also dormice living in the hedgerows who need to protection.

A condition must be that more hedgerows and trees should be retained in addition to the planting of new trees and hedgerows. Specifically, trees near the boundary of the site must be protected.

9 Glynbridge Gardens  
Cheltenham  
Gloucestershire  
GL51 0BZ

### **Comments:** 12th July 2020

I strongly object. This is a beautiful green belt side with wonderful wildlife. It is also a flood plain. This site should not be built on a barrier is needed between Swindon Village and Uckington. This is too many houses for this area and will have a huge environmental impact.

Also the sign that went up with planning permission was put up during lockdown so many people will not have seen this and have had time to give their opinions

**Comments:** 12th July 2020

This is a beautiful green belt side with wonderful wildlife. It is also a flood plain. This site should not be built on a barrier is needed between Swindon Village and Uckington. This is too many houses for this area and will have a huge environmental impact.

14 Chapel Lane  
Woodmancote  
Cheltenham  
GL52 9HT

**Comments:** 6th June 2020

Despite the statement on page 24 of the Design and Access Statement that the proposed development will "Enliven and provide connections to the existing network of Public Rights of Way" there is no evidence that this objective has been reflected in the design.

The proposed diversion of the Public Right of Way CHS16 completely ignores the recommendations of Rights of Way Planning Circular 1/09, in particular section 7.8 which states

"7.8 In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic."

On this basis the proposed diversion is unacceptable and should, as recommended, follow a green corridor through the development which encourages the use of the route and supports the objectives of the Gloucester County Council Rights of Way and Countryside Access Improvement Plan and the Central Severn Vale Cycling and Walking Infrastructure Plan which seek to encourage the development of the footpath network, not the degradation of routes by urbanisation.

51 Mandarin Way  
Cheltenham  
Gloucestershire  
GL50 4RR

**Comments:** 13th June 2020

Access - should not be from Manor Road. This is already far too busy for a small village and will be very dangerous, especially given the location. There do not appear to be any plans for infrastructure improvements.

No evidence of sustainability.

This is Green Belt land and is vital for the health and wellbeing of the local community both physical and mental.

Footpaths and bridal paths are in constant use by walkers, horse and bicycle riders use these routes daily.

Desecration of wildlife habitats

11 Hulbert Close  
Cheltenham  
Gloucestershire  
GL51 9RJ

**Comments:** 17th June 2020

I have several points of objections I'd like to make:

- 1) 260 new homes means an addition of at least over a thousand people added to the village. The current roads and infrastructure cannot already cope with the retail and industrial park. Not to mention the new businesses that will join the kingsditch Estate shortly. This population increase will also impact on the public sector. What support will they have to manage this influx? I think additional roads off perhaps Tewksbury road would be more beneficial.

With this in mind, wouldn't a new housing estate be more appropriate off HAYDEN road before you turn into Next and Sainsbury's. Construction traffic will have easy access and there will be less disruption to Residential neighbours. I have also known that area of land be dormant for over twenty years.

- 2) You are destroying Cheltenham's green belt. That area of proposed planning is regularly used by the public and farm land. It is a pretty and beautiful space and should be protected for environmental purpose, future generations and reduction on our carbon footprint.
- 3) the crime rate of the Residential part of Swindon village is low. I appreciate with social housing, as a governing body you can design the houses but not the people you put in them. Out of this new 1000 people 10% will be social housing if not more. Learn from the lessons of Bishops Cleeve. Once a beautiful village now plagued by crime and ASB. Don't let Our historical village be the next Bishops Cleeve and the next undesirable place to live!

6 Manor Court  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9SD

**Comments:** 23rd March 2021

Following the updated information from the developer I would like to add the information below to my concerns in relation to the development.

Please could you read this in conjunction with my previous comments as I believe they are still valid .

In relation 2 flooding

I still have concerns in relation to flooding within the area, as when there is heavy rain part of Manor Rd by the stream area has significant floods, where cars cannot see parts of the road, and at times cars have to move into the middle of the road or divert through



the village. I believe that with excess surface water due to the development, as it will not be absorbed through the ground there is still a risk to increase flooding of Manor Rd which may in turn make it more and more impossible with heavy rain falls .

I note from the information that an alternative for surface water drainage has been mentioned, for it to be diverted into the stream, which seems a possibility however I would strongly advise this is considered, obviously this then may lead to flooding of the stream and therefore flooding of the bridle path at the lower end of the proposed development, I believe further consideration needs to be given and discussed.

Overall, I feel a concern in relation to the probability of increased flooding to Manor Rd. In relation 2 the proposed pedestrian entrance at the bottom of the proposed development

It states on the plans, "dog bark Lane" in fact this is not a Lane it is a muddy bridle path. and I note the drawings shows a slight junction into this bridle path from the road, there is no junction it is just the entrance to the bridle path.

My concerns in relation to this the safety of pedestrians, as on this side of the road there is no pavement therefore pedestrians will need to cross the road to the pavement . However the exit of the bridle path is very close to a steep bend in the road where visibility of cars coming from the Runnings Rd area is poor, also vehicles tend to come round this corner very quickly over 30 miles an hour and would not see a pedestrian crossing the road until it is likely to be too late! Therefore I feel the risk of injury to pedestrians and accidents in this area needs to be considered and if this is going to be used as a pedestrian entrance /exit for the to the proposed development, then I feel consideration needs to be given for a footpath on the same side of the road as the bridle path to allow pedestrians to cross at a safer point along Manor Rd.

In relation to the proposed access to the proposed development along Manor Rd My concerns about this access remained the same, I note from the plans that there are two main accesses from Tewkesbury Road and by the side of Gallagher retail park and that there is a secondary access along Manor Rd, where a proposal for a roundabout for traffic management has been suggested. I also note from the recent new information, the developer has advised that there is already access at this point , however for your information this access road actually is a lane that only led to the farm and therefore only farm vehicles used this track so I would presume possibly up to six vehicles whereas with the development we are looking at 250 vehicles plus and also as the site develops there may be a possibility of 500 to 1000 plus vehicles using this exit or access.

I believe even 250 vehicles extra at peak times of the day would add to the already large traffic numbers/delays and queues seen at peak times which are mornings/ lunch times, and evenings ( outside COVID-19 restriction). There are normally queues from the Manor road /Runnings Rd junction back to the roundabout by Sainsbury's petrol station and beyond and from Runnings Rd which can go back to Swindon Lane. This traffic has increased over the last few years, which I believe is due to the increased development at Bishops Cleeve as traffic uses Hyde Lane to get to different parts of Cheltenham. I am not sure whether traffic volumes have actually been considered and therefore feel that you need to consider this further, as further increased traffic from development is likely to add more pressure to an already busy local small Road.

I also believe that the current proposed area for the roundabout will add more problems as the junction at Runnings Rd /Manor Rd is a few 100 yards in one Direction and the roundabout a few 100 yards the other direction. If there is a requirement for a secondary access then I believe thought should be considered for this to be at the junction of Manor Road and Runnings Rd as this would help manage the traffic in these areas without extra next junction in the current proposed secondary access area, looking at the plans this is likely to be feasible due to land close to this area not being developed on.

However, I believe that there should not be an access into Manor Rd as I feel it will cause increased traffic delays to the local area and businesses and feel that this development should be made to develop the access at side of Gallagher retail park as this is already set up for an access point and I believe the only reason for using Manor Rd, as a secondary access is to commence the Elms park development and that the cost to the developer will be cheaper for the Manor road access than the Gallagher retail park one, I believe that by using the access by Gallagher retail park this will help to reduce congestion in the Manor Rd running's Rd area.

### **Comments:** 28th June 2020

Having reviewed the planning application I have a few comments in relation to the proposed entrance exit to the new build area and the application its self

Firstly

- the application states there are several bus routes along manor road there is only one bus route "H" the others are else where, in my mind as this is not correct, does it bring into question other statements made within the planning application and I feel the application should be thoroughly read by the appropriate areas.

- it also mentions- we do not consider it to compromise the environmental impact. I would beg to differ as the area is very close to a flood plan and with increased housing and reduced fields for drainage the is a possibility the flood plan area grade 3 by the water board may be impacted and increase the probability of increased flooding along the section of manor road leading off Running road. I also feel it will impact traffic going through the village itself as well as the safety of predestinations in the village there is a sharp bend and cars have mounted the kerb due to the narrow road question with no new schools is there room in the local schools.

In relation to the entrance to the new build area you are likely to have at least an increase of 200 -500 cars especially at peak times. at present at peak times up to 3 times a day you can have queues from the manor rd/running road junction to Galliger retail park area and reverse way this usually goes up to Manor Court and beyond and up to the Swindon road and Tewksbury road.

I think the road /traffic surveys were done at non peak times and when schools were off as I remember seeing this take place, therefore the surveys are not a full true audit of the traffic.

Even with a roundabout and traffic management the traffic queues will be worse due to the short space from the junction from Swindon Village and the roundabout.

Why have the construction company not put in plans to have the access by/Next/Sainsburys as this area is much quieter and less used with traffic lights already in place this would then prevent horrendous traffic issues and increase frustration for

traffic in the Swindon Village area which has increased dramatically since the increased housing in Bishops Cleeve.

personal some time it can take me 30minutes plus to get from Manor court to the Manor Rd junction what will this increase to and what environmental effect does idling cars have on the general environment

In my opinion and looking at the facts I believe the council need to seriously consider the access and where it should go in relation to the least possible effect to both local and other traffic that use this area .

Overall I believe the access onto Manor road will cause issues with safety and increased traffic in Swindon Village as well as longer queues and more standstill traffic leading to increased environmental issues.

if the access was by Sainsburys/Next I think the traffic queues would be less as this area sees very little traffic even by people entering Galliger Retail park and therefore less queues means less environmental issues.

the above is the reason for my objection to the current plans,

I believe more research is required by the council and road agencies. as well as the concern on increased flooding to Manor road where it does continue to flood in heavy rain storms and these are increasing

24 Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QP

**Comments:** 22nd June 2020

We object to the proposal on the following grounds.

- 1) Traffic. The traffic along Manor Road is already heavily congested. The road is continually at a standstill with queued traffic and would not cope with the additional vehicles. It would also be likely that drivers would use the Village as a cut through to avoid the queues. It is clearly stated in the Elms Park outline that all traffic to and from the development would be via Tewkesbury Road.
- 2) Flood. The area floods regularly and any development would cause more flooding.
- 3) Green Belt. This area should continue to be designated Green Belt.
- 4) Pollution/Countryside. The additional housing would cause increased pollution and would destroy wildlife habitats.
- 5) Infrastructure. The local Primary school is already full and would not be able to accommodate additional children from the development.

The Bell,  
Brimscombe Hill  
Burleigh  
Stroud  
Gloucestershire  
GL5 2PU

**Comments:** 19th July 2020

Having looked through the details of this application I can find no mention at all of any proposed application to divert Unclassified Road 50387, but it would appear to be an essential prerequisite if the detailed part of this proposal were permitted to proceed. It would also appear to be a prerequisite for the outline part (outlined in blue) of the development to the south and west of detailed part (outlined in red). The 50387 is an untarred 'green lane' and so an important part of the local public rights of way network - footpath CHS16 links to it. Such 'green lanes' are a decreasing and often overlooked part of our countryside so every effort should be made to preserve them, and not have them replaced by bland, uninteresting tarred residential estate roads.

The Cider House  
Colmans Farm  
Cheltenham  
GL51 9TG

**Comments:** 27th January 2022

I am so saddened to hear that our lovely village is set to become a suburban sprawl. It will be marketed as 'country village living' whilst it's mere creation ruins the real countryside that was there. Is nothing sacred? In the words of Joni Mitchell "you don't know what you've got 'til it's gone". When will it end?

Colmans Farm  
Elmstone Hardwicke  
Cheltenham  
GL51 9TG

**Comments:** 23rd January 2022

As a resident who will be impacted by this development, I would like to object to this as outlined, on the grounds articulated well by Save the Countryside and Swindon Village Parish Council.

I would particularly note the lack of information provided on the full ecological diversity of the area (including farming) , transport impacts and lack of alignment to local environmental characteristics. I would encourage those reviewing this application to visit the length of Dog Bark Lane and the proposed plot for this development ahead of making any judgements. In so doing I believe it would highlight the impact that the proposal could make to the area, it's residents and ecology.

I would also encourage those reviewing this proposal to travel the roads impacted by extra traffic (both construction and from the extra volume of residents) to review how appropriate the transportation mitigations are. I'd equally encourage doing so on bicycle or consulting cyclists directly on the accommodations being put forward.

Finally I would consult with local GPs (including the Local Medical Council and CCG) and local school heads to understand the impact of extra residents will have upon health and education facilities that are currently overloaded. It would be helpful to gain their recommendations on the require provision for such a large extension to a small village.

JS Bloor Services Ltd  
Ashby Road  
Measham  
Swadlincote  
Derbyshire  
DE12 7JP

**Comments:** 8th March 2022  
Letter attached.

55 Farmington Road  
Cheltenham  
Gloucestershire  
GL51 6AG

**Comments:** 12th January 2022

I would like to object to the proposed application on grounds that the proposed cycle infrastructure connections to the existing cycle network are incomplete and undesirable, and therefore the assumptions around traffic abatement are overstated. Given Cheltenham Borough Council's policies on climate change and active travel, approval of this application would therefore be inconsistent with the stated travel plan ambitions.

I refer to document 'Persimmon Homes South Midlands: Swindon Farm - response to GCC Consultation December 2021' prepared by PJA Birmingham which shows the proposed highways connections.

Although apparently prepared in collaboration with GCC, Appendix D contains errors and design flaws which will make the proposed network unusable for cyclists.

The 1:750 diagram, middle p30, shows no proposed changes to the signal controlled crossing of Manor Road where it connects with Tewkesbury Road. This fails to appreciate that this is currently a puffin, not a toucan, crossing and therefore is not accessible to cycle users. The section of pavement along the north side of the Tewkesbury Road between Manor Road and Hayden Road (in front of Sainsburys) is also pedestrian use only. As such, the proposed shared path makes no connection to existing cycle facilities and will require cycle users to dismount to get anywhere beyond Manor Road.

The decision to position this path on the west side of Manor Road is also risky, creating the need for a crossing of the entrance to the superstore and retail park. Based on published volumes of traffic using this entrance, the proposed uncontrolled crossing at the exit of a roundabout is likely to only represent appropriate provision for 'a few people and will exclude most potential users and/or have safety concerns', based on current LTN 1/20 standards.

Further up, the proposed route requires two crossings for a section on the east side of Manor Road, introducing delay and inconvenience, as well as tight turning circles at each point. This means that the frequency of stops required by cyclists is  $>4$  per km, scoring a 0 on the Cycling Level of Service assessment tool.

Combined, this means that the route will be perceived as undesirable, meaning many will either choose not to cycle, or remain on the road, where their safety is compromised by drivers who perceive cyclists should be 'on the cycle path'. A better arrangement would be to position a dedicated route on the east side of Manor Road, allowing it to cross Rutherford Way (a much quieter arm of the roundabout), and avoiding the need for swapping back and forth further up. Instead, a dedicated crossing directly into the new development access road, and to the superstore could be provided.

This would also avoid the need to upgrade the signals at Tewkesbury road, although there is opportunity for the associated works to require upgrade to an appropriate single phase cycle crossing of Manor Road at the Tewkesbury Road junction, as well as upgrade of the footpath up to Hayden Road to a cycle path, providing future continuity to the proposed M5 J10 works, which stop at Hayden Road, through to the existing Cheltenham network.

Towards Cheltenham, the application fails to address the very wide corner of the access to the Lidl Car park. Again, additional measures here such as a raised table, and a narrowed junction corner radius, would increase safety and amenity of the route.

Finally, the application also fails to address the potential amenity of Dog Bark Lane as a cycle connection. It provides an ideal traffic free route towards Tewkesbury via Hardwicke, but is currently a muddy track that is heavily rutted and often unusable. Including provision for upgrade of this route to a multi-user bridleway with a solid surface and accompanying horse track, would create massive additional connectivity for the development.

The development itself contains many positive cycle features, but for these to be meaningful, it is imperative that they effectively connect to a usable wider network.

Swindon Village

GL51. 9RN.

14. 6. 20

The Manager  
Building Development  
Municipal Buildings  
Cheltenham.

Dear Sir/Madam.

Building Development 20/00759/Ful

With reference to the above at Swindon Village

1/ I am against this development because:-  
the building land is valuable for food  
production + grazing for sheep + cattle.

2/ The meadows towards Swindon Village are  
flood plains + trees + hedges contain flood  
waters + have been since medieval times.

3/ The land is green belt + valuable for wild  
life - birds, animals + insects to pollinate  
our crops.

4/ Pollution from increased vehicles exhausts  
will endanger the population of the area  
+ all roads will be grid locked stretching  
to M5 motorway + beyond. Fine engines  
on Tewkesbury Rd could be held up endangering  
lives.

5/ In the current situation these homes  
will not be affordable to needy people pro.

but only benefit those who <sup>can</sup> afford mortgages  
+ whole scheme could be a 'white elephant' !!

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6/ What should be proposed is the demolition of empty shops, malls + offices throughout country + build needed homes in towns in small groups interspersed with shops + offices + green patches within towns for trees + shrubs - thus rejuvenating towns. Existing shops + offices should provide accommodation above - enabling Councils to collect rents + taxes to provide necessary services for population.

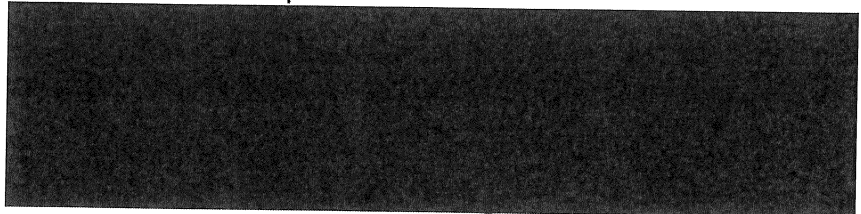
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7/ Underground pipes, drains + cables already exist in towns, + only need keeping up to date.

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8/ Most people enjoy living near shops + it would be a good way to lessen air pollution as they could walk to shop + work instead of using transport. - With Government plans for Zero Pollution by 2050 - We would all be ahead of the game!

Yours sincerely





Cheltenham Planning Department.

Tewkesbury Planning Department.

Highways Gloucestershire.

cc. Mr. L. Robertson MP. Mr. A. Chalk MP.

7<sup>th</sup> June 2020

Dear Sir or Madam,

**Reference : Proposed building between Uckington and Bishops Cleeve and related M5 junction 10 road changes.**

We refer to the above and would appreciate some answers to the following questions:

1. After the severe flooding our Country experienced yet again earlier this year, why are we still considering this scheme to be a good idea? For a variety of reasons, the World is rapidly becoming a very different place in which to live. Flooding is one of those reasons and should now be considered as 'normal' in low lying areas close to rivers. Numerous well respected studies prove this and, the above area, very much meets that criteria. Common sense should tell us that more concrete, more tarmac and more houses in low lying areas combine to create real problems for those who already call these areas home. We lived through the 2007 floods here in Uckington and know how devastating disasters like this can be. Build more houses if necessary but choose the site with care and consideration for others.
2. All of us are painfully aware that the final outcome of the corona virus is going to be financial disaster for our Country. Why then are we proposing to spend well in excess of £200million on a changed road scheme at junction 10 of the M5 that will just help to exaggerate the problems mentioned at point 1 above?
3. If this overall scheme is still only at the 'proposed' stage, why did Highways allocate 2-3 men to clear the pathway that runs along the side of the Tewkesbury Road at Uckington from the M5? They were there for at least a week using up valuable resources that could have been better used on filling the dangerous potholes that litter our roads throughout

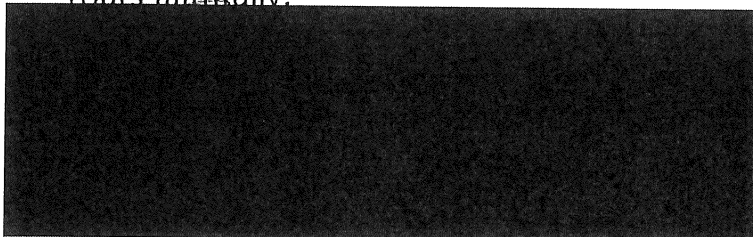
Cheltenham and the surrounding area. The famous Cheltenham Promenade currently looks and feels like a ploughed field!

4. If this overall scheme is still only 'proposed' why have eight perfectly good homes been left empty for years along the Tewkesbury Road at a time when we are told that more housing is urgently needed in this area?
5. If this overall scheme is still only 'proposed' why has the Council purchased a bungalow at the junction of Moat Lane with Tewkesbury Road and just left it empty for almost a year? Again, if housing is in such short supply, why does tax payers money get spent in such a cavalier manner?
6. We have had two separate companies contact us in recent weeks to ask for our permission to check our moat and grounds for, and I quote, ground nesting birds, certain newts, water voles and beavers. One of the companies was telephoning from Greece to make that appointment! At their own admission, these companies were 'coming just to tick boxes for the Council'. The first company arrived and spent 10 minutes in the field adjacent to our house. Again, why is tax payers money wasted on such futile and, so called, ecological studies? Ten minutes wandering around a field will tell you absolutely nothing of substance. All it does is tick the appropriate box for the planners to show that checks have been made.

We wish to emphasise that we are far from being NIMBY's!! The main building scheme (Elms Park?) is far enough away to make little or no difference to where we live. The points we raise above merely question the common sense and affordability of such a scheme at a time when the World and our Countries finances are in a **totally** different place to the time when Elms Park was first conceived. To simply plough on ahead with everything at a time when common sense tells you that its wrong is simply irresponsible. BE BRAVE, PRIORITISE MONEY TO WHERE IT'S NEEDED, KEEP YOUR COUNCIL TAX PAYERS SAFE FROM FLOOD AND THINK AGAIN.

We look forward to hearing from you.

Yours faithfully,





19th April 2021

Ms Tracey Crews  
Director of Planning  
Cheltenham Borough Council  
Municipal Offices  
Cheltenham  
Gloucester  
GL50 9SA

Dear Ms Crews

**Application No: 20/00759/FUL, 265 New Homes, Manor Road**

Bloor Homes is a major landowner and developer within the Joint Core Strategy comprehensive housing allocation at North West Cheltenham (Policy A4). This planning application represents an initial phase of the wider allocation and I am therefore submitting this representation in the interests of protecting the deliverability of the North West Cheltenham scheme.

Bloor has no objection to this 265 dwelling application subject to arrangements being put in place to ensure that the application will not prejudice the delivery of the comprehensive allocation. Bloor's concerns are simply addressed through the completion of a Collaboration Agreement between the main landowners and developers (Bloor/Persimmon/GCC). This Collaboration Agreement needs to deal with the promotion, implementation and delivery of the wider allocation but will also need to agree any infrastructure and Section 106 costs which are fairly and reasonably attributable to this 265 dwelling application. This Collaboration Agreement needs to be entered into before the Planning application is reported to committee for determination.

Without a Collaboration Agreement in place Bloor cannot have any confidence that this 265 home scheme will not prejudice the wider allocation in terms of issues such as apportionment of S106 and infrastructure costs, highway capacity and the inconsistency with the wider North West Cheltenham Masterplan. These are however all matters that can most easily be addressed through a Collaboration Agreement.

Furthermore, the Collaboration Agreement will confirm Persimmon's commitment to positively promote and deliver the balance of the scheme jointly with Bloor and GCC to ensure that Persimmon, once having secured permission on the 265 home scheme, focuses on this limited phase only, directly prejudicing any further development from taking place.

The terms of a Collaboration Agreement are already well rehearsed and GCC has already obtained approval from the Council's Internal Property Board to enter into such an agreement. A short period of effort should therefore place us in a position where a Collaboration Agreement could be entered into in advance of this application being reported to committee.

I would reiterate that Bloor does not object to this application in principle as a first phase of the wider project, but we must also ensure that the deliverability of the wider North West Cheltenham allocation is not undermined. In the event that we are able to complete a Collaboration Agreement with Persimmon Homes that deals with the aspects outlined above, then I would be happy to fully offer my support for this application.

50 YEARS  
& COUNTING

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Registered No. 02164993 England.  
Registered Office Ashby Road, Measham, Swadlincote, Derbyshire DE12 7JP VAT Reg No. 125 4938 61

[bloorhomes.com](http://bloorhomes.com)

I trust that you will find this representation helpful, but please do not hesitate to contact me if you have any queries or questions.

Your

Spencer Clave

Senior Planning and Development Director

Cc Sandra Ford – Development Services Manager – Tewkesbury Borough Council



1  
5, Manor Court,  
Swindon Village,  
Cheltenham  
Glos.  
GL51 9SD  
10<sup>th</sup> 6. 2020

Dear Mr. Oakhill.

Ref. 20/00759/ Ful

I am writing to object  
to the planning application. My  
first concern is that the road  
infrastructure is not sufficiently  
planned, planned to take the  
amount of traffic. At the  
moment the road is congested  
already with shoppers workers and  
general traffic. Traffic also  
from Bishop's Cleeve use the  
PTO.

2

roads through the village as a short cut to avoid congestion on the other roads.

I also object to the look of the new proposed building they are ugly and show no character.

A new school would need to be built before the houses as our village school is already over subscribed.

I object to the fact that this planning has been presented when we are in the middle of a pandemic. I rang Mr Hemphill to book an appointment to view the plans at the Municipal offices. they are closed as is the libraries. Not everyone has

3/

access to the internet and people who are shielding are very unlikely to go out and see the notice of planning stuck to a lamppost. Not all of the village has been informed by a letter.

I have tried to ring the number on the letter 01242 774940 to register to speak to the committee and the number is not recognised. I have rang Mr Hemphill to inquire why the number is not recognised and I am still waiting for a reply.

Please do not congest our roads and village. The amount of toxic fumes will be a health concern to all.

Yours Sincerely









17 Manor Court

Swindon Village

Cheltenham

GL51 9SD

4 June 2020

Dear David Oakhill

**Proposal: Demolition of a dwelling and the erection of 260 dwellings (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure at Elms Park Tewkesbury Road Cheltenham**

I refer to the proposed application to erect 260 new buildings on the current Swindon Farm plot as given in the above title.

I totally disagree with this application and object to it on traffic and privacy grounds.

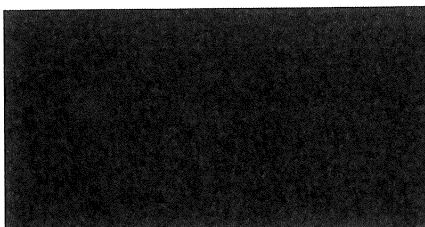
There is already a problem with traffic in this area particularly during peak work hour times and to add another 260 dwellings and the extra traffic this will involve will only make the matter worse. In addition, Swindon Village will become a prime target to be used as a "rat run" increasing the volume of cars driving through it (and most likely at speeds in excess that the current road traffic laws allow?) thus creating a more dangerous environment for the residents.

To increase the current one dwelling to 260 seems to me to be very extreme. It is well known that most households these days have at least one (and in most cases 2) cars to their names and to add this number to the current traffic volumes will create a vast bottleneck at most times of the day. The queues to the shops will be enormous and with extra cars going through Swindon Village, the air pollution will also take a turn for the worse.

Swindon Village is currently a quiet and peaceful village and was one of the main reasons I chose to move here; which I am sure is the same for many of the other residents too. To create more houses in the close proximity will take away the village atmosphere, will change the environment completely and will greatly affect the privacy that we now enjoy.

Having studied the plans for this development it seems that the builders are trying to pack as many houses as possible into a relatively small piece of land. I accept that "profit" is the main incentive behind this but surely, less and more attractive housing can be built instead, which will coincide with the current ambiance that the area enjoys?

Yours sincerely





13 Stantons Drive  
Swindon Village  
23 June 2020

**Reference:**

Planning Application No: 20/00759/FUL  
Elms Park Tewkesbury Road Cheltenham Gloucestershire

**Summary:**

I am writing with respect to the above planning proposal and I wish to object strongly to development in this location for the following reasons:

1. The proposed development is on land designated as Green Belt. This is in direct conflict with the Government's policy on protection of Green Belt as set out in chapter 9 of the National Planning Policy Framework (NPPF).
2. The proposed development is adjacent to an area containing Zone 3 (High risk of flooding) according to the Flood Map for Planning, provided by the Environment Agency (EA). The Flood Risk Assessment document does not provide assurance against flooding of the proposed development or existing neighbouring properties/infrastructure.
3. Insufficient provision for protection of two oak trees assessed as "high value".
4. Insufficient provision for protection of protected bat species.
5. Insufficient time given for interested parties to comment on the proposals.

**Details:****Green Belt Development**

6. Development on Green Belt land is acceptable in only very special circumstances. The planning proposals do not provide sufficient detail relating to the very special circumstances in relation to this development.
7. Government policy on protection for the green belt is set out in chapter 13 of the National Planning Policy Framework (NPPF) and states:
  - (Para 133) "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."
  - (Para 137) "Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy: (a) makes as much use as possible of suitable brownfield sites and underutilised land;
  - (Para 138) "Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well served by public transport.
  - (Para 143) "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."
8. On 12 March 2020, the government's new policy paper "Planning for the future" was published. This document sets out the government's plans for housing and planning following the announcements in the 2020 Budget. The overarching theme of this paper was the

development of brownfield sites. There was no mention in this paper that greenfield land development should be encouraged.

9. The Campaign to Protect Rural England (CPRE) has analysed the Government's brownfield registers, and in their report "State of Brownfield 2019" dated March 2019 it details that there is still capacity for over 59,000 homes on brownfield sites in the SW region.

## **High Flood Risk (References relate to the Flood Risk Assessment document)**

10. Swindon Village is surrounded by areas of flood plain to the North and East. Areas of the village are already exposed to flooding during heavy rainfall, and Manor Road still floods regularly, despite recent attempts to prevent this happening. Although the planning proposal states that development will not be directly on land designated by the EA as Zones 2 or 3, the Flood Risk Assessment and Drainage Strategy does not provide a sufficient level of assurance that the development will not increase the flood risk to existing neighbouring properties or highways. It also does not provide assurance regarding the flood risk to the new development. It is also unclear from the EA Flood Map for Planning whether recently produced data has been used in the flood mapping, as it is not possible to determine the age of the data used.

(2.2.1) The flood mapping clearly shows adjacent areas of flooding, although the assessment states that there is "no risk of fluvial flooding within the site. The nearest significant flood extent is associated with the River Swilgate north of the proposed site boundary." It should be noted that it stated in APPENDIX H1 Proposed Development – Elms Park Flood Risk Assessment (Planning ref 16/02000/OUT) p.22 7.6.2: "At the centre of the site, around the location where the public footpath crosses the River Swilgate, floodwaters are not confined on the left bank and floodwaters are predicted to encroach onto the floodplains on both banks".

(2.2.3) "The mapping provided by the Environment Agency is based upon aerial LIDAR survey, and places surface water in areas where there are low points in the topography. It is accepted that the mapping is generally coarse in nature." Considering the proximity of areas liable to flooding, the statement that the mapping is "generally coarse" does not give an assurance that the flood risk can be accurately predicted. This reflects a similar comment made in APPENDIX H1 Proposed Development – Elms Park Flood Risk Assessment (Planning ref 16/02000/OUT) (iv): "The completeness or accuracy of this information is not guaranteed by BVL." "we cannot guarantee that during the lifetime of this development flood risk may not exceed that stated in this report".

11. The following statements which I believe to be relevant to this proposal were made in APPENDIX H1 Proposed Development – Elms Park Flood Risk Assessment (Planning ref 16/02000/OUT):

p.29 8.2.11 "on the majority of this site, any water that does enter the ground will be held in the upper sandy layers and topsoil, as little will be able to penetrate the clay layers below"

p.37 10.2.1 "the majority of the site is underlain by Lias Clay deposits which will contain an insignificant amount of water and will only allow limited groundwater flow through them"

p.38 10.2.3 "the one soakaway test that was attempted failed due to rapid inflow of groundwater" "it has been assumed that limited parts of the development areas nearer Tewkesbury Road only could drain to soakaways" Comment: Rapid inflow of water suggests already saturated ground with limited drainage.

12. The severe flooding of 2007 resulted in significant flooding in many areas of the Swindon Village, including Manor Road, Church Rd (including Swindon Village Primary School) and

Hyde Lane. This photograph shows the impact of flooding in Swindon Village at Hyde Lane junction with Church Rd. The Flood Risk Assessment and Drainage Strategy provides no assurance that the risk to flooding from such a massive development can be accurately predicted.

[http://www.bbc.co.uk/gloucestershire/content/image\\_galleries/july\\_floods\\_gallery.shtml?30](http://www.bbc.co.uk/gloucestershire/content/image_galleries/july_floods_gallery.shtml?30)

### **Arboricultural Assessment**

13. Paras (8.3-8.4) "...two high value, category A trees were recorded. The proposals will see the retention of both high value specimens. The retention of one, T93, must be prepared in line an Arboricultural Method Statement, which must detail the necessary measures to be taken during construction to ensure its protection. Without appropriate protection the long-term health of T93 would not be assured." The assessment states that the Root Protection Area (RPA) for both trees extend under proposed development, and despite paras 5.4-5.12 detailing measures to be undertaken during development to protect the RPA, there appears to be a significant risk to the long term health of these trees.

### **Ecological appraisal**

14. (p.33 Para 7.19) "No trees are currently due to be removed as part of the development proposal. If this were to change then further assessment of the trees by a suitably qualified ecologist will be required." This statement was made with reference to the presence of bats within the proposed development area. Page 46 shows the location of a tree that has potential for bats. However, the Arboricultural Assessment document at para 5.13 states "A number of trees and lengths of hedgerows are proposed for removal". The table on p.14 para 5.2 shows that approx. 50% of the trees will be removed. It is possible that the tree shown on p.46 of the Ecological Appraisal, which has potential for bats, may be T92B (shown on p.25 of the Arboricultural Assessment), and may be one of the trees to be removed. The presence of bats, and the removal of trees appears to be a concern that requires further assessment by a suitably qualified ecologist.
15. In addition to the species listed in the Ecological assessment, I would like to add that in the area of the proposed development there have been recent sightings of slow worms, buzzards and a barn owl which are all protected under the Wildlife & Countryside Act 1981

### **Insufficient time for feedback**

With such a large-scale development, and volume of accompanying documentation relating to the planning proposal, the deadline for comments is unacceptable, bearing in mind the potential impact of this development on the local environment. As full-time working individuals, being designated Key Workers during the COVID-19 pandemic, it has not been possible to review all the documentation and respond in the amount of time that has been given. The comments provided here are based on only a few of over 60 documents that are listed.



7<sup>th</sup> March 2022

Good Afternoon Tracey,

I refer to my attached letter of 19<sup>th</sup> April 2021, in which I object to Persimmon's planning application (Ref 20/00759/FUL) on behalf of Bloor Homes. The objection was submitted at a time when Bloor had concerns around the comprehensive delivery of Elms Park in the absence of a Collaboration Agreement with Persimmon Homes.

I am pleased to confirm, that as of today, Bloor has entered into a Collaboration Agreement with Persimmon Homes that provides us with the confidence we require that Planning Application 20/00579/FUL (Persimmons 265 dwelling scheme) will not prejudice the comprehensive development of the wider Elms Park scheme. We are happy that the application is residentially led and as a consortium member we are confident that that the commercial and retail elements of the allocation can be delivered within the wider Elms Park site on consortium land.

It is against this backdrop that I can now confirm on behalf of Bloor Homes, that we would like to withdraw our objection.

Yours sincerely

**Spencer Claye**  
Senior Planning and Development Director

50 YEARS  
& COUNTING





**Our Ref: RG/TA**  
**Your Ref: 2020/00759/FUL**

Tim Atkins  
Managing Director of Place,  
Cheltenham Borough Council,  
Municipal Offices,  
Promenade,  
Cheltenham,  
GL50 9SA

**SENT BY EMAIL ONLY TO: tim.atkins@cheltenham.gov.uk**

4<sup>th</sup> January 2023

Dear Tim,

**Re: Swindon Farm, North-West Cheltenham (Planning Application: 20/00759/FUL)**

Further to my letter of 13 May 2022, I am again writing to you to urge that the Swindon Farm planning application submitted by Persimmon Homes is put forward for consideration by Planning Committee at the earliest opportunity.

I am concerned that artificial barriers are being putting in the way of the application's progress, as there are no technical or procedural matters to be resolved. Please would you intervene to ensure due process is followed.

Since my previous correspondence in May 2022, the application has been the subject of further discussion with officers. We have received an email from Liam Jones indicating that two matters are still required to be addressed prior to officers putting the application forward for a decision. These matters are:

1. S106 contributions GCC Highways contribution request towards M5 Junction 10 of £2.5 million.
2. Provision of a joint statement to answer anticipated Member questions:
  - a. Explain to members why they should support this application in advance of making a decision on the Elms Park scheme.
  - b. Help answer obvious questions that members will ask such as 'when is the rest of elms park being built? How will the sites link together? When will the community facilities be available for residents?'
  - c. Elucidate on the relationship between the developers and confirm that Bloor Homes are supportive of this part coming forward first.

I respond to these points as follows:

**S106 contributions**

I confirm Persimmon Homes' agreement to the inclusion of the proposed M5 Junction 10 contribution of £2.5 million in the Section 106 Agreement. We would have provided the same response if we had been asked this question in time for the December committee report deadline. Our viability work indicates that the application can support this contribution and we are confident that Gloucestershire County Council will provide the methodology which supports their request in due course.

## Reassurance for Members

Please be reassured that Persimmon Homes and Bloor Homes are continuing to collaborate to bring the wider Elms Park site forward. This is evidenced by the submission of an Addendum application pack earlier this year and continued discussions between the project team, both Cheltenham and Tewkesbury Borough Councils and statutory consultees. Coupled with this, Bloor Homes have already formally clarified that they are comfortable with the Swindon Farm planning application in an email to Tracy Birkinshaw and this note is on public record. A copy is attached for your reference.

Whilst I do appreciate that it is important to properly communicate with Members, my understanding is that the appropriate information necessary to make a decision on a planning application would be contained in the Committee Report, supplemented by an officer presentation. Persimmon Homes' opportunity to advocate for the application would be in the three minute speech allowed for scheme supporters at Planning Committee. The purpose of a Planning Committee is for Members to scrutinise applications, debate, ask questions of officers and make a decision. I would not expect this process to be rehearsed behind the scenes as a means of qualifying for a committee. Additionally, I would also question the value or weight that could be formally attached to such a statement from a third party. There is no procedural requirement set out in statute, or policy requirement in the development plan or National Planning Policy, which requires a joint statement from developers, where one of the developers is not the applicant.

Members should support the proposed development at Swindon Farm in advance of the Elms Park scheme as it is policy compliant; designed to facilitate development of the wider Elms Park site; not subject to any objections from statutory consultees; and amounts to sustainable development. It was actively invited by your officers to assist with much needed housing delivery: a situation which has subsequently become even more pressing.

The proposed scheme will be climate change resilient, mirroring the high standards currently set by Cheltenham Members in addressing the climate change emergency. Persimmon have committed to the development being zero gas for boilers, for example. It will also result in a 35% saving in carbon dioxide emissions over Part L of the Building Regulations and be fully compliant with the revised Building Regulations and where applicable the Future Homes Standard.

The proposed scheme has been designed to be self-sufficient in movement terms but also to dovetail with the wider Elms Park scheme. For example, the scheme's spine road, which leads from the Manor Road access, has been designed to link through to the wider site. Excerpts from Gloucestershire County Council formal highway response (Steve Hawley, 8<sup>th</sup> July 2022) provide a further indication of that movement has been adequately addressed, both in terms of access to current facilities and access to future ones:

*'The application has been subject to revisions to ensure that the proposal provides suitable walking and cycling infrastructure to connect into existing services given the sites promotion in advance of the services and amenities which will otherwise be forthcoming within the Strategic Allocation, this has resulted in improved linkage along Manor Way and towards Swindon Village, and additional connections will be made in the wider site as and when that develops.'*

*'The proposal includes a new footway on Manor Road which will allow for a direct walking route to access Swindon Village and primary school education. This connection is suitable given the anticipated additional demands and looked at in context of the adjoining walking network.'*

*It is also essential that Manor Road is made suitable for pedestrians and cyclists given the lack of active travel routes and derestricted speed limit. The proposal looks to maximise the opportunities recognising the limitations of the existing highway and larger vehicles that use it to support the surrounding employment uses.'*

With regard to community facilities, Persimmon have not been asked for contributions towards their provision, for example, with the county council confirming sufficient capacity in local schools, at

primary and secondary level, to accommodate the demand arising from the development. In terms of access to the Elms Park facilities and when these will be available, Elms Park is anticipated to come forward in phases, with facilities being available to the Swindon Farm residents as the site progresses.

Persimmon Homes is committed to developing out the wider Elms Park site in continuing collaboration with Bloor Homes. The M5 Junction 10 Development Consent Order submission, as well as resourcing within local government, undoubtedly serve to present a challenging background to achieving this. My view is that the timing for the Elms Park development very much rests in the hands of the Local Planning and Highway authorities.

I trust that the application can be put forward for a decision at the next Planning Committee without further delay. If I can be of further assistance to you in talking over the content of this letter, please do not hesitate to contact me.

Yours sincerely,

**Russell Griffin**  
**Managing Director**  
**Persimmon Homes plc (South Midlands)**

Encs.

CC. Tracey Birkinshaw [tracey.birkinshaw@cheltenham.gov.uk](mailto:tracey.birkinshaw@cheltenham.gov.uk)  
Liam Jones [liam.jones@cheltenham.gov.uk](mailto:liam.jones@cheltenham.gov.uk)

25<sup>th</sup> January 2023

Ms Lucy White  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

Dear Lucy

I refer to my previous letter dated 7<sup>th</sup> March 2022 and wanted to re-confirm Bloor Homes position in respect of Persimmon's planning application (Ref 20/00759/FUL).

Prior to my letter of 7<sup>th</sup> March 2022, Bloor had submitted an objection to the planning application on the basis that we had concerns over the impact any approval may have had on the delivery of the wider Elms Park project, in the absence of a formal Collaboration Agreement between Bloor and Persimmon.

I am pleased to confirm that Bloor entered into a Collaboration Agreement with Persimmon Homes in 2022 and we have confidence that approval of Planning Application 20/00579/FUL (Persimmons 265 dwelling scheme) will not prejudice the comprehensive development of the wider Elms Park scheme.

For the avoidance of doubt, I can confirm that on behalf of Bloor Homes, that we do not object to this planning application.

Yours sincerely

Spencer Claye  
**Senior Planning & Development Director**

**50 YEARS**  
& COUNTING

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[bloorhomes.com](http://bloorhomes.com)

**Gloucestershire County Council Community Infrastructure Planning Application Representations**

<b>Date:</b> 9 <sup>th</sup> February 2023
<b>To:</b> Emma Pickernell
<b>From:</b> GCC Developer Contributions Investment Team
<b>S106 Monitoring and Compliance Officer:</b> Tina McCausland
<b>Application Ref:</b> <u>20/00759/FUL</u>
<b>Location:</b> Elms Park Tewkesbury Road, Cheltenham
<b>Proposal:</b> Erection of new residential development (266 dwellings) (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure
<b>Education Assessment Date:</b> 2 <sup>nd</sup> November 2022
<b>Summary:</b> Contributions will be required to make the development acceptable in planning terms

**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-local-development-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

SUMMARY: Developer Contributions for: 20/00759/FUL - Elms Park Tewkesbury Road, Cheltenham Gloucestershire

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 stated below.

**Education: SUMMARY: Developer Contributions for 20/00759/FUL - Elms Park Tewkesbury Road, Cheltenham Gloucestershire**

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Multiplier	Total Pupil Yield from QD	Contribution Requested (£)	Number of places requested
Primary	Swindon Road Primary Planning Area and Hester's Way Primary Planning Area	243	£18,133.00	93.56	£0.00	0 places
Secondary age 11-16	Cheltenham Secondary Planning Area	243	£23,775.00	41.31	£982,145.25	41.31 Places
Secondary age 16-18	Cheltenham Secondary Planning Area	243	£23,775.00	14.58	£137,895.00	towards 5.80 places shortfall

(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.

### **Clarification in relation to education summary on previous page regarding 20/00759/FUL - Elms Park Tewkesbury Road, Cheltenham Gloucestershire**

**The contributions stated above are the maximum number of contributions which could be requested based on the number of qualifying dwellings. Any discount for surplus places will be calculated when an application is received.**

The demolition of a dwelling and the erection of 266 dwellings, new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure. The application includes 23 x 1-bed non-qualifying dwellings. The site impacts on the following education planning areas:

- 9161800 Swindon Road Primary Planning Area
- 9161820 Hester's Way Primary Planning Area
- 9162200 Tewkesbury Secondary Planning Area
- 9162500 Cheltenham Secondary Planning Area

The schools factored into a review are determined by identifying the site from the LPA planning portal and then identifying the closest schools using the following publicly available tools to provide straight line distance, before calculating travel distances.

- <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 266 dwellings, of which 243 are qualifying dwellings. This number of dwellings would be expected to generate an additional demand for 93.56 primary places which can currently be accommodated at local schools. Therefore, Gloucestershire County Council is not seeking a primary contribution towards places arising from this development, at this time.**

The closest primary school for this site is Swindon Village Primary School in the 9161800 Swindon Road Primary Planning Area.

There are a total of 11 primary schools within the 2 miles or less statutory walking distance; all are in the 9161800 Swindon Road and 9161820 Hester's Way Primary Planning Areas, the data for all schools has been provided using the most up-to-date information available to us.

The closest schools currently show adequate spare capacity to accommodate children arising from this site. We must recognise the cumulative yield from permitted developments for schools in the planning areas and keep in mind that the timing of future developments can have an impact on surplus places.

It should also be noted that two of the schools cannot be expanded to accommodate additional children – those schools being, Christ Church CofE Primary School and Gloucester Road Primary School.



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-and-environment/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 year. The table below shows an extract from the assessment data.

	All Schools Total
Total Capacity	3570.00
95%	3391.50
Forecast year 2023/24 for school(s)	2988.00
<b>Surplus places available to credit to development</b>	403.50
Cumulative yield from permitted development	80.85
Surplus places remaining to credit to development	322.65
<b>Primary Yield from proposed development</b>	93.56
<b>Number of places requested</b>	<b>0.00</b>

## **Secondary (age 11-16) Places Impact:**

**The proposal is for 266 dwellings, of which 243 are qualifying dwellings. This number of dwellings would be expected to generate an additional demand for 41.31 Secondary age 11-16 secondary places. Therefore, Gloucestershire County Council is seeking a Secondary age 11-16 places contribution of £982,145.25 towards places arising from this development, at this time.**

All Saints Academy is the closest secondary school (1.1 miles) for the development postcode; this school is in the 9162500 Cheltenham Secondary Planning Area.

Cleeve School, in the 9162200 Tewkesbury Secondary Planning Area, is the catchment school for this development postcode; there is no school transport catchment for this site.

Cleeve School is the 5th closest school (3.3 miles); it should be noted that the school is the closest and catchment school for the many Bishops Cleeve housing developments and has already been expanded to accommodate the local children arising from these developments. Places are likely to be awarded based on proximity.

The High School Leckhampton is a new school for local families; initially opened in September 2021 on a temporary site for Y7 only, construction is now complete and the school is open for Y7 and Y8. The opening PAN was 120, it will eventually grow to 180. It does not have a 6th form.

As with primary, we review based on 95% capacity being considered to be full to allow for some flexibility.

The relevant forecast year is already in excess of 95% capacity before factoring in any cumulative yields, supporting the request for contributions.

	All Non Selective Schools	Total All Schools
Total Capacity	8115.00	9315.00
95%	7709.25	8849.25
Forecast year 2027/28 for school(s)	7661.00	8947.00
<b>Surplus places available to credit to development</b>	48.25	-97.75
Cumulative yield from permitted development	91.29	91.29
Surplus places remaining to credit to development	-43.04	-189.04
<b>Secondary Yield from proposed development</b>	41.31	41.31
<b>Number of places requested</b>	<b>41.31</b>	<b>41.31</b>

### Post 16 Places Impact:

The proposal is for 266 dwellings, of which 243 are qualifying dwellings, which will generate additional demand for 14.58 secondary age 16-18 places. There is some surplus capacity which can be credited to this development, leaving a shortfall of 5.80 places. Therefore, Gloucestershire County Council is seeking a Secondary age 16-18 contribution of £137,895.00 towards 5.80 places arising from this development, at this time.

6th Form Data		Current May 2022		6th Form Forecast 2022						
Secondary School	6th form capacity	Y12	Y13	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
All Saints' Academy	250	104	69	169	166	205	235	242	234	213
Cheltenham Bournside School	460	125	155	289	345	366	372	363	347	333
Cleeve School	350	148	147	279	294	332	344	353	385	381
Balcarras School	361	172	193	364	378	393	391	368	365	367
Pate's Grammar School	450	242	229	487	371	524	519	519	525	536
		791	793							
<b>Total for Y12 and Y13</b>		<b>1584</b>		1588	1554	1820	1861	1845	1856	1830
<b>Total 6th Form Capacity</b>	<b>1871</b>									

### 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 **Hesters Way 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 **£52,136.00** is therefore required to make this application acceptable in planning terms.

The financial contribution will be **to improve customer access to services through refurbishment of the library 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) (NPPF updated July 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)"*

**CIL Reg 122 tests in relation to the education contributions required for 20/00759/FUL - Elms Park  
Tewkesbury Road, Cheltenham Gloucestershire**

The education contributions that are required for this proposed development are necessary to fund the provision of the additional secondary age 11-16 places and secondary age 16-18 places generated by this development.

The proposal is for 266 dwellings of which 243 are qualifying dwellings for education. This number of qualifying dwellings would be expected to generate an additional demand for 41.31 secondary age 11-16 places. The Cheltenham Secondary Planning Area is forecast to be full. Gloucestershire County Council is therefore requesting a secondary age 11-16 contribution of £982,145.25 towards the provision of these places to be used in the Cheltenham Secondary Planning Area.

Furthermore, this number of qualifying dwellings for education would be expected to generate an additional demand for 14.58 secondary age 16-18 places. There is some surplus capacity which can be credited to this development, leaving a shortfall of 5.80 places. The combined sixth form provision presented shows secondary age 16-18 provision is forecast to be full. Gloucestershire County Council is therefore requesting a secondary age 16-18 contribution of £137,895.00 towards the provision of these places.

The education contributions that are required for this proposed development are directly related to the proposed development in that the contributions have been calculated based on specific formulas relative to the numbers of children generated by this development. These contributions will be allocated and spent towards creating new secondary school age 11-16 and secondary age 16-18 places either at the local existing schools and/or within the planning area to enable children from this development to attend a local school. In this instance, contributions will be used in the Cheltenham Secondary Planning Area for secondary age 11-16 and secondary age 16-18 provision.

The developer contributions are fairly and reasonably related in scale and kind to the development. The contribution requirements have 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.

**CIL Reg 122 Tests in relation to the library contributions required for 20/00759/FUL - Elms Park  
Tewkesbury Road, Cheltenham Gloucestershire**

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 **Hesters Way Library** and is based on the total number of new dwellings generated by the development (**total of 266 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 net 265 dwellings x £196 = £52,136.00).

**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.

Date: 02 July 2020  
Our ref: 318517  
Your ref: **20/00759/FUL**

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Cheltenham Borough Council  
For the attention of Craig Hemphill

**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Craig

**Planning consultation: Demolition of a dwelling and the erection of 260 dwellings (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure**  
**Location: Elms Park Tewkesbury Road Cheltenham**

Thank you for your consultation on the above dated 02 June 2020 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  
REQUIRED**

We note the application site's location within Adopted Joint Core Strategy strategic allocation A4 North-West Cheltenham.

As submitted the application could, in combination with other new residential development in the authority area, have potential significant effects on the **Cotswold Beechwoods 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:

An appropriate assessment in recognition of the application site's location relative to the SAC and the strategic status of the allocation as indicated at policy A4 of the adopted JCS.

Without this information, Natural England may need to object to the proposal.

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

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

## Cotswold Beechwoods SAC - Additional Information required

### Internationally and nationally designated sites

The application site is within a zone of influence around a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

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<sup>1</sup>.

### Further information required

Natural England notes that the Habitats Regulations Assessment<sup>2</sup> has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this appropriate assessment to fulfil your duty as competent authority.

The HRA provided by your authority does not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority in respect of the European Site described above.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. We draw the Council's attention to recent case law<sup>3</sup> dealing with the treatment of mitigation measures during the HRA process.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you take account of the following information to help undertake an Appropriate Assessment:

### Cotswold Beechwoods SAC

Our advice letter dated 22.8.18 provides baseline information<sup>4</sup>. A visitor survey of the SAC has since been published<sup>5</sup> indicating a 15km 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:

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<sup>1</sup> Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

<sup>2</sup> Please refer to FPCR Ecological Appraisal (Jan 2020) – Section 7.0 Discussion – Statutory sites

<sup>3</sup> People over Wind & Sweetman –v- Coillte Teoranta (CJEU ref C-323-17)

<sup>4</sup> 'Gloucester City, Cheltenham and Tewkesbury LPA areas – Evidence gathering in relation to recreation pressure on European Sites - Information to inform an interim approach to Habitats Regulations Assessment of planning applications'

<sup>5</sup> Weblink - [https://www.stroud.gov.uk/media/1120947/beechnwoods-visitor-survey-final\\_redacted.pdf](https://www.stroud.gov.uk/media/1120947/beechnwoods-visitor-survey-final_redacted.pdf)

- Distance between application site and nearest boundary of SAC
- Route to SAC
- Type of development (E.g. use class C3)
- Alternative recreation resources available – on site and off site
- Education & awareness raising opportunities e.g. Homeowner Information Packs

With regard to alternative recreation resources available on and off site, we note the application site's relationship with the strategic allocation A4 North West Cheltenham<sup>6</sup>. Your appropriate assessment should clarify the application site's contribution to the green infrastructure resource forming an integral part of this new development and how this will contribute to mitigating the impacts of additional recreation pressure on the SAC. Policy SD9 Biodiversity and Geodiversity, INF3 Green Infrastructure and INF7 Developer Contributions refer.

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).

Please re-consult us when the Appropriate Assessment is available.

### **Nationally designated sites**

The following SSSIs with public access lie close to or between the application site and the Cotswold Beechwoods SAC:

- Cleeve Common
- Leckhampton Hill & Charlton Kings Common
- Crickley Hill and Barrow Wake
- Cotswolds Commons & Beechwoods (also a National Nature Reserve)

When addressing the recreation related theme described above in respect of the SAC a holistic approach should be adopted to ensure key information for new homeowners also covers relevant designated sites in the locality including the SSSIs listed here. Provided that this is satisfactorily addressed we do not anticipate the development damaging the notified feature(s) of this/these SSSI(s).

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (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.

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<sup>6</sup> Cheltenham, Gloucester & Tewkesbury Adopted Joint Core Strategy



**Other advice**

**Green infrastructure**

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

Adopted Joint Core Strategy policies A4 North-West Cheltenham, INF3 Green Infrastructure and the JCS Councils' Green Infrastructure Strategy 2014 refer. The Cheltenham Plan policy GI1 and supporting text may also be relevant.

Consideration should be given to what opportunities exist to integrate the strategic allocation's 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.

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 452 459.

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.

Yours sincerely

Antony Muller  
Lead Adviser – West Midlands Planning for a Better Environment Team

Natural England offers the following additional advice:

### **Landscape**

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

### **Best and most versatile agricultural land and soils**

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

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

### **Protected Species**

Natural England has produced [standing advice](#)<sup>7</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### **Local sites and priority habitats and species**

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

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>8</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

<sup>7</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>8</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

### **Ancient woodland, ancient and veteran trees**

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

### **Environmental enhancement**

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

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

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

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

### **Access and Recreation**

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

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

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

**Biodiversity duty**

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



Cheltenham Borough Council

For the attention of Emma Pickernell

**BY EMAIL ONLY**

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Emma,

**Planning consultation: 'Shadow' Habitats Regulations Assessment (HRA) - Erection of new residential development (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure**

**Location: Elms Park Tewkesbury Road Cheltenham Gloucestershire**

Thank you for your consultation on the above dated 01 March 2022 which was received by Natural England on the same day. We are sorry for the delay responding.

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 IN RELATION TO HABITATS REGULATIONS ASSESSMENT STAGE 2 – 'APPROPRIATE ASSESSMENT'**

As submitted, the application could, in combination with other new residential development in the authority area, have potential significant effects on the Cotswold Beechwoods Special Area of Conservation (SAC) and land functionally linked to the Severn Estuary Special Protection Area (SPA). 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 the extent, design and delivery of open/greenspace available to future residents living in the proposed development.
- (ii) Confirmation of suitable mitigation measures and mechanisms to secure these.

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

#### **Additional Information required - Internationally designated sites**

The application site is within a zone of influence around a European designated site, 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:

- (i) Lies within the identified zone of **Page 170**nd the Cotswold Beechwoods Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Cotswold Commons and Beechwoods. Please see the subsequent sections of this letter for our advice relating to SSSI features.
- (ii) Lies within close proximity of the Coombe Hill Meadows Nature Reserve (including Coombe Hill Canal SSSI), land functionally linked to the Severn Estuary Special Protection Area (SPA).

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<sup>1</sup>. 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.

#### **Further information required**

Natural England notes that the Habitats Regulations Assessment (HRA)<sup>2</sup> has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended) 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 HRA to fulfil your duty as competent authority. Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

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 your assessment, and the measures proposed to mitigate for any adverse effects, Natural England's advice is that your assessment is not sufficiently rigorous or robust to justify this conclusion and therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We advise that your authority should not grant planning permission at this stage.

We advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

#### **Cotswold Beechwoods SAC**

Cheltenham Borough Plan policy BG1 Cotswold Beechwoods SAC refers alongside the overarching Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (Policies SD9, INF3 and INF7)<sup>3</sup>.

Natural England acknowledges that the shadow HRA has been submitted without reference to the unpublished, draft Cotswold Beechwoods SAC Mitigation Strategy. The strategy is approaching the implementation stage and a copy of the draft final version is available from the Council's planning policy team. The following key points are relevant in terms of allowing the Council to add to and consolidate the information presented in the 'shadow' HRA and appropriate assessment:

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<sup>1</sup> Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

<sup>2</sup> FPCR – 'Swindon Farm NW Cheltenham Phase 1A Shadow Habitats Regulations Assessment' – February 2021

<sup>3</sup> Policies = SD9 – Biodiversity & Geodiversity, INF3 Green Infrastructure and INF7 Developer Contributions.

- The nature of recreational disturbance pressure is cumulative and in combination. As a result suitable mitigation is needed to address a net increase in dwellings within the identified zone of influence (15.4km).
- Relevant case law<sup>4</sup> requires that mitigation measures are set aside at the initial screening stage of the HRA process. The proposal in Table 4 of the shadow HRA to screen out the effects of recreation pressure at the 'test of likely significant effect' stage is therefore incorrect.

Appropriate assessment is needed in order to assess the mitigation measures offered by the new development and the following information is provided to help with your appropriate assessment accordingly:

- The shadow HRA's description of woodland habitats' comparative resilience in the face of recreational disturbance pressure (para 4.4) needs to be modified to take account of our advice letter to the collaborating LPAs dated 2.12.19. We enclose a copy for ease of reference.
- The draft mitigation strategy sets out two key themes whereby mitigation of recreational disturbance is to be achieved:
  - Strategic Access Management and Monitoring measures (SAMM) – Dedicated staff; Signs and interpretation; Education & awareness raising; Measures to address contamination; Parking and travel related measures; Monitoring.
  - Suitable Alternative Natural Greenspace (SANG) – the creation or enhancement of alternative greenspace in order to relieve pressure on the SAC. Larger developments such as those forming part of strategic allocations will generally be expected to provide SANG at a rate of 8Ha/1000 residents.

In terms of next steps we advise that particular consideration is given to the informal recreation/greenspace provided within the new development or available nearby to new residents. The proposal's status as an initial phase in the development of a wider strategic allocation is particularly relevant. We recommend that the Council adopts a holistic approach to the design and delivery of suitable mitigation, with reference to existing concept plans for green and blue infrastructure delivery wherever appropriate.

- On site (and off site) open greenspace – as the development appears unable to deliver on site open greenspace meeting the 8/Ha/1000 residents extent metric<sup>5</sup> the Council should consider the information available for the wider strategic allocation e.g. illustrative masterplan or equivalent green/blue infrastructure plans.
  - A Landscape and Ecology Management Plan (LEMP) may offer a suitable mechanism to secure suitable safeguard/s and should do so for the lifetime of the development.
- We agree with the proposal to provide new homeowners with suitable 'Homeowner Information Packs' offering information on recreation opportunities at a range of distances from their new homes and suitable 'Countryside code' type messaging.

#### Severn Estuary SPA and functionally linked land

Context - Special Areas of Conservation (SACs) are designated for rare and vulnerable habitats and species, whilst Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats may be used by SPA/SAC populations or some individuals of the population for some or all of the time. These

<sup>4</sup> People over Wind – CJEU case ref 323/17

<sup>5</sup> See Shadow HRA Table 5 – Checklist item – 'Alternative recreation resources available onsite'.

supporting habitats can play an essential role in maintaining SPA/SAC species populations, and proposals affecting them may therefore have the potential to affect the European site.

It should be noted that some of the potential impacts that may arise from the proposal relate to the presence of (SPA) interest features that are located outside the site boundary. Natural England advises that the potential for offsite impacts should be considered in assessing what, if any, potential impacts the proposal may have on European sites.

Our advice on this theme relates primarily to land at the Gloucestershire Wildlife Trust Coombe Hill Meadows nature reserve (NR). This nature reserve includes land notified as the Coombe Hill Canal Site of Special Scientific Interest (SSSI). Recent research shows that this land is important for curlew during their breeding season<sup>6</sup>. Curlew is a wading bird classified as part of the Severn Estuary SPA's 'waterbird assemblage'.

We note the shadow HRA's extensive reference to the planning inspector's decision relating to an appeal in respect of land at Coombe Hill (20/00140/OUT<sup>7</sup>). Notwithstanding the inspector's conclusions regarding the SPA's integrity we draw the Council's attention to his observation regarding the need to have regard to the restoration of the SPA's conservation objectives when assessing the effects of relevant development proposals. Specifically his decision clarifies that:

*"The burden of seeking to restore the contribution which the Coombe Hill area could make to restoring the integrity and objectives of the SPA does not fall to this appeal development alone. The responsibility lies in combination with other developments in the area whose residents are also likely to make visits to the area and so disturb wildfowl unless their presence is properly managed."*

Consistent with the above Natural England is working with the six Gloucestershire LPAs to gather evidence in support of their ongoing local plan reviews. This evidence gathering relates to recreational disturbance around the SPA and across a suite of functionally linked sites, including Coombe Hill Meadows NR. The county's LPAs and Natural England are now engaged in a two stage joint commission and stage 1 is almost complete. This comprised face to face surveys of visitors at representative destinations in order to inform a suitable mitigation strategy. A visitor survey report is expected in late May and work on the mitigation strategy will follow during the summer and early autumn.

In recognition of the ongoing strategic work on this theme we recommend that your approach to the revised appropriate assessment addresses the emerging evidence on recreational disturbance at Coombe Hill Meadows nature reserve. Your planning policy team has a copy of preliminary maps illustrating visitor post code locations and numbers of interviews at the various visitor destinations surveyed. We recommend that your appropriate assessment narrative and mitigation proposals address recreational disturbance in relation to both the Cotswold Beechwoods SAC and land at Coombe Hill Meadows NR functionally linked to the Severn Estuary SPA.

Please re-consult us when the Appropriate Assessment is available.

### **Sites of Special Scientific Interest (SSSI)**

We note the shadow HRA report's reference to alternative visitor destinations including the following SSSI (see Shadow HRA Table 5):

- Cleeve Common
- Leckhampton hill and Charlton Kings Common
- Crickley Hill & Barrow Wake

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<sup>6</sup> Report title – 'Identification of land with proven or possible functional linkages with the Severn Estuary SPA/SSSI – Phase 5 (Gloucestershire and Worcestershire)' – Natural England – unpublished at the time of writing. Due for publication imminently.

<sup>7</sup> Appeal reference – APP/G/1630/W/20/3257625



The Cotswold Beechwoods SAC also partialPage 173e Cotswold Commons and Beechwoods SSSI and National Nature Reserve (NNR).

Our comments above in relation to the Habitats Sites designations apply similarly to these SSSI. Provided that a holistic approach is adopted to mitigate the potential impacts of recreational disturbance on these designated sites we do not anticipate adverse effects on their notified interest.

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 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.

Yours sincerely

Antony Muller  
Lead Adviser – West Midlands Planning for a Better Environment Team



Gloucestershire District and Borough Local Planning Authorities

**BY EMAIL ONLY**

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Dear Colleague

**Cotswold Beechwoods Special Area of Conservation (SAC) – Recreation pressure and the local plan making evidence base – Updated advice following the survey of a sample of the SAC's underlying SSSI units during Summer 2019**

Prior to the publication of the draft visitor survey funded by the collaborating LPAs Natural England undertook to review the condition of the SAC. This advice letter updates the partners on the work we have done on this theme so that it can be taken into consideration when reviewing the conclusions of the visitor survey report and deciding on next steps.

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.

During Summer 2019 Natural England assessed the condition of a representative sample of four of the SAC's management units<sup>1</sup> (Pope's Wood and Kites Hill, Cranham, Buckle and Witcombe Woods). This survey followed a similar exercise by Natural England's Field Unit in 2017 and for consistency was carried out by a member of the unit involved in the 2017 assessment work. This summer's assessment confirmed the presence of the types of damage we have reported previously<sup>2</sup>, as follows:

- Compaction and erosion of woodland soils
- Trampling and erosion of associated ground flora
- Physical disturbance of soils and flora through the creation of tracks and structures.

In terms of extent and severity our assessment concluded that the most damaging symptoms of recreation were associated with mountain bike riding on mainly steeply sloping terrain. This has caused localised compaction, erosion and physical disturbance (including creation of artificial structures). Key example locations comprise the hollows of former borrow pits and the steepest sections of the SAC where the scarp edge dips way downhill.

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<sup>1</sup> For management and recording purposes the Cotswold Beechwoods SAC and underlying Site of Special Scientific Interest are divided into a number of smaller units.

<sup>2</sup> Advice letter 22.8.18 - 'Gloucester City, Cheltenham and Tewkesbury LPA areas – Evidence gathering in relation to recreation pressure on European Sites - Information to inform an interim approach to Habitats Regulations Assessment of planning applications' (Subsequently shared with the remaining Gloucestershire district/borough LPAs)

On more level areas of the SAC a wider range of recreation uses is evident in the form of well used paths and tracks. The clarity of these signs of recreation pressure varies with the type of vegetation cover. In areas with ground flora, understorey trees and shrubs the trampling of vegetation and related compaction of soils clearly show where pressure is being concentrated and new routes created. However significant areas of the SAC comprise a 'high forest' structure where the mature canopy trees (mainly Beech) cast deep shade. These conditions lead to a much more limited ground flora / shrub layer and here the extent of adverse impacts can be masked. These areas need closer attention and a consideration of how disturbance to the leaf litter and soils affects this part of the woodland ecosystem.

At the time the survey was carried out no formal methodology existed for the specific assessment of recreation impacts in broadleaf woodlands. This is because the normal approach to assessment of SSSI habitats, a methodology known as 'common standards monitoring', focuses attention on surveying the most representative parts of the habitat in question. It is left to the discretion of the surveyor to note any unusual or noteworthy points relevant to the site's management. At this site Natural England field unit staff have therefore used their professional judgement to identify and record the impacts described above. However in recognition of the need for suitable, repeatable survey methodology Natural England is developing a suitable approach focusing on the symptoms of recreation and taking account of the special challenges presented by the SAC's woodland characteristics (e.g. areas with a paucity of ground flora) . We will update you as this work progresses.

Based on the existing level of impact and absence of a formal, agreed assessment protocol we will not downgrade the SSSI woodland units surveyed this year to 'unfavourable condition'. Nonetheless the recorded symptoms of recreation indicate a continuing negative trend which, in the absence of mitigation, is likely to undermine the achievement of the SAC's conservation objectives in the near future:

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;*

- *The extent and distribution of qualifying natural habitats*
- *The structure and function (including typical species) of qualifying natural habitats, and*
- *The supporting processes on which qualifying natural habitats rely*

In view of the scale of housing development arising from the adopted and emerging local plans of the collaborating LPAs Natural England believes that additional recreation visits to the SAC by new homeowners will have a significant effect on the European Site unless mitigation measures are identified and implemented.

We therefore welcome the positive approach taken by the collaborating LPAs in recognition of the potential for new growth to significantly affect the Cotswold Beechwoods SAC. The commitment to evidence and information gathering is supported and it is apparent that cross boundary working and a plan led approach to ensuring that the SAC is not adversely affected by new growth is the most appropriate and constructive way forward. This view reflects the scale and distribution of the issue, which is a cumulative and in-combination risk from development in a number of LPAs *and* because the most effective impact management measures are unlikely to be deliverable by individual developments. In addition this cross-boundary/plan led approach should lead to fair, consistent and proportionate outcomes.

For any queries relating to the specific advice in this letter only please contact me on 020 802 60939. For any new consultations, or to provide further information on this consultation please send your correspondence to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Antony Muller  
Lead Adviser – West Midlands Planning for A Better Environment Team



Cheltenham Borough Council

For the attention of Emma Pickernell

**BY EMAIL ONLY**

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Dear Emma,

**Planning consultation: Revised shadow Habitats Regulations Assessment (sHRA) - Rev B 2022**

**Location: Swindon Farm North West Cheltenham Phase 1A**

Thank you for your consultation on the above dated 29 June 2022 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.

#### **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 Conservation and land functionally linked to the Severn Estuary Special Protection Area (SPA) i.e. land at/around Combe Hill Canal SSSI and the associated Gloucestershire Wildlife Trust (GWT) Coombe Hill Meadows Nature Reserve.
- 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<sup>1</sup> must be secured.

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

<sup>1</sup> 'Persimmon Homes – Swindon Farm, NW Cheltenham Phase 1A - Shadow Habitats Regulations Assessment – Rev B - June 2022' FPCR

### **Further advice on mitigation**

Natural England notes that the revised Habitats Regulations Assessment (Including stage 2 - Appropriate Assessment) has not been produced by your authority, but by the applicant ('Shadow' HRA and appropriate assessment). 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 an appropriate assessment of the proposal has been undertaken 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 revised 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.

- Homeowner Information Packs (HIP)

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).

Note – We recognise that the revised shadow HRA has not been informed by a consideration of the final Cotswold Beechwoods SAC Mitigation Strategy. However please note that adopted policies for the SAC exist in the relevant local plans<sup>2</sup>. In addition Natural England has written to the collaborating LPAs today to update them with our advice regarding the implementation of the agreed strategy measures.

### **Sites of Special Scientific Interest (SSSI)**

The following SSSIs with public access lie close to or between the application site and the Cotswold Beechwoods SAC:

- Cleeve Common
- Leckhampton Hill & Charlton Kings Common
- Crickley Hill and Barrow Wake
- Cotswolds Commons & Beechwoods (also a National Nature Reserve)

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<sup>2</sup> Policy SD9 'biodiversity & geodiversity' of the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, Gloucester City local plan policy E8, Cheltenham local plan policy BG1, Tewkesbury Borough local plan policy NAT5, Cotswold District Local Plan policy EN9 and Stroud District local plan policy ES6 refer.

When addressing the recreation related theme described above in respect of the Habitats Sites a holistic approach should be adopted to ensure key education and awareness raising information for new homeowners also covers relevant designated sites in the locality including the SSSIs listed here. Provided that this is satisfactorily addressed we do not anticipate the development damaging the notified feature(s) of this/these SSSI(s).

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 can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Adopted Joint Core Strategy policies A4 North-West Cheltenham, INF3 Green Infrastructure and the JCS Councils' Green Infrastructure Strategy 2014 refer. The Cheltenham Plan policy GI1 and supporting text may also be relevant.

We note the revised shadow HRA report's reference to the GI resource proposed as integral to the wider Elms Park scheme<sup>3</sup>. Consideration should be given to what opportunities exist to integrate the strategic allocation's 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.

If you have any queries relating to the advice in this letter please contact Rob Sargent on 020 802 60872.

Should the proposal change, please consult us again.

Yours sincerely

Antony Muller  
Lead Adviser – West Midlands Planning for a Better Environment Team

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<sup>3</sup> Paragraphs 4.30 & 4.31

Natural England offers the following additional advice:

### **Landscape**

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

### **Best and most versatile agricultural land and soils**

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

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

### **Protected Species**

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

### **Local sites and priority habitats and species**

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

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

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

<sup>5</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>



### **Ancient woodland, ancient and veteran trees**

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

### **Environmental enhancement**

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

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

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

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

### **Access and Recreation**

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

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

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

**Biodiversity duty**

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

**PLANNING APPLICATION COMMENTS****1 DOCUMENT INFORMATION**

<b>Planning Reference:</b>	20/00759/FUL	<b>Application Date:</b>	14 <sup>th</sup> May 2020
<b>Application Title:</b>	Demolition of a dwelling and the erection of 260 dwellings (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure		

**2 SUMMARY OF COMMENTS**

Swindon Parish Council object to this application and wish to have our comments and concerns fully reviewed and taken into account when the determination of this application is made.

We also wish to be notified of any additional documentation and revisions to currently submitted documentation and to be given the opportunity to comment on such documents and their impact, prior to them being approved.

**2.1 ALIGNMENT WITH OUTLINE APPLICATION & PHASING**

- 2.1.1 Many of the documents submitted with this application contain reliance on commitments made in the Elms Park outline application (16/02000/OUT). We do not accept this full application for Phase 1 should be reliant on the parameters of an outline application which has yet to be determined. There is considerable risk that the outline application will never be consented.
- 2.1.2 A design brief for the entirety of Elms Park needs to be provided that details the requirements, in terms of supporting infrastructure, sustainability and other commitments, for different phases of the complete development.
- 2.1.3 We underline the importance of this Phase 1 application setting a precedent for future application's impact on our community.

**2.2 DESIGN & VISUAL IMPACT & HERITAGE**

- 2.2.1 The application's drawings do not reflect the topography of the site.
- 2.2.2 The appearance of the buildings does not reflect the character of the conservation area.

**2.3 TRAFFIC & ACCESS**

- 2.3.1 The site access deviates from commitments made in the outline planning application (16/02000/OUT).
- 2.3.2 The traffic assessment fails to validate (through lack of appropriate and realistic modelling) that the existing road network (including Manor Road) will not be adversely impacted by the development.
- 2.3.3 The traffic assessment fails to include local, committed developments which we expect to have a significant impact on traffic and congestion.
- 2.3.4 There is a lack of design information and justification for the proposed emergency vehicle access.

**2.4 FLOODING & GROUND CONDITIONS**

- 2.4.1 The flooding assessment fails to acknowledge the local experience of flooding within the area.
- 2.4.2 The flooding assessment fails to substantiate the proposed design through best practice fluvial and pluvial modelling.
- 2.4.3 The correspondence received from Severn Trent (April 2020), on which the flooding assessment is based, provides no indication whether it applies to the proposed application of 260 houses or the entirety of the Elms Park development.

## 2.5 SUSTAINABILITY

- 2.5.1 The application does not meet the minimum requirements as it does not include an energy policy.
- 2.5.2 We expect the planning application to fully reflect the sustainability that was proposed within the outline planning application, and aligned with the planning inspectorate process in the joint core Strategy and the Cheltenham Plan.
- 2.5.3 We encourage the developer to work collaboratively to establish a community that is sustainable in every respect and meets sustainability definitions (economic, environmental and social) agreed through legal, The National Planning Policy Framework (NPPF) and Joint Core Strategy (JCS) resolutions through the planning inspectorate's process.

## 3 ALIGNMENT WITH PLANNING POLICY, ELMS PARK OUTLINE APPLICATION & PHASING

- 3.1.1 Section 4.4.6 of the Planning Statement states:

***“For CBC, the latest Five-Year Housing Land Supply Position Statement (December 2019) provides a figure of only 3.7 years. In this assessment, the Elms Park proposal was not considered to be able to deliver the trajectory produced in the JCS.”***

The Parish Council notes that Permissions Homes Ltd confirms in this statement that it will not be delivering the whole site development of Elms Park within five years. This underlines that it would be unacceptable to allow Phase 1 to proceed without a commitment regarding how and when the offered cycle paths, transport initiatives, travel plans, bus services, schools and other required services will be delivered.

- 3.1.2 Section 5.1.1 of the Planning Statement states:

***“This section includes a review of the following material considerations which are considered relevant in the determination of this planning application, as well as demonstrating how the proposed development conforms with them:***

- ***The National Planning Policy Framework (NPPF)***
- ***The emerging Cheltenham Plan 2011-2031***
- ***Compliance with Controlling Parameters”***

The Parish Council recognises that it is important that the consideration of this application requires that each of the documents is considered in full and applied to the application site.

It is not acceptable to submit an application for full planning consent based on the Outline Application for the whole Elms Park, when the outline application has not yet been determined and contains parameters but not details and therefore has limited relevance to the application under consideration. From a number of the proposals contained in the documents submitted with this application it is clear that Persimmon Homes Ltd is proposing that a number of the requirements of the NPPF and requirements of the emerging Cheltenham Plan do not need to be satisfied for this Phase.

Whilst Persimmon Homes Ltd have made a reference to the parameters of the Outline Application, they have not provided any details or timescale for when these parameters will come into effect. Nor have they provided any indication of how many properties or how many square metres of floor area will be constructed before these promised parameters are provided.

The Parish Council understands from the descriptions and the phrasing of the statements and documents that have been submitted for Phase 1 that the promised parameters will only be provided with the development of the whole of the Elms Park Site.

The Parish Council object most strongly to this development of 260 houses proceeding without having its own:

- Sustainable Transport Plan,
- Detailed Travel Plan,
- Green Transport Plan, etc.

And without including:

- Cycle Way Provision
- Safe Pedestrian Routes
- Provision for Buses.

It appears that Persimmon Homes Ltd do not believe that it is necessary for the inclusion of many of the requirements / parameters for this first phase of the development of Elms Park, despite this application seeking consent for 260 dwellings and a link to a consented light industrial development adjoining the site.

3.1.3 Section 5.2.1 of the planning application states:

***“Paragraph 2 of the NPPF (Update 2019) states that the Framework ‘is a material consideration in planning decisions.’”***

The Parish Council agrees with the statement and wishes to underline that “is a material consideration in planning decisions” is a reference to ALL planning applications regardless of whether they are for a whole site or a single phase.

As previously stated the whole Elms Park proposal is an outline application which has not yet been determined. Therefore, this Phase must be considered independently, particularly as Persimmon Homes Ltd has chosen not to link the proposed phase through to the wider site area. Constructing a road to boundary within a larger development is not an uncommon occurrence as many ransom strips are produced by this method.

3.1.4 The Parish Council highlights that as the outline application for Elms Park has not yet been permitted this application cannot claim to benefit from the proposed mitigation described within the outline application. If the outline application, and the accompanying mitigations, are never permitted, there would be a long term, adverse impact on the Parish.

The Parish Council acknowledge the NPPF's presumption in favour of sustainable development. Section 9 – Paragraph 102 of the NPPF's lists a number of requirements which include:

- c) Opportunities to promote walking, cycling and public transport use are identified and pursued;***
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains;***

Additionally, Section 9 – Paragraph 108 states:

***“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.”***

As far as the Parish Council is aware these should be considered for all developments or parts of a development.

3.1.5 Section 5.2.4 of the Planning Statement states:

***“In addition, paragraph 11d, footnote 7, states that in applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

The Parish Council acknowledges the contents of this paragraph, but would underline that this footnote does not suggest that developments should therefore be permitted without taking into account all relevant requirements of the NPPF. Also, it does not suggest that an application should be consented on the basis that an adjoining development will meet the relevant standards. It does not appear to differentiate between a site phase or a whole site development.

- 3.1.6 The Parish Council objects to the promise of the parameters for the Elms Park Development being used as a reason for not considering a number of issues that are important for a development of 260 houses.

It is not clear from the Site Layout Proposals whether this applicant will construct the adjoining phases, or when the remainder of the development will take place. It is very likely that it could take a number of years to develop the Elms Park site. This will prevent compliance with, and implementation of, some or all of the controlling parameters for considerable time. This is not acceptable as the same arguments may be put forward in future applications for other phases.

Phase 1 in its current format is clearly self-contained and therefore could be constructed whilst the applicant decides on when they are in a position to develop the remainder of the site.

For reasons described in responses to other documents and sections the Parish Council do not accept the proposal to rely on Car Share, to be managed by the County Council, as an acceptable solution. The Parish Council notes the failure of the GCHQ car share strategy to provide a solution.

- 3.1.7 Section 6.1.6 of the Planning Statement states:

***“The proposal accords with the relevant policies of the development plan and are in general conformity with the Strategic Allocation Policy A4. For these reasons it is requested that planning permission is granted for the proposed development.”***

The Parish Council do not agree with this statement. The Parish Council considers that this application requires greater clarification, through the provision of more detail, before it can be determined.

## 4 DESIGN, LAYOUT, & CHARACTER

### 4.1 DESIGN & CHARACTER

- 4.1.1 The Parish Council wishes to highlight that various observations and reconditions within the Heritage statement have not been fully addressed and incorporated in the balance of the application.
- 4.1.2 The Design and Access Statement states (pg. 40):

***“A key design principle will be for Swindon Farm to create a character of its own but integrated into the wider Elms Park development when it is developed. Swindon Farm will have its own identity driven by appearance, public open space design, urban structure and land uses.”***

We wish to draw attention to the fact that this application is for Phase 1 of the Elms Park development which, through the Heritage Statement, suggests that areas of Phase 1 should take into account the proximity of the new buildings to the existing conservation area and should be designed to limit the negative compact that the proposed Phase 1 development and buildings will have on the character and rural nature of the existing conservation area.

This requirement should be reflected in the Phase 1 proposals and not the parameters proposed in the ‘yet to be determined’ outline planning application for the full Elms Park development.

- 4.1.3 The summary (pg. 3) of the Heritage statement states:

***“A full setting assessment has concluded that the Site is an element of the wider setting of the Swindon Village Conservation Area that currently makes a positive contribution to its significance. As such, development within the Site would likely result in less than substantial harm to the significance of the Conservation Area through alteration of its setting.”***

The style and character of the proposed structures and buildings that will see and be seen from the conservation area should be designed and use materials that do not unnecessarily emphasise their presence. They should not become an unsuitable focal point which detracts from the existing rural character of the conservation area.

- 4.1.4 The buff brick is certainly not reflective of the area and should not be included in this phase of the development. It may become acceptable in future phases.
- 4.1.5 Slate is used locally, but so are tiles. Therefore a greater variation in roofing materials should be provided. The street scene illustrations show a mixture of slate on the roofs with roof-lights and dormers and tiles on the other pitched roofs. This variation would be a lot more acceptable.
- 4.1.6 Section 5.22 of the Heritage statement states:

***“The proposed development will cause a change in use and in character to a part of this wider setting, from agricultural fields to a residential estate, whose presence can be mitigated through landscaping and the inclusion of green spaces. Nevertheless, the proposed development will result in a small negative contribution to the significance of the Conservation Area through those changes, including further erosion of its legible separation from Cheltenham and dilution of its rural character.”***

It is important to minimise the negative impact. We hope that Persimmon Homes Ltd will be willing to discuss their proposals with the Parish Council to adjust their proposals wherever possible to reduce the impact that phase 1 and all future phases will have on the conservation area.

- 4.1.7 There is a trend to use ‘timber’ cladding which can be overused on some developments resulting in a Cape Cod or Nordic appearance which has its place but would not create a harmonious link between this phase of the development in this location and the existing architecture. We are therefore pleased to note from the street scenes that it is only being used for detailing. This is a material that, when new, can have a crisp and pleasant appearance, but it does fade and look tatty and uncared for quite quickly. If cladding is to be used it should be through colour composite cladding and not stained, painted or coloured natural timber / wood. Natural timber has a limited life span and requires regular recoating and maintenance and, unless this is attended to, there is a chance that the appearance of the properties could become shabby within 10 years.
- 4.1.8 The three storey units on Street Scenes 1 and 3 have the appearance of the houses built on the site adjoining GCHQ and do not reflect the character of the other buildings within the development, the buildings within the conservation area, or the wider Parish.
- 4.1.9 Section 4.4.4 of the Planning Statement states:

***“Policy SP2 also directs the focus of new development to Gloucester and Cheltenham, “including urban extensions to these areas”***

We note that Permission Homes Ltd is referring to this extension into the Greenbelt as an ‘urban extension’. The Parish Council wish to point out that it is their proposed development of Elms Park that will be completely changing the character of the area from Rural to Urban.

## 4.2 LAYOUT

- 4.2.1 The Design and Access Statement states (pg. 40):

***“The proposals at Swindon Farm will create a place that is easy to get to and move through utilising public rights of way and connections from.”***

The above statement relates to the whole site development of Elms Park but it is not duplicated in the submitted proposals for the Phase 1 development.

- 4.2.2 The Design and Access Statement states (pg. 44):

***“Retention of existing hedgerows, particularly along the western edge”.***

The western edge of Phase 1 is a proposed Spine Road which presumably will eventually have other properties facing on to it. We seek a commitment that this will not be altered by future applications.



The Phase 1 proposal contains a secondary emergency vehicle access which will necessitate the removal of more existing hedgerow, which is contrary to the above statement.

4.2.3 The Design and Access Statement states (pg. 46):

***“The affordable units are located in different areas and in small clusters including within the centre of the site and around the edges facing open spaces.”***

And:

***“The layout has aimed to focus the affordable units close to the central green space, in particular, to make it easily accessible and overlooked.”***

Affordable housing should not be constructed in such a way as to create a segregated community. Affordable housing should be distributed throughout the development and not just in the least desirable inward looking and overlooked areas.

4.2.4 The Design and Access Statement states (pg. 48):

***“The Scheme Layout has a variety of different tenures and house sizes to meet local demand, provide interest within the street scene and add to good place making.”***

The design access statement fails to define “local” when used in the above context. There is a significant difference in local demand across the parish, let alone NW Cheltenham. The application should clarify this.

### 4.3 ELEVATIONS

4.3.1 The Design and Access Statement states (pg. 50):

***“The Scheme Layout has a variety of building heights to add interest to the street and aid legibility through the new development. Building heights range from 1 storey up to 3 storey.”***

**Figure 1: View looking towards Furzen Hill from the Amenity Area within the Conservation**



**Area (photo taken by Swindon Parish Council).**

The Parish Council do not believe that the levels of Furzen Hill within the development area are reflected in the heights of the elevations and street scenes of the submitted drawings.



The submitted scheme drawings should reflect the final levels of the proposed floors and ridges which are likely to rise above each other as the properties move back into the site towards the Gallagher Retail Park and up the gradients of Furzen Hill.

Unless the final levels are reflected in the street scenes and site sections it will not be possible to obtain an overview that accurately reflects the appearance and heights of the Phase 1 properties or to gauge the impact of the proposed buildings and their the overall appearance on each other or their relationship with the surrounding and neighbouring areas and the conservation area. It has been noted in the Heritage Statement that Furzen Hill will raise up the proposed buildings which will increase their potential to have a negative impact on the Conservation Area.

4.3.2 The Design and Access Statement states (pg. 50):

***“The development is mostly comprised of 2 storey houses which are located along main streets and being part of key frontages onto public open spaces and green areas, 2.5 storey houses are located on important corners, along key frontages and adding variety to the street scene through changes in roofline and 3 storey around important corners and key spaces particularly overlooking the Play Area.”***

2.5 storey units with dormers (as featured in new developments throughout the Parish) would be more reflective of the rural character of the area, particularly in the area of Furzen Hill of the Phase 1 site as they will be raised above adjoining buildings and become dominant.



**Figure 2: Extract from Page 47 of the Design & Access statement identify the number of stories for each building.**

1.1.1 Section 5.25 of the Heritage statement states:

***“Although the Conservation Area includes important views (Fig. 11, CBC 2007) looking towards its exterior it is considered that with an appropriate landscaping scheme no views of the development should be available from the Conservation Area’s boundary (Photo 7).”***

The view (Photo 7) of the conservation area from the site that has been included on page 37 of the report is misleading because it has very obviously been taken at almost ground level and the angle of the view is not towards the buildings in the conservation area.

The downward gradient of Manor Road from Sainsbury’s to the Runnings Road junction is very noticeable and for most of its length it is possible to see the tower of St Lawrence’s Church. It is still possible to see it between the Spirax Sarco buildings when walking along Runnings Road.

The development area for the 260 houses is in a location known and recorded on the Tithe Plan as Furzen’s Hill, which, as the name suggests, will result in the development being higher than the surrounding area because the ground rises quite steeply. This rise in levels is very obvious from the amenity area (see Figure 1). As a result of the hill the houses on the new development will be very visible from the conservation area and therefore it is suggested that any 3 storey or 2.5 storey houses along the south and east boundaries of the development are replaced by 2 storey houses. As the Heritage Statement points out in a number of paragraphs, this development will have a negative impact on the Village and on the Conservation Area. It is therefore important to minimise the impact as much as possible. The Parish Council therefore believes that, prior to any decision being made, the proposed levels on the site should be reflected on the drawings, the street scenes, elevations and site sections. Site sections and views into the development should be provided in order to properly assess the visual impact that this development may have on the Conservation Area and the Village. Only then would it be possible to review and minimise the negative impact discussed in the Heritage Statement.

## 4.4 HERITAGE

4.4.1 The summary (pg. 3) of the Heritage statement states:

***Considering the archaeological resource for the Site and surrounding area this assessment has identified that the Site has potential for prehistoric, Romano-British, medieval and post-medieval deposits... the heritage impacts of their truncation and / or removal could be mitigated by a programme of appropriate and proportionate archaeological works to be agreed with the Gloucestershire County Council in line with local policy SD8.”***

We would like to be kept informed of the programme and progress of the archaeological works that will be agreed with Gloucestershire County Council and would like to receive a copy of the reports on completion of the works.

## 5 TRAFFIC, ACCESS, FOOTPATHS AND TRAVEL PLAN

### 5.1 SITE ACCESS

5.1.1 In the 2013 Design and Access Statement for the Elms Park Outline planning application (16/02000/OUT) the following statement was made regarding the Elms Park second access point from Manor Road:

***“This access was specifically requested by the local authority to increase local access to the central green space within the site. However, vehicular access has been removed and restricted to pedestrian and cycle access only.”***

This application reverses this agreement by including a roundabout junction with Manor Road that serves the 260 houses directly via a single spine road. The original 2013 statement should be adhered to. The main access for this part of the Elms Park development during and after construction should be from Tewkesbury Road.

- 5.1.2 The site proposed in this application will be connected to the rest of the wider Elms Park development via extensions to the proposed internal site roads. Upon completion of the other phases of development, the exit onto Manor Road is potentially accessible to over 4100 homes and businesses. The number of new houses served by the new junction with Manor Road should not be permitted to exceed the number that is proposed for this application.
- 5.1.3 Section 7.4.4 of the Transport Assessment states:

***“A solution has been designed which would provide access to the consented light industrial site from the estate roads within the residential site.”***

The proposed access to the adjoining, consented land (19/01260/OUT) is indicated in this application. However, no details have been submitted by the owners of this consented land or by Persimmon Homes Ltd for the new roundabout shown on this application's drawings that falls outside the scope of either application.

It is our opinion that the proposed road cannot be considered as a 'solution' until the totality of this proposal has been submitted for comment and approval by the relevant land owners.

Despite being included as a part of the underlay of the 4 sheets for the swept path analysis, none of the swept paths submitted are for the road contained on the adjoining development land. We acknowledge that there is a depiction on many of the submitted site layout plans and on the Proposed Site Access drawing showing the link from the Persimmon access road into the adjoining site. However, no details have been supplied regarding this link road and roundabout which fall outside of the scope of the application by Persimmon Homes Ltd.

We therefore suggest that until an application for this road has been submitted, the reference to it is omitted from this application's documentation to avoid it being considered by Persimmon Homes Ltd as having received consent.

As the road would be a change to the originally submitted scheme for that site, the Parish Council would expect to be consulted of any submission, particularly as many of our concerns regarding the application for the development of that land were related to vehicular access and the proposal by that applicant to link through land that they did not own to Manor Road.

- 5.1.4 The developer has sought to conceal their intent to construct a second access to the north of the existing gas house in Manor Road.
- 5.1.5 Section 3.1.9 of the Planning Statement states:

***“A further pedestrian and cycle access (and emergency access) will be provided onto Manor Road at the north-eastern boundary of the site.”***

And Table 1 of the Compliance Statement states:

***“Access: In addition, an emergency vehicular access route is proposed to the northeast of the site off Manor Road. This will provide cycle and pedestrian access in compliance with Parameter Plan 01.”***

We object to this additional access for emergency vehicles. It would be difficult to prevent its use by other vehicles. This was not included in the Revised Parameter Plan 01 and it is a surprise that the emergency vehicles will not have access via the new access formed with Manor Road.

The access is only described roughly in text and has not been indicated on any of the drawings. It is unacceptable that no details or drawings have been included with this application for this junction.

There is a narrow path illustrated, but not labelled, to the north of the existing gas house. If this is the proposed emergency access it is unlikely to be deemed acceptable for emergency vehicle access.

The 'S' shape bends along the North East boundary of the site make this an unsafe location for any form of vehicular egress or access. The gas housing will mean that there will be reduced visibility for any driver travelling north along Manor Road of any cyclist, pedestrian or vehicle exiting the site.

Such a junction will require adequate visibility and crossing points to be provided for pedestrians, cyclists and disabled/semi-ambulant people.

There is an existing route along Dogbark Lane that can be used by pedestrians, cyclists and disabled/semi-ambulant people. This can be connected to the various turning heads in the site without having to construct an additional access. Therefore, the only reason for creating the emergency access would be to provide an additional vehicular connection onto Manor Road. This would become the route favoured by the new residents because it would be perceived as a means of by-passing the other new junction. At peak times the new junction would be an undesirable transit location as traffic can be very heavy.

The description (planning statement) lists it as an access point for pedestrians and cyclists. To accommodate this use it would be necessary to include crossing points and methods of reducing the speed of traffic to make it safe. Localised narrowing of the road and the provision of regular paving, lowered kerbing together with signage would be the minimum requirements.

## 5.2 TRAFFIC MODELLING

5.2.1 Section 7.1.7 of the Transport Assessment, states:

***“Due to the application timescales, the Paramics modelling will not be completed prior to submission. It is intended the model results would follow-on shortly after submission as a separate addendum.”***

The submission of an incomplete and unsubstantiated proposal due to commercial time constraints is unacceptable. Due to the lack of modelling the Transport Assessment is unable to demonstrate there will not be a significant degradation of local car journey duration and reliability. It is likely that any future modelling will require a revised road access scheme further delaying the development of this scheme. The application provides no commitments on timescales for the model or any subsequent design revisions based on its results.

5.2.2 Section 8.1.4 of the Transport Assessment states:

***“Previous analysis using strategic modelling has demonstrated that the local highway network can accommodate travel demand associated with the proposed development.”***

However, sections 7.1.4 of the Traffic Assessment states:

***“The previous modelling was based upon provision of four access points rather than the single Manor Road access proposed. Saturn modelling, which is a strategic tool, is less detailed at a local level.”***

The conclusion stated in Section 8.1.4 has not been substantiated. The previous modelling relied on four access points along Tewksbury Road. The proposed scheme in this application utilises an access via Manor Road. The Central Severn Vale Saturn model results cannot be used to demonstrate the impact of this scheme. As such, Persimmon Home Ltd has failed to undertake any relevant traffic modelling as part of this application. It is also noted that the Central Severn Vale Saturn modelling will not have considered more recent significant applications (see section 5.3.3)

5.2.3 Section 7.1.6 of the Transport Assessment states:

***“Where necessary, additional standalone junction models will be prepared to understand the impact of the development.”***

This modelling and impact assessment must form part of this planning application. The local road network frequently experiences heavy traffic and congestion. Specific roads that experience heavy traffic and congestion include:

- Manor Road, Runnings Road and Swindon Road during peak times.
- Swindon Road, specifically, the narrow railway bridge at Road during peak times.

- The entire local road network suffers delays when there is a traffic incident or roadworks on Princess Elizabeth Way or the M5. This is a regular occurrence.

- 5.2.4 The Transport Assessment provides a summary of the Draft Gloucestershire Local Transport Plan Review key points in section 2.3. However, it fails to set out that detailed traffic investigations and modelling covering Manor Road and the proposed site access location form part of the draft plan. This modelling is still being finalised and we await the conclusions from Highways England. The application must take account of these results.
- 5.2.5 There is already considerable congestion in Manor Road at peak traffic times due to the increase in usage of the local retail parks, including Gallagher Retail Park, and the increased traffic activity at Kingsditch Industrial Park, particularly related to the industrial units along Runnings Road. With the addition of 260 homes and a new junction, we expect any traffic modelling to demonstrate that the existing road network cannot support the proposed scheme as the current network cannot support the existing demand during peak times.
- 5.2.6 Section 4.4.12 of the Planning Statement states:

***“The traffic distribution analysed in the Transport Assessment shows that it is unlikely that the development would exacerbate existing queuing at the southbound off-slip of J10 of the M5 which Highways England considers to be a safety issue.”***

Further, section 7.4.4 of the Transport Assessment states:

***“Based upon review of the traffic distribution in Table 6-6, only a small proportion of these arrivals would be via M5 J10. It is therefore unlikely that the development would exacerbate queuing at the junction, although this will be confirmed by the outputs of the Paramics model.”***

This conclusion is flawed. The unsafe queuing on the southbound hard holder of the M5 at J10 is due to the congestion experienced along the Tewkesbury Road corridor into Cheltenham, including the junction with Manor Road. Due to the lack of adequate modelling, the Transport Assessment fails to take into account the impact of all journeys to and from this site on this corridor, and the junction with Manor Road (off which the entrance to this site is located).

Swindon Parish Council have clearly stated during the consultations on the Cheltenham Plan that additional traffic alleviation is required in the wider area including 4-way access on the M5 Motorway, Princess Elizabeth Way, Village Road, the level crossing at Swindon Lane and the railway bridge at Swindon Road. The specific details of these must be committed to before this planning application can be approved.

### 5.3 TRAFFIC AND CUMULATIVE IMPACT

- 5.3.1 The length of Manor Road between Runnings Road and Tewkesbury Road is one of the primary access routes between Bishops Cleeve and Tewkesbury Road (and M5 junction 10). Traffic near the sites access point is already often heavily congested along Manor Road and Runnings Road. It is impeded by long delivery vehicles / transporters delivering to the Industrial units on Manor Road and Runnings Road. These vehicles block one carriage way which results in delays of up to 15 minutes at peak times. This is further exacerbated by traffic queuing on the existing roundabout to access Sainsbury's, Lidl and the shops on Gallagher Retail Park.
- 5.3.2 Residents have already requested that measures be implemented to control the speed of traffic through the Village and deter it being used as a 'rat run'. Traffic travelling from the M5 Motorway and Tewkesbury Road utilises Church Road, running through the centre of Swindon Village as a way to avoid congestion. The additional junction and conflicting movements is likely to increase the flow of traffic through the village. There have also been requests to improve pedestrian safety at the crossing point to Dog Bark Lane.
- 5.3.3 Section 7.3.3 of the Transport Assessment states:



***“There may be other committed developments within the Paramics model area. However, the traffic impact of the proposals will be relatively localised, and it is not therefore considered that it is necessary to explicitly include any other sites.”***

This conclusion is flawed. Significant additional traffic movements are expected from a number of local developments that have been consented. These include:

- Redevelopment of the former Vibixa site (19/02009/FUL)
- Development of the adjoining land to provide light industrial units adjacent to this proposed site (19/01260/OUT)

While the impact of these developments may be localised, they are local to the proposed development, with 19/01260/OUT sharing the same access. These industrial units are expected to house shops open to the public. They will therefore generate significant traffic movements. This planning application should assess the cumulative impact of these developments.

## **5.4 ROAD IMPROVEMENTS**

5.4.1 Reducing the speed limit to 30mph along Manor Road should be a condition of approval to take into account the close proximity of the roundabout to the existing junction. This is a 2 lane narrow road, with a very narrow footpath on the west side used by pedestrians and cyclists. The new roundabout junction is in close proximity to the junction of Manor Road and Runnings Road. The portion of the road running through the village should be limited to 20mph.

5.4.2 Section 5.3.3 of the Transport Assessment states:

***This report provides an assessment to determine whether any of the measures proposed by the wider Elms Park site are required to mitigate the effects of the proposed development.***

Further, section 4.2.3 to section 4.2.5 of the Travel Plan states:

***“The planning application for the Elms Park site proposed a substantial package of highway improvements to mitigate the effects of the development and to enable the sustainable transport strategy”***

The Transport Assessment and Travel Plan fail to provide any reasoned assessment as to whether any of the proposed highways, walking or cycling infrastructure is required to support the application. The application fails to commit to providing any of the proposed mitigations. Given the likely impact of the proposal, this is unacceptable.

5.4.3 Section 5.3.1 of the Transport Assessment states:

***“Replacement of the Manor Road / Runnings Road junction with traffic signals.”***

This is welcomed and should be made a condition of acceptance. This traffic light controlled junction should include a traffic light controlled pedestrian crossing as this is a particularly dangerous crossing point.

5.4.4 Section 5.3.1 of the Transport Assessment states:

***“Replacement of the Runnings Road / Kingsditch Lane / Wymans Lane double mini-roundabout with traffic signals”***

This is welcomed since this is a very difficult place for pedestrians and cyclists to cross and may impede people from walking to town.

## **5.5 FOOTPATHS & RIGHTS OF WAY**

5.5.1 The Design and Access Statement states (pg. 44):

***“Retention of the public right of way running along a new street from south west to north east.”***

We note that the public rights of way have been altered to minimise their impact on the proposed layout as opposed to providing the optimum reinstatement of the current alignments.

5.5.2 Section 4.4.10 of the Planning Statement states:

***“New footpaths and cycle routes are proposed within the site which will provide linkages to Cheltenham in accordance with Policies CP4 and INF6.”***

There do not appear to be any identified cycle routes or footpath links that accord with the referenced policies. The only provision is the footpaths that edge the roads in the residential development.

5.5.3 Ownership of the maintenance of the footpaths in the application site during the period of development must be clarified.

## **5.6 PARKING**

5.6.1 The amenity area should also include a layby such that cars that park locally to use it do not cause congestion by parking in the road.

5.6.2 We welcome the proposed parking scheme of two spaces per house and one space per flat.

5.6.3 Additional visitor or delivery parking to ensure no parking on the road / pavements blocking the highways on the site must be provided.

5.6.4 Electric vehicle charging ports should be part of the parking provision.

## **5.7 SUSTAINABLE TRANSPORT**

5.7.1 Section 2.6 of the Travel Plan states:

***“The proposed development will support the sustainable objectives set out in the NPPF and details of this will be provided in this Travel Plan.”***

We disagree with the statement because the proposals for Phase 1 do not, in the opinion of the Parish Council, meet the required standards set out by the NPPF and listed in section 2.1.1 to 2.1.5 of the Travel Plan.

5.7.2 The Travel Plan relies heavily on mitigation proposed for the “wider site”, meaning the full Elms Park development. However, the NPPF Section 9, Paragraphs 102 to 111 promote sustainable transport for all developments regardless of its size. A separate Sustainable Transport Plan should be provided for this application that supplies further details and commitments for the proposed mitigations.

5.7.3 The number of parking spaces on the proposed site and the lack of any provision for buses indicates that this application does not consider that this phase will benefit in any way from changes in transport technology or that there will be any beneficial opportunities from existing or proposed transport infrastructure in the Manor Road area.

5.7.4 There is no evidence that Persimmon Homes Ltd has made efforts to engage the local community to develop attractive opportunities to promote walking, cycling and the use of public transport.

5.7.5 NPPF Section 9, Paragraphs 109 states:

***“Development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be severe.”***

Whilst the term ‘severe’ is open to interpretation, the impact of traffic from further developments of the Elms Park site on the site spine road and junction with Manor Road cannot be ignored and would have severe consequences on the existing road network and on road safety.

5.7.6 Section 3.4.6 of the Travel Plan states:

***“Manor Road benefits from footways with dropped kerbs at crossing points along the western side, within the vicinity of the development site. The footway continues north on the eastern side of Manor Road, after the junction with Runnings Road, providing a connection to Swindon Village.”***

The misleading way in which this paragraph has been written suggest that the footpath provision is more than adequate. At the point where the poor quality dropped-kerb crossing point crosses to the North East side of Manor Road the width of the footpath reduces to approximately 1.0m. This is the only pedestrian link into the Village and it, together with Manor Road, is often flooded when there is heavy rain because of inadequate drainage.

There is only one poorly maintained narrow footpath on the south west side of Manor Road between the proposed access and Gallagher Retail Park. This is the only pedestrian link between the Village and the Retail Park and there are times when it is blocked by car transporters while their cargos are off-loaded into the car sales showrooms.

5.7.7 Section 3.4.7 of the Travel Plan states:

***“South of the site, Manor Road benefits from footways on either side, providing a connection to Gallagher Retail Park and the employment area of the Kingsditch Trading Estate.”***

This is incorrect. There is only one poorly maintained narrow footpath that runs along Manor Road between the south west end of the site and Gallagher Retail Park. Similarly, there is only one footpath on the opposite side of the road to the eastern edge of the development site at the junction of Manor Road and Runnings Road. It is some distance before there is a second footpath on Runnings Road. The existing footpath does not meet accessibility requirements for the disabled; an issue which has directly affected parish residents.

Section 3.4.8 of the Travel Plan states:

***“Controlled crossing facilities are provided across the signalised junction of Manor Road/A4019 Tewksbury Road/Hayden Road to provide a safe crossing point for facilities located south of the Tewksbury Road.”***

This statement is correct, but this controlled crossing facility is too far from the site to be of any benefit to phase 1 until they link to Tewkesbury Road. Due to the heavy volume of traffic on the new junction, it is very likely that when Persimmon Homes Ltd has constructed a junction onto Tewkesbury Road the phase 1 vehicles will use the Elms Park junction to connect to Tewkesbury Road. This will avoid the traffic congestion on the Phase 1 roundabout in Manor Road.

5.7.8 Section 3.4.9 of the Travel Plan states:

***“The proposed development site is located within close proximity to a range of local services and facilities. These include local food stores, cafes, restaurants, primary school and leisure facilities. The site is also adjacent to the Kingsditch Trading Estate which is a key local employment area. The main local facilities located in the vicinity of the development site are listed in Table 3-2 and highlighted within Figure 3-2.”***

The above statement is correct but there are no links being provided to these facilities from Phase 1. The only link that will be available for the proposed 260 houses will be via Manor Road and its single footpath.

5.7.9 With reference to section 3.4.12, 3.4.13 and 3.4.14 of the Travel Plan which discuss accessibility by cycle, the application does not include any links to the cycle paths listed. It is therefore wrong to claim any benefit from these cycle paths. Direct links to these cycle paths should be provided.

5.7.10 Section 3.5.4 of the Travel Plan states:

***“The walking distance to the bus stops on Tewkesbury Road is beyond the ‘typical’ 400m threshold for access to bus services. However, the routes that can be accessed from these stops are frequent and direct services into Cheltenham Town Centre, providing an alternative to the ‘H’ service.”***

A development of 260 houses, the size of Phase 1, should include bus stops on the site's constituent roads. This should be suitable for use by a publicly accessible bus service and for school bus



services as pupils travel to schools in Gloucester, Tewkesbury, Winchcombe and Stroud as well as the local schools in Cheltenham.

Considering that this is the first phase of a substantial development of 4,100 houses, Persimmon Homes Ltd should honour its commitment to sustainable alternative means of transport by including onsite bus services which expand through each phase.

The threshold distances of travel are set not just for able-bodied people but also for elderly and infirm people, children and parents with children who do not welcome struggling along busy and dangerous roads. Not only is this issue related to sustainable transport it also relates to safety and health and wellbeing.

- 5.7.11 In anticipation of development of the wider Elms Park site and the introduction of new bus services, the site's central road should include a layby that in future can be used as a bus stop.
- 5.7.12 With regard to bus links to other services, the Elms Park 4,100 house development together with the proposed employment land development should be large enough to enable expanded bus services to be negotiated. Services linking the development to Cheltenham, Tewkesbury, the railway station, and Gloucester should be implemented.

Initially for phase 1 it would be understandable that bus services would be limited but commencing negotiations for a link to the railway station and to the centre of Cheltenham should be part of the conditions.

- 5.7.13 Section 3.5.5 of the Travel Plan states:

***“Cheltenham Spa railway station is 3.5km south-west of the site, and offers regular regional and national services to destinations including Bristol, Cardiff and Birmingham. The station provides 178 car parking spaces and 134 cycle parking spaces.”***

This statement is correct; however, it is unrealistic to expect residents of the site to cycle or to use public transport with direct links from the development to the railway station. This will only contribute to the inevitable congestion along Manor Road (the route to the railway station).

- 5.7.14 Section 4.2.1 of the Travel Plan states:

***“The wider Elms Park site will deliver local facilities, new off-site highway infrastructure and public transport services.”***

This is not acceptable. As the outline planning application for the full Elms Park development has not yet been consented, it is unacceptable to rely on “promised” facilities that do not form part of this application. The above sentences imply that there will only be any public transport services after the 4,100 houses have been constructed.

- 5.7.15 Sections 5.1.1 and 5.1.2 of the Travel Plan states:

***“This Residential Travel Plan will sit within the wider FTP for the entire Elms Park site. This document has been prepared to incorporate the FTP measures and targets. It is intended that GCC will adopt the role of Travel Plan Co-ordinator (TPC) for the wider site once planning permission has been granted. Until that point, Persimmon Homes will take responsibility for the TPC role.”***

The statement appears to imply that the Residential Travel Plan will come into existence following the consenting of the full 4,100 house development. Phase 1 is of a size that has made it necessary for Persimmon Homes Ltd to submit a Travel Plan specifically for Phase 1. However, the detail provided within it is wholly inadequate and unrealistic for a development of this size.

- 5.7.16 Section 7.1.3 of the Travel Plan states:

***“The target model split is based upon the full transport strategy for the wider site – including new public transport services, cycling infrastructure and on-site facilities. It is therefore not anticipated that these targets will be met until the wider site is delivered and interim targets will be agreed with GCC.”***

This is unacceptable. The proposed modal shift targets should be part of the consented application. Manor Road already suffers from heavy congestion leading to long journey times and low journey reliability during peak times. It is essential that ambitious, but substantiated modal shift targets are included within the application. This will require investment by Permissions Homes Ltd.

## 6 AIR QUALITY, NOISE & ECOLOGY

### 6.1 AIR QUALITY

6.1.1 Section 5.5 of the Air Quality Assessment states:

***“Based on the findings of the assessment prepared in 2016, and the continued improvement in baseline pollutant concentrations in the study area, it is judged that the air quality effects of the proposed development will be ‘not significant’. This will, however, be confirmed through dispersion modelling.”***

The Parish Council believes that the air quality impact of this site needs to be fully modelled and substantiated before the development commences and it should be taken into account when deciding on the best location for the exit point from the Phase 1 development.

The proposed site entrance and associated additional traffic will likely lead to significant congestion. As noted in section 5.2 detailed traffic modelling has not been undertaken. As such it is impossible to assess the air quality impact on local receptors. The Air Quality modelling should include sensitivity analysis based on traffic movements to assess different scenarios.

6.1.2 Air quality and odour issues from Wingmoor farm are a significant problem in this area. The application considers the distance of that landfill site from the proposed development (1.4km) as too far for there to be any issue. Swindon Parish Council works with the Wingmore Farm liaison group and can provide contrary evidence. Odour issues and related complaints are frequently recorded in the wider area including the proposed development areas.

6.1.3 Section 6.2 of the Air Quality Statement states:

***“A Framework Travel Plan has been prepared for the proposed development to promote sustainable transport modes to help reduce the reliance of future residents on car use. Strategies to encourage walking, cycling and public transport use are included within the Framework Travel Plan. The package of measures will help to reduce emissions associated with the proposed development.”***

As noted in Section 5.7, the Travel Plan’s assumption on modal shift as a result of the proposed mitigations are extremely unrealistic and unsubstantiated. No credit from these measure should be included with the Air Quality Statement.

### 6.2 NOISE

6.2.1 The Parish Council believe that the noise impact must be considered fully before this application is approved. This can not be completed until a detailed and reliable traffic model has been developed and validated.

### 6.3 ECOLOGY

6.3.1 It is essential that there is a firm commitment not to disturb trees T93 and T9 (high quality trees, which are not designated for removal). T93 protection measures need a full Arboriculture Method Statement (AMS). The Arboriculture Assessment states

***“It is recommended that the AMS is conditioned as part of any future planning consent; to be submitted to and approved by the LPA prior to the commencement of construction”***

We fully agree with this and expect to receive a copy before site preparation work commences.

- 6.3.2 The application calls for the removal of trees T45, T48, T92, H2, H3. This is a very high percentage of Category B trees (70%). The plan is also to remove 87% of Category C trees. This is an extremely large reduction in tree cover which will have an impact on biodiversity and amenity for people (trees and green features are positive for mental health). Sections of hedgerow are also to be removed, and we consider this to be a negative impact on the area. The ecological appraisal report states: "Hedgerows provide the habitat of greatest biodiversity value on site". There are also dormice living in the hedgerows. We therefore argue that more hedgerows and trees should be retained in addition to the planting of new trees and hedgerows.

- 6.3.3 Section 5.17 of the Arboriculture Assessment states:

***"It is considered that all such tree and hedgerow losses can be mitigated through the provision of an adequate volume of new tree and hedgerow planting within areas of public open space. To this end, the loss of trees and hedgerows on site should not be considered a constraint to the proposals. For recommendations in terms of new planting see Section 6."***

This application should include details and firm commitments regarding the planting of new trees and hedgerows, implementing the recommendations provided in Section 6.

- 6.3.4 It should be a condition of consent that badger monitoring be carried out immediately before building.
- 6.3.5 It should be a condition of consent that bat boxes and habitat for birds and other wildlife in the green areas of the site be provided.

## 7 FLOODING & DRAINAGE

- 7.1.1 The Parish Council is concerned that this application does not consider the impact of the flood mitigation proposed in the wider Elms Park development. The proposals in this application should be demonstrated as consistent with the proposed full site drainage scheme.
- 7.1.2 The draining of the attenuation pond into the Swilgate may have implications for flooding downstream or for the river ecology. Supplementary evidence to prove that the proposed flood alleviation from Fluvial and Pluvial flooding and water treatment plans are sufficient should be provided.
- 7.1.3 A condition of the planning approval must be a total review of the surface road drainage in Manor Road. Today, Manor Road frequently floods near Dog Bark Lane, with flood water flowing south on Manor Road towards the area of development. During heavy rainfall the existing drainage is unable to cope with the surface water. This must be factored into the development.
- 7.1.4 The Design and Access Statement states (pg. 44):

***"The Scheme Layout for this full planning application is shown opposite. Its main elements include ... A surface water attenuation basin located in the north of the site adjacent to the River Swilgate."***

The Parish Council are concerned about the proposed method of dealing with storm water and the proposed location of the attenuation basin which will need to be checked against the flooding and drainage strategies to see if the impact includes the occasional flushing of the lake in Pittville Park.

## 8 SERVICES & UTILITIES

- 8.1.1 With the exception of telecommunications, the Utility Statement and the Construction Environmental Management Plan fail to provide details of the work required to connect to existing utilities and how the impact of these activities will be managed to mitigate excessive impact on the community. This is unacceptable. Manor Road, at peak, is heavily congested. Previous work has significantly impacted journey time and travel reliability throughout North West Cheltenham.
- 8.1.2 The Utility Statement does not provide details of the type and speed of the broadband connection to be provided. The Parish Council encourages the developer to explore options for offering superfast fibre to houses in support of the Government's Building UK's Digital scheme. This could significantly contribute to the modal shift presented in the Travel Plan.

8.1.3 Section 4.3 of the Utility Statement states:

***“There is a requirement for a dismantlement and alteration to the WPD network. This consists of dismantling an 11KV main and an alteration to an existing property”.***

Details of these alterations are not included within this application.

8.1.4 Section 5.1 of the Utility Statement states:

***“There are existing BT mains located in Manor Way.”***

The Parish Council objects to residents of the development being limited to a single network provider as it reduces residents future's choice, and costs. There should be provision for Fibre To The Home (FFTH) suppliers to service this development (e.g. Gigaclear or Virgin Media).

8.1.5 Section 5.3 of the Utility Statement states:

***“It is also anticipated that there will be diversion works required when the 278 works take place.”***

No details of the work required, diversions, and expected impact has been provided. This is unacceptable. Manor Road is a significant travel corridor for NW Cheltenham. Previous work has significantly impacted journey time and reliability throughout North West Cheltenham.

Section 3.4.11 of the Travel Plan states:

***“The above assessment demonstrates that there is a primary school located within the preferred maximum walking distance. The Gallagher Retail Park and Sainsburys Convenience Store are located within acceptable walking distances to facilities ‘elsewhere’, whilst the majority of those listed at Table 3-2 are located within the preferred maximum distance; including food stores, restaurants and leisure facilities.”***

We note that the Swindon Village Primary school is already operating to capacity and has little room for on-site expansion. The walk between Phase 1 and the school is not a safe trip for young children. There is no controlled crossing, and there are no traffic reduction measures proposed for Manor Road as part of this application. Church Road, opposite the school, already experiences significant on street parking during school arrival and departures times. This has caused a number of traffic accidents and near misses. The situation has also resulted in a number of incidents of anti-social behaviour requiring a police presence. Without the provision of adequate and safe walking routes (notably the crossing of Manor Road) this development will make the current situation worse as families will be forced to drive to the school.

## **9 SUSTAINABILITY, ENERGY & WASTE**

9.1.1 There is a distinct lack of specific evidence to support the implied notion that this application is a sustainable development.

9.1.2 An Energy Policy is required by the NPPF for an application of this scale. None has been provided. We expect to receive an energy policy as part of this application.

9.1.3 There are many positive sweeping statements regarding infrastructure provision as part of the development site, however there are no specific commitments to provision of specific services or facilities by specific time periods and no commitment to give assurance that they would be in place before residential occupancy. There are gaps in specific information which are said to be addressed later in reserved matters, but for this application to be approved they must be identified now.

9.1.4 The document is correct in stating that Policy SD3 does not establish energy efficiency targets or renewable energy generation targets for new residential development. In the absence of such a policy one is directed to national policy. The NPPF includes a presumption in favour of sustainable development, and specifically benchmarks this to national standards. Paragraph 150, NPPF states:

***“New development should be planned for in ways that...can help reduce greenhouse gas emissions, such as through location, orientation and design. Any local requirements for sustainability of buildings should reflect the Government’s policy for national technical standards.”***

In July 2019 Cheltenham Borough Council declared a climate emergency so this development as the first phase in one of the largest ever to be built on previously green belt agricultural land should set the standard for carbon neutral development. This development should lead by example, going beyond the minimum standards set out in the NPPF, targeting significantly reduced emissions per building.

During development of the JCS and the outline application for the whole Elms Park development the proposals were promoted as sustainable development. This development as phase 1 of approx. 4100 homes and additional industrial and retail units must adhere to that statement. More details are required to support sustainable development. The details included in the Sustainability and Climate Emergency Statement should include specific measures to achieve carbon neutral status in this development.

All the homes should meet the Passivhaus standards (see Passivhaus Trust).

- 9.1.5 The Persimmon Website states “We use the latest construction techniques and renewable energy sources such as solar panels and air-source heat pumps to make your home future-proof” but this application does not specify any such measures.

## 10 COMPLIANCE

- 10.1.1 Section 1.1.4 of the Compliance Statement states:

***“An outline application (known as ‘Elms Park’) was submitted in line with this allocation in October 2016 (16/02000/OUT) and is yet to be determined. Swindon Farm is located within Phase 1 of that site.”***

As stated in paragraph 1.1.4, the outline application for the whole Elms Park site has yet to be determined and the detail of some of the topics listed in the bullet points of paragraph 2.1.2 are still under consideration.

The parameters that will eventually form part of the outline consent are, as stated, parameters and by definition are variables that are given a series of arbitrary values. Therefore the parameters are an indication of the information and topics that will be required in detail for each submission that is made.

It is therefore necessary for Persimmon Homes Ltd to illustrate how Phase 1 meets the parameters that have been identified in the Outline Planning Application (16/02000/OUT) and to provide the detail required to illustrate that Phase 1 is compliant with the relevant standards, legislation and regulations.

- 10.1.2 Table 1 of the Compliance Statement states:

***“Red Line Boundary: The proposed development falls entirely within the limits of the red line shown on the Elms Park Site Boundary Plan (ref: 21614:9001F).”***

This is false. The proposed site access requires modification to land outside the red line boundary (see section 5.1.3 for details).

- 10.1.3 Table 1 of the Compliance Statement states:

***“Land Use: The proposed development is in broad compliance with the land uses shown on Parameter Plan 01 submitted with the Elms Park application (ref: 16/02000/OUT). The Parameter Plan shows residential development within the northern parcel of the site and mixed-use development (including residential / business / retail) as options within the southern parcel.”***

The summary that has been made in Table 1 is false. The colour coding of Parameter Plan 01 shows that the proposed usage allocation for the southern parcel is Residential, Education and Commercial (to include business, retail and residential). By comparing the Revised Parameter Plan 01 with the Housing Mix Plan of the current application it appears that 73 houses will be constructed on the



identified mixed use area at the southern end of the current application site. This is approximately 28% of the total number of houses proposed for construction on the current application site.

Whilst we appreciate that the area already has Commercial, Retail and Business use, we believe it is very important that the commitment to educational use should be retained and incorporated into this proposal. This development will overburden the existing schools and facilities in the area and the development should be providing some support for the incoming young families as a means of reducing at least some of the burden on the existing facilities. We believe that this could be achieved by the provision of a nursery school with facilities for secure outside play, parking and safe dropping off and collecting of children.

10.1.4 Table 1 of the Compliance Statement states:

***“Land Use: As the proposed development includes housing, it is in broad compliance with the Parameter Plan. High quality housing is proposed along the frontage adjacent to Manor Road, while future business and retail uses will not be prejudiced in future phases of the wider Elms Park development, including the 10ha business park.”***

The phrase ‘broad compliance’ is not acceptable because the application should illustrate compliance. The term ‘broad compliance’ has been used to say that out of all the uses listed on the Revised Parameter Plan the developer’s intent is only to provide residential and brushes aside all other uses. This totally ignores the commitment to education that is listed on the Revised Parameter Plan for this site.

As this is the first detailed application for a site that has only received outline consent it is worrying that, at such an early stage in the submission of development proposals, a term such as ‘broad compliance’ is used to sweep aside all uses other than residential.

Whilst housing is needed, so are various support facilities for housing, including: business, retail, commercial and very importantly education. New housing on this scale should not overwhelm existing services and facilities to the detriment of both existing and new communities.

10.1.5 Table 1 of the Compliance Statement states:

***“Access: The proposed development is in compliance with the access arrangements shown on Parameter Plan 01. A secondary access is proposed from Manor Road via a mini-roundabout junction in the approximate location that it is indicated on Parameter Plan 01.”***

The location of the proposed access shown in Revised Parameter Plan 01 is much further to the South West of where it is now shown in application 20/00759/FUL. The creation of a new site access junction in the location proposed in Revised Parameter Plan 01 would be much safer as it would be further away from the junction of Manor Road and Runnings Road. The slightly increased distance would reduce the issues that are likely to arise as a result of a new roundabout being constructed too close to the ‘T’ junction format of the Manor Road / Runnings Road junction.

10.1.6 Table 1 of the Compliance Statement states:

***“Density: Parameter Plan 02 indicates that the site should include residential development of higher densities of up to 60 dwellings per hectare (dph). In compliance with this, the proposed development has a density of approximately 40 dph.”***

The density relates to the proposal contained within the outline application (16/02000/OUT) and the provision of a junction with Tewkesbury Road combined with other control measures. However, this Phase 1 application will not benefit from any of these measures in the short term. If the full Elms Park development is never completed (noting the outline application has yet to be determined), the proposed control measures will never be implemented.

If a phase is constructed on the West and / or South west sides of the proposed spine road, prior to the Tewkesbury Road junction being constructed, the number of vehicles exiting onto Manor Road via the proposed roundabout junction will be considerable and result in significant traffic and congestion. The design limitations, not only of the proposed roundabout junction, but also of the other

junctions along Manor Road, need to be fully modelled and detailed in order to establish the maximum acceptable traffic flow that can be accommodated from the Phase 1 development (see section 5.2 for further details).

The submitted Travel Plan states that the Travel Plan is part of the Full Site Outline Planning Application and will only be activated when the full Elms Park development is under construction. No Sustainable Transport Plan has been submitted for this development. Therefore, as none of the measures that are contained within the yet to be determined Outline Application are included in this application, the proposed density of this phase and the number of residents, vehicles, cycles and pedestrians that will be generated by the 260 houses is too high.

10.1.7 Table 1 of the Compliance Statement states:

***“Green Infrastructure: Parameter Plan 03 shows only a small L-shaped area of Green Infrastructure to be created within the site, in the approximate location of the overhead electrical cables in the east of the site. The proposed development goes above and beyond compliance with this by extending the Green Infrastructure under the entire length of the overhead electrical cables. In addition, an attenuation basin surrounded by an area of green space is proposed at the north-west of the site. The Parameter Plan also shows the retention of hedgerow along the north western boundary of the site as Green Infrastructure. The proposed development will retain this hedgerow and is therefore in full compliance with Parameter Plan 03.”***

Unfortunately Persimmon Homes Ltd have decided to include an additional emergency vehicle access along Manor Road which will result in the loss of additional hedgerow. No details have been submitted for this junction and no reason has been given for the need to include it from Manor Road.

10.1.8 Table 1 of the Compliance Statement states:

***“Transport & Accessibility: It was agreed through draft Condition 14 (see Appendix 1) of the Elms Park application that access to and through the site should be in general accordance with the Access and Movement Strategy on pages 110 and 113 of the Elms Park Design and Access Statement. In accordance with this strategy and Parameter Plan 01, the proposed scheme will provide secondary access from Manor Road via a mini-roundabout junction. An emergency vehicular access route is proposed to the north-east of the site off Manor Road which will also provide cycle and pedestrian access.”***

The location of the proposed access shown in Revised Parameter Plan 01 is much further to the South West of where it is now shown in application 20/00759/FUL. The creation of a new site access junction in the location proposed in Revised Parameter Plan 01 would be much safer as it would be further away from the junction of Manor Road and Runnings Road. The slightly increased distance would reduce the issues that are likely to arise as a result of a new roundabout being constructed too close to the ‘T’ junction format of the Manor Road / Runnings Road junction.

We are also concerned that as the larger expanse of Elms Park is developed that the spine road shown on the Phase 1 plan will be extended to link to all areas of the larger development site enabling even higher numbers of vehicles to link to the proposed Phase 1 roundabout junction with Manor Road. In addition to being a through-route for the Elms Park development it is very likely to become a link between Tewkesbury Road and Manor Road that will be used by motorists wishing to avoid the traffic light controlled junctions along Tewkesbury Road and the roundabout junction with Gallagher Retail Park and Sainsbury’s. We are concerned about the dangers of this and the negative impact which will result in:

- An unacceptable increase in traffic movements through Swindon Village
- An exceedance of the design capacity of the proposed roundabout and other junctions (e.g. the double mini-roundabouts at the junction of Kingsditch Lane and Runnings Road) during peak times leading to increase journey times and reduced journey reliability
- A related increase in noise and reduction in air quality in a mostly residential area

10.1.9 Table 1 of the Compliance Statement states:

***“Transport & Accessibility: A realignment of the existing public right of way between Dog Bark Lane and the existing farm track is proposed in order to retain links through the site, in accordance with the Main Pedestrian and Cycle Access Points Plan on page 111 and the Street Hierarchy Plan on page 113 of the Elms Park Design and Access Statement. As part of the agreed mitigation strategy, draft Condition 16 outlines the need for junction improvements. However, the accompanying Transport Assessment indicates that the development does not trigger the need for any of these junction improvements.”***

As we demonstrate in section 5.2, the accompanying Traffic Assessment fails substantiate that the additional traffic movements resulting from the development will “not trigger the need for any of these junction improvements”. This statement is factually incorrect and misleading.

10.1.10 Table 1 of the Compliance Statement states:

***“Surface Water Drainage: The Flood Risk Assessment (FRA) submitted with the Elms Park application showed that all built development is proposed within Flood Zone 1, including at the Swindon Farm site. There have been no identified changes to baseline conditions since this FRA and the proposed development still lies within land assessed as Flood Zone 1. Following consultation with the Environment Agency (EA) and the Lead Local Flood Authority (LLFA), a condition was agreed (draft Condition 11) to allow for a phased approach with each development parcel coming forward to include provision for detailed surface water drainage proposals. A Drainage Strategy has therefore been prepared as part of the application which proposes an attenuation basin at the north-west corner of the site to discharge to the River Swilgate.”***

It is not acceptable at such an early stage in the development of Elms Park to ignore the impact that later phases of the development may have on the current Phase 1 proposals. The existing River Swilgate regularly floods and ponding occurs regularly on the road at the point where the River Swilgate passes beneath Manor Road. We would hope that the existing local issues are addressed as part of the proposals of the current application.

We note that the letter of response to Travis Baker Ltd from Severn Trent Water dated the 21st February 2020 was suggestive only, noting the following extract:

***“Should the above method prove unsuccessful, a surface water discharge into the River Swilgate to the north of the site would be the preferred option, If both options have been exhausted, we may consider a connection to the existing 750mm dia public surface water sewer to the east of the site may be acceptable subject to formal S.106 approval (see later). In accordance with the SGN (Greenfield site) agreed with the LLFA. Please note the following comments.....”***

As for the foul sewer, the letter from Severn Trent Water does not confirm whether this comment relates to the whole of the Elms Park Site or just to this Phase 1 development. Therefore, the Severn Trent letter raises obvious concerns regarding the storm water drainage not only of the Elms Park development but also that of the adjoining developments. When the proposed development of Elms Park was reviewed through the examination process of the JCS it was generally agreed that any proposals for Elms Park should take into account any known adjoining development proposals. We believe that it is necessary to ensure that a Site Wide indicative scheme is included to provide future design parameters on which all future phases are based. We are seeking confirmation that the proposals have taken into account the use of the River Swilgate as an outlet when the Lake at Pittville Park is drained.

10.1.11 Table 1 of the Compliance Statement states:

***“Foul Drainage: A phased approach to foul drainage has been taken in compliance with draft Condition 12 (see Appendix 1). Draft Condition 12 Foul Drainage: Prior to the commencement***



*of development for each phase, a Neighbourhood Foul Drainage Strategy for that phase shall be submitted to the Local Planning Authority. Thereafter, reserved matters applications for each sub-phase or development parcel shall include detailed foul drainage proposals to be in accordance with the Neighbourhood Foul Drainage Strategy unless otherwise agreed in writing with the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No dwelling shall be occupied until the foul drainage scheme for that parcel has been implemented in accordance with the approved details. A Sewer Capacity Assessment has been completed and confirms that there is capacity at the Hayden Sewage Treatment Works."*

Copied below in black italic text is the response received by Travis Baker Ltd from Severn Trent Water dated the 21st February 2020:

***"According to the sewer records, The nearest public combined sewer is 600mm combined water public sewer located within the proposed site. A gravity foul connection from your proposed site, The anticipated flows from the site of 5.17l/s( Houses and commercial unit) should be able to be accommodated in this sewer, with no adverse effect on the public sewer. Please note a sewer of this size carries a 10m no build zone, 5m either side of the pipe and your development should be designed that this and any other public sewer are not within gardens of the proposed properties and should be incorporated into either highway or open space on the proposed development."***

What is not clear from the Severn Trent Letter is whether their response is related to the current application site only and therefore is restricted to the proposed 260 houses or whether it is a response to the whole development of Elms Park and also any additional adjoining development proposals for, residential, commercial, trade, educational, retail, business or employment uses. It was agreed, when this proposed development was reviewed through the examination process of the JCS, that any proposals for Elms Park should take into account any known development proposals. Therefore, we should be grateful to receive confirmation that the above response is a confirmation of adequate capacity based on the complete development of Elms Park plus the known adjoining developments along the Tewkesbury Road. Hopefully the letter is not simply confirming that the existing sewer has the capacity to serve the 260 proposed houses.

The reason for raising this issue is to ensure that, should it be necessary in the future to increase the capacity, treatment capacity, number and size of the foul sewer provision in order to accommodate the developments and to avoid any detrimental impact on the existing developments (both on and off the site) that it should be taken into account now. A development guidance document should be produced as part of the development briefs for all future phases and external future developments outlining the requirements for those developments.

10.1.12 Table 1 of the Compliance Statement states:

***"Economy: Within Parameter Plan 01, the southern parcel of the site is proposed as mixed-use development including residential and employment uses. While it is proposed that this parcel will only include residential use, it will not prejudice the delivery of employment land in future phases that come forward, including the development of a 10ha business park."***

As stated in the foregoing comments Parameter Plan 01 defines the proposed use allocation for this southern parcel of the Elms Park site as Residential, Education and Commercial (to include business, retail and residential). The heading of this section is 'Economy' and the intent is that all people should be able to work whether from home or by travelling to work. In order to do this and to be able to raise a family or 'grow old', the facilities required to achieve this should not be swept aside. The Parish Council believe that it is important that education should include nurseries and we can see no reason why a nursery provision could not be incorporated into Phase 1 of the development of Elms Park. The Elms Park development will overburden the existing schools and facilities in the area until it has fulfilled its agreement to construct a new school. However, not only should the Phase 1

development be required to include some support and provision for the incoming young families it should also recognise the need to include facilities that will help to reduce the burdens on the existing communities and the facilities of those communities. Therefore, whilst we appreciate that the area around Manor Road already has Commercial, Retail and Business use, we fully believe that it is very important that the commitment to Educational use should be retained and incorporated into this proposal. We believe that this should be achieved by the provision of a nursery school with facilities for secure outside play, parking and safe collecting and off-loading of children. This would reduce the need for small children to have to travel or be taken long distances.

By comparing the Revised Parameter Plan 01 with the Housing Mix Plan of the current application it appears that 73 houses will be constructed on the identified mixed use area at the southern end of the current application site. This is approximately 28% of the total number of houses proposed for construction on the current application site.

- 10.1.13 We do not believe that the Compliance Statement (Planning) produced by White Peak Planning has demonstrated that the full planning application by Persimmon Homes Ltd. for Phase 1 of the Elms Park development encompasses or adequately reflects compliance with the controlling parameters of the 'as yet to be determined' outline application for the whole site.

The Parish Council is concerned that so many of the parameters are reliant on the development of the wider site that little or no provision is being included in Phase 1 which is a large development of 260 houses that will impact on the local area and its communities.

The outline application for the full Elms Park includes an indicative plan and a number of parameters which phase 1 does not mirror in its Layout, Access Positions or Land Use. Therefore, there does not appear to be a drawing or document that has been submitted with the outline application that can be referenced with certainty when reviewing this or other future proposals.

## 11 LOCAL ENGAGEMENT

- 11.1.1 The Design and Access Statement states (pg. 32):

***“Persimmon Homes are committed to effective and meaningful community engagement regarding proposals for Swindon Farm.”***

Under Further Updates it states:

***“Since 2013, key stakeholders have been kept informed directly and a meeting was also held in Swindon Village in February 2015, with the Swindon Village Parish Council and local residents to make them aware of changes made following the 2013 consultations and allow the opportunity for comment.”***

Further, the Planning Statement states:

***“Pre-application meetings were held with CBC in February and March 2020 and these have informed the proposed layouts.”***

The engagement by Permissions Homes Ltd with Swindon Parish Council has been minimal. The only presentation delivered to the Parish Council was by a team who were unable to answer basic questions due to the absence of key people. The information focused on the benefits to the residents who would live on the development; no indication was given about how the development would integrate with the existing communities. No information was forthcoming on traffic management or how the parish would be protected from the numbers of vehicles that this development would generate.

The Parish Council have written and requested an opportunity to discuss its concerns regarding the management of traffic, pedestrian and vehicular access, with the highways engineer's, planning officers and developers. With the exception of the discussion of Local Green Space, we do not feel that the Permissions Homes Ltd has had any effective and meaningful community engagement with the Parish Council despite our best efforts.

The Parish Council would have welcomed a presentation by the developer and their team and to be given an opportunity to discuss our concerns and to obtain a better understanding of their proposals before the submission of this application.

11.1.2 Section 4.4.34 of the Planning Statement states:

***“In accordance with Policy IN7, financial contributions towards services and infrastructure required as a consequence of the development will be negotiated through a Section 106 agreement and the Community Infrastructure Levy (CIL).”***

The Parish Council, along with representatives from the Swindon Village Hall Committee, would like to be involved in any discussions that relate to the financial contributions.

11.1.3 The Parish Council would like to invite Permissions Homes Ltd to establish a regular forum with the Parish Council to discuss matters associated with this application and the wider Elms Park development. Such a forum would be beneficial for both parties. Permissions Homes Ltd would benefit from local knowledge regarding sensitive issues, allowing mitigations to be incorporated into their applications, ultimately de-risking the planning application process. The Parish Council, would benefit from being able to help shape the wider Elms Park development to better support current and future residents. We seek to work collaborative with Permissions Homes Ltd and other developers to ensure that the Elms Park development provides a sustainable environment for our future community.

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25 REFERENCES

## **PLANNING APPLICATION COMMENTS**

### **1 DOCUMENT INFORMATION**

<b>Planning Reference:</b>	20/00759/FUL	<b>Application Date:</b>	25 <sup>th</sup> February 2021
<b>Application Title:</b>	Demolition of a dwelling and the erection of 265 dwellings (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure.		

### **2 INTRODUCTION**

Swindon Parish Council objects to this planning application Ref 20/00759/FUL.

The following sections set out our specific objections. Many of our comments from the previous consultation and the preceding planning application remain unchanged (see section 3). Our additional comments regarding the specific changes made to the application since the previous document are provided in Section 4 to 10.

We are disappointed with the lack of collaborative discussion from the developers for this application. There has been no interaction with Swindon Parish Council on this specific application. We **again** invite the developer to engage with us. Such engagement will ensure that the proposed development is of the highest quality and supports the local community.

### **3 PREVIOUS COMMENTS BY THE COUNCIL**

Swindon Parish Council has previously tendered comments regarding the original 20/00759/FUL proposal submitted on the 14<sup>th</sup> May 2020. While the developer has amended the proposal, we believe that many of our original comments have not been addressed and are still very much relevant and important when determining this revised application. These include:

- Section 3 – Alignment with Planning Policy Elms Park Outline Application & Phasing, particularly with regard to the continued use of parameters presented in the Elms Park outline application (16/02000/OUT), which is inappropriate as it has yet to be determined.
- Section 5 – Traffic, Access, Footpaths & Travel Plan, specifically the complete lack of any credible evidence or substantiation using appropriate modelling tools that demonstrate journey time and reliability on the local road network will not be adversely impacted.
- Section 6 – Air quality, Noise & Ecology, noting that we welcome the inclusion of a noise impact assessment in this revised proposal and have included comments on this in section 6.
- Section 9 – Sustainability, Energy & Waste.
- Section 10 – Compliance.
- Section 11 – Local Engagement.

### **4 DESIGN, APPEARANCE & CHARACTER**

#### **4.1 SITE SECTIONS, LEVELS AND CONTEXT**

- 4.1.1 The proposed application for 260 houses is a significant development and the submitted details and information should reflect the considerable change that will result from its construction. The submitted drawings do not enable an evaluation to be made of the impact that this development will have on the area or enable comparisons to be made with the levels, heights and proximity to

the existing levels, heights and positions of the buildings and infrastructure. Such information is required to understand how the proposed buildings rise through the steeply sloping site.

- 4.1.2 Some of the street elevations show gradual gradients but there is no common datum to act as a reference to all of the street elevations, there are no ridge levels provided or section levels indicated and there is insufficient detail to be able to compare the levels of one street elevation with the levels of the other street elevations.
- 4.1.3 The proposed building heights, the stark and blokey massing of the proposed building blocks and the considerable rise in levels across the site should all be reflected in a way that they can be fully understood.
- 4.1.4 The submitted site sections and street elevations should:
- Be provided using a common and consistent datum for all elevations.
  - Include Dog Bark Lane, Manor Road, adjoining land and green spaces.
  - Illustrate the locations, heights and of proximity of the commercial / industrial buildings that the applicant has stated should dictate the character of the proposed development.
  - Include levels.
  - Should clearly indicate the relationship between the heights and levels of the proposed buildings and the existing buildings, roads, and footpaths.

## 4.2 DOG BARK LANE

- 4.2.1 Prior to this application being considered we request that the planning committee should visit the site and view the levels on the development site and how visually and physically remote Dog Bark Lane is from the tall and blokey commercial and industrial units referred to by the developer.
- 4.2.2 Figure 1 to Figure 5 illustrate that the point that Dog Bark Lane has a very rural character despite the access being located on the opposite of Manor Road from Spirax Sarco. At the junction of Dog Bark Lane with Manor Road there are almost no visual references to the wider commercial elements along Manor Road and Runnings Road. We firmly believe that this location is an extremely important and sensitive link between Elms Park and Swindon Village and therefore the houses proposed for Dog Bark Lane should reflect a residential and varied character similar to those in new residential developments in other areas such as Winchcombe. We also believe that the blocky style is inappropriate.

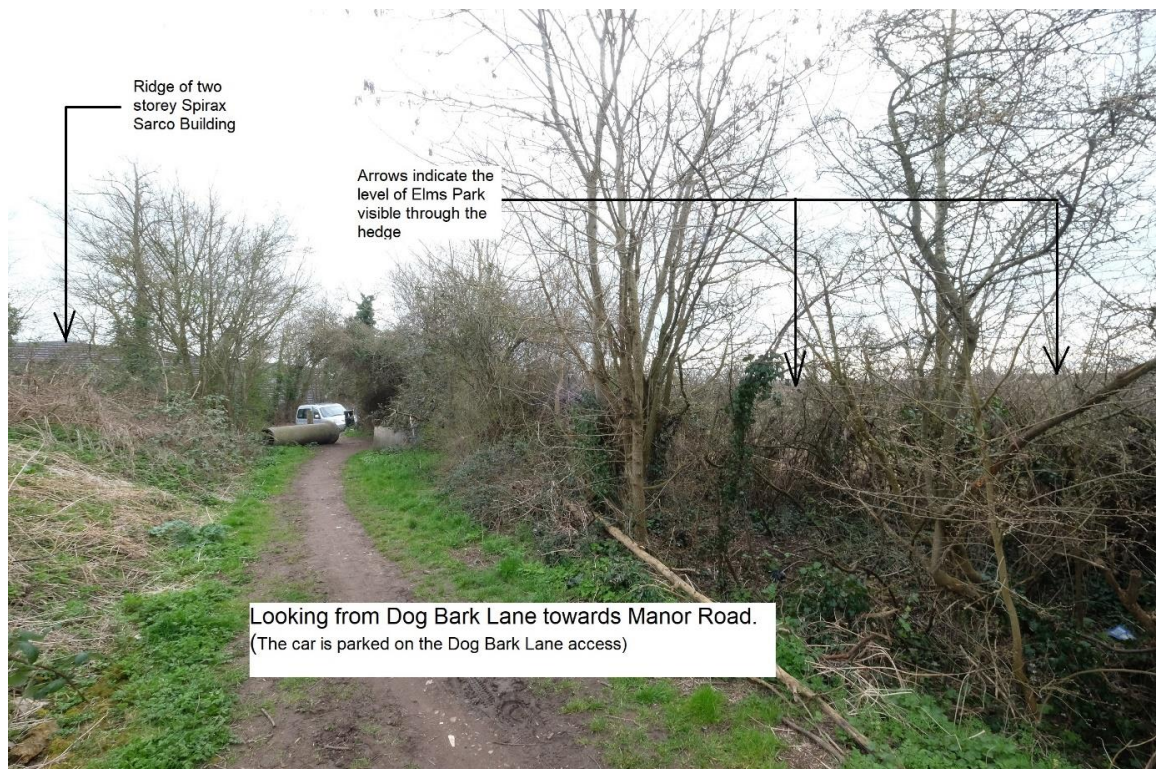


**Figure 1: View south from Manor Road towards Dog Bark Lane and Elms Park.**



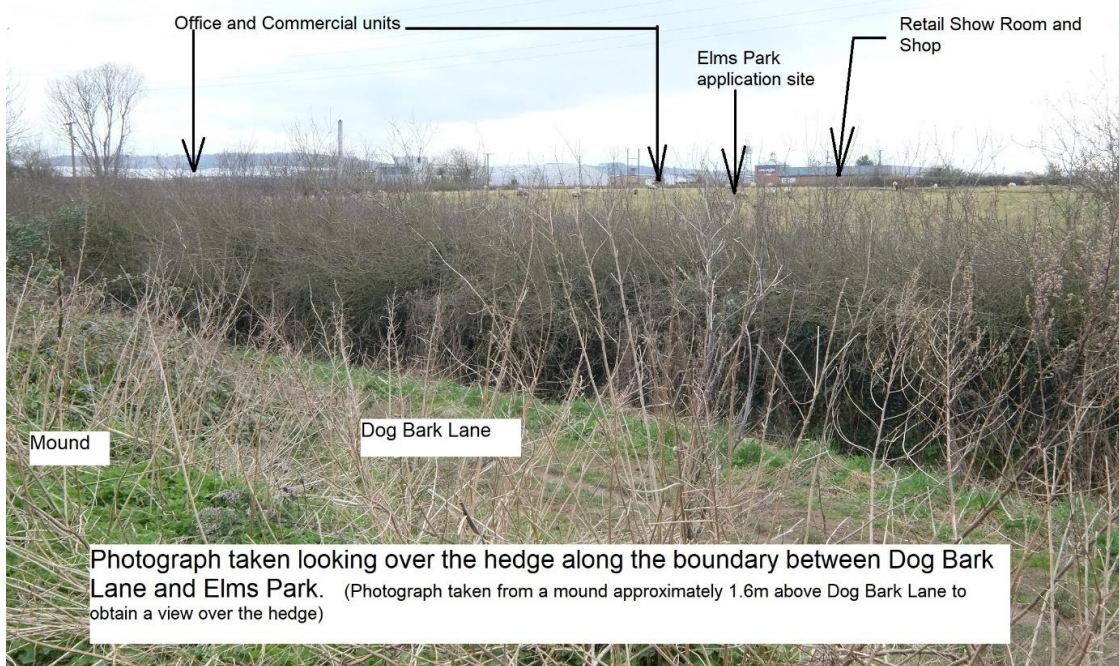


**Figure 2: Entrance to Dog Bark Lane**



**Figure 3: View East along Dog Bark lane, towards Spirax Sarco.**





**Figure 4: View South West from Dog Bark Lane.**



**Figure 5: View North East along Manor Road, opposite Spirax Sarco.**

#### 4.3 POSITIONING OF THE THREE STOREY BLOCKS

This proposal does not acknowledge the following statement contained in the Heritage Statement submitted in response to the original submission for this development: *'A full setting assessment has concluded that the Site is an element of the wider setting of the Swindon Village Conservation Area that currently makes a positive contribution to its significance. As such, development within the Site would likely result in less than substantial harm to the significance of the Conservation Area through alteration of its setting.'*

- 4.3.1 The developer has chosen to focus in their Design Approach, stated on page 58 of their Design and Access Statement, on *'An increased scale, linear/boxy massing, and industrial vernacular of the built form will mirror characteristics of the adjacent uses to help ease the transition into a residential area.'*
- 4.3.2 If the developers stated Design Approach is to be accepted, it should result in the taller 'linear/boxy units being placed on those boundaries that are nearest to the industrial and commercial units. This would allow for a stepping down in the heights of the proposed buildings and their perceived massing as the development extends towards the North East and South East boundaries and would create the *promised 'ease of transition into a residential area'* stated in the above quoted extract from the developer's Design Approach.
- 4.3.3 The Design Approach should result in units being constructed on the North East and South East boundary being residential in appearance and having a reduced massing (see . Instead of this

the developer is proposing to construct the repetitive, three storey dwellings in the most sensitive location facing the River Swilgate, the Conservation Area and the Open Ground between Elms Park and the Village.



**Figure 6: The proposed building heights that the council believe adhere to the proposed design approach along Dog Bark Lane**

## 4.4 MISLEADING INFORMATION

- 4.4.1 On page 37 of the Developers revised Design Compliance Statement there is a site layout plan that indicates that the terrace facing the junction of Dog Bark Lane with Manor contains a mix of 2 and 3 storey units.
- 4.4.2 Pages 62 and 63 of the developers revised Design and Access Statement contain a plan and Dog Bark Lane elevation D-D which only proposes three storey units. With two tall long blocks without gables or features to create any interest in the proposed façade.
- 4.4.3 The developer's proposal seeks to extend the industrial character and appearance of the trading estate along and important historic waterway and bridleway and shows a lack of interest in creating a link to the existing community.

## 4.5 PRECEDENCE

- 4.5.1 It is generally acknowledged that there is no such thing as precedence because each application is judged on its own merits. However, page 58 of the developer's revised Design and Access Statement Persimmon have provided photographs of three storey blocks from some distant location that they suggest provide precedence. The photographs are not of the industrial/commercial buildings that are in the Manor Road / Runnings Road area, possibly because there are many two storey units or tall single storey units in the area around the site.
- 4.5.2 We presume that Persimmon intend that the because units in the photographs illustrate a style that has been used elsewhere that it should automatically be accepted that the style of houses indicated should be used on this development. We disagree.
- 4.5.3 It is important that the character and scale of any proposed development from the should be considered not only in terms of avoiding a negative impact on the Conservation Area and the wider village but also that they respect the locations in which they are to be placed and the visual impact that they will have on those locations and their character.

## 4.6 THE DEVELOPERS DESIGN APPROACH

- 4.6.1 For the reasons set out below we believe that the positioning of the three storey blocks, particularly those that are proposed along Dog Bark Lane and those on the corner of Dog Bark



Lane and Manor Road are unacceptable. The houses along Dog Bark Lane should not exceed two storeys.

- 4.6.2 The design proposes that there should be an almost continuous ribbon of three storey blocks along Manor Road and Dog Bark Lane with the units that have the greatest visual mass being proposed along Dog Bark Lane. This is not only contrary to the developers own Design Approach statement but is in ignorance of the Heritage Statement. The developer is proposing that in this most important and sensitive of location to create the tallest barrier and make the most detrimental impact upon the area possible.
- 4.6.3 The proposed units will result in a 3-storey wall of housing enclosing the Elms Park development and visually shielding the Elms Park development from the Industrial developments on the outside.
- 4.6.4 As these units will be taller than the units on the opposite side of Manor Road their presence will not only emphasise the industrial prominence in the area but will also create a visual barrier between the existing community and the proposed development.
- 4.6.5 The prominence of the three storey blocks will become dominant not only in their height and massing but also in their intended boxy character and the existing rural character of Dog Bark Lane would be lost against the wall of urban 3-storey blocks.
- 4.6.6 Not only will the three storey houses be visible from the conservation area but being located along Dog Bark Lane they will dominate the skyline and become the prominent feature on the periphery of the Village and the Conservation Area. This would result in the Village becoming subservient to the new development.
- 4.6.7 The developer's proposal is to turn its back on the existing community and not to promote two-way integration and pedestrian flow.
- 4.6.8 We acknowledge that the three storey and two-and-a-half storey units proposed along elevation E-E (page 64 in the revised Design and Access Statement) will not have the same negative impact on Dog Bark Lane, the Village or the Conservation Area.

### **4.7 DESIGN COMPLIANCE STATEMENT**

- 4.7.1 We do not concur with the conclusions reached on page 14 of the developer's revised Design Compliance Statement. The proposals for the submitted application only look inwards towards the submitted new development and the wider Elms Park scheme and do not consider the impact that the development will have on the existing green infrastructure that is enjoyed by existing residents along the River Swilgate or the impact that the new development will have on the existing Village.
- 4.7.2 This is underlined by such statements as: *'The development will be focused around an active and vibrant green space running through the middle of the site out into the countryside. This will be the main part of a sequence of green links and spaces located throughout the scheme. A Green Cushion of open space and planting will be delivered around the edges of the wider Elms Park development.'*
- 4.7.3 The Green Cushion referred to is located to the North of the wider development.
- 4.7.4 The developer's revised Design Compliance Statement does acknowledge that the existing Bridle Way and Public Right of Way that runs between Manor Road in Swindon Village and Lowdilow Lane in Elmstone Hardwicke and is routed alongside the River Swilgate will provide a green connection but there is very little recognition of the importance of this route within the developers proposals.
- 4.7.5 The map on page 16 of the developer's revised Design Compliance Statement contains a thick green line which we had thought traced the route of the existing Bridleway but it appears that it only follows the route for half of its length

### **4.8 DESIGN AND APPEARANCE**

- 4.8.1 In stating their reasons for the 3 storey elements in their proposal the developer has referenced their intent to reflect the massing and character of the industrial units and have not acknowledge the need to create a residential link between the existing community of Swindon Village and the Commercial Park.

- 4.8.2 There is no acknowledgement that from the area of Dog Bark Lane there are no views to the wider commercial estate that would justify this approach. And yet the developer has proposed the 3 storey units with the greatest mass, blockiest and most repetitive for this location where they will be sited in close proximity to the existing bridle way and footpath which would completely overshadow it. Visually the mass and appearance of these units will have a negative impact on the existing rural character of the village and the conservation area.
- 4.8.3 The proposed 3 storey flat top units achieve the commercial appearance promoted by the developer in their Design Approach stated on page 58 of their Design and Access Statement and does reflect the 1960s and 1970s appearance of some of the older office buildings and blocks of flats on the local commercial/trading estates and in other parts of Cheltenham. The flat top buildings are listed as key buildings and they will stand out. Presumably as key buildings they are to be considered as being the most important feature buildings or perhaps creative links between the commercial and the residential. We presume that they are key to the industrial/commercial units rather than a 'nod' to the residential villas and older apartment blocks around Pittville Park.
- 4.8.4 We would prefer that the design of the development should seek to reflect the residential nature of the site and not to try and emulate the industrial and commercial developments.
- 4.8.5 The taller industrial units in close proximity to Elms Park are two storey and not three storeys. The three storey industrial units are far enough away from Elms Park for them not to influence the heights of the buildings particularly those along Dog Bark Lane.
- 4.8.6 If three storey units are to be included in this development, they should be on the boundary between the development and Gallagher Retail Park and only those units along Manor Road that face the unit currently occupied by Bence Builders Merchant.
- 4.8.7 Whilst we acknowledge that there are buildings that are designed and constructed using modern modular construction methods which can result in them being repetitive if they are not carefully designed. But we do not believe that methods of construction should result in either repetitive or a boxy appearance.
- 4.8.8 Neither do we that we should be asked to accept such industrial designs in areas of the site where they cannot be justified and where the buildings should reflect the residential nature of the area.
- 4.8.9 We should like to think that the developer would still be seeking to promote high standards of design with variations in materials, treatment and appearance and seek to promote a style of architecture that promotes harmony and interest.
- 4.8.10 As previously stated, the proposed street elevations do illustrate quite a high degree of repetition both in style and materials. We do not agree that this is appropriate and where the buildings are further away from the commercial and trade park buildings, we believe that there should be a greater variation in design, height and character which are not reflected in either the proposed residential themed buildings or in the industrial themed buildings that are proposed.
- 4.8.11 We believe that the buildings that face Dog Park Lane, the Village, the Green Open Spaces, the Conservation Area and the Flood Plain should be residential in appearance with a less repetitive style as is reflected in recent residential developments that have been constructed in other locations such as Meadow Fort Grange in Winchcombe.

## **4.9 STREET LIGHTING**

- 4.9.1 The Village has a policy of no street lighting and we would like to be assured that streetlights will not be erected along the Dog Bark Lane Corridor.
- 4.9.2 We should also like to suggest that consideration should be given to the use of low-level bollard lighting within this phase of the development.

## **5 TRAFFIC, ACCESS, FOOTPATHS AND TRAVEL PLAN**

### **5.1 TRAFFIC AND ROAD ACCESS**

- 5.1.1 P.g. 22. Revised Design Compliance statement: 'Access to the site is proposed via a miniroundabout junction in the general location that a 'Secondary Vehicular Access' point is indicated on the Parameter Plan.' It is essential to note that this access point is defined as

Secondary Vehicular Access. However, this access point will be the primary and only access point for this development. As the outline application for Elms Park is yet to be approved, there is no guarantee that such primary access will ever be constructed. Even if it is, there will be a considerable time while the access via Manor road will be the primary access to site at time when the local road infrastructure is beyond its design capacity resulting congestion and extended journey times.

- 5.1.2 We note that Highways England has provided no objection; however their response relates to the strategic road network, in this case, the M5. They are not responsible for the local road network which this development will significantly impact; this being the responsibility of Gloucestershire County Council's Highway Team.
- 5.1.3 Our comments and recommendation in respect of this first phase application should not be misconstrued as advice in respect of the application for the wider site, which is still separately under consultation. A comprehensive transport assessment of the whole Elms Park site is still required to be undertaken.

## 5.2 FOOTPATHS & RIGHT OF WAY

- 5.2.1 We support that the cycle route has been given priority across the adjoining roads at their junctions with the spine road, as is the case currently on Princess Elizabeth Way.
- 5.2.2 The revised Layout Highways Note v3 Paragraph 4.1.2 states: *'The proposed cycle route terminates to the west of the proposed access roundabout. From here it is intended that cyclists can cross to the southern estate road, and re-join Manor Road from here to avoid using the roundabout (Figure 1).'* While it's positive that cyclists are provided with a direct route to manor road to avoid using the roundabout, we object to the placement of the termination of the cycle route, which is directly opposite a junction. This makes crossing what is presumed to be a busy road (as the main spine road into the development) directly into a junction. We suggest the cycle path terminates before the junction, and a crossing is provided.
- 5.2.3 Whilst we acknowledge the importance of considering safety for cyclists, we also promote the needs and safety of pedestrians of all abilities. This is a proposal that is only going to benefit cyclists arriving at and leaving Elms Park without any consideration being given to the impact that this proposal is going to have on people using the footpath.
- 5.2.4 The existing footpath along Manor Road is narrow and pedestrians that use it already struggle to find it a safe route. It would be unacceptable for pedestrians to have to beware of cyclists popping through the hedge in both directions to either access Manor Road or to access Elms Park.
- 5.2.5 Any Cyclist who chooses to exit the Elms Park development onto Manor Road would probably sit astride the footpath whilst they wait for a break in the traffic (especially if turning right). It is not acceptable that pedestrians should be deprived of the only footpath along Manor Road.
- 5.2.6 Similarly, any cyclist choosing to access the Elms Park development from the opposite side of Manor Road is very likely to cut across pedestrians who may not be aware that such a manoeuvre is going to occur.
- 5.2.7 The developer has proposed to increase the width of the footpath but the proposed point of penetration through hedgerow into Manor Road is just metres outside of the end of the developers intended extent of the proposed footway improvement works. Therefore, the developer does not indicate any works to create a safe link across the existing footpath and into Manor Road.
- 5.2.8 It is important that developers should, together with the Parish Council and Local Authorities, be working towards a network of linked cycleways a hedge hop-through does not in any way indicate any commitment to the creation and integration of a sustainable and co-ordinated linked network of footways and cycle routes.
- 5.2.9 Developments that are the size Elms Park and have a mixture of uses should design the ends of all pedestrian routes and cycleways through their developments to be able to connect to future cycle ways.
- 5.2.10 We believe that the developer should include a proper cycle path alongside their proposed footpath following the around the roundabout. There appears to be sufficient land to the north-east of the arm of the roundabout that gives access to the development to be able to move the proposed junction to include a cycle way. A connection point could be created on both sides of

Manor Road to allow cyclists to wait for a space without interfering with the flow of pedestrians. This cycle path could be used for others wishing to link through the Elms Park development.



**Figure 7: Proposed Cycle and Pedestrian Path**

5.2.11 The Proposed Pedestrian Access from the site on the bend in Manor Road between Dogbark Lane and the section of Manor Road leading to Tewkesbury Road. The design and suggested location for the pedestrian access that is proposed on to the bend in close proximity to Dog Bark Lane is unacceptable for the following reasons:

- It that has limited visibility for the drivers of vehicles approaching from Tewkesbury Road and Kingsditch Lane.
- There is already a pedestrian crossing at the junction opposite Spirax Sarco. This existing pedestrian crossing is in desperate need of upgrading to accommodate pedestrians, cyclists and disabled users.
- The construction of the access would necessitate the removal of a length of historic hedge that should be retained.
- This access was originally identified as an access and although not labelled as a vehicular access on the current drawing we would like to be certain that, should the pedestrian access be permitted, there would be no later agreement to an amendment to upgrade the access to accommodate vehicles.

## 6 NOISE

6.1.1 Spirax Sarco plant operating patterns are varied. Some operation generates significantly greater noise than others. The developers should confirm the operation modes that were present during the noise study to confirm that the results are reflective of the typical operational pattern. This is supported by qualitative evidence from local residents that the plant operation can be easily heard on the eastern stretches of Dog Bark Lane running along the boundary of the proposed development.

6.1.2 It is noted that traffic data from modelling assessing the cumulative impact of this development, alongside several other local developments has not been used to assess the noise impact. This is a significant shortfall in the application and does not represent best practise in the environmental assessment.

## 7 FLOODING & DRAINAGE STRATEGY

- 7.1.1 There is a recommendation that the attenuation pond is adopted by Severn Tent – but there must be a formal agreement of this before plans can be approved.
- 7.1.2 The Scheme Layout illustrates the location of an attenuation feature, which forms part of the proposals for drainage. Full details of the revised drainage proposals will be provided separately and delayed to the submission of this document. This is not acceptable. The full details regarding drainage provision and flood alleviation should be provided within this proposal (p73) to allow the planners to make an accurate assessment of the design to ensure sufficient flood alleviation methods will be in place.

## 8 ARBORICULTURE

- 8.1.1 Paragraph 2.6 of the Statutory Conditions (Page 23) contains the statement ‘The presence of any Tree Preservation Orders or Conservation Area designations that may affect the site has yet to be confirmed by Cheltenham Borough Council. Once this information has been received, the report will be updated accordingly.’ This is incorrect because a Heritage Statement was produced in response to the original submission for this application and includes the statement: “A full setting assessment has concluded that the Site is an element of the wider setting of the Swindon Village Conservation Area that currently makes a positive contribution to its significance. As such, development within the Site would likely result in less than substantial harm to the significance of the Conservation Area through alteration of its setting.’
- 8.1.2 Paragraph 4.9 of the Revised Arboricultural Assessment states: ‘*The hedgerows on site were largely unremarkable...The value of the hedgerows on site from an arboricultural perspective was therefore owed to their landscape contribution. This was due to their intact, wide habit and therefore their prominence within the landscape.*’
- 8.1.3 We agree that the hedges are of great value and that as well as defining routes and boundaries they promote biodiversity by supporting and providing a habitat for wildlife. Some of the hedges are more than 100 years old and add to the segregation of the residential areas from the commercial developments.
- 8.1.4 We acknowledge the intent to retain the hedges around the boundaries of the development including the hedge along Dog Bark Lane but we are concerned that the close proximity of some of the turning heads to the hedges may result in them being continuously cut back, damaged or even worse removed resulting in patches or lengths of new hedging.
- 8.1.5 Some developers offer to replace ancient trees and hedges with new planting but an ancient wood or hedge is irreplaceable and we would wish the developer to preserve as many of the hedgerows and trees as possible both in this application phase and in the wider Elms Park development.
- 8.1.6 The importance of the hedge along Dog Bark Lane is confirmed by the fact that it is probably a lot more than a hundred years old and that it is a wild life corridor with considerable biodiversity and that it is an amenity for both the old and new village. The Hedgerow Regulations Act of 1997 specifies that a hedge with 7 woody species in a 30m length is automatically important. (There is an unproven theory that this makes it 700 years old).
- 8.1.7 We are aware that the first 30 or 40 m of Dog Bark Lane are less interesting than the rest of it. The first 30 or 40m of the hedge are mostly blackthorn and hawthorn but there is the possibility that it could contain ash, elder, maple, hazel oak and privet but we cannot be sure until they are in leaf. Beyond the first 30 to 40m there are many different trees. We have not kept any records but in a count for Butterfly Conservation some years ago Dog Bark Lane turned out to be a very good site for butterflies and by inference lots of other insects. In a few weeks it will be the best place to hear the dawn chorus near the village and the flora is exceptionally good.
- 8.1.8 With reference to 8.1.2 paragraph 5.17 of the Revised Arboricultural Assessment, we accept that the quality of a hedge is reliant on good management and that at some stage in the life of a hedge that it will be trimmed. The trimming of hedges is carried out for many reasons including neatness, to thicken the hedge, to keep it under control, and, in situations where there is a health and safety risk for example alongside a road. The constant long term trimming of a hedge at the same height places a hedge under stress and can lead to a deterioration in condition but with sympathetic trimming can indeed thicken a hedge by creating new points from which growth can tiller out. Therefore, whilst we accept the need to trim hedges back to facilitate

construction we should like to be assured that the future management of the hedges will be carried out in such away to encourage their retention and continued presence and not to be perceived as a nuisance to be removed in the future.

- 8.1.9 With references to Hedgerow and Tree Losses detailed in paragraphs 5.21 to 5.26 we should like to know if consideration has been given to the relocation of any of the existing trees that have been identified for removal in this section of the document. The considerable length of hedge that separates the two halves of this proposed phase of the wider Elms Park development has been identified for removal. We should like to receive confirmation that, where possible, sections of the hedge will be used to reinforce and extend the lengths of retained hedge.
- 8.1.10 The report from Gloucestershire Wildlife Trust's Hedgehog Highways project in Swindon Village, hedgehogs have been identified as an important species which has a strong presence in the area - habitats include hedges and scrub, some of which will be lost through this proposed development. Hedgehog access must be provided through gardens, along with sympathetic garden and greenspace landscaping across the development, to retain this important habitat for hedgehogs.

## 9 SUSTAINABILITY

- 9.1.1 The provision of passive infrastructure is welcome but additional details of what is meant this phrase should be provided. The design should incorporate a 3-phase supply to each house as standard.
- 9.1.2 The local electricity distribution network distribution design should provide sufficient capacity to deliver support the maximum EV charging demand. This should be established by the developer as part of their application, along with any calculations and assumptions.
- 9.1.3 In this updated full application, there is no specific update regarding the Energy efficiency improvements to be made in response to the L Gov regulation 24 - future homes standard consultation. According to Government approved document L conservation of fuel and power, a new dwelling must be built to a minimum standard of total energy performance. Given that the developer already has visibility of this government standard, Swindon Parish Council expect that this site must follow this standard as setting the standard for the wider Elms Park development to future proof the homes and avoid future cost prohibitive retro fitting. More information can be found here: <https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>

## 10 SCHOOL PLACE PROVISION

- 10.1.1 According to outline plans in according with the Joint Core Strategy, the Elms Park development was promoted to deliver sufficient schooling and medical provision. There is no school or medical provision during this phase 1 for 265 homes just a reference that this will be part of the wider Elms Park Development (page 18 design and access statement) yet no formal indication of when this provision will be made. The Closest school, Swindon Village Primary, has confirmed that it is currently full (420 children) and has no plans to expand.

**SWINDON PARISH COUNCIL**

## **Comments on Planning Application 20/00759/FUL**

### **Summary**

Swindon Parish Council is disappointed that some substantial comments previously raised by the Parish Council remain unresolved. Swindon Parish Council still objects to this planning application.

We remain disappointed at the lack of collaborative discussion, engagement and publicity from the developer for this updated application.

### **Alignment With Outline Application & Phasing**

1. The proposal continues to rely on commitments made in the Elms Park outline application (16/02000/OUT). We do not accept this full application for Phase 1 should be reliant on the parameters of an outline application which has yet to be determined. There is considerable risk that the outline application will not achieve consent or that consent will be given with parameters different to those on which this full application relies.
2. Swindon Parish Council continues to request a updated Design and Access Statement for not only this specific application but an updated design brief for the entirety of Elms Park which details the requirements, in terms of supporting infrastructure, sustainability and other commitments, for different phases of the complete development.

### **Traffic & Access & Sustainable transport**

1. The traffic assessment fails to validate (through lack of appropriate and realistic modelling) that the existing road network (including Manor Road) will not be adversely impacted by the development.
  - a. The detailed LinSig Model (presented in Appendix F) does not include the junction with the Tewksbury Road, which is capacity limited. Therefore, the assumptions regarding traffic flow departing south from the junction are incorrect. This stretch of road already experiences significant congestion during peak times due to the lack of capacity for traffic to exit onto Tewksbury Road. The model must be updated to include this constraint.
  - b. The model fails to incorporate the impact of COVID-19 on model shift.
  - c. The traffic assessment fails to include local, committed developments which we expect to have a significant impact on traffic and congestion. This has been raised previously but has not yet been addressed.
  - d. The modelling only considers a single scenario and does not provide any sensitivity modelling to identify cliff-edge effects.



## **SWINDON PARISH COUNCIL**

### **Signals on junction of Manor Road / Runnings Road**

The proposal to add signals at this junction will create unacceptable delays to people driving in / out of Swindon village, especially when taken with the creation of a new roundabout and two signalised crossings on Manor Rd. This is one of two main routes in/out of the village and at busy times cars can be queuing from the lights at Tewkesbury Road all the way to Runnings Road and sometimes beyond. The traffic study was conducted on a Tuesday and isn't reflective of these busy periods which often happen on Fridays / bank holidays.

An alternative solution that we believe will be safer for pedestrians and wheelchair users and improve traffic flow, would be to amend the existing T junction with priority from Manor Road into Runnings Road turning right. In addition, provision should be made of wider footpaths along the junction area plus a Zebra crossing further up Manor Road towards Swindon Village.

### **Cycleway**

We support the ambition to upgrade the cycleway and create a network of uninterrupted active travel corridors from the proposed development to other sites such as the retail park and further down the Tewkesbury Road towards Cheltenham town. However, the proposed cycleway has a number of issues.

In addition, this application must include details of how the cycleway provision will specifically link up with the wider cycle network in the surrounding area including those already proposed within the M5 J 10 improvement scheme.

The proposed cycle infrastructure and connections to the existing cycle network is incomplete. The design is undesirable and, in practice, unusable for cycles and other non-motorised modes of transport.

The section of Manor Road from the junction with Runnings Road to the roundabout by the entrance to the retail park is approximately 384m and currently takes less than one minute by bike on the road (Strava data has times as low as 28 seconds). The proposals for two toucan crossings on this stretch would introduce unacceptable delays. In addition the proposed shared path is narrow and the crossings would create tight turns at these points of 90 degrees, which would be even more difficult in non-standard cycles.

The crossing of the proposed cycle route at the entrance to the retail park is also likely to present safety concerns. An uncontrolled crossing at the entrance / exit of a roundabout is inappropriate given the volumes of traffic expected, particularly if planning application 21/02120/FUL (drive-through restaurant) is approved.

The diagram on page 30 of the document Response to GCC Consultation states that no amendments to the crossing at the junction of Manor Road / Tewkesbury Road are proposed. However, this is currently a puffin crossing and is therefore not accessible to cyclists. In addition, those heading North on Tewkesbury Road or continuing West onto Hayden Road would be required to dismount to continue their journeys beyond Manor Road.

As a whole, therefore, the above points would create unacceptable delays with up to 6 crossings of the carriageway in a stretch of road less than 500m, which on the road currently takes a couple of minutes. This would lead to many either choosing not to cycle, or to remain on the road where their safety is risked by drivers who perceive they should be on the cycle path provided.



## **SWINDON PARISH COUNCIL**

The proposed cycle route to/from the development on Manor Road does not consider cyclists continuing past the access road and into Swindon Village, which is a popular leisure cycling route as well as providing a main route for commuting. The shared path heading East on the North side of Manor Road terminates just before the roundabout, forcing cyclists to join traffic at a pinch point. From the other direction, cyclists turning into Manor Road from Runnings Road will be on the south side of Manor road, and unable to join the shared path without crossing oncoming traffic, until the point of the first Toucan crossing. This will create a situation where there are potentially cyclists both on the road and on the shared path, creating confusion.

A better option would be to provide a continuous dedicated route on one side of Manor Road, with dedicated crossings at the development access road and into the retail park, and with clear onward progression at both ends of Manor Road.

Within the development itself, the revision from a two way cycleway to one way cycleways on either side of the spine road is welcome. However there must be provision for those heading north to be able to exit the cycleway to turn right into any of the roads leading from the spine road, for example drop kerbs or exits from a segregated cycleway.

### **Footpath along Manor Road**

The proposed footpath on to the North of Manor Road is welcome as an improved route to the local primary school. Further provision of an active travel corridor along this route would also be welcome, as it would be an ideal cycling distance to school.

The developer has reduced the width of the footpath along Manor Road to the South East of the development (plots 26-34) to allow for the provision of a cycle path. The footpath must maintain a minimum width (approx. 2 metres) suitable for pedestrians to pass a wheelchair / pushchair safely. The footpath must extend to meet the existing footpath at the rear of the existing Carpet Right store. The cycle path must be extended to connect with the existing cycle path on Tewkesbury Road.

### **The public right of way through the development**

This is a popular walking route to the retail park and there should be a crossing of the spine road along the right of way.

### **Flooding & Ground Conditions**

While we note the inclusion of the revised drainage strategy, we expect to see the strategy substantiated by a detailed modelling to show the impact of the proposed design on existing and proposed residential and commercial properties and the existing watercourses.

### **Sustainability**

According to outline plans in accordance with the Joint Core Strategy, the Elms Park development was promoted to us as sustainable. We do not feel that our previous comments have been incorporated in the updated documents. In light of the net zero commitment by 2030 that Cheltenham Borough Council has given it is imperative that this development leads the way as the first phase of Elms park to achieve that ambition.

As a minimum we expect:

- Sustainable heating solutions as opposed to the use of gas boilers.

## **SWINDON PARISH COUNCIL**

- The energy efficient heating systems should be compatible for conversion to hydrogen.
- Provision of PV generation for all homes. In addition the provision of PV in public areas to provide green energy for public areas.
- The provision of electric car charge points at all houses is welcome however the same should be installed for all public parking spaces.

### **Education**

The provision of sufficient capacity at Education facilities is a key pre requisite of this proposed sustainable development. Some statements made in the Elms park application are historic and inaccurate.

The development should either include provision of a new primary school or facilitate additional capacity at the existing Swindon Village Primary School, the only school within walking distance. We also understand that the nearest secondary school (All Saints Academy) is also at capacity.

Response to GCC Consultation, Section 3.2.1:

*"It has been confirmed that there is local education capacity to accommodate the proposed Development".*

If this is referring to available capacity at Swindon Village School, this is contrary to the engagement Swindon Parish Council has had with the school. Please see the attached letter. No other local primary schools fall within the acceptable walking distance to primary school education.

*". In the longer term, new primary and secondary schools will be provided within the Elms Park development."*

This claim cannot be substantiated. The Elms Park development has not been granted outline planning permission. Until this occurs, so benefit cannot be claimed from future school provision.

Response to GCC Consultation page 3 states that "Comments from the Education Authority confirm that there is no immediate capacity at this school to cater for the increased number of pupils that this site generates, therefore pupils will be displaced to more distant schools in the absence of a new education facility placing further burden on the transport network as the walking distances would be excessive."

It is not clear therefore how the applicant goes on to say "It has been confirmed that there is local education capacity to accommodate the proposed development. In the longer term, new primary and secondary schools will be provided within the Elms Park development". It would appear that the applicant is relying upon the provision in the wider Elms Park, which is yet to be determined and therefore should not be relied upon.

## **SWINDON PARISH COUNCIL**

### **Design, Visual Impact & Heritage**

#### **Increase in Development Density**

There has been an increase in the development density by replacing smaller units with larger house types and by removing the curtilage parking from many of the plots which has resulted in an increase in the number of on-road parking spaces.

#### **Dog Bark Lane Street Scene D-D (previously Street Scene 8)**

In our previous comments we requested that the houses along Dog Bark Lane were reduced from 2.5 storey to 2 storey. We are very disappointed to see that these comments were ignored, and in fact, the reverse was done so that buildings were increased to 3 storeys. We object to the increased density and taller buildings proposed in the revised scheme for Dog Bark Lane and we ask again that the height be reduced to 2 storeys. Dog Bark Lane is an important community asset at the very heart of the parish landscape so 3 storey building provision significantly degrades the visual aesthetics.

In our previous statement we had not been against three storey units along Manor Road but had requested a more sympathetic approach to this edge of the development which is close to the Conservation Area of the village.

The area enclosing the SUDS pond has been increased which has led to a 'squeezing' of the properties between the SUDS pond and Manor Road.

To avoid a reduction in development density along this route the developer has removed all two storey dwellings and the gaps between them and has replaced them with three storey houses that do not have sufficient space between them for cars to park.

The result of this is to create a hard urban edge along the most important of development boundaries where the maximum emphasis should be on creating a link between the existing Village setting and the proposed development.

We also note that the three storey houses contain a high percentage of Wykeham house types which have a balcony at second floor level. At that height they will have a direct view towards the sides of the existing houses to the North of Dog Bark Lane

With a development site of this size there are a number of areas where the density of the buildings can be increased and where the location of denser development is less sensitive.

We request that this is reviewed and would like to see the reinstatement of two storey houses.

The street scenes and the layout plans conflict. The flats are shown with flat roofs in the street scene and are shown with pitched roofs in the layout plans. We request that all flats have pitched roofs in keeping with other residential buildings in the rest of the parish.

We are also concerned that some of the larger houses in the development no longer have any on plot parking or integral garages. With the latest planning requirement that all new individual houses are to have their own electric vehicle charging point the revision to the layout and loss of curtilage parking could result in charging leads along footpaths and cycle ways becoming a dangerous obstacle.

## **SWINDON PARISH COUNCIL**

### **River Swilgate – Street Scene E-E (previously Street Scene 7)**

We note that the density of units along Street Scene E-E has also increased because of the use of units with a larger floor plan. We also note that the originally intended 3 storey units have been removed.

Despite the reference to the River Swilgate, Street Scene E-E is set a long way back from this very important watercourse. Whilst we welcome the removal of the three storey units and accept an increase in the development density in this location, we also feel that this treatment should extend along Street Scene D-D. (Dog Bark Lane)

### **Materials**

We welcome the confirmation of the use of more sustainable and low maintenance materials.

### **Design statement**

We note that the existing design statement document dated 13<sup>th</sup> May 2020 has been superseded but a replacement has not been included. This must be rectified.

### **Biodiversity**

This development provides an opportunity to significantly improve the biodiversity in the parish and set the standard for the wider Elms Park development and developments within the Joint Core Strategy area.

The hedgerow along manor road is an important divider between commercial and residential areas and provides appropriate screening as well as being a protected habitat. We request that removal of hedgerows are minimised, and that any loss is replaced.

### **Ecology**

We reference the Ecology comments on 1<sup>st</sup> December 2021. We are disappointed that the comments regarding reptiles not being mentioned in the report have still not been actioned.

### **Revised Arbocultural Statement**

We request that this is updated with specific volumes and species of trees in identified locations

As more detail on tree planting is included Swindon Parish Council would like to be included in the consultation.

### **Street Naming, Lighting and Signage**

Swindon Parish Council request to be consulted in these matters before decisions are made.

## REPORT OF THE HEAD OF PLANNING ON PLANNING APPEALS

### OVERVIEW

The purpose of this report is to provide Members of the Planning Committee with an overview of all planning appeals that have been received by the Council since the previous meeting of the Planning Committee. It further provides information on appeals that are being processed with the Planning Inspectorate and decisions that have been received.

### RECOMMENDATION

To note the contents of the report.

### Appeals Received

February/March 2023

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
23 and 23A Pittville Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens,	Delegated Decision	Written reps	n/a	22/00326/ADV and FUL
195 High Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)	Delegated Decision	Written Reps	n/a	22/00328/ADV and FUL

8 Imperial Square	Proposed change of use from C3 (dwelling house) to mixed use of C1 (hotel) and E (bar and restaurant).	Delegated Decision	Written Reps	n/a	22/00334/COU
10 Suffolk Road	First floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom (revised scheme 22/00966/FUL)	Delegated Decision	Written Reps	n/a	22/01340/FUL
28 Westdown Gardens	Erection of detached garage (revised scheme to ref: 21/01789/FUL)	Delegated Decision	Written Reps	n/a	22/01679/FUL

St Edmunds, Sandy Lane Road	Conversion and extension of an existing coach house/garage to a single dwelling with new access off Sandy Lane Road and associated landscaping.	Delegated Decision	Written Reps	n/a	22/02064/FUL
Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval	Committee Decision	Written Reps	n/a	22/00112/OUT
Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton Cheltenham Gloucestershire	Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and	Delegated Decision	Appeal Inquiry No date given	n/a	21/02750FUL

	children's play space; surface water attenuation and other associated works				
Telecommunications Mast And Cabinet CLM26321 Glenfall Way	Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets	Delegated Decision	Written Representations	n/a	22/02190/PRIOR
53 Alstone Lane	Erection of a single storey dwelling on land to rear of the existing property	Delegated Decision	Written Representations	n/a	22/02201/FUL
4 Dymock Walk	Application for prior approval for the construction of one additional storey atop the existing dwelling (increase in height of 2.13 metres)		Written Representation (Householder)	n/a	22/02075/PRIOR





## Appeals being processed

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
The Hayloft The Reddings	Conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works	Committee Decision	Written Representation	Not decided	Planning ref: 22/00749/FUL Appeal Ref: 22/00028/PP1
Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE	Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements,	Committee Decision	Appeal Hearing (22.03.23)	Not decided	Planning ref: 21/02755/FUL Appeal ref: 23/00001/PP1
30 St Georges Place	Conversion to form 7no. dwellings, together with extensions and construction of new mansard roof	Delegated Decision	Written Representation	Not Decided	Planning ref: 22/00839/FUL Appeal Ref: 23/00002/PP1

3 Apple Close	Replacement of existing conservatory with single storey rear extension. Increase in ridge height to facilitate loft conversion with rear dormer.	Delegated Decision	Written Representation (Householder)	Not Decided	Planning ref: 22/01145/FUL Appeal Ref: 23/00003/PP1
37 Market Street	Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL	Committee Decision	Written Representation	Not Decided	Planning ref: 22/00708/FUL Appeal ref: 23/00004/PP1
Land at Shurdington Rd	Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other	Committee Decision	Written Representation	Not Decided	Planning ref: 20/01788/FUL Appeal ref: 23/00005/PP1

101 Ryeworth Road	Erection of two storey and single storey rear extensions and single storey front extension.	Non-Determination	Written Representation	Not Decided	Planning ref: 22/01162/FUL Appeal Ref: 23/00006/PP2
129 – 133 Promenade	Retention of existing temporary marquees at 125, 127, 129, 131 further two year period and 133 Promenade, Cheltenham for a	Committee Decision	Written representation	Not Decided	Planning ref: 22/01373/FUL Appeal Ref: 23/00007/PP1

### Appeals Decided

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Adey Innovation Ltd Gloucester Road	Demolition of the existing office building and erection of a 66 bedroom care home for older people (Use Class C2) including associated access, parking and landscaping.	Delegated Decision	Appeal Hearing (25.01.23)	Appeal Allowed	Planning ref: 21/02700/FUL Appeal Ref: 22/00027/PP1

Authorised By: Liam Jones 14<sup>th</sup> March 2023

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Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Dec	Hearing Date	Costs awarded
21/02755/FUL	23/00001/PP1	Land at Brecon House	Hearing	10.01.2023	17.01.2023	14.02.2023	14.02.2023				22.03.2023	
22/00839/FUL	23/00002/PP1	30 St Georges Place	written	16.01.2023	23.01.2023	20.02.2023	20.02.2023					
22/01145/FUL	23/00003/PP1	3 Apple Close	written	24.01.2023	31.01.2023	28.02.2023	28.02.2023					
22/00708/FUL	23/00004/PP1	37 Market Street	written	24.01.2023	31.01.2023	28.02.2023	28.02.2023					
20/01788/FUL	23/00005/PP1	Land at Shurdington Road	Written	30.01.2023	10.03.2023	06.03.2023	06.03.2023					
22/01162/FUL	23/00006/PP2	101 Ryeworth Road	written	08.03.2023	15.03.2023	12.04.2023	12.04.2023					
22/01373/FUL	23/00007/PP1	129-133 The Promenade	Written	08.03.2023	15.03.2023	12.04.2023	12.04.2023					

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## Appeal Decision

Hearing held on 25 January 2023

Site visit made on 25 January 2023

**by S Leonard BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 March 2023**

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**Appeal Ref: APP/B1605/W/22/3310455**

**Adey Ltd, Gloucester Road, Cheltenham GL51 8NR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by LNT Care Developments Limited (CAA Property Limited) against the decision of Cheltenham Borough Council.
  - The application Ref 21/02700/FUL, dated 25 November 2021, was refused by notice dated 26 August 2022.
  - The development proposed is demolition of the existing office building and erection of a 66 bedroom care home for older people (Use Class C2) including associated access, parking and landscaping.
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing office building and erection of a 66 bedroom care home for older people (Use Class C2) including associated access, parking and landscaping at Adey Ltd, Gloucester Road, Cheltenham GL51 8NR, in accordance with the terms of the application, Ref 21/02700/FUL, dated 25 November 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. Signed and executed Legal Agreements securing planning obligations pursuant to S106 of the Town and Country Planning Act 1990 were submitted by the appellant prior to the Hearing. One Agreement relates solely to Travel Plan obligations, in response to the second reason for refusal. The other, which was submitted later, as an alternative rather than a replacement for the first Agreement, includes an additional Library Contribution obligation. This was in response to a submission from Gloucestershire County Council (GCC), made within a week of the appeal Hearing date, which requested this financial contribution.
3. The GCC submission, which included a CIL Compliance Statement and CIL Compliance Statement Summary, was before me before the Hearing, and I am therefore considering the library contribution matter as part of my determination of the appeal. In the interests of fairness, I invited written responses on this matter from the Borough Council and the appellant following the Hearing. I have taken these into account, and I return to this issue later in my decision.

## **Main Issue**

4. The LPA has confirmed that the submitted planning obligations deal with part of its second reason for refusal, by securing the funding and implementation of a Travel Plan. This includes an undertaking to pay a Travel Plan Bond to assure the carrying out of the required Travel Plan, and a Monitoring Fee towards the County Council's monitoring costs.
5. I am satisfied, on the basis of the evidence before me, which includes a CIL Regulation Compliance Statement by the County Council setting out the development plan policies relevant to the Travel Plan obligations, that the planning obligations contained within the submitted Section 106 Agreements, in so far as they relate to Travel Plan obligations, would meet the three tests set out in Paragraph 56 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I find that they are all necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to it.
6. The LPA has also confirmed that it no longer seeks a contribution towards works to be carried out within the public highway, since this matter would be the subject of a separate S278 Agreement under the Highways Act or a similar licensing agreement with the Local Highways Authority. This has been agreed by the appellant, and I have no reason to object to this approach on the basis of the evidence before me. I have dealt with the appeal accordingly.
7. Accordingly, having regard to the above, there remains a single main issue in respect of this appeal, which relates to the first reason for refusal. This is, whether the appeal site is a suitable location for the proposed Use Class C2 care home for older people, having regard to the extent of the identified need for this type of residential accommodation in this location.

## **Reasons**

### *Background*

8. The appeal site lies to the southeast side of Gloucester Road within a predominantly residential area within the designated Principal Urban Area, approximately 1km west of the town centre. It is occupied by a part single/part two-storey former commercial building, which was previously used for light industrial/office purposes (Class B1/E) and has been vacant since late 2020.
9. The building benefits from permitted change of use under Part 3, Schedule 2, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for use as 26 dwellings<sup>1</sup>. During my site visit, I saw no evidence that the permitted residential conversion works had commenced.

### *Location and need*

10. It is not in dispute that the site is an appropriate location for residential development. The Council's specific objection to the appeal scheme is that there is currently an existing sufficient number, standard and type of care beds within the market to meet the needs of the local population, so that there is no

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<sup>1</sup> Prior approval application refs 21/01429/PRIOR and 21/01430/PRIOR – Council determined that no prior approval is required in July 2021

quantitative or qualitative need for the proposed new care home at the location of the appeal site.

11. It is the Council's view that the appellant has provided insufficient evidence that the proposal would help to meet an identified need in this location, for the type of accommodation proposed, as required by Policy SD11 of the *Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031* (2017) (the JCS) and Policy HM2 of the *Cheltenham Plan* (2020) (the CP).
12. JCS Policy SD11 – Housing Mix and Standards covers a wide range of housing types, including housing for older people. The policy seeks to ensure that new housing development addresses local needs and contributes to the creation of mixed and balanced communities. It aims to ensure that housing provision is responsive to local market changes and the needs of the local area, providing diverse, inclusive and balanced communities with accommodation for people with different needs and at different stages in their lives, including older people, the benefits for whom are stated to include a reduction in social isolation.
13. The policy recognises the role played by specialist accommodation, including, amongst other things, nursing homes and dementia-care housing, in meeting identified needs including the needs of older people. In this respect, criterion 3.i. of the policy states that *'Provision of specialist accommodation, including accommodation for older people, will be supported where there is evidence of a need for this type of accommodation and where the housing/bed spaces will contribute to meeting the needs of the local community'*.
14. CP Policy HM2: Elderly Care Provision is a more detailed and locally specific policy of the District plan, which supports policy SD11 having regard to the implementation of specialist housing for the elderly. The introductory paragraph to this Policy acknowledges that the increasing proportion of older people in the population has led to an increase in the demand for residential or nursing homes providing residents with constant care and attention. The Policy states that housing choice for older people, and supported and special needs housing proposals for older people, should focus on the provision of high-specification care-ready accommodation, and that the Council will support proposals that *'help to meet an identified need'* (criterion a).
15. The proposal would replace the existing building with a two-storey purpose-built 66-bed care home for older people who require 24-hour care and supervision (Class C2 Residential Institution). The scheme has been designed to be flexible and capable of accommodating both personal residential care as well as catering for the needs of residents requiring nursing and medical care, including specialist dementia care. The proposed single-room accommodation would include en-suite wet room facilities and the development would include indoor and outdoor communal facilities and recreational space for residents and visitors, such as coffee shop, hair salon, cinema room and extensive gardens.
16. As such, the proposal comprises a type of accommodation which is supported in principle, where needed, by Policies SD11 and HM2. It also accords with guidance within Chapter 5 of the *National Planning Policy Framework 2021* (the Framework) in respect of significantly boosting the supply of homes, including ensuring that the needs of groups with specific housing requirements are addressed.

17. Moreover, the Planning Practice Guidance (PPG)<sup>2</sup> states that the need to provide housing for older people is critical, noting that people are living longer lives and the proportion of older people in the population is increasing, and that the number of people aged 85 and over is projected to double to 3.2 million between 2016 and 2041.
18. The explanatory text to Policy SD11 states that developers of specialist or supported accommodation are expected to refer to the local housing evidence base and engage with the local authority to ensure that proposals meet identifiable needs within the local community, and that there is a local demand for the type of accommodation proposed. It also states that developers should provide evidence of how proposals dovetail with current Health and Social Care Commissioning and future plans.
19. The appellant did not engage in pre-application discussions with the LPA or GCC in respect of the appeal scheme. Moreover, the LPA's decision has been informed by the collective view across health and social care of GCC and Gloucestershire Integrated Care Board (GICB), who consider that, on the basis of an existing overcapacity of care home provision within a 3-mile radius of the appeal site, the development would not meet an identified local need.
20. As such, whilst Policies SD11 and HM2 are supportive in principle of the provision of the type of accommodation proposed, there is however an element of conflict with Policy SD11, given the lack of support for the appeal scheme from GCC and the GICB, who consider that the proposal would undermine GCC's 'care at home first' strategy. This approach encourages older people to remain living in their own home for as long as it is safe to do so, thereby reducing reliance upon care home placements.
21. I do not consider that the failure of the appellant to liaise with the relevant health and social care bodies, in and of itself, warrants refusal of the appeal scheme. It is necessary for me to consider the matter of whether there is sufficient evidence of an "identified need" for the proposed development.
22. I have been referred to the supporting text to Policy HM2 which refers to the JCS, and how, through the examination process, a need for 1,558 C2 use non-specified 'residential institution' bedspaces, which usually comprise care home and nursing home provision, was identified over and above the OAN for the plan period across the JCS area. The supporting text confirms that a significant number of these bedspaces had already been constructed or supplied prior to the adoption of the JCS, with the remaining need for C2 use care bed spaces to be divided between the three JCS authorities and met through the emerging Local Plans.
23. In respect of Cheltenham Borough, Policy HM2 confirms that an identified need for 126 units of this type had already been exceeded at the time of adoption of the CP in 2020, with an identified supply (on the basis of completions and permissions) at that time of 269 units/beds. On this basis, the LPA considers that there is no current identified need for the appeal scheme within Cheltenham. The LPA has also confirmed that no planning applications for new C2 care homes within Cheltenham Borough have been determined since the adoption of the JCS and the CP.

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<sup>2</sup> PPG Paragraph: 63-001-20190626

24. Notwithstanding the above, I am not persuaded that permission must be refused for the appeal scheme solely on the basis of the above figures alone. Although the need for the type of accommodation proposed had already been met within Cheltenham Borough, the supporting text to Policy HM2 confirms that this Policy was included within the CP in order to assist in the overall delivery across the JCS.
25. Moreover, I have been presented with evidence in relation to the matter of local need from both main parties, having regard to the objectives of criterion 3 (i) of Policy SD11 and criterion (a) of Policy HM2. This information is also relevant to my consideration of the extent to which the proposal accords with these policies.
26. The appellant's stated intention is to provide a local community care facility serving the needs of the immediate local population. The appellant expects that the appeal scheme would be occupied by persons who either presently live within the local area or are dependent relatives of persons resident within the local area.
27. The LPA has based its analysis of need upon the existing care home provision within Cheltenham Borough, including a capacity analysis of care homes within a 2-mile radius of the appeal site, including dementia care accommodation, in order to highlight an existing density of care home provision within a local distance of the appeal site. It has also taken account of projected population growth on the basis of the 2021 Census, and local knowledge of the GCC and GICB of the care sector in Cheltenham and Gloucester.
28. The LPA considers that the requirements for all types of care home provision, including specialist registered dementia care, are currently being adequately met within a 3-mile radius of the site. (This study area having been selected for analysis based upon the appellant's stated anticipated origin of the new care home residents within its Design and Access Statement).
29. The LPA's view is that there is already a sufficient local supply of similar care homes to that currently proposed, so that the proposal would not offer a significantly different accommodation offer, and that the development would contribute to a local over-saturation of such accommodation.
30. This view is supported by evidence of high care home vacancy rates. On the basis of the information before me from both main parties, including data contained within the mandated Capacity Tracker, and the appellant's telephone survey, I have no substantive reason to doubt that there are significant vacancy levels within the existing care home provision within the Borough. I also note that these high vacancy rates include homes with full wet room/en-suite facilities, as proposed in the appeal scheme.
31. The appellant's supporting evidence includes a Planning Need Assessment<sup>3</sup> (the Carterwood Report), undertaken by specialist healthcare consultants, which is based upon two areas: i) a circa 5-mile "market catchment area", which extends beyond the Cheltenham Borough Council area into neighbouring authorities; and ii) the Cheltenham Borough Council area.
32. The Carterwood report concludes that, based on 2024, the earliest anticipated date of operation of the appeal scheme, there will be a shortfall of 83 market

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<sup>3</sup> Carterwood Report – June 2021

standard<sup>4</sup> bedrooms and 712 full en-suite wetroom bedrooms within the market catchment area.

33. In respect of specialist dedicated dementia beds, considered as a sub-set of the total market beds, the identified shortfall in the market catchment area is 242 market standard beds and 305 full wetroom facilities beds.
34. Within the Cheltenham Borough Council area, the Carterwood Report acknowledges that there is an overprovision of bedrooms that meet with the minimum market standard. However, it identifies a shortfall of 290 rooms providing full wetroom facilities. In respect of market standard dementia rooms, the shortfall is found to be 51.
35. Having regard to planned provision and an estimated growth in the elderly population, based on 2011 Census figures, the Carterwood Report also predicts that the minimum market standard shortfall is expected to increase to 605 and 139 in the market catchment and local authority areas respectively by 2034.
36. The conclusions of the main parties are based upon studies which are not directly comparable with each other in respect of their format and factors such as the chosen area of study, the time frame over which the need is evaluated, and the supporting population data used. Having regard to this, and on the basis of the documentation before me, I have no substantive reasons to doubt the documentary evidence provided by either party.
37. Policies SD11 and HM2 do not contain definitions of "local community" or "identified need", nor specify a defined catchment boundary for the purposes of defining need. With this in mind, notwithstanding that the identified market catchment area of the Carterwood Study extends to beyond the geographical boundary of the Borough of Cheltenham, I find that a 5-mile radius from the appeal site is not an unreasonable catchment area for the proposal, and there is no reason for me to dispute this study area as comprising a reasonable basis for establishing a local need for the development, which I find no substantive reason should be restricted to the benefit of Cheltenham residents only.
38. In coming to this view, I acknowledge that the application Design and Access Statement states that residents of the proposal would be expected to emanate from an area within 3 miles of the appeal site, or would be associated with families/relatives living within this area. However, there is nothing before me that binds the proposal to this suggested catchment.
39. For the above reasons, I therefore conclude that there is no unequivocal conflict with criterion 3 (i) of JCS Policy SD11 and criterion (a) of CP Policy HM2, since the appellant has provided evidence of need within a reasonably defined market catchment boundary of the appeal site.
40. However, the proposal would undermine the GCC care at home first strategy, through the provision of additional care home bedrooms within a tighter geographical area in relation to the site, where the GCC and the GICB have identified an existing oversupply. In this respect, I conclude that there would be some conflict with JCS Policy SD11, so that the appeal site is not considered to be a suitable location for the proposed Use Class C2 care home for older people.

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<sup>4</sup> Defined in the report as providing a minimum of an en-suite with WC and wash hand basin



### *Planning Balance*

41. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing sites. As such, Paragraph 11 d) of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated. Paragraph 11 states that where relevant policies are out of date, permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
42. The appeal site is not subject to policies in the Framework<sup>5</sup> that protect areas or assets of particular importance that provide a clear reason for refusing the proposed development.
43. Notwithstanding that the proposal is for a Class C2 residential institution comprising a specialist type of accommodation, it would nevertheless contribute to the Council's supply of housing through the release of general needs dwellings. In accordance with the conversion guidance set out in the PPG, the proposal would equate to a delivery of 37 dwellings. This is a considerable social benefit of the appeal scheme to which I attach great weight, given that the housing supply in Cheltenham currently stands at 2.9 years, comprising a significant shortfall.
44. Moreover, the appeal scheme would comprise a purpose-built care home, built to modern standards and providing a high level of accommodation, as exemplified by features such as single occupancy 'full market standard' bedrooms with full wetroom facilities, and extensive areas of communal amenity space. The appellant has demonstrated a need for the proposal within a defined local market catchment area, albeit that this differs from the Council's designated study catchment area. As such, and having regard to a generally ageing population, the scheme would accord with Paragraph 60 of the Framework, which seeks to ensure that the needs of groups with specific housing requirements are addressed. I attach great weight to this benefit.
45. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be in an urban area where access to facilities and public transport connections is likely to be greatest.
46. The incorporation of energy efficiency measures into the development, together with the promotion of sustainable transport modes, comprise clear environmental benefits which accord with central environmental objectives of the Framework, and as such, carry moderate weight.
47. There would also be economic benefits as a result of the provision of jobs and support for local services and facilities during the construction and future occupation of the new care home. These would contribute to a key Framework aim of building a strong competitive economy, and, as such, are benefits carrying moderate weight. In considering this factor, I have afforded less weight to employment directly in connection with the running of the care home,

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<sup>5</sup> Paragraph 11 d) i. footnote 7

acknowledging that due to existing recruitment issues in the care home sector, there is a high likelihood that employees of the new care home would be recruited from within the current local care home workforce.

48. The site is currently of limited ecological value, and the proposed landscape planting would provide the opportunity for improved biodiversity in accordance with a key Framework objective. As such, this is a benefit which attracts moderate weight.
49. Potential harms identified by the LPA include a risk of market failure, with the collapse of smaller local care providers and an associated more limited care home market with a reduction in care home choice available to older people. In addition, there are concerns in respect of resulting increased pressure on the local care sector workforce, which is experiencing high vacancy and turnover rates and recruitment problems.
50. The Council is concerned that a negatively inflated demand for care home placements could potentially arise due to lack of local domiciliary staff. There is concern that this would weaken the public sector's home first approach, which is currently one of rehabilitation and enablement, seeking to reduce the amount of personal care in commissioned residential care homes, in favour of enabling older people to live in their own homes and maintain their independence for as long as possible.
51. I acknowledge the responsibility of local authorities, under The Care Act (2014) to ensure the wellbeing of residents in need of care and support services. I also acknowledge that Government support is given to the home first approach. However, it is not the role of the planning system to manage the care home market. The proposal would accord with processes of redevelopment and renewal which have been taking place within the care sector as part of an open market economy, as new purpose-built care homes replace older outdated stock, in line with modern standards and expectations and the quality of care homes overall is improved.
52. Moreover, the LPA has acknowledged that its objection to the appeal scheme in this location is based upon the current local care home sector circumstances, and that its view could potentially alter in the future. I find that it is not unreasonable to assume that current care home vacancy rates have been influenced by de-stabling impacts such as the Covid pandemic, Brexit and economic uncertainty. With this in mind, I have taken account that the appeal scheme would not be likely to be completed and occupied until 2025 at the earliest.
53. It is important to address the medium and long term elderly persons housing needs, and the evidence before me<sup>6</sup> is that, notwithstanding that the most recent Census figures show a degree of plateauing in respect of the increase in elderly population in Cheltenham compared to Gloucestershire, the Southwest and the national average, the population is still likely to continue to show a notable increase in elderly persons between 2018 and 2030.
54. As such, and notwithstanding the public sector drive towards encouraging older persons to remain in their own homes, I consider that there is reasonably likely to be a future increase in the number of elderly who have conditions whose

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<sup>6</sup> Older People Care Home Strategy GCC 2019



needs cannot effectively be met within the community, such as dementia. As such, the demand for high dependency nursing and dementia care provision in care homes will continue to rise in the future on the basis of a predicted rise in the elderly population.

55. Moreover, and noting austerity issues within the public sector, I find that the proposed standard of accommodation proposed, including full ensuite wet rooms would reasonably be attractive to self-funding residents of the appeal scheme, who in addition to considering proximity to family and friends, would take account of the quality of care and accommodation in making their choice of accommodation, rather than the objectives of the commissioning authority.
56. Having regard to all of the above, overall, in my view, the adverse impacts arising from the development would not significantly and demonstrably outweigh the scheme's benefits. The proposal would therefore represent a sustainable form of development when assessed against the Framework read as a whole. The factors above provide the material considerations to grant planning permission other than in accordance with the development plan in this specific case.

## **Other Matters**

### *Library Contribution*

57. The appellant has provided a signed and executed unilateral undertaking dated 23 January 2023 which would, in addition to the Travel Plan obligations agreed by the main parties, also secure a financial contribution towards library infrastructure, as sought by the County Council.
58. The Library Contribution of £12,936 would support library resources, including refurbishment costs, building upgrades, and improvements to stock, IT, digital technology and integrated services in respect of two libraries<sup>7</sup> located a similar distance away from the appeal site.
59. To meet the statutory tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010, planning obligations must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind.
60. The submitted CIL Compliance Statement sets out in detail the County Council's justification for the Library Contribution. On the basis of the evidence before me, including the location of the identified libraries in relation to the appeal site, I find that such an obligation would be acceptable, in principle, in relation to new residential development on the appeal site where it would generate new residents who would add to the demand on these libraries.
61. However, I am not persuaded, on the basis of the evidence before me, that the requested financial contribution is fairly and reasonably related to the proposed Class C2 care home development. The sum sought has been calculated on the basis of a standardised library contribution of £196 per new dwelling, which has been multiplied by the number of bedrooms proposed.
62. The PPG<sup>8</sup> describes residential care homes and nursing homes as comprising individual rooms within a residential building and providing a high level of care

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<sup>7</sup> Cheltenham Library and Hesters Way Library

<sup>8</sup> PPG Paragraph: 63-010-20190626

meeting all activities of daily living, and not usually including support services for independent living. As such, the proposal would not result in the creation of self-contained residential units, and its impact upon the local library services would be expected to be notably different from that of new self-contained dwellings.

63. Furthermore, the proposed single person bedroom occupancy would result in a level of residential occupancy that would reasonably be expected to be significantly lower than that which would result from 66 new dwellings, even taking into account variations in dwelling size.
64. It has been suggested, by the main parties, that a smaller contribution, based upon the equivalent number of dwellings that would be expected to be released into the open market as a result of the appeal scheme would be a more appropriate financial contribution, since a large percentage of the future occupants of the proposal would be likely to be already living within the catchment area of the two libraries in question. However, such an obligation, justified by supporting substantive evidence specifically in relation to the appeal scheme is not before me.
65. I acknowledge that it is possible that some future residents of the care home may make use of the local library facilities. However, the specific proposed nature of the appeal scheme, which is intended to accommodate residents who require 24-hour care and supervision, including a proportion of dementia care residents, and could also reasonably be expected to include an element of on-site library facilities within the proposed communal accommodation, means that any additional demand upon the local libraries as a result of the appeal scheme is reasonably likely to be minimal.
66. As such, even if there were to be some use of council library facilities, I have no substantive evidence before me to persuade me that the existing service would not be able to cope with the likely modest additional demands placed upon it by the proposed development.
67. Having regard to the above, in my judgement, it has not been satisfactorily demonstrated that the Library Contribution, as requested by the County Council, would meet the CIL tests. As such, I have not taken the submitted unilateral undertaking dated 23<sup>rd</sup> January 2023 into account in reaching my decision.
68. The County Council has referred to a number of appeals<sup>9</sup> where the appeal Inspectors have supported the County Council's approach on this matter. However, none of these residential appeals relate to Class C2 uses, and, as such, are not directly comparable to the current appeal scheme.

### *Third parties*

69. I have taken account of third party concerns in respect of a number of matters, including the impact of the proposal on the character and appearance of the area, living conditions of neighbouring occupiers, parking, traffic and highway safety, loss of employment and impact on local infrastructure and service provision.

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<sup>9</sup> APP/G1630/W/19/3229581, APP/G1630/W/20/3256319, APP/G1630/W/21/3280979, APP/U1620/W/22/3296510, APP/B1635/W/21/3273053 and APP/G1630/W/22/3295270

70. In respect of the character and appearance of the area, I find that the proposal comprises an appropriate design, having regard to surrounding residential development, and having regard to the functional needs of the proposal. Subject to planning conditions to ensure appropriate architectural detailing and materials, lighting and landscaping scheme, I am content that this matter has been satisfactorily addressed.
71. I am satisfied that material harm would not arise to neighbouring living conditions, having regard to the design of the appeal scheme and the juxtaposition and separation distances between the proposed development and neighbouring properties. Whilst there may be some disruption during the construction period, this would be for a relatively short time, and working practices during the demolition, piling and construction stages would be controlled by conditions.
72. The Council has raised no highway safety concerns in respect of the development, finding the proposed access and parking provision to be acceptable. I am satisfied that traffic and parking matters can be satisfactorily addressed by conditions and a planning obligation to secure the funding and implementation of the submitted Travel Plan, having regard to the scale and nature of the development and the accessible location of the appeal site.
73. The Council has raised no objection to the loss of existing employment land. On the basis of the evidence before me, including the submitted Marketing Statement, I do not disagree and I am satisfied that the development accords with the relevant development plan policies in regard to this matter.
74. Having regard to the submitted drainage strategy, I am satisfied that drainage matters are capable of being dealt with by means of condition.
75. The matter of the impacts on infrastructure and services arising from the development is dealt with by means of the Council's Community Infrastructure Levy (CIL) requirements.
76. A number of third party objections relate to a proposed withdrawn application<sup>10</sup> for a flatted development at the front of the site. As such, they are not directly relevant to the determination of the current appeal.

### **Conditions**

77. In the event that the appeal was allowed, I was provided, prior to the Hearing, with a list of suggested conditions which have been agreed by both main parties. I have considered these in the light of the tests set out in Paragraph 56 of the Framework and the PPG, and imposed them where I consider them to be necessary and reasonable, incorporating amendments and deleting and/or amalgamating conditions for the sake of clarity and precision and to avoid duplication. Some conditions require scheme pre-commencement submission and approval in the instances where such details need to be taken into account in the construction of the development, and therefore go to the heart of the planning permission.
78. In addition to the standard implementation condition (1), it is necessary to define the plans for certainty (2). In the interests of highway safety and to protect the living conditions of neighbouring occupiers it is necessary to ensure

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<sup>10</sup> Ref 21/02653/FUL

- that demolition and construction of the development take place in accordance with approved Demolition and Construction Method Statements (3) and (4).
79. To ensure that the development does not increase flood risk on or off site, a condition is necessary to ensure the implementation, and subsequent management and maintenance of, a Sustainable Drainage Scheme (SuDS) (5).
  80. To protect the character and appearance of the area, conditions are necessary to ensure appropriate scheme design detailing in respect of matters including buildings, ancillary structures, lighting, hard surfacing and landscaping (6), (7), (8) and (9).
  81. In the interests of highway safety, a condition is necessary to ensure the provision of adequate road, access, parking and turning provision (10).
  82. To ensure that the development provides opportunities for sustainable transport modes, conditions are necessary to ensure that the development provides for secure cycle parking facilities (11) and a scheme for electric vehicle charging (12).
  83. In the interests of sustainable construction, conditions are necessary to ensure that carbon emission reducing and renewable energy elements are incorporated into the development (13), (14) and (15).
  84. To ensure sustainable waste management and recycling, conditions are necessary to secure the implementation of a Site Waste Management Plan during construction (16) and the provision of refuse and recycling storage facilities for the development (17).
  85. In the interests of protecting the living conditions of neighbouring residents and future occupiers of the development, having regard to impacts including noise, privacy, outlook and contamination avoidance, conditions are necessary to ensure appropriate details in respect of any fixed plant and machinery associated with the development (18), the implementation of an approved piling method statement (19), obscure glazing of some elements of the development (20), certainty in respect of the finished height of the development (21) and the implementation of satisfactory site remediation (22) and (23).
  86. I have not included the Council's suggested condition requiring the implementation and monitoring of the Travel Plan, since planning conditions should not be used to override or supersede a completed planning obligation. As such, a condition which would directly duplicate the effect of the planning obligation in terms of the Travel Plan requirements would not be necessary.
  87. I have considered whether a condition is necessary to ensure that the development incorporates dementia care bedrooms. The appellant's supporting documents confirm that the scheme is intended to provide such facilities within the development, albeit that the details of such are not indicated on the plans. I have no substantive reason to doubt the appellant's intention in this respect, nor the ability of the development layout to satisfactorily provide such accommodation, having regard to the role of the appellant as an experienced care home provider. Since my decision is not reliant upon the inclusion of dementia care bedrooms, I do not consider such a condition to be necessary and I have not imposed one.

## **Conclusion**

88. For the above reasons, I therefore conclude that the appeal should succeed, and planning permission be granted subject to conditions.

*S Leonard*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GL51-8NR-A-01 A, GL51-8NR-A-02, GL51-8NR-A-03 B, GL51-8NR-A-04, GL51-8NR-A-05 A, GL51-8NR-A-05 1A and LNT-A-09.
  
- 3) No works of demolition and/or site clearance shall take place, until a Demolition Method Statement (DMS) has been submitted to, and approved in writing by, the local planning authority. The DMS shall be adhered to throughout the development process and shall, where necessary:
  - i. Specify the type and number of vehicles expected during the demolition;
  - ii. Allocate space for the parking of vehicles for site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during demolition);
  - iii. Allocate space for the storage, loading and unloading of plant and materials resulting from the demolition;
  - iv. Specify the intended hours of demolition works;
  - v. Specify measures to control the emission of noise, dust and dirt and vibration during demolition;
  - vi. Provide for wheel washing facilities;
  - vii. Specify the access points to be used and maintained during the demolition phase;
  - viii. Specify advisory routes for demolition and any temporary access to the site;

- ix. Specify arrangements for receiving unusually large vehicles;
  - x. Include a Highway Condition survey; and
  - xi. Include methods of communicating the DMS to staff, visitors and neighbouring residents and businesses.
- 4) Prior to the commencement of the development hereby permitted (other than works of demolition or site clearance), a Construction Method Statement (CMS) shall be submitted to, and approved in writing by, the local planning authority. The CMS shall be adhered to throughout the development process and shall, where necessary:
- i. Specify the type and number of vehicles expected during the construction of the development;
  - ii. Allocate space for the parking of vehicles for site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - iii. Allocate space for the loading and unloading of plant and materials;
  - iv. Allocate space for the storage of plant and materials used in constructing the development;
  - v. Specify the intended hours of construction;
  - vi. Specify measures to control the emission of noise, dust and dirt and vibration during construction;
  - vii. Provide for wheel washing facilities;
  - viii. Specify the access points to be used and maintained during the construction phase;
  - ix. Specify advisory routes for construction and any temporary access to the site;
  - x. Specify arrangements for receiving abnormal loads or unusually large vehicles;
  - xi. Include a Highway Condition survey; and
  - xii. Include methods of communicating the CMS to staff, visitors and neighbouring residents and businesses.
- 5) No development (other than works of demolition and/or site clearance) shall take place until full details of a Sustainable Drainage Scheme (Suds) shall have been submitted to, and approved in writing by, the local planning authority.

The Suds scheme shall be in accordance with the submitted Drainage Strategy set out in the CTP Drainage Strategy Technical Note (Ref CTP-21-0652 Rev 02 dated April 2022) and shall include:

- i. A detailed design;
- ii. A timetable for implementation;
- iii. Demonstration of the technical feasibility/viability of the drainage system through the use of Suds to manage the flood risk to the site and elsewhere;
- iv. The measures taken to manage the water quality for the life-time of the development hereby permitted;
- v. Construction details of any permeable paving and an exceedance flow route plan;
- vi. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The Suds drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 6) The following elements of the development hereby permitted shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to, and approved in writing by, the local planning authority:
  - i. Design and profile of all new windows and doors, (including cills, heads and reveals, materials, finish and colour);
  - ii. Main entrance (Gloucester Road);
  - iii. External lighting (including security lighting);
  - iv. Bin and cycle stores;
  - v. Railings; and
  - vi. Meter house and PV battery store.
- 7) No external facing or roofing materials shall be applied unless in accordance with:
  - i. a written specification of the materials; and/or
  - ii. physical sample(s) of the materials.

The details of the above shall have been first submitted to, and approved in writing by, the local planning authority.



- 8) Prior to the implementation of any hard surfaces within the site, including driveways, parking and turning areas, footways and patios, details shall first be submitted to, and approved in writing by, the local planning authority.  
All hard surfacing areas within the development hereby permitted shall be carried out in accordance with the approved details prior to first occupation of any part of the development.
  
- 9) Prior to the implementation of any landscaping, full details of a hard and soft landscaping scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new planting specification to include species, size, position and method of planting of all new trees and shrubs; and a programme of implementation.  
  
All hard and soft landscaping works shall be carried out in accordance with the approved details and implementation programme. All hard landscaping and means of enclosure shall be completed prior to first occupation of the development hereby approved. The soft landscaping scheme shall be carried out prior to first occupation or in the first planting and seeding seasons following the first occupation of the development, whichever is the sooner.  
  
Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed, or become seriously damaged, diseased or dying, shall be replaced during the next planting season with those of similar size, species and number as those originally approved. All hard landscape works shall be permanently retained in accordance with the approved details.
  
- 10) The development hereby permitted shall not be occupied until the proposed off-site highway works/junction alterations, means of vehicular access to the site, and the parking and turning facilities serving the development have been carried out and provided in accordance with the approved drawing ref GL51-8NR-A-03B.  
The access, turning and parking for the development shall thereafter be retained as such at all times and shall not be used for any purpose other than for the parking and turning of vehicles and shall remain free of obstruction for such use at all times.
  
- 11) No development shall take place above slab level until details of secure covered cycle parking facilities have been submitted to, and approved in writing by, the local planning authority.  
The approved cycle parking shall be fully implemented before first occupation of the development hereby permitted and shall thereafter be permanently retained.



- 12) No development shall take place above slab level until an Electric Vehicle Infrastructure Strategy and Implementation Plan has been submitted to, and approved in writing by, the local planning authority.  
The Plan shall contain details of the number and location of all electric vehicle charging points and shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets.  
The approved electric vehicle charging points shall be installed and operational prior to the first occupation of the development hereby permitted.  
The electric vehicle charging points shall be retained for the lifetime of the development, unless they need to be replaced or upgraded, in accordance with details to be submitted to, and approved in writing by the local planning authority.
  
- 13) The development hereby permitted shall be carried out in accordance with the measures set out in the submitted Sustainability Appraisal by LNT Care Developments dated October 2021.
  
- 14) No development shall take place above slab level until details of the location, type/model, operation and predicted noise levels of the proposed ground source heat pumps (GSHPs) have been submitted to, and approved in writing by, the local planning authority.  
The approved GSHPs shall be installed prior to the first occupation of the development hereby permitted and shall thereafter be permanently retained.
  
- 15) No development shall take place above slab level until details of the proposed solar PV panels, including their mode of operation, design, appearance and positioning on the roof, have been submitted to, and approved in writing by, the local planning authority.  
The approved solar PV panels shall be installed prior to the first occupation of the development hereby permitted and shall thereafter be permanently retained.
  
- 16) Prior to the commencement of the development hereby permitted, a detailed Site Waste Management Plan (SWMP) shall be submitted to, and approved in writing by, the local planning authority. The SWMP shall be adhered to throughout the development process and shall include:
  - i. Information on the type and amount of waste likely to be generated prior to and during the construction phase;
  - ii. Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and
  - iii. Details of measures for ensuring delivery of waste minimisation during the construction phase.

- 17) No development shall take place above slab level until details of refuse and recycling storage facilities have been submitted to, and approved in writing by, the local planning authority.  
The approved refuse and recycling storage facilities shall be provided before first occupation of the development hereby permitted and shall thereafter be permanently retained.
- 18) No externally accommodated fixed plant or machinery, including air conditioning units, refrigeration units and extraction systems, including kitchen extraction equipment, shall be installed in the development hereby permitted unless details of such, including means of ventilation and extraction, odour control measures and noise levels, are submitted to, and approved in writing by, the local planning authority.  
The equipment shall be installed in accordance with the approved details and thereafter retained as such for the duration of its presence within the development hereby permitted.
- 19) No piling activities shall be carried out until a full piling method statement, including details of noise and vibration impacts from the piling operations upon nearest residential properties, dates and times of piling, and details of monitoring measures, has been submitted to, and approved in writing by, the local planning authority.  
The piling shall be carried out in accordance with the approved details.
- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the proposed first floor windows/glazing on the northeast elevation (excluding the courtyard facing northeast elevation) shall at all times be non-opening and glazed with obscure glass to a minimum Pilkington Level 3 (or equivalent).
- 21) No development (other than works of demolition and/or site clearance) shall take place until drawings showing the existing and proposed ground levels, slab levels and ridge heights of the proposed building and ground levels and ridge heights of the nearest neighbouring properties, have been submitted to, and approved in writing by, the local planning authority.  
The development shall be carried out in accordance with the approved details.
- 22) Prior to the commencement of the development hereby permitted, other than that necessary to comply with the requirements of this condition, the remediation scheme contained within Section 7 of the submitted Ground Investigation Report by Wilson Associates, Report No.4826/2, shall be implemented in full.

Following completion of the 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.

- 23) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority.  
The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority.

**\*\*\*End of Conditions\*\*\***

#### **APPEARANCES:**

##### **For the Local Planning Authority:**

- Lucy White – Principal Planning Officer, Cheltenham Borough Council
- Brenda Yearwood – NHS Gloucestershire ICB
- James Cuthbert - NHS Gloucestershire ICB
- Mary Morgan – Programme Director, Housing Health and Care, NHS Gloucestershire ICB
- Sara Crofts – Outcome Manager, Gloucestershire County Council

##### **For the appellant:**

- Alistair Wood – Planning and Development Manager - LNT Care Developments
- Claire Howes – Planning Manager - LNT Care Developments
- Tracey Spencer – LNT Care Developments

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