

# Cheltenham Borough Council Planning Committee

**Meeting date:** 30 May 2024

**Meeting time:** 5.00 pm

**Meeting venue:** Council Chamber - Municipal Offices

---

## **Membership:**

Councillor Frank Allen, Councillor Glenn Andrews, Councillor Paul Baker (Vice-Chair), Councillor Adrian Bamford, Councillor Garth Barnes (Chair), Councillor Barbara Clark, Councillor Jan Foster, Councillor Andy Mutton, Councillor Tony Oliver, Councillor Simon Wheeler and Councillor Suzanne Williams

---

## **Important notice – filming, recording and broadcasting of Council meetings**

This meeting will be recorded by the council for live broadcast online at [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk) and <https://www.youtube.com/@cheltenhambc/streams>  
The Chair will confirm this at the start of the meeting.

If you participate in the meeting, you consent to being filmed and to the possible use of those images and sound recordings for broadcasting and/or training purposes.

If you have any questions on the issue of filming/recording of meetings, please contact Democratic Services.

---

## **Speaking at Planning Committee**

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.

---

**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 - 18)

To approve the minutes of the meeting held on 18<sup>th</sup> April 2024.

## 5 Public Questions

## 6 Planning Applications

### 6a 23/00625/FUL 456 High Street (Pages 19 - 112)

[Planning application documents](#)

### 6b 24/00605/CONDIT Imperial Gardens, Cheltenham (Pages 113 - 124)

[Planning application documents](#)

### 6c 24/00407/CONDIT St Peters Playing Field (Pages 125 - 136)

[Planning application documents](#)

### 6d 24/00642/CONDIT 320 Swindon Road (Pages 137 - 148)

[Planning application documents](#)

### 6e 23/01691/REM Oakley Farm Priors Road (Pages 149 - 328)

[Planning application documents](#)

## 7 Appeal Update (Pages 329 - 356)

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

This page is intentionally left blank



# Cheltenham Borough Council Planning Committee Minutes

**Meeting date:** 18 April 2024

**Meeting time:** 6.00 pm - 9.00 pm

---

## **In attendance:**

### **Councillors:**

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

### **Also in attendance:**

Michael Ronan, Ben Warren (Planning Officer), Chris Gomm (Head of Development Management, Enforcement and Compliance), Lucy White (Principal Planning Officer) and Sam Reader (Assistant Trees Officer, Place & Growth)

---

## **1 Apologies**

There were none.

However, under this item the Chair thanked the retiring Members for all their work on the committee and in the community.

The Vice-Chair thanked the Chair and wished him well as being Mayor and thanked the democracy officer for supporting the committee.

## **2 Declarations of Interest**

Councillor Oliver declared that although he was the ward councillor he has specifically not been involved the planning application for the Belmont School.

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

There were none.

Some Members visited sites as part of Planning View.

Councillor Clark clarified that they did not visit the tree as part of Planning View.

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

There were amendments to the minutes which were agreed and signed.

The legal officer read out the following statement in relation to the minutes. Members will note that in the minutes in respect of 456 High Street towards the end of that minute that the vote on officers recommendation to permit was not carried. There were discussions in respect of reasons for refusal, these were acknowledged and there was no noted dissent. However, there was no final resolution in respect of that item recorded. Legal advice since that meeting has been that it cannot be said that the final resolution on the application by the council clearly providing its decision and reasons occurred at the planning committee in March, this needs to be reflected in the minutes which are to provide an accurate summary record of the meeting. Further there will be a need to return the application to the planning committee, the application due to timing and fairness to all is not on the agenda this evening but will be on the agenda for full reconsideration at the planning committee in May.

#### **5 Public Questions**

Two Member questions had been received, as follows:

**1. Question from Councillor David Willingham to Chris Gomm (Head of Development Management, Enforcement and Compliance) and Chair of Planning – Councillor Paul Baker**

It is evident from Planning Committee reports the Council recognises the necessity of compliance with its s149 Equality Act 2010 Public Sector Equality Duty (PSED) as part of the planning process. Could the Chairman please confirm whether officers and committee members are aware of the principles established in Brown [2008] EWHC 3158 (Admin) <https://www.bailii.org/ew/cases/EWHC/Admin/2008/3158.html> and Bracking [2013] EWCA Civ 1345 <https://www.bailii.org/ew/cases/EWCA/Civ/2013/1345.html> which suggest to comply with the PSED, << *There is a need for a "conscious approach" and the duty must be exercised "in substance, with rigour and with an open mind"*>> , does the Chairman share my concerns using the same boilerplate text in multiple different planning reports may be non-compliant these principles, and can he assure me advice will be sought and followed to ameliorate the situation?

**Response from Chris Gomm (Head of Development Management, Enforcement and Compliance) and Chair of Planning – Councillor Paul Baker**

Planning Officers have due regard to the Equality Act 2020, and its stipulations, when assessing the implications of all development proposals. Members are also reminded of this duty, and their obligations under the Act, within committee reports. It is important that committee reports are proportionate in their detail to each issue that is addressed and as such reference (in committee reports) to the public sector equality duty is necessarily light in many cases. Going forward, the planning team can look at whether this is something that needs to be refined.

### **Supplementary question**

In the current agenda, three of the applications contain the same error relating to the public sector equality duty, calling the legislation Equalities Act 2010 rather than the Equality Act 2010. In the minutes of the last meeting, which are the official record of the meeting, the only reference to equalities in one of the applications says “with the gradient at 1:12 it is accepted that people will have to be pushed in a wheelchair”, but provides no reasons why this is acceptable. I am genuinely concerned that this council could be successfully judicially reviewed because the PSED is boilerplate in the report. In light of this being the final session before the election, can I get an assurance that officers will discuss this issue with One Legal and the Monitoring Officer to ensure performing the PSED is incorporated into new member training on planning?

### **Chair response**

Would like to give reassurance and requested a copy of the question in writing to fully consider all aspects of it.

### **2. Question from Councillor David Willingham to Chris Gomm (Head of Development Management, Enforcement and Compliance) and Chair of Planning – Councillor Paul Baker**

At paragraph 9.2.1 of Part 5D Planning Protocol of Cheltenham Borough Council's Constitution, it is clear planning applications submitted by the Council itself must be determined at Planning Committee. Could the Chairman please advise how this should work when Cheltenham Borough Council is a potential financial beneficiary outside of the planning process, such as being a land-owner willing to conditionally dispose of assets to the applicant, but is not the applicant; and in the interests of openness, transparency, and compliance with the Nolan Principles would he consider how such situations should be best dealt with in future by the Planning Team and Planning Committee?

### **Response from Chris Gomm (Head of Development Management, Enforcement and Compliance) and Chair of Planning – Councillor Paul Baker**

Land and property ownership is not a material planning consideration; members of the planning committee are provided with training that, amongst other things, makes this very clear. Members of the committee are therefore unable to take into account council ownership, and any associated financial benefit, when they consider and vote on any application. Such situations are very common and it is not considered that there is any need to change current practices. We will however look to reference council ownership in committee reports in future, for information purposes only.

### **Supplementary question**

This isn't a question about planning, but about probity. Is it not the case that situations where the council stands to benefit financially outside of planning legislation, not section 106 and not Community Infrastructure Levy (CIL) but where we are a landowner where we would gain from the approval of a planning application

is it not in the public interest of open public decision making, that those applications should come to committee and that interest be declared. Would the chair consider joining me in asking the Monitoring Officer to look at reviewing the constitution to cover those kinds of cases so that they come to committee and the council is open and transparent that it is a potential financial beneficiary?

**Chair response**

Happy to do that and in the answer did state that we would look to reference council ownership in individual reports in the future for that transparency point. Happy to do that and take that on board.

**6a 24/00812/TREEPO Tree, Spring Acre, Spring Lane, Cheltenham, GL52 3BW**

The tree officer introduced the report as published.

The following responses were provided to member questions:

- The tree has been historically maintained in order to prune the branches away from the neighbours property. By law if a tree grows over the boundary into a neighbouring property they have the right to prune back to boundary edge as long as reasonable care is taken of the tree.
- The application to prune the tree has not been actioned currently as working at two month lead in period.
- The objector to the TPO mentioned amenity of the tree as they considered the tree to be unattractive which is subjective. By the criteria used to judge amenity it fulfils it as it has good form, in good condition, has good life expectancy and is visible.
- The objection was also to with nuisance elements and the burden of tree works applications.
- Amenity is not further defined in town and country act and is open to interpretation but we need to set some criteria.

There was no Member debate.

The matter then went to the vote on the officer recommendation to grant TPO:

For: Unanimous

**6b 24/00389/FUL Land and Springfield Close, The Reddings, Cheltenham GL51**

The Planning officer introduced the report as published.

There were 3 speakers on the item: an objector, the applicant and the Ward Councillor.

The objector addressed the committee and made the following points:



## Page 9

- The representative for the residents of Springfield Close who object to this application to build on our green open space.
- Not afforded the same considerations as new developments where a green space is a feature.
- The green space is an integral part of the Close and before any planning application was made the residents had applied for village green status.
- If the building is allowed the valuable amenity will be lost that we have benefited from for over 60 years. It has been used to hold parties, sports days, picnics and celebrations such as Queens Jubilee.
- It is only safe green space in the Reddings and is a haven for local families and residents it is of public interest to the whole community. It is a peaceful retreat that shouldn't be taken from the residents and used as profit.
- If permission is granted would want the removal of permitted development rights, as there would be nothing to stop the owner from applying to extend the property or add an external garage.
- If planning is granted the lack of street parking will be further strained, as it is emergency vehicles have struggled to get through the Close as well as refuse lorries.
- The green has alleyways on both sides, which are frequently used. The building will create a blind spot to oncoming traffic and would be a safety hazard. In January the Highways commission rejected the proposal, why is has it now been accepted when only minimal changes have been made.
- This application plan does not fit in with the layout of the Close as they are semi-detached and terraced houses.

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

- Have been working with the planning officer and the scheme has been through many changes to meet the councils requirements including change in position, reduction in scale and amendments to the design.
- The proposed building is set behind building lines of the terraced houses, the height, width and depth of the house is similar to the neighbouring properties. The design of the windows and doors are also similar to neighbouring properties.
- The footprint of the house will take 15% of the green. It is noted that there has been concerns about loss open green space. Most of the green space will remain undeveloped to protect the character and views of the local area. The existing site pass will be retained.
- There is already a detached house in the area which had planning permission approved in 2008.
- The proposal has been reduced in number and scale and would be set away from adjoining properties. The proposed windows on the first floor will be obscured glazed, therefore there will be limited impact to neighbours amenity.
- There will be two parking spaces and dropped kerb at the proposed building, which was accepted by the highways officer.
- Would enter a section 106 to make a financial contribution to protect Beechwood a special area of conservation.
- The scheme would contribute an additional dwelling to Cheltenham's housing needs, overall the scheme will respect the existing character and appearance of the surrounding area and would be acceptable in terms of principal,

location, massing, design and amenity. The scheme is in line with the relevant policies.

Councillor Collins as local ward member then addressed the committee and made the following points:

- If this is allowed it will deprive the local community of the only piece of green open space for some distance.
- It goes against the councils own policy BG1 on the Cotswold Beechwood and also against Biodiversity Net Gain (BNG), and the councils SPD.
- The Councils policy on new developments is to create vibrant open green spaces, why deprive this community of theirs.
- The community has enjoyed this open space for decades, and is well used. It is also subject to an application for Village Green Status that has been in place for almost a year now.
- The design itself is awful and is completely different to the surrounding buildings and therefore does not comply with section 12 of the NPPF or planning policy D1 as it does not respect the existing neighbouring properties.
- Highways strongly objected to an earlier version of this application but now see this one as acceptable. Refuse and emergency vehicles already struggle to access the Close. There has been damage to vehicles without introducing more cars and a significant blind spot.
- The application should be refused on policies BG1, SD8, SD9 and SD14.

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

- Planning officer aware of the application for Village Green Status which is with Gloucestershire County Council it is a lengthy process and has been with them for a year and CBC has had no notification of it. The planning application is in now and needs to be determined as it has been submitted. The land isn't protected currently and a pending application for Village Green Status is not sufficient to protect the land and it is not protected in any other way. There is no policy in the local plan or in the JCS specifically about Village Green Status.
- The legal officer confirmed that the village green process is separate from the planning process and through a different body in Gloucestershire County Council and though CBC may be a consultee for that. It has no material consideration today it is the planning application that is before you.
- The legal officer confirmed that the land ownership of the remaining green space is a private law matter and outside the scope of planning.
- Permitted development rights have been removed for only the parts that were considered harmful to the site, such as erection of a fence, removal of permitted rights for a dormer window and restrictions on further windows. Would be unable to do a side extension as the regulations would not allow it.
- The footprint of building is reasonably modest for built development but would need to take into account that there would be a garden to the rear and parking at the front. Have attached a condition regarding further landscaping. Officers have tried to retain the openness of the site, however can't confirm that residents would be able to use the remaining green space as this would still be in private ownership.
- The scheme has changed significantly, the objection from highways was when the scheme was previously for two dwellings, both with access and

parking which would have been closer to the bend in the road. This scheme was withdrawn for number of reasons and now with this scheme which is acceptable to highways.

- The legal officer explained that deferral of the planning application would need to be within a reasonable amount of time as the applicant have appeal rights and we have no indication of when the village green status will be decided. It is not fair on the applicant and it is not a relevant planning matter before the committee.
- Even if the green space was adopted as a village green there is no planning policy to take this into consideration and therefore no planning policy reasons to refuse the application based on these grounds.
- There may have been some confusion on the ownership of the land as it seems the council have been maintaining the green from the representations of the local residents. It is ultimately private land if the council still cuts grass it seems unlikely they would object however, maintenance is the responsibility of the land owner.
- Planning officer confirmed that they would not recommend to permit a planning application if they thought the scheme wasn't acceptable in policy. Obviously some areas are subjective, people can disagree over design but in terms of planning policy as set out in the report it cannot be refused.
- The biodiversity net gain requirement came in after this application was submitted and therefore cannot be imposed.
- The relevant planning policies that would be relevant to this application are set out in section 3 of the officer report and is discussed and referred to throughout. SD8 would not be applicable to this application as it relates to heritage assets and conservation.
- The legal officer explained that there are tests as to what is a valid planning condition which is to make the application acceptable on planning terms. To demolish a building if the green it was built on gained village green status is a private matter and would not satisfy the test for a planning condition.

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

- It is a fundamental loss of amenity as it is used by the whole neighbourhood and it is the only green space in the area.
- It may have been used as a green but is now in private ownership and we have a planning application that needs to be decided on which has an expiry of 26<sup>th</sup> May this year, if not decided the applicant could use non determination which would mean the planning inspectorate would decide.
- Builders are encouraged by councils and government to buy land and build houses as they are needed. We are dreadfully short of housing in this town.
- The parking issues are not the landowners fault, as parking on the bend is responsibility of the car owner and the property will have two parking spaces.
- The green may get village green status but that is in the future at this current time it does not and we need to make a decision on this application. It is difficult to find any planning policy reason to refuse this application.
- The policies are very clear and the officer recommendation is to permit. We don't have a five year land supply in this town and we know that at appeal inspectors regard this as an important factor.

- There will still be a green space there and conditions to protect that from being hidden by walls or fences. The planning officers have done everything possible to mitigate that and there is no good planning reasons for refusing.

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

For: 9

Abstain: 2

### **6c 24/00318/FUL 2 Walnut Close, Cheltenham, GL52 3AG**

The planning officer introduced the report as published.

There were 2 speakers on the item: an objector and the applicant.

The objector addressed the committee and made the following points:

- We have objections to two different parts of the proposed plans, the rear upper storey extension and the side upper storey extension.
- The rear upper storey extension would damage the aspect from all of the rear rooms and reduce light in parts of our garden.
- It may be 14 metres from our rear elevation, but its bulk and gable roof would loom over the objectors house adding considerably to the impact already felt from an extension at number 4. It would make their house and garden feel hemmed in on two sides and would also impact the attractiveness to future potential purchasers.
- The proposed side upper storey extension would bring number 2 within about 9 metres of the rear of the objectors house and about 10 metres from the rear of the neighbouring property at number 1. The usual required is a minimum distance of 12 metres. This does not appear to have been addressed in the officer report.
- The objector further understood that when discussing initial plans with officers, the applicants agent was advised that a full width extension at the front above the garage, which was preferred option was told it would be unacceptable and unlikely to be supported as the distance between it and the rear of number 1 The Gardens would be less than the minimum distance of 12 metres usually required. That potential front extension would have come to exactly the same line on the boundary between the properties as the side extension. This seems odd and inconsistent that officers should now approve the side extension even though it would be within 9 metres of our house.
- The objector proposed to the committee that they ask officers to reconsider their original advice about a potential full width extension across the front of the property with a view to allowing it if the applicant were to put in such a proposal. The objector would be prepared to compromise by withdrawing their objection to the side upper extension, despite its proximity and harmful impact on them as it is less unacceptable to us than the rear first storey extension.

The applicant the addressed the committee and made the following points:

- The applicant had lived in Pittville in Cheltenham for 6 years, during this time in the area we have seen recent expansions of existing detached properties mostly by building developers due to the desirability of the area.

- A lot of consideration was made when designing the work that has been submitted in this application. The architect we chose designed the adjacent property next door and ensured that the application was kept in line with the feel of the Close, as highlighted in the officer report.
- The sides of the plot, the location to others and the threshold for any potential expansion were always kept in mind when putting forward our designs. This is apparent in the front and rear extensions ensuring these have been kept as far away from neighbouring facing gardens as possible whilst aligning to an already expanding neighbourhood property at number 4.
- A single storey extension has also been used to minimise impact on others whilst keeping our own family needs in mind.
- The distances kept between the extensions and neighbouring properties also meet the requirements provided as part of the planning application and in the officer report. It is significantly smaller than other recent developments which have happened on the Close.
- The property adjacent at number 4 had significant two storey extensions wrapped around the property, the applicant felt that any views by ourselves or those neighbouring properties have long been obstructed since this construction.
- The three metres the applicant wishes to extend by will leave a considerable garden for the family and minimise any potential impact to surrounding properties. Where a potential privacy impact was highlighted by the planning officer during the review of the request to the garden south of the property the applicant listened and adhered to all requested amendments.
- The applicant felt that they were asking for the appropriate volume in relation to the size of the plot.
- In the sustainability report are plans which aim to make the best and lightest footprint possible from reclaiming materials, adding renewable energy sources, improving insulation and carefully selecting eco-friendly fittings.

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

- During the course of the application officers raised concerns with the new first floor rear elevation windows within the new wing not achieving the distance to the rear boundary for privacy reasons. The applicant and agent had sight of concerns with regards to loss of light and outlook. The agent asked if officers would be supportive of moving the first floor extension from the rear to the front. Two potential issues there, design implications as you wouldn't usually expect to see full width two storey front extension in that location as context of street scene is generally projected wings to the front. The other part is the distances, officers are required to consider the relationship of the application site to the neighbours and it is broadly positioned where it straddles the boundary between number 1 and 2, its side elevation is heading towards the gap between those two properties. That is where officers feel that the first floor rear extension is acceptable as it achieves 14 metres from the rear elevation of number 2 to the side wall, if you move that extension to the front and put it up to the boundary it moves in front of the rear elevation of number 1 and would be short of that distance. We accept that the two storey side extension is closer as stated by the objector but we have to consider context, outlook and position of gardens, number 2 garden is largely unaffected as it is

south of the plot and number 1 their garden wraps around the rear and side of their property.

- The legal officer explained that it is the planning application before the committee and there is no power for the planning authority to act as a mediator between applicant and objectors as it is a private law matter. The planning officer added that outside of the application it's not their role to be involved but they are there to negotiate a scheme if it is unacceptable. As in this application with the rear windows, had the applicant not been willing to accept change to the rear windows the officer recommendation would be different or refused without coming to committee.

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

- Would support this application as people buy the location not the house as it is and along this Close all the properties have changed. Design is always subjective and in general see nothing wrong with the application.

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

For: 10

Abstain: 1

### **6d 23/00117?FUL Belmont School, Warden Hill Road, Cheltenham, GL51 3AT**

The planning officer introduced the report as published.

There were 4 speakers on the item: an objector, the applicant and 2 Ward Councillors.

The objector, who was speaking on behalf of the residents in the area, addressed the committee and made the following points:

- They are in support of the application with regard to SEN children however there are concerns that the development will be made available for private hire.
- They have not been able to confirm with the applicant that the development will only be for SEN children, and that causes concern for the residents.
- There are some operational issues at the moment that cause problems for the residents such as the alarm going off at various times and that has not been fixed, also the security lighting is very bright and sometimes left on all night.
- There has been an email sent to residents by a well meaning councillor that suggests that residents should be notified in advance if there will be an event held that will have 100 plus children at, this make it clear that this is not just a development for SEN children.
- During a meeting with the Headmaster that Councillors and the objectors attended the Headmaster failed to confirm that there would not be an application for floodlighting in the future and this is a real concern for residents in the area.
- If there are problems with the development then the enforcement team at the Council will be responsible for dealing with them.

- The noise report states that the highest level of noise that is expected will be 1 decibel lower than the WHO threshold for the onset of moderate community annoyance.
- The noise report also does not appear to assess the use of the athletics track or the bleacher seating.
- The objector asked for the application to be deferred as even some of the supporters appeared to be objecting to the proposed hours of use.
- There should be no need for lighting if there is a genuine intention to restrict use of the development.
- It is critical for residents and for the wildlife in the area that the playing field should be pitch black at night.

The applicant then addressed the committee and made the following points:

- The school needs better facilities for the SEN children that use the facility.
- The application is needed to support the disabled children.
- The inclusivity of the school has been acknowledged by Ofsted.
- The application fits with CBC's physical education strategy.
- There has been 2 years of work on the project and felt let down by the 16 late conditions imposed by the planning officer.
- The suggested conditions may not be allowed under the Equality Act.
- The vast majority of users are not only physically disabled but are also autistic and are not able to visit other facilities.

Cllr Harman in his capacity as County Councillor addressed the committee and made the following points:

- He thanked the community and the committee for their time in visiting both the application site and the neighbouring properties.
- This application is not about the residents versus the school as the residents understand the significance of the school and the work that it does.
- The neighbours that are closely affected are worried about the long term impact in terms of the hours that the proposal will wish to operate. Some believe that it may be used for commercial gain.
- There was a public meeting that was attended by both parties, but that did seem to raise more concerns particularly around the issue of noise. It will not be easy to limit attendance to things, and the amount of people using the facility would impact the noise level.

Councillor Beale as Ward Councillor addressed the committee and made the following points:

- The application has been subject to a number of changes but the purpose of the application is clear, it is to be all inclusive for SEN.
- Sports England are fully onboard with the application.
- As the applicant stated the application fits with the CBC sports strategy.
- There has been a challenge in communication with the school and the neighbours, however the school hosted a meeting and responded to most of the questions that were causing worry to the residents.

- The concerns about the alarms going off at the school at different times has not helped the situation with the neighbours.
- The Goals Beyond Grass group that meets at the school is run by volunteers and they have directly influenced the design of the application. They are an organisation that provides social connections for the SEN community and is very valuable to the children and adults that come to their sessions. The passing noise of cars and lawnmowers is far greater than the noise caused by this group.
- The conditions to the application should control the use of the site and encourage the community to work together closely.

The matter then went to Member questions. The responses are as follows:

- It would be unreasonable to condition no further lighting such as security and incidental lighting at the site. Additional lighting is not being applied for on this application. The restricted times that are proposed will prevent the need for further lighting.
- Bleacher seating is a stepped construction built into the land, it is permanent and not retractable.
- The noise report assessed the cumulative impact of the noise. The athletics track is a quieter activity.
- The noise assessment does not differentiate between users.
- The primary use of the proposed development will be for Belmont school pupils but Betteridge school and other special schools and SEN organisations across Gloucestershire will have access. If the school do want to hire out the facilities to other organisations the restricted time conditions will manage the times that they can use it.
- If the times are amended and restricted to SEN users only this could create equality issues.
- Once the acoustic fence is built and in use there could be feedback given by both the residents and the school via the environmental health forum.
- The Legal Officer reminded Members that they could only consider the application before them and cannot compare this application to any others that have been considered.

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

- Members were minded to extend the time at weekends to 4pm or 5pm, there would be an issue if the application was only for commercial use and the SEN individuals were prevented from using the site. Would be happy to propose a new time of 10-5pm on Saturdays.
- There are some advantages of the application being used for commercial use as long as that is not the main use.
- There was general support for the proposed new times and also stated that there is no evidence to support the residents' fears.
- Other schools in residential areas let outsiders use their facilities.
- There has been no evidence that there will be excessive noise and the concerns about the noise of the alarm from the residents are not relevant.



- Members were happy to agree an extension to 5pm on Saturday for those with SEN and to support the use by the cycle group on Sunday for limited hours as stated. Cllr Wheeler suggested 10-5pm on Sunday as we live in a 7 day a week economy, this was seconded by Cllr Fisher.
- If the noise does have an impact on the neighbours then the school will be made aware by the residents and Environmental Health will be involved.
- There was a belief that the commercial fears were misplaced as there is not much scope for outside use.
- The facility won't be open until 5pm in the winter as it gets dark earlier.
- The school and the residents should keep talking and the school should be a good neighbour and the arrangements should work for everyone.
- A lot of SEN have severe reaction to noise and won't be able to tolerate any noise.

The planning officer then addressed the committee and stated that the cycling group can still continue to run their club on a Sunday. Their current use of the site is unaffected by the proposed development. However, the suggested condition would allow their use of the proposed cycle track on a Sunday. It will not be for residents to propose revised hours to the committee. The Member proposed extended hours on Saturdays would be going against the advice and recommendation of the Council's Environmental Health team. Environmental Health are concerned about noise complaints which is why there is the suggested condition.

The Legal Officer reminded Members that the committee could only look at one motion at a time and they need to be looked at in order. He also stated that the application had to be approved first before the condition was voted on.

The application then went to the vote:

For – 11 UNANIMOUS

The committee went to the vote to approve the amended condition for 10am-5pm on Saturday:

For – 11 - UNANIMOUS

Against – 0

The second condition for operating hours on a Sunday to be restricted to SEN from 10am-5pm went to the vote

For – 2

Against – 9

The vote to approve with the amended condition was then voted on

For – 11 – UNANIMOUS

It was also a UNANIMOUS decision to delegate the re wording of the condition to the officer.

**7 Appeal Update**

Appeal details were noted for information.

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

There were none.

<b>APPLICATION NO:</b> 23/00625/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 14th April 2023		<b>DATE OF EXPIRY:</b> 14th July 2023 (extension of time agreed until 22nd December 2023)
<b>DATE VALIDATED:</b> 14th April 2023		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Peters		<b>PARISH:</b>
<b>APPLICANT:</b>	Lane Britton and Jenkins	
<b>AGENT:</b>	Zesta Planning Ltd	
<b>LOCATION:</b>	456 High Street Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Full planning application for the redevelopment to provide a residential development of 18no. apartments (12no. one bed and 6no. two bed) contained within two blocks, following demolition of an existing commercial building	

**RECOMMENDATION:** Permit subject to Unilateral Undertaking

## Officer Update – May

### 1. OFFICER COMMENTS

- 1.1 As some Members will be aware, this application was debated at the March planning committee meeting; however, no motion was actually moved and voted upon after the vote on the officer recommendation to approve was not carried. As such, no formal decision was made.
- 1.2 The application therefore reappears on the May committee agenda to allow for further debate, and to enable a decision to be made.
- 1.3 Much of the debate at the March committee meeting centred around amenity and highway matters; and members proposed refusal reasons on these two grounds.
- 1.4 In relation to highway safety, those members that were at the March meeting will recall that the failure to incorporate a suitable pull-in bay for service vehicles, and for the safe loading and unloading of deliveries was of concern; however, members are reminded that the Highways Officer advised that this was not something they had asked for in order to make the scheme acceptable on highway grounds.
- 1.5 The Highways Officer also pointed out that there are double yellow lines on the highway outside the site with yellow marks on the kerb which prohibit loading or unloading. As such, in their professional opinion, they were satisfied that the situation at this site would be no different to that elsewhere along the street.
- 1.6 The Highways Officer also repeated that there were no highway safety grounds on which to refuse planning permission, with reference to paragraph 115 of the NPPF (2023) which states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road*

*network would be severe*"; concluding that, on balance, this scheme doesn't meet the high bar for refusal set by the NPPF.

### 2. CONCLUSION AND RECOMMENDATION

- 2.1 With the above in mind, and for the reasons set out within the main officer report (Appendix 1) and subsequent update (Appendix 2), officers remain satisfied that the proposed development would be in accordance with all relevant national and local planning permission and continue to recommend that planning permission be granted subject to the schedule of conditions below, and a Unilateral Undertaking towards mitigation of any adverse recreational impacts on the Cotswold Beechwoods SAC.

### 3. SCHEDULE OF CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development, other than those works necessary to comply with the requirements of this condition, a Phase 2 ground investigation shall be carried out as per the recommendations at paragraph 6.3 of the Pre-Planning Geo-Environmental Desk Study Report Assessment (Wilson Associates, Report No: 4963, dated March 2022) and the results and any remediation measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 4 Prior to the commencement of development (including demolition and site clearance), a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the development process and shall include, but not be restricted to:

- i) Provision of parking for vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- ii) Advisory routes for construction traffic;

- iii) Any temporary access to the site;
- iv) Locations for the loading/unloading and storage of plant, waste and construction materials;
- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles;
- vii) Arrangements to receive abnormal loads or unusually large vehicles;
- viii) Highway condition survey;
- ix) Measures to control the emission of noise, dust and dirt during demolition and construction;
- x) Measures for controlling the use of site lighting whether required for safe working or for security purposes; and
- xi) Methods of communicating the plan to staff, visitors, and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, and to prevent any loss of amenity to neighbouring land users, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 5 Prior to the commencement of development (including demolition and site clearance), a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the development process and shall:

- i) identify the specific types and amount of waste materials forecast to be generated from the development during site preparation, and demolition and construction phases;
- ii) identify the specific measures that will be employed for dealing with the waste materials so as to:
  - minimise its creation, and maximise the amount of re-use and recycling on-site;
  - maximise the amount of off-site recycling of any wastes that are unusable on-site; and
  - reduce the overall amount of waste sent to landfill; and
- iii) set out the proposed proportions of recycled content that will be used in construction materials.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy (2012), and adopted Minerals Local Plan for Gloucestershire Policy SR01.

- 6 Prior to the commencement of development (other than demolition and site clearance), a detailed scheme for the incorporation of water and energy efficiency measures, and renewable or low carbon energy technologies within the development shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details and thereafter so retained.

Reason: To promote sustainable building design, having regard to adopted policy SD3 of the Joint Core Strategy (2017) and the adopted Cheltenham Climate Change SPD (2022). Approval is required upfront because

sustainable design is an integral part of the development and its acceptability.

- 7 Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, having regard to adopted policies SD14 and 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 any works above ground level, details of the provision made for facilitating the management and recycling of waste generated during occupation of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy (2012).

- 9 No external facing and/or roofing materials shall be applied unless in accordance with:
  - a) a written specification of the materials; and
  - 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).

- 10 The external facing brickwork shall not be carried out unless in accordance with a sample panel which shall have first been constructed on site and approved in writing by the Local Planning Authority. The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the facing brickwork, including perforated brickwork. The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

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).

- 11 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a) Window system;
- b) External doors;
- c) Parapet detail;
- d) Rainwater goods;
- e) External vents and flues;
- f) External lighting; and
- g) Cycle store for Block B.

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 policies SD4 and SD8 of the Joint Core Strategy (2017).

- 12 Notwithstanding the approved plans, prior to the implementation of any landscaping, a detailed hard and/or 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 hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a 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/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 30 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 hard 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).

- 13 The development shall be carried out in accordance with the recommended mitigation measures detailed in Section 7 of the Air Quality Assessment (Air Quality Consultants Ltd, Report No: J10/13186A/10/1/F1, dated April 2022). The mechanical ventilation system shall be installed and operational prior to first occupation of the development.

Reason: To ensure that suitable mitigation measures are installed to protect future residents of the dwellings, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 14 Should piled foundations be proposed on site, prior to any piling activities taking place, a Piling Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall identify the likely impact of piling activities and identify suitable mitigation of those effects.

Reason: To safeguard the amenity of nearby residential 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).

- 15 Prior to first occupation of the development, the existing vehicular accesses to the site shall be permanently closed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, having regard to adopted policy INF1 of the Joint core Strategy (2017).

- 16 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

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).

- 17 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with approved plans and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy (2012).

- 18 Prior to first occupation of the development, ecological enhancements to include bird nesting and bat roosting boxes shall be installed on the building or within the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to preserve and enhance biodiversity, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 19 Prior to first occupation of the development, a residential welcome pack promoting sustainable forms of access to the development shall be submitted to and approved in writing by the Local Planning Authority. The approved pack shall thereafter be provided to each resident at the point of the first occupation of each dwelling.

Reason: To reduce vehicle movements and promote sustainable access, having regard adopted policy INF1 of the Joint Core Strategy (2017).



**SUGGESTED INFORMATIVES**

- 1 The development makes no provision for off-street parking, nor mitigation to offset the impact of the lack of availability of parking in the existing controlled parking zone (Cheltenham Westend Zone 12) which is currently significantly oversubscribed. Accordingly, the County Council consider the consented scheme to be a car-free development and residents will be precluded from applying for residential parking permits in the existing controlled parking zone.
  
- 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.

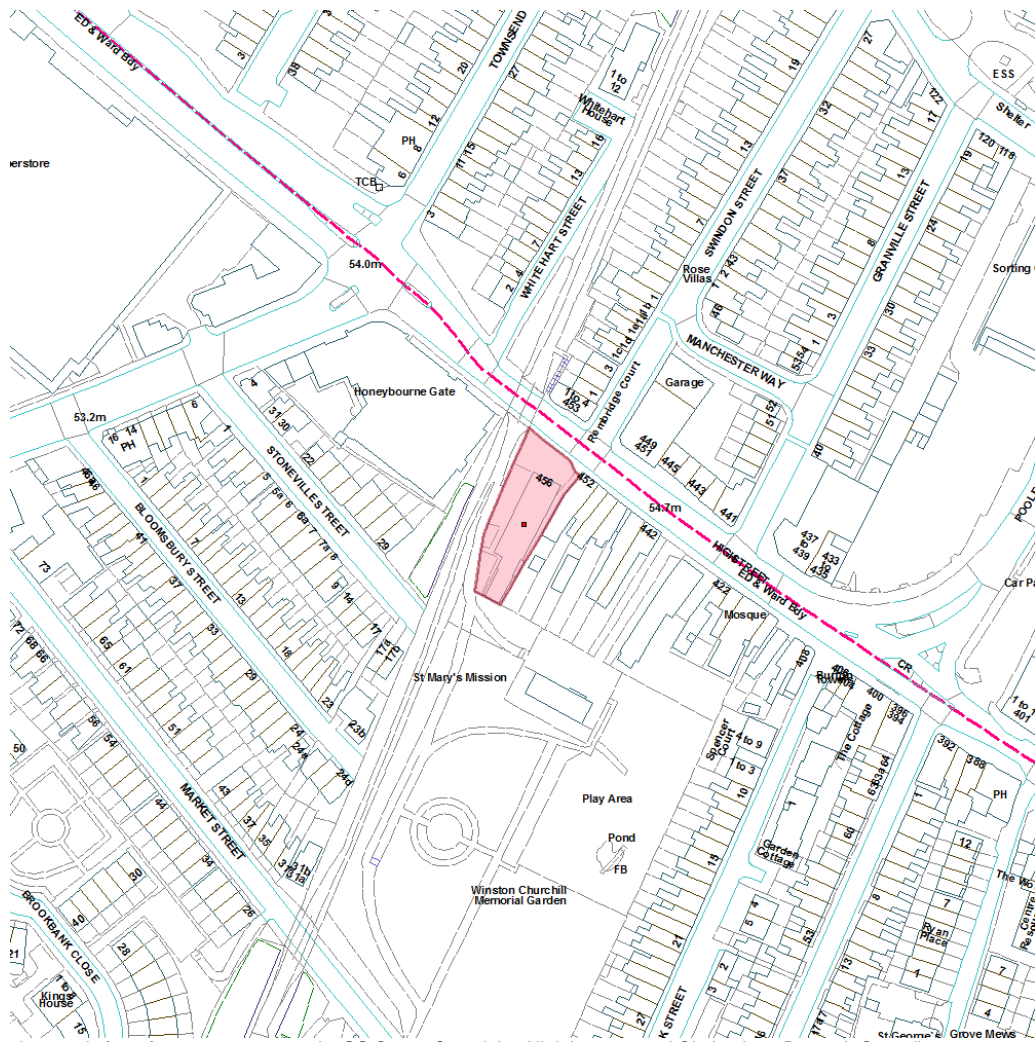
Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the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

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

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

<b>APPLICATION NO:</b> 23/00625/FUL	<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 14th April 2023	<b>DATE OF EXPIRY:</b> 14th July 2023 (extension of time agreed until 22nd December 2023)
<b>DATE VALIDATED:</b> 14th April 2023	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Peters	<b>PARISH:</b>
<b>APPLICANT:</b>	Lane Britton and Jenkins
<b>AGENT:</b>	Zesta Planning Ltd
<b>LOCATION:</b>	456 High Street Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Full planning application for the redevelopment to provide a residential development of 18no. apartments (12no. one bed and 6no. two bed) contained within two blocks, following demolition of an existing commercial building

**RECOMMENDATION:** Permit subject to Unilateral Undertaking



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1. The application site is located on the southern side of the Lower High Street, directly adjacent to the Honeybourne Line to the west, and just within the Central Conservation Area boundary (Lower High Street Character Area). The site is also located within the Principal Urban Area (PUA) and is approximately 0.07 hectares in size. The site is not subject to any other designation. A small part of the site is owned by the Council who are selling the land.
- 1.2. The site is currently in a Class B2 employment use and occupied by J R Laboratories Ltd, an optical product manufacturers. The existing building on site, whilst set back from the highway, covers much of the site. The building is single storey and utilitarian in its appearance, dating from the 1950s. Its front elevation is red brick with a stepped art deco style gable end with two solid courses. The building is identified as a 'Significant neutral building/space' on the Townscape Analysis Map within the Lower High Street Character Area Appraisal. The frontage of the site is hard surfaced and used for car parking and is devoid of any landscaping.
- 1.3. To the northwest of the site, beyond the Honeybourne Line, sits Honeybourne Gate, a modern, five storey development comprising 55 retirement apartments. To the south-east, the site sits adjacent to no. 452 High Street, an end-of-terrace property with a vacant shop unit at ground floor and a flat on the upper floor. To the rear, the site backs onto the Winston Churchill Memorial Gardens which house the grade II listed St Marys Mission (St Marys Cemetery Chapel). Immediately opposite the site, on the High Street, is a recent, four storey residential development.
- 1.4. The application proposes the demolition of the existing building on site and the erection of a new residential development comprising 18no. apartments (12no. one bed and 6no. two bed) within two separate blocks. The proposed buildings are four storeys in height, with the top floor recessed. Externally, the buildings are faced in red brick, with a tiled finish to the recessed top floor.
- 1.5. Revised plans have been submitted during the course of the application and these are discussed in the report below. The quantum of development is unchanged.
- 1.6. In addition to drawings, the application is supported by the following detailed reports and statements; all of which have been available to view on the Council's website:
  - Planning Statement
  - Design and Access Statement (including Sustainability and Waste Management)
  - Heritage Statement
  - Phase 1 Geo-Environmental Desk Study Report
  - Air Quality Assessment
  - Building Inspection Report
  - Arboricultural Impact Assessment
  - Drainage and Maintenance Strategy
  - Planning Viability Report
  - Transport Note: Car Parking Assessment (updated)
- 1.7. The application is before the planning committee at the request of Cllr Willingham whose full comments can be read in the appendix to this report.
- 1.8. Members will have the opportunity to visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
 Conservation Area  
 Central Conservation Area  
 Core Commercial Area  
 Honeybourne Line  
 Principal Urban Area  
 Residents Association  
 Lower High Street Shopping Area  
 Smoke Control Order

### **Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework 2023 (NPPF)**

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 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 2020 (CP) Policies**

EM2 Safeguarding Non-Designated Existing Employment Land and Buildings  
 D1 Design  
 BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure  
 SL1 Safe and Sustainable Living  
 GI2 Protection and replacement of trees  
 GI3 Trees and Development

### **Adopted Joint Core Strategy 2017 (JCS) Policies**

SD3 Sustainable Design and Construction  
 SD4 Design Requirements  
 SD8 Historic Environment  
 SD9 Biodiversity and Geodiversity  
 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

### **Supplementary Planning Guidance/Documents**

Development on garden land and infill sites in Cheltenham (2009)  
 Lower High Street Character Area Appraisal and Management Plan (2008)

Cheltenham Climate Change SPD (2022)

#### 4. CONSULTATION RESPONSES

See appendix at end of report

#### 5. PUBLICITY AND REPRESENTATIONS

- 5.1. Letters of notification were sent to 54 neighbouring properties on receipt of the application. In addition, site notices were posted and an advert published in the Gloucestershire Echo.
- 5.2. Additional consultation was carried out on receipt of the revised plans.
- 5.3. In response to the publicity, 12 representations have been received; 11 in objection, and one general comment. The comments have been circulated in full to members.
- 5.4. The comments are summarised below:
  - Concerned about noise and disruption during construction and ongoing noise once complete
  - Height will impact on light to, and views from, Honeybourne Gate
  - Parking is already difficult / roads are congested
  - Impact on value of properties in Honeybourne Gate
  - Building is too large
  - There is no parking proposed on-site
  - Concerns over rubbish collection
  - The narrow gap proposed between the building and the Honeybourne Line will make repairs to the embankment and the line very difficult
  - Honeybourne Gate is a retirement development
  - Scale, height and mass of the proposal represents overdevelopment
  - Unreasonable impact on living conditions of residents in Honeybourne Gate in terms of privacy, overshadowing and loss of light – will be oppressive and overbearing
  - No provision for access for servicing vehicles, emergency services, etc.
  - Unconvincing argument for change of use – Cheltenham has lack of employment land
  - No objection to change of use but object to height and size of new building – should be no more than two storeys
  - Four storey building would impact on views and make Honeybourne Line more enclosed and less safe
  - LPA has duty to preserve or enhance the conservation area
  - Loss of views from Honeybourne Gate
  - Due to proximity to Honeybourne Gate, the mass and scale of the development will have detrimental overbearing impact, and block light
  - No Health Impact Assessment submitted
  - Access to Block B for larger deliveries and removals appears to be totally impractical
  - No objections in principle but any proposal should be of a much reduced size and scale – no more than two storeys
  - Building should be finished in white render which would be more in-keeping
  - Honeybourne Gate not designed to have windows overlooking it

- Suggestion that public car parks locally could be used for 'visitors and delivery vehicles' is comical - delivery vehicles and vans will park on the single carriageway main road or illegally on the pavement
- Visitors coming into town along the major access road will see the proposed building looming above the Honeybourne Bridge
- Need to install 'mechanical ventilation systems' does not seem very green or healthy for the residents
- Noise levels during construction will impact daily life
- Congestion in an already busy area will be added to
- Unrealistic to think residents won't have cars
- Occupants of the proposed building would have their bedroom and/or lounge windows directly overlooked by the Honeybourne Gate windows and vice versa
- The building would completely dominate the view from all windows of Honeybourne Gate apartments on this side
- Residents on the affected side of Honeybourne Gate have chosen to live on the 'quiet' side of the building - unfair to inflict on them the inevitable noise, vibration and disruption of the building works
- The proposal represents a gross overdevelopment of a restricted site and will be out of scale with adjacent properties
- The proposal will require the removal of two trees at the entrance to Winston Churchill Gardens
- No objection to the proposed building but the developer should provide a new staircase up to the Honeybourne Line
- The site is very small and believed to have been previously found not to be financially viable for development
- There is a lack of outdoor amenity space at ground floor
- Ideal situation would be that the site be developed together with 452 High Street and other adjacent empty retail units

## 6. OFFICER COMMENTS

### 6.1. Determining issues

6.1.1 The main considerations when determining this application relate to the principle of redevelopment in terms of the loss of the existing employment site and the proposed residential use; design, layout and impact on the historic environment; climate change; parking and highway safety; affordable housing; neighbouring amenity; and recreational impacts on the Cotswold Beechwoods Special Area of Conservation.

### 6.2. Principle

6.2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In accordance with paragraph 11 of the National Planning Policy Framework (NPPF) which sets out a "*presumption in favour of sustainable development*" proposals that accord with an up-to-date development plan should be approved without delay.

6.2.2 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the NPPF, and Planning Practice Guidance (PPG).

*Loss of existing employment use*

6.2.3 Adopted CP policy EM2 seeks to safeguard non-designated employment land and buildings and advises that:

*Development proposals for a change of use of land and buildings currently or last in employment use (Note 1) will only be permitted where:*

- a) buildings were constructed and first occupied for residential use; or*
- b) the loss of the site to other uses does not have a detrimental impact on the continuing operation of existing businesses in the vicinity (Note 2) and;*
  - i. The proposed use is job-generating (Note 3) with any loss of existing provision being offset by a net gain in the quality (Note 4) and / or the number of jobs provided on the site; or*
  - ii. Development of the site will ensure the relocation of an existing firm to a more suitable location within the Borough (Note 5); or*
  - iii. There has been a sustained and long-term absence of economic activity on the land with no reasonable prospect of the land being used for employment (Note 6); or*
- c) The applicant for planning permission can demonstrate that employment use creates unacceptable environmental or traffic problems which cannot be satisfactorily resolved.*

6.2.4 In this case, whilst officers acknowledge that the site is not yet vacant, regard has been given to paragraph 1.2 of the Planning Statement, and the Building Inspection Report, which accompanies the application. These documents set out that the existing commercial building on site is in a poor state of repair and has reached the end of its natural life span, and that the existing business on site is currently reducing its operations with a view to vacating the site. In this respect, the alternative use of the site would not have a detrimental impact on the continuing operation of existing businesses in the vicinity, and given the number of residential properties that have been relatively recently constructed within the vicinity of the site, any redevelopment of the site within a B2 employment use would have the significant potential to cause harm to the amenities of neighbouring land users. On balance, officers are therefore satisfied that a change of use of this site would be compliant with the aims and objectives of CP policy EM2.

*Proposed residential use*

6.2.5 As previously noted, the application site is sustainably located within the PUA, wherein adopted JCS policy SD10 supports new housing development on previously-developed land. However, in any event, the housing policies are out-of-date as the Council is currently unable to demonstrate a five year supply of deliverable housing sites (the latest published figure is 4.84 years), and therefore the 'tilted balance' in favour of granting permission is triggered. The proposed development would result in the welcome provision of an additional 18no. residential units in this highly sustainable location, and make a valuable contribution to the borough's housing stock.

6.2.6 With all of the above in mind, officers are satisfied that, in principle, the proposed redevelopment of the site is acceptable, subject to the material considerations discussed below.

6.2.7 As previously noted, the existing building on site is identified as being a neutral building within the Lower High Street Character Area Appraisal and is not considered to make a positive contribution to the character and appearance of the conservation area; as such no objection is raised to its demolition subject to a satisfactory scheme for redevelopment.

### 6.3. Design, layout and impact on the historic environment

6.3.1 Paragraph 130 of the NPPF requires decisions on planning applications to ensure that new developments “*will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to local character...including the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible...with a high standard of amenity for existing and future users*”.

6.3.2 The above requirement is generally consistent with the design requirements set out in adopted CP policy D1 and JCS policy SD4.

6.3.3 Additional guidance of relevance to this application can be found in the Council’s adopted SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area. The document states at paragraph 3.5 that “*Responding to character is not simply about copying or replicating what already exists in an area...Change in itself is not considered a bad thing automatically...*”

6.3.4 With particular regard to development within the historic environment, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. JCS policy SD8 also requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

6.3.5 The main access to the development would be located via a passage to the side (northwest) of Block A between the building and the Honeybourne Line, leading through to Block B at the rear. Each block would be provided by dedicated refuse, recycling and bike storage facilities, with the refuse/recycling store integral to Block A having an access direct onto the High Street for collection. No on-site car parking provision is proposed.

6.3.6 Externally, the space about the buildings is largely shown to be hard surfaced with only small pockets of low level landscaping to soften the site; however, officers feel that there is scope to introduce more generous areas of soft landscaping within the site, and this could be secured via a condition requiring a detailed hard and soft landscaping scheme to be submitted for approval. Although there are no large areas of open recreational space within the development, there are opportunities for recreation reasonably close to the site.



6.3.7 With regard to the external appearance of the buildings, as previously noted, the scheme has been revised during the course of the application resulting in significant improvements: the revisions include:

- The introduction of a red brick finish throughout the main elevations of the buildings;
- a recessed, tile hung, top floor helping to break up the massing and bulk of the buildings; and
- changes to the fenestration.

6.3.8 In its revised form, officers consider the external appearance of the scheme to be acceptable. Although concerns have been raised in relation to the height of the buildings, officers are satisfied that no particular harm will occur. The top floors are now recessed from the buildings below, and are effectively the 'roof'; and the use of an alternative facing material at this level would further help to ensure that the top floor reads as part of the roofscape. In addition, the street scene elevations demonstrate that the height of the buildings would step up along this part of the High Street to address the corner, the proposed buildings sitting well below the height of the neighbouring Honeybourne Gate.

6.3.9 Moreover, it is important to acknowledge that the removal of the top floors, or limiting the development to two storeys would result in a reduction in residential units which, given the Council's shortage of housing land supply, would be at odds with JCS policy SD10 which requires new residential development proposals to achieve maximum densities compatible with good design. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; with the Government recognising the benefits of extending upwards in terms of maximising development potential.

6.3.10 In terms of heritage impacts, the Conservation Officer's detailed comments in response to the original scheme (which can be read in the appendix below) have been duly noted, and officers are satisfied that the revised proposals go some way in addressing their concerns. With regard to scale and massing, as mentioned above, the top floor of the buildings now appears more recessed in line with neighbouring new developments and officers do not agree that the development is overly tall in this context, nor that its dense form would be harmful to the character and appearance of the conservation area, particularly given the scale and density of the neighbouring Honeybourne Gate development.

6.3.11 It is acknowledged that views of the site from the Winston Churchill Memorial Gardens to the rear would be altered, and that the proposed development would be a far more prominent addition than the building already on site but, again, it is important to consider the impacts in relation to surrounding developments. In this case, the proposals would be read in the context of the much larger development on the opposite side of the Honeybourne Line built in 2015. Moreover, the proposals do go some way in mitigating the impact on the gardens, with the rear part of Block B being only three storeys. For the same reasons, officers do not consider the development to be detrimental to the nearby grade II listed St Marys Mission.

6.3.12 Officers accept that the proposed development would undoubtedly have a far greater visual impact within the street scene, and from other public vantage points than the existing building but this, in itself, is not considered to be unacceptable or harmful.

6.3.13 The Conservation Officer also found the proposed materials and detailing to be poor, and officers shared the view that blue/grey brick plinth originally proposed was inappropriate. However, officers strongly disagree that the use of red brick is inappropriate in this location, and that the building should be rendered. Given that the predominant finish in the locality is render, the use of red brick in the external elevations of this development, will maintain a balance of red brick and render. That said, a high quality palette of external facing materials and finishes will be key to the success of the scheme, particularly the extensive brickwork, and therefore conditions are suggested which require the submission of additional design details, and the construction of a sample panel of brickwork on site for consideration.

6.3.14 The level of harm to the designated heritage assets (the conservation area and nearby grade II listed building) identified by the Conservation Officer is considered to be 'less than substantial', and as such NPPF paragraph 202 requires the harm to "*be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"

6.3.15 PPG (Paragraph: 020 Reference ID: 18a-020-20190723) sets out that public benefits can be "*anything that delivers economic, social or environmental objectives*" and "*be of a nature or scale to be of benefit to the public at large and not just be a private benefit*".

6.3.16 In this case, officers are therefore wholly satisfied that the development of the site for residential purposes will result in public benefits that outweigh the identified harm. Given the current shortage of housing within the borough, the public benefits of the residential use in this highly sustainable location are apparent.

#### 6.4. Climate change

6.4.1 In addition to the aforementioned design policies, adopted JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; development proposals are required to "*demonstrate how they contribute to the aims of sustainability*" and "*be adaptable to climate change in respect of the design, layout, siting, orientation...*" The policy requires major planning applications to be accompanied by an Energy Statement.

6.4.2 JCS paragraph 14.4.11 goes on to advise that:

*Before considering the use of renewable energy technologies the design of a development should first identify measures to reduce overall energy demand. This can include choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for space heating and/or cooling and lighting. Secondly, the design should include measures to use energy more efficiently such as increasing levels of insulation in walls, floors and roofs and improved air-tightness.*

6.4.3 The adopted Cheltenham Climate Change SPD also provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals.

6.4.4 As required, the application is accompanied by an Energy/Sustainability Statement (within the Design and Access Statement) in support of the application that sets out that a 'fabric first' design approach is proposed to reduce the energy demand of the property and reduce carbon accordingly. The statement also sets out

additional energy efficiency measures that could be incorporated into the development.

6.4.5 Notwithstanding the above, officers consider that the development offers the real opportunity to incorporate additional measures to help Cheltenham meets its commitment to become a net zero carbon council and borough by 2030. A condition is therefore suggested which requires a more detailed scheme to be submitted and agreed.

#### 6.5. Parking and highway safety

6.5.1 Adopted JCS policy INF1 requires all development proposals to provide safe and efficient access to the highway network for all transport modes; and provide connections where appropriate, to existing walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. The policy states that planning permission will only be granted where the impacts of the development are not considered to be severe, which reiterates advice at paragraph 111 of the NPPF.

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

6.5.3 The application does not propose any car parking, and in their initial response HDM raised concerns *“that the failure to provide for off-street parking at this location or to introduce mechanisms that will preclude future residents from acquiring a parking permit in zone 12 will result in added parking pressures on the local road network”*, and requested that additional information be submitted. HDM advise that the permit statistics at this location show that 392% more permits have been issued than there are permit bays within the parking permit zone (Cheltenham Westend Zone 12).

6.5.4 Following receipt of additional information, namely an updated transport note comprising of a car parking assessment, HDM continue to have concerns over the additional demands the development would have on parking in the surrounding area, and continue to suggest that an s106 legal agreement is required to preclude car ownership or the ability for future occupiers from acquiring a parking permit in zone 12.

6.5.5 However, it is not appropriate to secure such an obligation through an s106 agreement as it would fail to meet the necessary tests, in that is not required to make the development acceptable in planning terms. HDM raise no objection in principle to the lack of car parking, and it is for the County Council to control the issuing of permits. That said, an informative is suggested that highlights the fact that future occupiers of the development would not be eligible for permits.

6.5.6 Furthermore, the County’s Manual for Gloucestershire Streets identifies that *“For both residential and commercial developments in town and city centres the applicant may choose not to provide car parking spaces at all or to provide a reduced parking provision”* and that one of the considerations will relate to *“the opportunity to access the site sustainably”*.

6.5.7 In this regard, NPPF paragraph 112 advises that priority should first be given to pedestrian and cycle movements, and secondly, to facilitating access to high quality public transport.

6.5.8 With regard to access for emergency vehicles, the situation will not be dissimilar to that elsewhere along the lower High Street and in other densely populated areas of the town centre.

6.5.9 Overall, given this highly sustainable town centre location, officers are therefore satisfied that the requirements of JCS policy INF1 and NPPF paragraphs 110 – 113 are met.

## 6.6. Affordable housing

6.6.1 JCS policy SD12 requires the provision of affordable housing in new developments. In Cheltenham, outside of Strategic Allocation sites, a minimum of 40% affordable housing is sought on sites of 11 dwellings or more. Where a development cannot deliver the full affordable housing requirements, the policy sets out that a viability assessment will be required, and will be independently appraised at the expense of the applicant.

6.6.2 As this application proposes 18no. dwellings, policy SD12 is triggered; a policy compliant 40% provision of affordable housing would equate to 7no. affordable units.

6.6.3 In response to policy SD12, the applicant has submitted a Planning Viability Report prepared by Stuart Larkin and Associates Ltd to demonstrate that the affordable housing policy requirement cannot be met on this site. The viability report has been independently reviewed by the District Valuer Service (DVS), the specialist property arm of the Valuation Office Agency (VOA) which provides independent valuation and professional property advice to bodies across the public sector. The DVS report concludes that “*that the proposed scheme cannot viably provide any level of Affordable Housing, or any amount by way of payment towards an off-site Affordable Housing Contribution*”.

6.6.4 The proposed scheme is therefore a 100% Open Market scheme; officers have no reason to dispute the findings of the DVS.

## 6.7. Neighbouring amenity

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

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

6.7.2 Adopted JCS policy SD14 reiterates this advice and also seeks to ensure high quality developments that “*protect and seek to improve environmental quality*”. In addition, NPPF paragraph 130 highlights the need to ensure a high standard of amenity for both existing and future users.

6.7.3 The proposed development has given rise to a number of objections on amenity grounds which primarily relate to a loss of privacy, daylight and outlook. Concerns have also been raised in relation to noise and disturbance during construction.

6.7.4 From a privacy perspective, officers are satisfied that no unacceptable loss of privacy or overlooking would occur as a result of the development. Note 2 to CP policy SL1 advises that in determining privacy for residents, the Council will seek a minimum distance of 21 metres between dwellings which face each other where both have windows with clear glazing, and 12 metres between dwellings which face each other where only one has windows with clear glazing.

6.7.5 In this case, the windows in the side elevation of Block A facing Honeybourne Gate have been amended to be projecting, angled windows to direct views back towards the Honeybourne Line, away from Honeybourne Gate. This window arrangement, together with the distances involved, which are in excess of 15 metres is considered to be acceptable. Moreover, it is important to be recognised that in this situation, the windows in Honeybourne Gate are already overlooked by users of the Honeybourne Line, they are not facing onto private amenity space. A similar window arrangement is proposed in the other side elevation facing no. 452 High Street. The windows in Block B facing no.452 have been conditioned to be obscurely glazed.

6.7.6 Turning to daylight, the proposed development passes the relevant 25° daylight test when assessed against facing windows in Honeybourne Gate. Furthermore, given the distances involved, officers are satisfied that the proposed development will not appear overbearing, nor result in any unacceptable level of harm in terms of outlook.

6.7.7 Any increase in noise from the residential properties should not be detrimental to the amenity of neighbouring land users in this town centre location.

6.7.8 With regard to noise and disturbance during demolition and construction, whilst inevitable, Members will be aware that this is not a reason to withhold planning permission. That said, the Environmental Health team (EH) have requested that a Construction Management Plan, to control emissions of noise and dust, be submitted for approval prior to the commencement of development. Similarly, they request a condition which requires a piling plan to be submitted for approval prior to any piling activities being carried out on site, should piled foundations be proposed.

6.7.9 The site is located within an Air Quality Management Area and the application is therefore supported by an Air Quality Assessment. EH have reviewed the assessment and are satisfied that, subject to the installation of the specified mechanical ventilation system and fenestration, acceptable air quality for future residents would be achieved. The implementation of the specified system can be secured by condition.

6.7.10 On balance, officers are therefore satisfied that the development would not result in any unacceptable impact upon the amenities or living conditions of those residential neighbours living close to the site, nor on future residents of the development.

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

6.8.1 The application site lies within a zone of influence as set out in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022) for recreational

pressure for the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

6.8.2 Adopted CP policy BG1 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 and the effects cannot be mitigated. All development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. Without appropriate mitigation, the proposed development is likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure.

6.8.3 The Council has undertaken an Appropriate Assessment and considers the measures set out in the abovementioned mitigation strategy to be necessary to provide adequate mitigation to address the impacts of the proposal. The applicant can choose to make a contribution towards the measures in the strategy, or to provide their own bespoke strategies to mitigate the impacts the proposed development will cause.

6.8.4 In this case, the applicant has opted to make the contribution of £673 per dwelling which would be secured via a Unilateral Undertaking.

#### 6.9. Other considerations

##### *Flooding and drainage*

6.9.1 JCS policy INF2 states that development proposals must avoid areas at risk of flooding, and seek to minimise the risk of flooding. It goes on to state that new development should, where possible, contribute to a reduction in existing floor risk, and that new development should incorporate Sustainable Drainage Systems (SuDS) where appropriate.

6.9.2 The site is located within Flood Zone 1 in an area at low risk from fluvial flooding, and the site is not identified as being susceptible to surface water flooding. The application is supported by a Drainage and Maintenance Strategy. As this is an application for major development, the County Council acting as the Lead Local Flood Authority (LLFA) have been consulted.

6.9.3 Having reviewed the submitted strategy, the LLFA state *“The drainage strategy submitted with this application proposes a 40% reduction in the rate of discharge of surface water however it is not clear where this water is going. There is a combined sewer and a surface water sewer in the high street and the LLFA require clarity that the surface water will go to the surface water sewer and not the combined sewer.”* Additional detailed is therefore required by condition.

##### *Waste Minimisation*

6.9.4 Waste Minimisation has been addressed within the submitted Design & Access Statement. The County Minerals and Waste Policy Team have reviewed the application and raise no objection in principle. They are satisfied that waste minimisation matters have been considered, but request that additional information be secured by condition.

*Community infrastructure*

6.9.5 The County Council have confirmed that they are not seeking any contributions towards libraries or education as the development does not meet the thresholds. Only developments of 10 or more 2 or more bed units are qualifying for education, and only developments of 25 or more 1 bed or more units are considered qualifying for libraries.

*Trees*

6.9.6 The Trees Officer consider the Arboricultural Report which accompanies the application is well considered and of good quality; they do not object to the removal of the Ash trees on site or to the modest pruning of the Ash-leaf Maple growing on the Council's land.

*Protected species*

6.9.7 Gloucestershire Centre for Environmental Records (GCER) have identified that a number of protected species have been sighted in proximity to the application site in the past, including bats. However, there are no particularly recent sightings, and the most recent bat sighting recorded was in 2020 some 364 metres away.

6.9.8 Nevertheless, the proposed development does provide the opportunity to include enhancement measures such as bat and bird boxes; and a condition is suggested in this regard.

*Biodiversity Net Gain (BNG)*

6.9.9 NPPF paragraph 174 (d) states that decisions on planning applications “*should contribute to and enhance the natural and local environment by...providing net gains for biodiversity*”. As such, providing any biodiversity gain, however small, is currently compliant with national policy. The requirement to provide a 10% net gain is not yet mandatory.

6.9.10 In this case, officers are satisfied that a scheme for ecological enhancement measures such as those mentioned above is sufficient to meet the requirements of JCS policy SD9 and the NPPF.

*Public Sector Equalities Duty (PSED)*

6.9.11 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.

6.9.12 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.

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

## 7. CONCLUSION AND RECOMMENDATION

- 7.1. Decisions on planning applications must be made in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2. Officers are satisfied that the general principle of redeveloping this site for residential purposes is acceptable. The proposed development would, on balance, be in accordance with the aims and objectives of adopted CP policy EM2; and the application site is highly sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to *“seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.”*
- 7.3. Notwithstanding the above, where housing policies are out-of-date (as is the case in Cheltenham) development proposals for housing must be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal.
- 7.4. In this case, whilst some harm has been identified, officers are satisfied any adverse impacts resulting from the revised scheme are clearly outweighed by the benefits of providing 18no. residential units in this highly sustainable location. Although the number of dwellings proposed would normally trigger the need to provide 40% affordable housing, the viability of the scheme has been tested, and no affordable housing contribution can be secured.
- 7.5. From a highway safety perspective, the scheme has been assessed by the Highways Development Management Team (HDM) at the County Council, who raise no highway objection subject to a number of conditions. For the reasons set out in the report above, officers do not consider it appropriate enter into an s106 legal agreement to preclude car ownership or the ability for future occupiers from acquiring a parking permit in zone 12.
- 7.6. The amenity concerns raised by local residents living in close proximity to the site, have been carefully considered. On balance, officers are satisfied that the development would not result in any unacceptable impact upon the amenities and living conditions of any neighbouring land user.
- 7.7. Suitable mitigation of any adverse recreational impacts on the Cotswold Beechwoods SAC can be achieved.
- 7.8. With all of the above in mind, taking into account the economic, social, and environmental aspects of the application, officers are satisfied that, as a whole, the proposed development would not result in any adverse impacts that would outweigh the clear benefits of the scheme.



- 7.9. The recommendation therefore is to grant planning permission subject to a Unilateral Undertaking and the schedule of conditions set out below; in accordance with The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, agreement has been sought in respect of the pre-commencement conditions:

## 8. SUGGESTED CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development, other than those works necessary to comply with the requirements of this condition, a Phase 2 ground investigation shall be carried out as per the recommendations at paragraph 6.3 of the Pre-Planning Geo-Environmental Desk Study Report Assessment (Wilson Associates, Report No: 4963, dated March 2022) and the results and any remediation measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 4 Prior to the commencement of development (including demolition and site clearance), a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the development process and shall include, but not be restricted to:

- i) Provision of parking for vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- ii) Advisory routes for construction traffic;
- iii) Any temporary access to the site;
- iv) Locations for the loading/unloading and storage of plant, waste and construction materials;
- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles;
- vii) Arrangements to receive abnormal loads or unusually large vehicles;
- viii) Highway condition survey;
- ix) Measures to control the emission of noise, dust and dirt during demolition and construction;
- x) Measures for controlling the use of site lighting whether required for safe working or for security purposes; and

xi) Methods of communicating the plan to staff, visitors, and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, and to prevent any loss of amenity to neighbouring land users, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

5 Prior to the commencement of development (including demolition and site clearance), a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the development process and shall:

i) identify the specific types and amount of waste materials forecast to be generated from the development during site preparation, and demolition and construction phases;

ii) identify the specific measures that will be employed for dealing with the waste materials so as to:

- minimise its creation, and maximise the amount of re-use and recycling on-site;
- maximise the amount of off-site recycling of any wastes that are unusable on-site;

and

- reduce the overall amount of waste sent to landfill; and

iii) set out the proposed proportions of recycled content that will be used in construction materials.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy, and adopted Minerals Local Plan for Gloucestershire Policy SR01.

6 Prior to the commencement of development (other than demolition and site clearance), a detailed scheme for the incorporation of water and energy efficiency measures, and renewable or low carbon energy technologies within the development shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details and thereafter so retained.

Reason: To promote sustainable building design, having regard to adopted policy SD3 of the Joint Core Strategy (2017) and the adopted Cheltenham Climate Change SPD (2022). Approval is required upfront because sustainable design is an integral part of the development and its acceptability.

7 Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, having regard to adopted policies SD14 and 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 any works above ground level, details of the provision made for facilitating the management and recycling of waste generated during occupation of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy.

- 9 No external facing and/or roofing materials shall be applied unless in accordance with:
- a) a written specification of the materials; and
  - 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).

- 10 The external facing brickwork shall not be carried out unless in accordance with a sample panel which shall have first been constructed on site and approved in writing by the Local Planning Authority. The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the facing brickwork, including perforated brickwork. The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

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).

- 11 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:
- a) Window system;
  - b) External doors;
  - c) Parapet detail;
  - d) Rainwater goods;
  - e) External vents and flues;
  - f) External lighting; and
  - g) Cycle store for Block B.

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 policies SD4 and SD8 of the Joint Core Strategy (2017).

- 12 Notwithstanding the approved plans, prior to the implementation of any landscaping, a detailed hard and/or 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 hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a 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/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 30 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 hard 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).

- 13 The development shall be carried out in accordance with the recommended mitigation measures detailed in Section 7 of the Air Quality Assessment (Air Quality Consultants Ltd, Report No: J10/13186A/10/1/F1, dated April 2022). The mechanical ventilation system shall be installed and operational prior to first occupation of the development.

Reason: To ensure that suitable mitigation measures are installed to protect future residents of the dwellings, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 14 Should piled foundations be proposed on site, prior to any piling activities taking place, a Piling Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall identify the likely impact of piling activities and identify suitable mitigation of those effects.

Reason: To safeguard the amenity of nearby residential 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).

- 15 Prior to first occupation of the development, the existing vehicular accesses to the site shall be permanently closed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, having regard to adopted policy INF1 of the Joint core Strategy (2017).

- 16 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

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).

- 17 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with approved plans and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy.

- 18 Prior to first occupation of the development, ecological enhancements to include bird nesting and bat roosting boxes shall be installed on the building or within the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to preserve and enhance biodiversity, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 19 Prior to first occupation of the development, a residential welcome pack promoting sustainable forms of access to the development shall be submitted to and approved in writing by the Local Planning Authority. The approved pack shall thereafter be provided to each resident at the point of the first occupation of each dwelling.

Reason: To reduce vehicle movements and promote sustainable access, having regard adopted policy INF1 of the Joint Core Strategy (2017).

## APPENDIX – CONSULTATIONS RESPONSES

### Ward Councillor – Cllr David Willingham

I would like to call-in this planning application (23/00625/FUL, 456 High Street, GL50 3JA) if the officer recommendation is to approve.

I will endeavour to submit a more detailed representation in due course, but I have been contacted by a number of constituents who are concerned about this proposal, and it seems in the public interest for it to be heard at committee.

In terms of material planning considerations, I am concerned that the design of the building with narrow alleyways does not seem to have done a great deal to design out crime. The bin storage being only in block A seems likely to lead to dumping and other waste storage issues, similar to those seen in other alleyways off of the High Street.

The site is within the Cheltenham Central Conservation Area, and aesthetically the building seems to be a rather unappealing block that adds little to the character of the area. The size and massing seems likely to enclose the Honeybourne Line and the High Street creating a more oppressive feeling on the Honeybourne Line, and an unappealing gateway feature on when entering the town on the A4019. I am also concerned that this would be detrimental to the setting of the listed façade of the former gas works when viewed from the Swindon Street / High Street junction.

The parking assessment is contradictory, either the development is in a sustainable location, in which case no car parking is necessary and save for visitor permits and compliance with the s149 PSED, flats should not be eligible for any parking permits. Otherwise, the assumption must be that the every one of the flats will apply for the maximum number of permits they are able to have and be assessed on the basis of it requiring 36 parking spaces. It is also noticeable that the applicant has not mentioned roads such as Stoneville Street, Bloomsbury Street, Market Street or Park Street in their assessment. When I last checked the super cul-de-sac of Market Street, Park Street and Great Western Road was oversubscribed in terms of permits issued versus spaces available. It is disingenuous to assess the number of available spaces in other roads without considering the current number of permits issued, to ensure that this proposal will not lead to local oversubscription of on-street parking if occupants purchased their maximum quota of two permits per dwelling. As an example, the document misleadingly suggests that 50 parking spaces are available on Burton Street, without considering how many permits have been issued to extant residents living on that road. The only reasonable conclusion is that the assessment methodology used by the car parking assessment is so deeply flawed as to be of negligible value in accurately assessing the true impact of the proposal on parking.

If an enforceable planning condition is agreed with Gloucestershire County Council that these dwellings will not be eligible for permanent on-street parking permits, and this is enforced by both GCC and CBC, then I would be happy to withdraw this part of my objection.

If permission is granted, then an enforceable planning condition requiring the removal of the redundant dropped kerbs and reinstatement of a kerb line should be agreed between CBC, GCC Highways and the applicant. The proposal also needs to ensure that the 4.4m / 14'6" height limit sign attached to the lamp column directly outside the application site is not impinged on in any way.

Finally, it seems likely that the proposal would interfere with the advertising board on the side of 452 High Street, and legal clarification may be needed about what, if any, planning implications this has, given the owner of that property paid CBC for planning permission to install the advertising board, and if CBC grants this application, it is thwarting the purpose of the permission it previously granted. I suspect this needs an assessment to show compliance with and consideration of the Human Rights Act duty, with respect to possessions and property.

Hopefully the above is sufficient to justify the call-in.

**Clean Green Team**

***21st April 2023***

Report available to view in documents tab.

**Minerals and Waste Policy Gloucestershire**

***12th June 2023***

Response available to view in documents tab.

**Environmental Health**

***14th June 2023***

Air Quality

The proposed development site is located within an Air Quality Management Area. The applicant has provided an assessment of the air quality affecting future residents. This assessment includes a specification for a mechanical ventilation system and fenestration which will ensure acceptable air quality for residents. I would therefore

suggest a condition is attached to ensure the specified system is installed and operating before first occupation of the property.

Control of Noise and Dust during construction and demolition.

As with most sites of this scale, there is potential for works of demolition and construction to cause emissions of noise and dust that will affect nearby property. I would therefore request a condition is attached to any permission for development at this site to require a Construction Management Plan to be submitted for approval before works commence on site. This plan should identify suitable mitigation of noise and dust at all stages of the project.

Piling

It is not specified in the application that piled foundations will be in use at this site, but I expect that is likely to be the case. Given the proximity of nearby residential properties which are likely to be affected by noise and vibration from piling operations, I must request an condition is attached to any permission for this development which requires a piling plan to submitted for approval before works commence on site. The plan must identify the likely impact of piling activities and identify suitable mitigation of those effects. Note: It is highly unlikely that driven piles will be suitable for this site.

### **GCC Highways Development Management 26th May 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 recommends that this application be deferred. The justification for this decision is provided below.

The proposal seeks Full planning application for the redevelopment to provide a residential development of 18no. apartments (12no. one bed and 6no. two bed) contained within two blocks, following demolition of an existing commercial building at 456 High Street Cheltenham Gloucestershire GL50 3JA. A Transport Note has been submitted in support of the application by Zesta Planning & Development Consultancy.

The site comprises of an extant commercial use and benefits from an existing vehicular and pedestrian access onto the A4019 High Street immediately to the north. The site is located within a parking permit zone (Cheltenham Westend Zone 12), and no parking is proposed as part of the development plan.

The Highway Authority has concerns that the failure to provide for off-street parking at this location or to introduce mechanisms that will preclude future residents from acquiring a parking permit in zone 12 will result in added parking pressures on the local road network. The permit statistics at this location show that 392% more permits have been issued than there are permit bays within zone 12. Reliance on the location of the site in relation to proximity to local services and amenities, as set out in the Transport Note, is not sufficient to ensure that the development does not cause an adverse impact on the operation of the local road network, which would be the resulting effect should this application be permitted in its current form. A revised Transport Statement should be produced to explore and mitigate the undue effects associated with lack of off-street parking, these could comprise of a S106 agreement that will preclude car ownership or the ability for future occupiers from acquiring a parking permit in zone 12, the introduction of a travel plan and/or potential contributions to car clubs.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

***1st November 2023 – revised comments***

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions and financial obligations. The justification for this decision is provided below.

Further to the Highway Authority's (HA) recommendation dated 25th May 2023, an updated transport note comprising of a car parking assessment carried out by Zesta Planning & Development Consultancy has been submitted in support of the application.

As formerly mentioned, the development site is inserted within a Residential Parking Zone 'Cheltenham Westend Zone 12. The permit statistics at this location show that 392% more permits have been issued than there are permit bays within this zone.

The parking surveys submitted in support of this application were carried on Tuesday 4th July 2023 – Evening period between 18:30 and 19:30 hours; and Thursday 6th July 2023 – Daytime period between 10:30 and 11:30 hours. The outputs of the assessment demonstrated a capacity of some 35 available parking spaces on Thursday 4th July, and 63 available spaces on Thursday 6th July. The assessment goes to ascertain that there is ample opportunity to accommodate in excess of the 10 cars likely to be generated through the development proposal within nearby streets included in Zone 12.

The HA has extensive concerns with regards to the additional parking demands this proposal will arise within Zone 12. Whilst the submitted parking survey is appreciated, it only shows but a scope in time i.e. two instances both of which for the duration of 1 hour; and thus not fully robust nor truly representative of the parking demands in this area.

The HA's former assertion that a S106 agreement that will preclude car ownership or the ability for future occupiers from acquiring a parking permit in zone will therefore be sought. Manual for Gloucestershire Streets is clear that "Where development is proposed in a controlled parking zone future residents will be entitled to apply for permits. The LHA will consider the capacity of permit scheme to consider if it has the potential to cater for the development. Where no capacity exists and car free development would otherwise be acceptable the applicant will be required to fund amendments to the traffic regulation order to exclude the future dwellings."

Conditions

**Reinstatement of Redundant Access**

The development hereby permitted shall not be occupied until the existing vehicular accesses to the site have been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

**Bicycle Parking**

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall



first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

#### Residential Welcome Pack

The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

#### Construction Management Plan

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

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

#### 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 Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

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

#### Traffic Regulation Order (TRO)

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

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

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

#### 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. No Drainage to Discharge to Highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

#### 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 – Amendment to Traffic Regulation Order within Residential Parking Permit Zone 12 to exclude future dwellings from acquiring a parking permit.

Contribution - £15,000.00

Trigger – Prior to Commencement

Retention Period – 5 years from first occupation.

#### ***10th November 2023 – revised comments***

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions. The justification for this decision is provided below.

Further to the Highway Authority's recommendation dated 1st November 2023, the development proposal will still necessitate a S106 agreement to preclude car ownership, however the agreement is not dependent on the introduction of a Traffic Regulation Order, thus the formerly suggested planning obligation is void. The remaining conditions and informatives are still deemed appropriate.

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

#### **Building Control**

##### ***25th April 2023***

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

#### **Heritage and Conservation**

##### ***14th June 2023***

The proposed works are for the redevelopment to provide a residential development of 18no. apartments (12no. one bed and 6no. two bed) contained within two blocks, following demolition of an existing commercial building. An important consideration regarding the acceptability of the proposal will be its impact on the development site and its context, which includes the Central Conservation Area. It is therefore important these are understood.

The development site contains 456 High Street. It dates from the 1950s and is a single storey brick building with a centrally located, double door with a modest projecting flat roof canopy above, flanked by small windows either side. It is simply detailed, with a stepped art deco style gable end with two solid courses, on its front elevation facing the Lower High Street. Usually for its Lower High Street location it is setback from its front boundary, with this open frontage given over to hard surfacing for vehicle parking. It is identified on the 1947-1965 OS map as historically being an Engineering Works.

456 High Street is located within the Central Conservation Area in the Lower High Street Character Area. It is identified within the Lower High Street Character Area Appraisal and Management Plan (adopted July 2008) (the Appraisal) as a neutral building. It is not considered to make a positive contribution to the character and appearance of the conservation area. The General principle of its demolition is acceptable, provided any replacement development sustains and enhances the significance of the affected heritage assets.

The Lower High Street runs northwest from the southeast, across the frontage of the development site. The character of the area is defined by modern and historic buildings. Typically these are two and three storey buildings, mostly render, some limited brick, many with shopfronts to the ground floor. Para 2.5 of the Appraisal notes, "building heights are inclined to increase towards the town centre, particularly to the east of no. 330 High Street.", although several modern developments now buck this tendency, in being taller than is characteristic for the streetscene.

A number of buildings make a positive contribution to the character and appearance of this part of the Central Conservation Area, identified in the Townscape Analysis Map of the Lower high Street, within the Appraisal. These include 442-452 (evens) High Street located on the same side of the street as the development site, 449-451 (odd) High Street located opposite the development site, along with numerous other buildings on the High Street and streets off the High Street.

This part of the Conservation Area has been subject to change since adoption of the Appraisal. There are now a small number of modern examples of four storey buildings on the High Street. However, of the four storey buildings on the Lower High Street only three are externally expressed as four storeys. These are one half of 453 High Street immediately opposite the site, 401 High Street at the junction with Poole Way and 337 High Street, which appears to be Victorian. The other four storey properties either have their third floors significantly recessed or incorporated within a roof form, with the result the top storey has a diminished visual impact on the streetscene.

Winston Churchill Memorial Gardens lies to the south of the site. It is the former cemetery ground of St. Mary's Cemetery Chapel (St. Mary's Mission), a grade II listed former burial chapel dated 1831 by architect C. Paul of Rowland Paul and Sons, builders George Wood and Thomas Newton, in the Greek Revival style, constructed of Cotswold stone. Today the character of Winston Churchill Memorial Gardens is open space, with formal and informal trees and planting. The boundary of Winston Churchill Memorial Gardens is defined by tall brick walls along the Honeybourne Line and to the rear of surrounding two storey Victorian terraced houses on Park Street and the rear of the two and three storey buildings on the High Street. There is a low stone wall, planting and railings, with a second entrance off Market Street, which is faced with two storey Victorian terraces houses opposite. Notably there is generally a sense of openness behind these boundaries, i.e. they are not occupied by dense forms of development.

To the immediate west of the development site is the Honeybourne Line, a former elevated railway line now used as a linear park. It generally has a verdant character due to the tree and vegetation planted along it. The character of the area is also defined by views of the roofs, side and rear elevations of adjacent buildings. The Honeybourne Line is connected to Winston Churchill Gardens through a ramped public footpath, which is adjacent to the side and rear development site. The development proposal will have a significant impact on this ramped public footpath area. The edge of the boundary of the Central Conservation Area is located to the west of the boundary of

the development site, with the Honeybourne Line located outside the Conservation Area but with Winston Churchill Gardens within the Conservation Area.

Over the Honeybourne Line to the west of the development site is Honeybourne Gate, an imposing, modern 5 storey render and brick retirement apartments which, due to its scale and massing, is prominent over the Honeybourne Line from the High Street.

Immediately adjacent to the northwest of the development site is a former railway bridge, associated with the Honeybourne Line. It acts as a strong edge separating this part of the Lower High Street from the area to the northwest. Through the former railway bridge arch partial oblique views of the Cheltenham Gas Company building are possible. The Cheltenham Gas Company building is a grade II listed former gas works offices, dated 1880, in the Gothic Revival style, constructed of red brick and terracotta. A distant vista of the circular upper stage and conical roof of the tower of St. Peter's Church is also possible. St. Peter's Church is a grade II\* former Parish church, dated 1847-8, by architect S.W Daukes and builder Thomas Haines, in the Norman style, constructed of Cotswold stone. Due to the strong edge create by the Honeybourne Line, the oblique location and distance from the development site it is not considered the development proposal will have an adverse impact on the setting of these listed buildings.

Given the sensitivity of the site and its context, regard needs to be given to the legal and policy context as it applies to heritage assets. The cornerstone of heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990 of which para 72(1) states, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and para 16(2), which requires local planning authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting.

A core principle of the National Planning Policy Framework 2021 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets shall be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.

Concern is raised over the proposed scale and massing of the development proposal. Specifically a concern is also raised over the cumulative impact of the height, width, depth which result in overdevelopment of the site, out of keeping with this part of the Central Conservation Area: Lower High Street character area.

Regarding height, as noted previously, typically development within the context of the site is two or three storeys in height. While, there are now several examples of new development that is four storeys in height, including 453 High Street directly opposite, four storey development is still atypical of Lower High Street and where it does exist third floors are usually discreetly located, either being recessed or within the roof. It is noted 453 High Street has an element that is a full four storeys but this was partly justified through the planning gain associated with the provision of a stepped access onto the Honeybourne Line forming part of the application. There is no such planning gain associated with the current application.

It is considered the proposed four storeys, with its limited set back to the third floor, results in a development proposal with an overly tall height. As a result its relates poorly to the neighbouring two storey buildings facing the High Street it is directly attached to

and the streetscene. Also, the proposed width and depth of the development proposal is wider and deeper than those in its context which, when considered with the height, is cumulatively considered to exacerbate concerns of overdevelopment of the site. The development proposal results in an excessively dense form of development with a height, width, depth that is out of keeping with its context, to the detriment of the character and appearance of the Conservation Area.

It is considered the application lacks convincing justification and a detailed contextual analysis of buildings within the more immediate context, if undertaken, would not help to justify the proposed scale and massing is in keeping with this part of the Conservation Area.

Specific concerns are also raised over the impact of the proposed scale and massing of block B of the development proposal. There is considered to be a poor understanding of the impact the rear of the development proposal will have on the setting of Winston Churchill Memorial Gardens. As the former cemetery ground of St. Mary's Cemetery Chapel (St. Mary's Mission), it is considered part of the curtilage of the listed building. Block B of the development proposal is visible to the northwest from the north and west elevation of Mary's Cemetery Chapel (St. Mary's Mission) and from the northern corner of the Gardens, where it will appear as a dense, three and four storey development.

As previously described above, St. Mary's and the Gardens have a verdant quality as a result of formal and informal planting, typically defined within tall brick walls around the boundaries. Immediately adjacent to the curtilage of St. Mary's and the Gardens, build form is set away from the walled boundaries, allowing more of a sense of openness to the setting of St. Mary's and the Gardens.

The setting of the curtilage of the listed building typically has significantly less dense forms of development or open rear gardens/amenity spaces. It is considered the scale and massing of the development proposal in this backland location will appear bulky with the result it would be imposing, incongruous overdevelopment within this context. It is considered block B would have a detrimental impact on the listed building and its setting. It is noted the supporting information states "The scheme also includes a landscaped buffer between the rear block and the boundary wall to the west part of the former cemetery, now Winston Churchill Memorial Gardens." And that the rear of block B is a reduced three storeys, not four storeys. However, this is not considered sufficient to mitigate the overbearing impact of the development proposal.

Notwithstanding the concerns over the scale and massing, concern is also raised over the proposed detailing and materials, which are poorly considered. These concerns are detailing below.

The use of a blue/grey brick for the plinth is not considered to reinforce the local character of buildings in this part of the conservation area. It is noted there is an engineering brick within the railway bridge but reference to this within the proposed building is considered inappropriate as this material is distinct to railway structures.

The uniform use of a red brick to the upper floors is not considered an appropriate material. Render is the most common material, with brick only making a small contribution to the character of the Conservation Area. It is important to maintain this balance. It is advised the development proposal be largely rendered (but not the silicon / self-coloured type which does not have the same appearance as the render found in the conservation area and typically weathers poorly).

The proposed use of a grey membrane to the attic storey is not considered to be a sufficiently high quality material. It is considered alternative materials, metal such as zinc or slate hanging (as per neighbouring 453 High Street should be considered).

The proposed works are not considered to sustain the designated heritage assets, nor do they give great weight to the affected assets conservation. The development proposal does not comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework 2021 and Policy SD8 of the Joint Core Strategy 2017.

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

**28th April 2023**

The drainage strategy submitted with this application proposes a 40% reduction in the rate of discharge of surface water however it is not clear where this water is going. There is a combined sewer and a surface water sewer in the high street and the LLFA require clarity that the surface water will go to the surface water sewer and not the combined sewer. The LLFA would normally expect the drainage strategy to include WASC asset maps to identify this level of detail at outline application stage.

NOTE 1: The Lead Local Flood Authority (LLFA) will consider 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.

### **Social Housing**

**5th June 2023**

Letter available to view in documents tab.

### **Contaminated Land Officer**

**14th June 2023**

The applicant has provided a suitable Phase 1 assessment of the site which recommends that a Phase 2 investigation is carried out as per para 6.3 of the report. I would suggest that a condition is applied to any permission for this development to ensure this takes place at a suitable point during the re-development process.

### **Architects Panel**

**12th May 2023**

Design Concept

The panel had no objection to the principle of redeveloping this site to provide residential apartments. However, it was felt that the scheme submitted was over development of the site and a wasted opportunity to come up with a design that related more specifically to the special characteristics of the site.

Design Detail

The panel felt the scheme had a poor relationship to the Honeybourne line and that it could address the site better. The relationship of the new buildings to the Memorial Gardens is not addressed. The spaces around the buildings are too tight and will be unattractive. There is a lack of amenity space. The buildings are particularly bland and austere.

Recommendation  
Not supported.

**Tree Officer**

***28th April 2023***

The Arb Report submitted with the application is of good quality and well considered. The Trees Section does not object to the removal of the ash trees on site, nor to modest pruning to the ash-leaf maple growing on Council land to facilitate the proposal. However, the proposal should be used as an opportunity to plant some trees to improve the site. Currently the scheme affords limited room for such planting. It would be preferable therefore for the scale of the proposal to be reduced to offer more space for soft landscaping, especially new trees. A landscape plan should be submitted for approval, detailing species, size and location, as well as tree pit details.

**Gloucestershire Centre for Environmental Records**

***21st April 2023***

Report available to view in documents tab.



<b>APPLICATION NO:</b> 23/00625/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 14th April 2023		<b>DATE OF EXPIRY:</b> 14th July 2023 (extension of time agreed until 22nd December 2023)
<b>DATE VALIDATED:</b> 14th April 2023		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Peters		<b>PARISH:</b>
<b>APPLICANT:</b>	Lane Britton and Jenkins	
<b>AGENT:</b>	Zesta Planning Ltd	
<b>LOCATION:</b>	456 High Street Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Full planning application for the redevelopment to provide a residential development of 18no. apartments (12no. one bed and 6no. two bed) contained within two blocks, following demolition of an existing commercial building	

**RECOMMENDATION:** Permit subject to Unilateral Undertaking

## Officer Update

### 4. OFFICER COMMENTS

- 2.2 As Members will be aware, this application appeared on the agenda for the December committee meeting last year but was later withdrawn to allow for issues that had arisen following publication of the agenda to be addressed; principally matters relating to parking.
- 2.3 As noted in the earlier published officer report (attached as an appendix) the application does not propose any car parking, and the County Highways Development Management Team (HDM) were seeking an s106 legal agreement to preclude car ownership or the ability for future occupiers from acquiring a parking permit in Zone 12 (Cheltenham Westend) as this parking permit zone is already oversubscribed.
- 2.4 However, officers were not satisfied that it was appropriate to secure such an obligation through an s106 agreement; and this has since been confirmed by One Legal. Instead, an informative was suggested that highlights the fact that future occupiers of the development would not be eligible for permits.
- 2.5 Notwithstanding the above, in response to the concerns raised by HDM, the applicant has undertaken an additional parking survey which has been reviewed by HDM and their revised response is copied in full below:

#### **GCC Highways Development Management**

*8th March 2024*

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.

The justification for this decision is provided below.

Following the County Council's earlier representations concerning the oversubscription of the local resident's parking zone 12, the developer has undertaken a further parking survey. These surveys were undertaken between 9.00pm and 10.00pm on the 10th of January and the table below sets out the availability of parking spaces recorded within the local residents parking zone.

Street	Parking spaces available
Stoneville Street	0
Bloomsbury Road	2
Park Street	4
Devonshire Place	5
Market Street	0
Burton Street	1
New Street	1
Lower High Street	5
<b>Total</b>	<b>18</b>

The County Council's own evening survey on the 4 roads nearest to the site suggest that Bloomsbury Street and Stoneville Street experience very acute parking problems which can cause difficulties with road access width and vehicle turning. Market Street tends to be generally full in the evenings, although it does not have the problems with access and turning issues. Lastly there is a small amount of capacity in Park Place and these findings are supported by the most recent developer survey. The harm arising from the increased demand for parking and inadequate availability of street parking is likely to affect the amenity of residents of the existing properties and give rise to some road safety issues associated with drivers searching for parking spaces and having to reverse in the narrow cul-de-sacs when no space is found.

Using Census data, the developer estimates that the level of parking demand is likely to be 0.5 spaces per unit, i.e. 9 spaces for 18 residential units. Whilst this is not wholly agreed, the level of harm that would arise from the parking demand for these types of "car free" flats is unlikely to warrant refusing planning permission under the National Planning Policy Framework (NPPF) policy. The NPPF states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". Conversely there is some merit in supporting car free developments in highly accessible areas, as they tend to be a more sustainable, lower carbon form of development.

Given the anticipated developments at Cavendish House and North Place, the County Council and Cheltenham Council will have to work together to find a joint policy position, so that existing parking zones can be flexibly amended in order for car free developments to be prevented from applying for residents permits. Or alternatively to promote car club provision in existing on-street bays to help provide transport options for new car free developments or existing car free households.

Nevertheless, given this development has the potential to cause some harm, it would be reasonable to seek some mitigation from the developer. The County Council has recommended to the planning authority that the development only proceed with provision of a financial contribution towards amending the residents parking legal order, to preclude residents of the car free flats from applying for residents permits of Zone 12.

The developer has provided their evidence to the planning officer that their proposed development is not viable and they cannot afford to provide either affordable housing or to fund the changes to the residents parking permit. If the planning officer is mindful to accept this argument, the County Council would have to fund amending the existing parking restrictions themselves. The public purse subsidising this aspect of the development is not something that the County Council support, although it is recognised the County Council does have to deal with the general over subscription in the zone in any event.

The other risk with this approach is that due to the absence of a Section 106 agreement for the contribution, the prospective owners/occupiers would not be aware that they are not able to apply for parking permits. The only other option available would be to include an informative on the planning consent that the development is car free and will be precluded from the Zone 12 residents park scheme. However, it is unlikely that all conveyancing solicitors would make purchasers aware of this informative. Alternatively, if the planning officer does not accept the developers argument that development of the site is not viable, then the alterations to the residents parking legal order could be secured by Grampian Condition.

The remaining issues that do need to be controlled through planning conditions are set out below. The construction management plan is particularly important given the constrained nature of the site and need for loading and unloading of construction materials on the busy approach to the nearby traffic signals.

#### Planning Conditions

##### Reinstatement of Redundant Access

The development hereby permitted shall not be occupied until the existing vehicular accesses to the site have been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

##### Bicycle Parking

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

##### Construction Management Plan

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

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

- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

#### Informative

Car Free Development Informative.

The development site provides no off-street parking provision and no mitigation to offset the impact of the lack of availability of parking in the existing controlled parking zone, which is currently significantly oversubscribed. Accordingly, the County Council consider the consented development to be a car free site and residents will be precluded from applying for residential parking permits in the existing controlled parking zone.

#### 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 184 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 184 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.

- 2.6 Members will note that whilst HDM still consider some mitigation to be necessary, the level of harm that would arise from this car-free development is not severe and as such *"is unlikely to warrant refusing planning permission"*, with reference to paragraph 115 of the NPPF (2023).
- 2.7 HDM also recognise that, notwithstanding this proposal and the lack of a financial contribution towards amending the residents parking legal order, *"the County Council does have to deal with the general over subscription in the zone in any event."*
- 2.8 HDM now also support the use of an informative to highlight the fact that future occupiers of the development would not be eligible for permits, should planning permission be granted.

## 5. CONCLUSION AND RECOMMENDATION

- 3.1 With the above in mind, and for the reasons set out within the main officer report published in December last year (attached as an appendix), officers remain satisfied that the proposed development would be in accordance with all relevant national and local planning permission and continue to recommend that planning permission be granted subject to the schedule of conditions below, and a Unilateral Undertaking

towards mitigation of any adverse recreational impacts on the Cotswold Beechwoods SAC.

- 3.2 Officers acknowledge that the NPPF has been updated since the publication of the main officer report, and that the paragraph references in the earlier report relate to the previous version of the Framework, but the revisions to the Framework do not materially impact on the conclusions reached in the earlier report.
- 3.3 It is also recognised that a minimum 10% biodiversity net gain (BNG) in all new major developments is now mandatory; however, the requirement only relates to applications submitted on or after 12th February 2024, and is not applicable in this case.

## 6. SCHEDULE OF CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development, other than those works necessary to comply with the requirements of this condition, a Phase 2 ground investigation shall be carried out as per the recommendations at paragraph 6.3 of the Pre-Planning Geo-Environmental Desk Study Report Assessment (Wilson Associates, Report No: 4963, dated March 2022) and the results and any remediation measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 4 Prior to the commencement of development (including demolition and site clearance), a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the development process and shall include, but not be restricted to:

- i) Provision of parking for vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- ii) Advisory routes for construction traffic;
- iii) Any temporary access to the site;
- iv) Locations for the loading/unloading and storage of plant, waste and construction materials;

- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles;
- vii) Arrangements to receive abnormal loads or unusually large vehicles;
- viii) Highway condition survey;
- ix) Measures to control the emission of noise, dust and dirt during demolition and construction;
- x) Measures for controlling the use of site lighting whether required for safe working or for security purposes; and
- xi) Methods of communicating the plan to staff, visitors, and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, and to prevent any loss of amenity to neighbouring land users, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 5 Prior to the commencement of development (including demolition and site clearance), a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the development process and shall:

- i) identify the specific types and amount of waste materials forecast to be generated from the development during site preparation, and demolition and construction phases;
- ii) identify the specific measures that will be employed for dealing with the waste materials so as to:
  - minimise its creation, and maximise the amount of re-use and recycling on-site;
  - maximise the amount of off-site recycling of any wastes that are unusable on-site; and
  - reduce the overall amount of waste sent to landfill; and
- iii) set out the proposed proportions of recycled content that will be used in construction materials.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy (2012), and adopted Minerals Local Plan for Gloucestershire Policy SR01.

- 6 Prior to the commencement of development (other than demolition and site clearance), a detailed scheme for the incorporation of water and energy efficiency measures, and renewable or low carbon energy technologies within the development shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details and thereafter so retained.

Reason: To promote sustainable building design, having regard to adopted policy SD3 of the Joint Core Strategy (2017) and the adopted Cheltenham Climate Change SPD (2022). Approval is required upfront because sustainable design is an integral part of the development and its acceptability.

- 7 Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning

Authority. The scheme shall thereafter be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, having regard to adopted policies SD14 and 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 any works above ground level, details of the provision made for facilitating the management and recycling of waste generated during occupation of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy (2012).

- 9 No external facing and/or roofing materials shall be applied unless in accordance with:
- a) a written specification of the materials; and
  - 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).

- 10 The external facing brickwork shall not be carried out unless in accordance with a sample panel which shall have first been constructed on site and approved in writing by the Local Planning Authority. The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the facing brickwork, including perforated brickwork. The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

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).

- 11 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:
- a) Window system;
  - b) External doors;
  - c) Parapet detail;
  - d) Rainwater goods;
  - e) External vents and flues;

- f) External lighting; and
- g) Cycle store for Block B.

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 policies SD4 and SD8 of the Joint Core Strategy (2017).

- 12 Notwithstanding the approved plans, prior to the implementation of any landscaping, a detailed hard and/or 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 hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a 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/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 30 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 hard 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).

- 13 The development shall be carried out in accordance with the recommended mitigation measures detailed in Section 7 of the Air Quality Assessment (Air Quality Consultants Ltd, Report No: J10/13186A/10/1/F1, dated April 2022). The mechanical ventilation system shall be installed and operational prior to first occupation of the development.

Reason: To ensure that suitable mitigation measures are installed to protect future residents of the dwellings, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 14 Should piled foundations be proposed on site, prior to any piling activities taking place, a Piling Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall identify the likely impact of piling activities and identify suitable mitigation of those effects.

Reason: To safeguard the amenity of nearby residential 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).

- 15 Prior to first occupation of the development, the existing vehicular accesses to the site shall be permanently closed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.



Reason: In the interests of highway safety, having regard to adopted policy INF1 of the Joint core Strategy (2017).

- 16 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

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).

- 17 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with approved plans and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to adopted Core Policy WCS2 of the Gloucestershire Waste Core Strategy (2012).

- 18 Prior to first occupation of the development, ecological enhancements to include bird nesting and bat roosting boxes shall be installed on the building or within the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to preserve and enhance biodiversity, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 19 Prior to first occupation of the development, a residential welcome pack promoting sustainable forms of access to the development shall be submitted to and approved in writing by the Local Planning Authority. The approved pack shall thereafter be provided to each resident at the point of the first occupation of each dwelling.

Reason: To reduce vehicle movements and promote sustainable access, having regard adopted policy INF1 of the Joint Core Strategy (2017).

## **SUGGESTED INFORMATIVES**

- 1 The development makes no provision for off-street parking, nor mitigation to offset the impact of the lack of availability of parking in the existing controlled parking zone (Cheltenham Westend Zone 12) which is currently significantly oversubscribed. Accordingly, the County Council consider the consented scheme to be a car-free development and residents will be precluded from applying for residential parking permits in the existing controlled parking zone.
- 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 Councils costs in undertaking the following actions:

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

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

<b>APPLICATION NO:</b> 23/00625/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 14th April 2023	<b>DATE OF EXPIRY :</b> 14th July 2023
<b>WARD:</b> St Peters	<b>PARISH:</b>
<b>APPLICANT:</b>	Lane Britton and Jenkins
<b>LOCATION:</b>	456 High Street Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Full planning application for the redevelopment to provide a residential development of 18no. apartments (12no. one bed and 6no. two bed) contained within two blocks, following demolition of an existing commercial building

## REPRESENTATIONS

Number of contributors	<b>18</b>
Number of objections	<b>17</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

Apartment 53  
Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8DW

**Comments:** 24th October 2023

Dear sirs/Madam,

I wish to raise objections to the above planning application on the following grounds:

There is practically no difference to the original plans

It is far too dense a development for such a small site. The windows on the upper floors still face into our building thus depriving us on the upper floors of Honeybourne of privacy. I spend a great deal of my time in my flat &/do not relish having to live with drawn curtains or the expense of shutters. It is depressing living in gloom & detrimental to health .

There is absolutely no parking space on the plans. How are deliveries to be made? And where will the occupants park their cars. Just because it is in town does not mean there will be no car owners.

You seem not to have made adequate plans for refuse storage for both blocks. That will inevitably lead to mounds of rubbish being dumped in the general area. Apart from the aesthetic appearance, it will also be a health hazard & an attraction to vermin.

The impact on the Churchill memorial garden does not seem to have been considered. At the moment, High Street property is walled off. Will that remain the case? The gardens are a huge benefit to the local community but cannot withstand much more

Graffiti or rubbish being left there.

I really object to this development. It is far too much on too small a site & the amendments are so slight as to be negligible. None of the original objections have been addressed.

Yours faithfully,

Apt 42 Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
GL51 8DW

**Comments:** 28th April 2023

Dear Sirs

I am writing to register my disapproval with planning application 23/00625/FUL.

My very strong concerns are as follows:-

I live on the third floor facing this development with my living room and bedroom windows both looking towards that direction. I am an elderly woman who spends a lot of time in the apartment but the proximity of this proposal fills me with horror and apprehension!

I am concerned about the noise from construction and ongoing noise once the development is complete.

Four stories will undoubtedly restrict my light and view

Parking in this whole area is extremely difficult.

Congestion is already continuous throughout the day and night on the immediate roads in the surrounding area and a further 18 dwellings will add to his sorry state.

In conclusion I feel that the proposal will severely impair the value of the Honeybourne Gate Retirement complex, particularly the apartments on my side which are so close.

I am a \*\* year old woman who would Like to see her days out in peace and tranquility, not overlooking a building site!

Yours faithfully

\*\*\*\*\*

Reception  
Honeybourne Gate  
Cheltenham  
GL51 8DW

**Comments:** 26th October 2023

I write in my capacity as managing agent to 2 Gloucester Road (Management) Ltd, trading as Honeybourne Gate and on behalf of the residents of Honeybourne Gate.

We strongly object to the current proposal and have previously objected. The revised proposal has not in any way addressed our previously expressed concerns.

We draw the planning committees attention to the comments included in the report from the Council's Heritage and Conservation Officer:

'The comments from that the Concern is raised over the proposed scale and massing of the development proposal. Specifically a concern is also raised over the cumulative impact of the height, width, depth which result in overdevelopment of the site, out of keeping with this part of the Central Conservation Area: Lower High Street character area.'

Our specific concerns are:

- The scale, height and massing of the building proposal is inappropriate to such a small site and would represent a gross overdevelopment which would erode the character and appearance of this part of High Street. Whilst a low level, residential development at that site might be appropriate, creating a four storey apartment block is not. It would singularly fail to meet the design standards required by paragraph 130 of the National Planning Policy Framework and Policy D1 of the adopted Cheltenham Plan.

- The height of the building, its bulk and close proximity to Honeybourne Gate (separated only by the width of the Honeybourne Line) will have an unreasonable harmful impact on the living conditions of residents at Honeybourne Gate. These effects will include loss of privacy by overlooking windows at close quarters, shadowing and loss of light, and a generally oppressive and overbearing imposition in the outlook enjoyed from habitable room windows at Honeybourne Gate that face south-eastwards. This would be contrary to paragraph 130(f) of the National Planning Policy Framework, Policy SD14 of the Joint Core Strategy, and Policy SL1 of the adopted Cheltenham Plan, which require developments to ensure high standards of amenity for neighbours.

- There is no on-site parking or servicing proposed for the scheme. Whilst it is true that there is good public transport links to local services it is not realistic to assume that the residents will not have vehicles - many will need vehicles to access their places of work even if they don't need them for shopping trips, etc. and this will place more parking pressure on already congested streets and tight junctions, raising highway safety concerns. The lack of any servicing, means that future residents demands in terms of removal vehicles, delivery vehicles, tradespersons and maintenance vans and lorries will all be inclined to park on the site frontage where there are double yellow lines and opposite the Swindon Street junction; this will be an accident waiting to happen. These serious highway safety concerns mean that the proposal conflicts with paragraphs 110, 111 AND 112 of the National Planning Policy Framework

- The applicant's loss of employment premises case under Cheltenham Plan Policy EM2 is wholly unconvincing. It is well known that Cheltenham has serious supply issues of employment land and policies, hence the protection afforded by Policy EM2. The site has not been marketed for employment purposes and the policy case has not been made. This is a refusal issue.

- The viability report claiming to provide a justification for avoiding the normally applied affordable housing content is not published or open to scrutiny. Given the nature of the site and local sales values, we find it surprising that the development cannot meet the policy requirements of JCS policy SD12. The Council is encouraged to subject any viability appraisal to a robust external RICS scrutiny.

For all the above reasons we respectfully ask that the application is refused.

**Comments:** 4th May 2023

I write as the managing agent for Honeybourne Gate, the retirement development at 2 Gloucester Road, Cheltenham.

I have been asked to make representations about the above planning application by residents of Honeybourne Gate who strongly oppose the proposed development.

First of all, I note that currently the application is scheduled for determination by an officer rather than by elected councillors. For a development of this intensity and in the proposed location I consider it important that councillors scrutinise the proposal.

The residents of Honeybourne Gate have several concerns about the proposal itself:

- The massing of the building is inappropriate to such a small site. Whilst a low level, residential development at that site would be appropriate, creating a four storey apartment block, without parking and with insufficient allowance for refuse and recycling is not.
- The height of the building, and its close proximity to Honeybourne Gate (separated only by the width of the Honeybourne Line) will restrict light to those Honeybourne Gate apartments facing the development and will also impact on the privacy of people living in their apartments both in Honeybourne Gate and in the proposed development.
- There is no on-site parking proposed for the scheme. Whilst it is true that there is good public transport links to local services it is not realistic to assume that the residents will not have vehicles - many will need vehicles to access their places of work even if they don't need them for shopping trips, etc. The nearby roads that allow for residential parking are already congested at night when residents are at home and will become more so when residents in the proposed building seek to park their vehicles there.
- The suggestion that rubbish should be left on the high street only early in the morning is unrealistic and it will inevitably be left on the High Street from the night prior to collection. This is likely to leave the High Street pavements impassable and are likely to be unusable by disabled people. Honeybourne Gate is a retirement development and many of its elderly residents have restricted mobility and need clear disabled access to the pavements at all times.
- During the development there will inevitably traffic disruption on the High Street and there are no details in the application as to how they developers will mitigate noise and disruption during the build.
- Only a narrow gap is proposed between the building and the Honeybourne Line which will make repairs to the embankment and the Line very difficult. When Honeybourne Gate was built a more significant gap was insisted on at design stage and the same requirement does not appear to have been imposed with this scheme.

Honeybourne Gate is a retirement development and its residents are elderly people looking for quiet enjoyment of their homes. They believe very strongly that this

development is not suitable for this site and will have a significant impact on the quality of their life and the ability to have quiet enjoyment of their homes.

Apartment 54  
Honeybourne Gate  
2 Gloucester Road Cheltenham  
Gloucestershire  
GL51 8DW

**Comments:** 22nd October 2023

Apartment 54 Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
GL51 8DW

22rd October 2023

Dear Sir/Madam

Ref: Planning Application 23/00625/FUL

Following the revision to this planning request I wish to restate my original appeal with revisions to counter these changes which do little to answer my original appeal.

1. The scale, height and mass of this proposal is total inappropriate to such a small area and represents a gross overdevelopment of an unsuitable site. This is evidenced by the lack of any vehicular access or any access beyond very narrow pedestrian pathways. Further evidence of this can be seen in the plan view of the site and the asymmetric design to accommodate some form of free space for recreation or bins. Whilst a low-level residential development might be appropriate this is not: failing to meet the design standards required in para. 130 of the National Policy Framework and Policy D1 of the adopted Cheltenham Plan.

New Comment: Revisions to the earlier proposal show minimal and largely cosmetic and token changes amounting to less than 10% of the main building footprint and minimal changes to the elevation.

2. The height and mass of this building with its proximity to Honeybourne Gate (separated only by the width of the Honeybourne line) will have an unreasonably harmful impact on the living conditions of its residents. These effects will include gross loss of privacy from overlooking windows in close proximity, overshadowing and loss of light and a generally oppressive and overbearing imposition on the outlook currently enjoyed by those residents in habitable rooms with a south easterly aspect. Bearing in mind that like myself most of these residents are elderly, some with infirmities or limited mobility, thus tied to their outlook positions. This denial of amenity to neighbours is contrary to para.

130(f) of the National Policy Framework. Policy SD14 of the Joint Core Strategy and Policy SL1 of the adopted Cheltenham Plan.

New Comment: See above additional comments.

3. With no onsite parking the assumption seems to be that all travel and transport requirements by residents can be met from the very good local transport links. This is totally unrealistic as many residents will wish to own cars for work travel at the very least. This will place more pressure on already very congested streets and tight junctions raising road safety concerns.

Then there is the concern for servicing the site for which no provision has been made. This means that future resident demand in terms of removal vehicles, delivery vehicles, maintenance vans or lorries and finally emergency vehicles will be forced to park on the site frontage where there are double yellow lines, opposite the Swindon Road junction and just where the road narrows: there will be traffic carnage. Many times of the day there will be two static lines of traffic with impatient drivers backed up to traffic lights and so with any added blockages accidents ready to happen. These are very serious highway safety concerns which mean that the proposed development conflicts with paras. 110, 111 and 112 of the National Policy Framework

4. With reference to the concerns shown at para. 3 access to Block B will be a particular problem for persons moving in or out but especially for emergency services. In the case of an ambulance visit the vehicle will need to be parked, probably for some considerable time, on a busy main road causing a major lane blockage. The crew, meantime, need to get to Block B, carry on with their task, then move a patient over a considerable distance by stretcher, trolley or wheelchair. Not a pleasing prospect if you have just had a heart attack. Serious health and safety concerns.

5. The applicant puts forward a wholly unconvincing argument for a change of use to the existing premises. It is known that Cheltenham has serious supply issues of employment land and policies hence the protection afforded by the mentioned Policy EM2. The site has not been marketed for employment purposes so any supposition that the current use is not viable is therefore irrelevant at this point.

6. It would appear from reading the planning document paragraphs 6.1 to 6.7 that this attempts to justify the avoidance of the normally applied affordable housing content to meet the requirements of JCS policy SD12. Is this acceptable?

7. A factually incorrect assertion at para. 6.14 that 2 Gloucester Road consists of bedsits when in fact it is a retirement complex containing 55 one or two bedroom flats owned by mainly elderly residents.

8. New Comment: One other significant addition is the traffic carnage, with associated risks during the construction phase, that is guaranteed to paralyse the lower High Street area for considerable periods.

Yours faithfully

\*\*\*\*\*



**Comments:** 18th May 2023

Apartment 54 Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
GL51 8DW

17th May 2023

Dear Sir/Madam

Ref: Planning Application 23/00625/FUL

I wish to register an objection to this proposal on the following grounds: -

1. The scale, height and mass of this proposal is total inappropriate to such a small area and represents a gross overdevelopment of an unsuitable site. This is evidenced by the lack of any vehicular access or any access beyond very narrow pedestrian pathways. Further evidence of this can be seen in the plan view of the site and the asymmetric design to accommodate some form of free space for recreation or bins. Whilst a low-level residential development might be appropriate this is not: failing to meet the design standards required in para. 130 of the National Policy Framework and Policy D1 of the adopted Cheltenham Plan.

2. The height and mass of this building with its proximity to Honeybourne Gate (separated only by the width of the Honeybourne line) will have an unreasonably harmful impact on the living conditions of its residents. These effects will include gross loss of privacy from overlooking windows in close proximity, overshadowing and loss of light and a generally oppressive and overbearing imposition on the outlook currently enjoyed by those residents in habitable rooms with a south easterly aspect. Bearing in mind that like myself most of these residents are elderly, some with infirmities or limited mobility, thus tied to their outlook positions. This denial of amenity to neighbours is contrary to para. 130(f) of the National Policy Framework. Policy SD14 of the Joint Core Strategy and Policy SL1 of the adopted Cheltenham Plan.

3. With no onsite parking the assumption seems to be that all travel and transport requirements by residents can be met from the very good local transport links. This is totally unrealistic as many residents will wish to own cars for work travel at the very least. This will place more pressure on already very congested streets and tight junctions raising road safety concerns.

Then there is the concern for servicing the site for which no provision has been made. This means that future resident demand in terms of removal vehicles, delivery vehicles, maintenance vans or lorries and last but not least emergency vehicles will be forced to park on the site frontage where there are double yellow lines, opposite the Swindon Road junction and just where the road narrows: there will be traffic carnage. Many times of the day there will be two static lines of traffic with impatient drivers backed up to traffic lights and so with any added blockages accidents ready to happen. These are very serious highway safety concerns which mean that the proposed development conflicts with paras. 110, 111 and 112 of the National Policy Framework

4. With reference to the concerns shown at para. 3 access to Block B will be a particular problem for persons moving in or out but especially for emergency services. In the case of an ambulance visit the vehicle will need to be parked, probably for some considerable time, on a busy main road causing a major lane blockage. The crew, meantime, need to get to Block B, carry on with their task, then move a patient over a considerable distance by stretcher, trolley or wheelchair. Not a pleasing prospect if you have just had a heart attack. Serious health and safety concerns.

5. The applicant puts forward a wholly unconvincing argument for a change of use to the existing premises. It is known that Cheltenham has serious supply issues of employment land and policies hence the protection afforded by the mentioned Policy EM2. The site has not been marketed for employment purposes so any supposition that the current use is not viable is therefore irrelevant at this point.

6. It would appear from reading the planning document paragraphs 6.1 to 6.7 that this attempts to justify the avoidance of the normally applied affordable housing content to meet the requirements of JCS policy SD12. Is this acceptable?

7. A factually incorrect assertion at para. 6.14 that 2 Gloucester Road consists of bedsits when in fact it is a retirement complex containing 55 one or two bedroom flats owned by mainly elderly residents.

Yours faithfully

.\*\*\*\*\*

13 St Pauls Parade  
Cheltenham  
Gloucestershire  
GL50 4ET

**Comments:** 8th May 2023

Object

The applicant proposes replacing a single storey industrial building with a pitched roof with a four-storey residential building. I have no objection to the change of use to residential. Though it is a shame to lose more town centre employment land, there is a demand for housing. I strongly object to the proposed height and size of the new building. It is overdevelopment of a small plot, leaving residents with no amenity space. Unlike the existing building it extends all the way to the front of the plot and far closer to the Honeybourne Line itself, far closer than Honeybourne Gate on the opposite side, and leaving a very restricted space for access for maintenance of the retaining wall.

This building should be restricted to two storeys with a flat roof - i.e. no higher than the Honeybourne Line boundary wall.

## Page 75

The distinctive feature of the northern end of the Honeybourne Line from the Waitrose bridge onwards is being at rooftop height and the views across the town, and across to the Escarpment in places. From the stretch of the Honeybourne Line between the Winston Churchill Memorial Garden and the High Street, you can see across towards the town centre, and back towards the front elevation of the grade II listed St Mary's Mission. Permitting a four-storey building would obliterate this view from the Winston Churchill Memorial Garden ramp to the High Street bridge.

Along with the existing Honeybourne Gate building, a four-storey building would create a canyon effect for this stretch, which would make the Honeybourne Line feel far more enclosed and less safe. The four-storey building extends close to the ramp leading down to the Winston Churchill Memorial Garden, which will contribute to this route also feeling far more enclosed and less safe.

This is within the Lower High Street conservation area. The local planning authority has a duty to preserve or enhance the conservation area.

The 2008 Character Appraisal and Management Plan identifies the setting and views for the Character Area as very important Development Control Proposal Action LH6 "The Council will ensure that all development respects the important views within, into and from the Lower High Street Character Area. These views are noted but not exclusively identified on the Townscape Analysis map. The Council will ensure that these remain protected from inappropriate forms of development and redevelopment and that due regard is paid to these views in the formulation of public realm works or enhancement schemes in accordance with the Cheltenham Borough Local Plan"

The views from the Honeybourne Line along the lower High St, towards the Mission, towards St Gregory's spire, and the treelines of the Winston Churchill Memorial Garden should be protected, and the height of any development on this site restricted in order to do so.

At four storeys high, it would also block the views of Honeybourne Gate residents on the third and fourth floors who currently look out over the Honeybourne Line. Instead, they would be looking at the brick wall and windows of this proposed development. Although no-one has a right to a view from their windows, it should be borne in mind that Honeybourne Gate is a retirement complex run on the Extracare model, which means that residents as they become increasingly incapacitated and housebound with age, are able to stay in their apartments without moving into a care home. When you are unable to leave your apartment, your views onto the outside world are all the more important.

The Lower High St Character Appraisal and Management Plan also recognises that "some modern developments do not sit well within the historic context of the area. They have a negative impact upon its character and appearance, through factors such as size, scale, footprint, [and] massing". This would be one such development if allowed to proceed as proposed. Another feature of the Lower High St as identified in the Character Appraisal and Management Plan is that "building heights are inclined to increase towards the town centre" making a taller building less appropriate in this location. Sadly, many recent buildings in this area have been unsympathetic to their setting and too tall. 401-403 High St being a glaring example. These recent developments do not relieve the planning authority of their duty to preserve or enhance the conservation area.

Apartment 49  
Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8DW

**Comments:** 25th October 2023

Letter attached.

Apartment 3  
Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8DW

**Comments:** 25th October 2023

Letter attached.

Apartment 29  
Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8DW

**Comments:** 30th October 2023

Letter attached.

**Comments:** 9th May 2023

Dear Sir/Madam

Planning Application No. 23/00625/FUL

I live at 29 Honeybourne Gate, which is a second floor apartment with three principal windows facing the application site. These windows provide the only natural light to - and outlook from - my kitchen, living room and main bedroom. I wish to object to the planning application for the following reasons:

Due to the close proximity of the proposed four storey buildings - at their closest point just 15 metres away using the scale bar on the plans - the mass and scale of the development will have a significant detrimental overbearing impact on both my apartment and other apartments facing the site. The proposed buildings will be overpowering visually, will block light, and will result in a significant loss in the enjoyment of my property.

The proposed windows to habitable rooms in Block A will face my apartment and given the close proximity of the development this will have a substantial impact on the privacy

of my home. The nearest habitable room windows in Block A to my apartment will be significantly less than the 21 metres stipulated in Policy SL1 of the adopted Cheltenham Plan (July 2020). Note 2 to the policy states:

' In determining privacy for residents, the Council will apply the following minimum distances:

- \* 21 metres between dwellings which face each other where both have windows with clear glazing.....'

In this regard, paragraph 14.1 of the Local Plan states that the well-being of the Borough's residents is a key consideration in all policy-making and no less in the determination of planning applications.

I have noticed that it appears that the Applicant has not submitted a Health Impact Assessment with the application despite this being a specific requirement for major planning applications.

The Planning Statement submitted with the planning application makes a factually incorrect statement (para. 2.4) by commenting that the Honeybourne Gate development is used for bedsits. Honeybourne Gate contains one and two bed apartments occupied by older people, many of whom spend a considerable amount of time in their homes. For those residents occupying homes facing the application site, the proposed development will have a substantial negative impact on their well-being and quality of life.

The Applicant has sought to justify the lack of on-site parking provision in the Transport Note, however in practice the site will not work without space for visitor parking and access / space for deliveries and loading / unloading. The lack of such facilities within the development clearly demonstrate that the proposals constitute unacceptable over-development of this small site. The consequence of having no facilities for visitors, deliveries etc. will be that vehicles will park illegally on the foot way in the Lower High Street, giving rise to considerable safety risks to pedestrians using a busy walking route into the town centre.

Access to Block B for larger deliveries and removals appears to be totally impractical given that the block will only benefit from a single pedestrian access which is stepped at the front of the site. The location of the refuse / recycling bins within Block A will be highly inconvenient to the occupiers of the other units in Block B, and it is quite reasonable to predict that rubbish will be left more conveniently in the courtyard and other paved areas which will be unsightly both to residents and users of the Honeybourne Line.

I have no objections in principle to the redevelopment of this brownfield site for housing, however any proposal should be of a much reduced size and scale so that it is commensurate with the small size and shape of the site, and respects its surroundings. I suggest that any development should be no more than two storeys in height and finished with white painted render, which would be in keeping with the wider prevailing character of the area.

As submitted, the application proposal fundamentally conflicts with Policy SL1 of the adopted Cheltenham Plan.

Yours faithfully

\*\*\*\*\*

Apartment 5  
Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8DW

**Comments:** 25th October 2023

Letter Attached.

Apartment 4  
Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8DW

**Comments:** 4th May 2023

I would like to register an objection to the proposed development on many grounds including the following;

1. Over development of the site, resulting in impacting the privacy of the nearby apartments at Honeybourne Gate, which were not designed to be faced by windows level with them and overlooking them, only separated by the width of the Honeybourne line.
2. Parking, The fact that the occupiers of the proposed buildings have a genuine choice of sustainable transport methods does not apply to deliveries made to the building. As there has been no provision on the site, the building, apart from a narrow strip of planting, is up to the edge of the pavement, and parking on the pavement is illegal, delivery vehicles and vans will park on the single carriageway main road or illegally on the pavement while deliveries are carried to the 18 four storey flats.

Either would cause problems for the busy road or pedestrians and handicapped buggy users.

The suggestion of the report which points out that public car parks locally could be used for 'visitors and delivery vehicles', would seem comical - settees and fridge freezers being carried by delivery drivers across main roads!!!! they would in reality park illegally on the pavement or hold up the traffic on the busy single carriageway main road.

3. The Street Scene and air pollution.

Visitors coming into the town along the major access road, will see the proposed building looming above the honeybourne bridge. The view will be of a "canyon" (the expert's words) formed by 2 four story buildings right up to the pavement either side.

apart from the aesthetics of the look of this main approach to the town, this will cause, according to the air report, air pollution problems either side of this canyon so that they will have to instal 'mechanical ventilation systems'. This does not seem very green or healthy for the residents.

If the proposed devt. of the site was limited to 2 floors with provision for refuse storage, the problems of overlooking, parking and air pollution would be solved, and the street scene coming into our lovely town would not be spoiled by this unpleasant 'street canyon'.

**Comments:** 25th October 2023

Letter attached.

Apartment 41  
Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8DW

**Comments:** 24th April 2023

Letter attached.

**Comments:** 25th October 2023

Letter attached.

**Comments:** 25th October 2023

Letter attached.

Apartment 39  
Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8DW

**Comments:** 26th April 2023

Dear planning people

The above planning proposal has come as a bombshell to those of us living at Honeybourne Gate (HG) on the side facing the proposed development. In particular to me as I occupy the 3rd floor flat nearest to the Honeybourne Line walkway. My more specific comments follow, in the categories suggested in your letter.

Privacy:

Occupants of the proposed building would have their bedroom and/or lounge windows directly overlooked by HG apartment windows and vice versa. At my end of the building the distance between the buildings would be barely a road's width.

Visual Impact and amenity value:

## Page 80

This is my biggest concern. The proposed building would completely dominate the view from all windows of HG apartments on this side. For the many users of the Honeybourne Line walkway it would block a view which appears to be much appreciated and would give a feeling of walking through a dark alleyway between the two buildings. It would also provide yet another surface for the hated 'tagging' that already plagues the rest of the Honeybourne Line. I invite someone from the planning committee visit my apartment to assess the impact for themselves.

Noise and Disturbance:

I appreciate that construction disturbance does not count as a planning consideration - but residents on the affected side of HG have chosen to live on the 'quiet' side of the building. Some are vulnerable and possibly in the final stages of life. It does not seem fair to inflict on them the inevitable noise, vibration and disruption of the building works.

Yours sincerely

Apartment 52  
Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8DW

**Comments:** 9th May 2023

6th May 2023

Dear Sir

Ref : Planning Application 23/00625/FUL

I wish to comment on this application on the following grounds.

1. The proposal represents a gross overdevelopment of a restricted site and will be entirely out of scale with the immediately adjacent properties.

2. While the application indicates a low level of traffic accidents at the nearby Gloucester Road / High Street junction, it does not address the other traffic incidents which occur on a quite regular basis i.e. over-sized articulated lorries hitting the bridge. These events are rarely reported to the Authorities but are witnessed by the occupants of apartments in Honeybourne Gate .

When the vehicle hits the bridge the driver has to reverse out and into Swindon Street, which is immediately opposite the proposed development. In order to carry out this manoeuvre the drivers cab has to mount the pavement and encroach onto the existing forecourt of No 456, High Street.

The proposed development will eradicate this forecourt making the entire procedure very difficult, if not impossible and creating a major traffic hazard. Furthermore, I believe that a building so close to the bridge will further disguise the hazard that it represents.

3. The suggestion that car parking facilities will not be needed on the site is absurd. And unsupported by any substantial evidence. Whilst there is Permit Parking in the



surrounding streets, a walk round the named streets at almost any time of day or evening will confirm that the spaces are fully used by existing residents.

There is little or no substantive evidence that car use will fall significantly in the foreseeable future and therefore it seems at best irresponsible to permit town- centre developments which do not include provision for car parking.

4. The Proposal involves the removal of two trees at the entrance to the award-winning Winston Churchill Gardens. This will reduce the amenity value of the entrance to this valuable community resource.

Yours faithfully

\*\*\*\*\*

**Comments:** 25th October 2023

Letter attached.

Apartment 47  
Honeybourne Gate  
2 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8DW

**Comments:** 25th October 2023

Letter attached.

452 High Street  
Cheltenham  
Gloucestershire  
GL50 3JA

**Comments:** 9th May 2023

Letter attached.

Apartment 39  
Honeybourne Gate  
2 Gloucester Road Cheltenham  
Gloucestershire  
GL51 8DW

### **Comments:** 13th October 2023

Following the revision of the plans I would like to restate and revise my objections first listed on 26 April 2023 and add more. The revised plans have not addressed any of my concerns.

#### Privacy

I note that windows on the top floor on the South West elevation are angled to avoid overlooking a single storey premises (?) but the windows on the 3rd floor of the North East elevation - a few feet directly opposite my lounge windows - will still be looking straight into my rooms.

#### Visual impact and amenity value

The length, breadth and height of the development is out of keeping with an already congested stretch of the high street which also happens to be part of the conservation area. A view over Cheltenham that is currently much appreciated by users of the Honeybourne Line would no longer exist. There would be a dark 'canyon' effect between 2 tall buildings especially from the ramp up from Winston Churchill Gardens.

#### Delivery/Drop Off

The assumption that no cars will be required on or near the site by any residents does not appear to be reasonable. Even if residents can find parking spaces in an already overused parking zone, drivers delivering large or heavy parcels or furniture will not be able or willing to carry them from any of the suggested local public car parks.

Honeybourne Gate residents have paid a premium to move in here expecting to live out the last years of our lives without the usual upheaval and burdens we have dealt with in the past. The prospect of this development is now hanging over us and is causing much distress. There is also resentment and a feeling that the council and developers have disregarded the presence of a retirement complex when considering these plans. Please spare us a thought.

42 Nine Elms Road  
Longlevens  
Gloucester  
GL2 0HB

**Comments:** 7th May 2023

I oppose the proposed development on a number of grounds.

My \*\* year old mother recently purchased apartment 27 Honeybourne Gate and we were not aware of this proposed development.

The apartment looks out directly on to the proposed development site with 3 full length windows. My mother is \*\*\*\*\* and the amount of natural daylight the outlook provides was one of the main factors determining our choice. Her main living area looks directly onto the proposed site. With poor \*\*\*\*\* and needing a \*\*\*\*\* to get around good light is crucial to enable her to live safely and independently in her new apartment. The proposed development will result in a dramatic loss of light in the room she spends 95% of her day and therefore impact her life significantly.

In addition there will be sustained invasion/loss of privacy, both during any construction period and if the proposed apartment block is built.

The noise levels during any construction period will again impact her daily life for a considerable period of time at a time when she is seeking to live out her later years in peace and quiet.

The size of the proposed development seems too big for the size of plot and with an influx of so many residents it is inevitable that congestion in an already very busy area will be added to. With no proposed parking, and most households these days owning at least one car, parking in the surrounding area will become more congested. Access for delivery vehicles, etc will force vehicles to park on a very busy single carriage road causing an obstruction or park illegally on the pavement posing a risk to pedestrians and as my mother walks with a walker clear pathways are crucial.

It is unrealistic to believe none of the residents will own a vehicle and these along with additional vehicles requiring access to the site will only add to pollution in an area already recognised in the report as 'experiencing potential poor air quality'.

1 Pittville Crescent  
Cheltenham  
Gloucestershire  
GL52 2QZ

**Comments:** 21st April 2023

No objection to the proposed building, but surely the developer should provide a new staircase up to the Honeybourne Line (HL), similar to the one on the other side of the High Street. The redevelopment of this site is likely to be the only opportunity to provide that. It would prevent residents having to cross the road to access the HL, which of course is a very useful route to the station, to the leisure centre, etc. The more points of access are provided to the HL, the better used and safer it will become.



452 High Street  
Cheltenham  
GL50 3JAL

The Head of Planning  
Cheltenham Borough Council  
Municipal Offices  
Cheltenham  
GL50 1PP

4<sup>th</sup> May 2023

(By Hand)

**Planning Application: 23/00625/FUL**

1. We write to totally object to the Planning application in respect of residential development involving 456 High Street, Cheltenham.
2. My wife and I own and have lived at the adjacent property 452 High Street, Cheltenham for the past 50 years. We are aged [REDACTED] years and [REDACTED] years, and both suffer from ill health and mobility problems. We live in the flat over a shop known as Walkleys Cycles. This business we operated for some 50+ years until about 8 years ago when we closed the business due to ill-health. We are both Cheltonians and have good knowledge of the vicinity.
3. The proposed development site is very small. As a consequence other potential developers in the past expressed the view that it would be extremely difficult to develop the site effectively due to access problems from the High Street. As a result it was not thought financially viable for reasonable development.
4. If permitted our concern is that the present proposed residential development would present a massive and excessive over development of the site with detrimental impact of immediate surrounding properties including 452 High Street and Honeybourne Gate.
5. Because of the height and mass of the two proposed buildings it would be inevitable that occupiers of adjacent buildings would suffer severely from the visual and overpowering impact. There would be a major loss of privacy and inevitable heavy noise and disturbance emanating from any built property.
6. The development site is within the Cheltenham Central Conservation area. The proposed excessive mass of building coupled with poor design and materials is unlikely to enhance the character and appearance the site and area warrant. The proposals simply indicate overbearing high buildings and excessive over development of a small difficult site.



7. We highlight the fact that the small site at 456 High Street, Cheltenham is located on a very busy major road carrying a heavy traffic volume. The obvious difficult site access problem that exists, coupled by the consistent heavy traffic volume, together with the nearby presence of Gloucester Road traffic light junction, presents obvious problems. It is therefore reasonable to anticipate major obstruction and traffic flow problems for long periods at the site entrance and on immediate roads including the High Street. Clearly there would also be extreme difficulty on-site for development and storage of materials.
8. The Planning application makes no provision for on-site parking for vehicles. This situation will create increased difficulty for residents parking on already over congested nearby roads. We have in mind the number of proposed apartments and bedrooms (18 and 24) and likely occupants with vehicles.
9. A further disturbing feature of the Planning proposal is the lack of space at ground floor level for the proposed 18 Apartments containing 24 bedrooms. The residents would have little ground floor amenity area for safe storage, exercise, sitting out etc. In the absence of effective management we anticipate the area would soon degenerate and present on-going social problem such as abandoned rubbish, sprawling waste bins, vermin control etc.
10. We stress that we are not nimby people! Our view is that any improvement or development of the empty 'factory site' at 456 High Street should be smaller and less intrusive. Our ideal situation would be that 456 High Street, together with 452 High Street and two other adjacent long empty, and increasingly derelict, shops be recognised by Cheltenham Borough Council as a large suitable site for providing rare opportunity to provide social housing on an acceptable scale.
11. The present planning application, if allowed, would create a traumatic situation for local residents for the various reasons outlined. The proposals indicate an inappropriate overbearing development on a small difficult site. We strongly object to the proposals for the reasons given.



- Copies:
1. Honeybourne Gate residents
  2. Miss Michelle Payne, Planning Officer
  3. Ward Councillors (Atherstone and Willingham)





Further Objection to Planning Application No. 23/00625/FUL


I live at no. 29 Honeybourne Gate which is close to the application site, and I have previously objected to planning application ref. 23/00625/FUL.

Having looked carefully at the revised plans received by the Council on 2<sup>nd</sup> October, my objections to the development still remain.

Whilst some design alterations have been made to the elevations and third floor elements of the buildings, the overall size and scale of the development remain essentially the same, and the impact of the scheme will be unacceptable overdevelopment of the site.

The Council's Heritage and Conservation Officer has submitted thorough and well-researched objections to the proposals. The applicant has not provided any design justification for the changes to the proposals in response to these objections, and the amendments in no way overcome the conclusions reached by the Heritage and Conservation Officer that the proposals will result in over-development and will have a detrimental impact on the setting of St. Mary's Cemetery Chapel which is a Grade II listed building.

The objections from the Heritage and Conservation Officer are substantive and compelling, and clearly demonstrate that this application should be refused.

  
29 Honeybourne Gate  
Cheltenham  
Glos

  
27/10/23

Apt 1 Honeybourne Gate  
2 Gloucester Road  
Cheltenham GL51 8DW

23-10-23

The Planning Office  
Cheltenham Borough Council  
Municipal Offices  
Promenade GL50 1PP

REF  
23/00625/FUL

Dear Michelle Payne

I do not agree with the planning application even though the plans have been revised. It is a very high proposed block of flats which will still present the same problems building on an overdeveloped plot of land.

The plans indicate an inappropriate overbearing development on a small difficult site.

Page 90

It will be difficult to develop the site effectively because of access problems from the High Street.

There is not enough parking space for services eg refuse lorries, deliveries, work done to the flats etc.

The air pollution will be an even bigger problem, so will the extra traffic on a very busy dangerous corner where there are daily many near accidents

Yours sincerely



Parking

From: [REDACTED]

Date: Sat, 21 Oct 2023 09:56

To: [REDACTED]

Cc: [REDACTED]

Bcc: [REDACTED]

Response to Zesta's  
'Updated Transport Note: Car Parking Assessment.'

CBC application ref :23/00625/FUL

We, who are residents of Parking Zone 12, were pleased, that in response to GCC concerns about the lack of capacity in this zone. (392% more permits issued for this zone than there are parking places available - and this before the 36 permits to which this development will be entitled!) the developer has commissioned a Car Parking Survey of Zone 12. Unfortunately, it appears that their times chosen, ie. Tuesday 18.30- 19.30 and Thursday 10.30-11.30am, were not the times which would be most relevant to the needs of residents.

We, who live here permanently do not recognise the findings of this report as being what happens day in and day out.

We therefore decided to do our own research, but assumed that the most relevant time to look at the situation, was when residents would most require parking and would not want to be scouring local streets for a spare parking space, maybe on their own, in the dark and possibly in bad weather.

We therefore went out at the following times: Saturday 14 October 2023, 8.00 to 8.30am and Sunday 15th October 6.00 - 6.30am, and 21.00 - 22.00pm to take photos and other times in the week to see what the situation was.

We enclose attachment showing our findings on Sunday 15 October 21.00 - 22.00pm but have many more photos showing the problem of congested parking.

On first sight there was the odd space but on the whole, the entire area looked at was full, with many cars parked on double yellow lines. (These were not blue badge). Also cars were parked half on pavements which made moving down the road difficult and would have made it impossible for emergency vehicles.

In our view, our findings disprove Zesta's assertion that there is spare capacity for further permit parking.

In addition, we found some inaccuracies in the report :- for example

Point,

3 - "than there are permit zones available in Zone 1"

6 - "Given the sites' sustainable credentials and 'the one bedroom nature of the development' - not



68 two bed and 12 one bed.

## Page 94

16- "access to footpath/cycle paths". Difficult cycle access to Honeybourne Line either through park (no cycling) or carry bike up a steep flight of steps having crossed the constantly busy main road.

18 - "170 metres South....access is provided" access on to Market Street- this would be either through the non-cycling Churchill Gardens or round the busy junction of the Gloucester and Tewkesbury Roads.

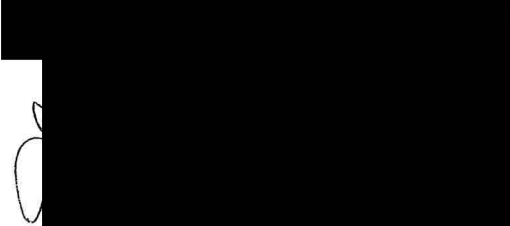
34 - "car free as on similar sites"- 449 High Street only 5 flats and not 18. ~~The garage~~ Any other schemes of this size with no parking or delivery access?

37 - These are not the 2 main time periods that are used by residents.

43 - Local car parks not suitable for delivery vehicles. No provision made for delivery vehicles on the front of the site, on a very busy main road. Any parking of delivery vans eg online food deliveries, Asda, Sainsbury and lorries ie delivery of furniture, white goods to the 18 flats would cause major hold ups back along the High Street, Poole Way and Swindon Road. Parking on the pavement outside, which would inevitably happen, would also, apart from being illegal, affect the pedestrians and mobility users locally.

44 - "the one bedroom nature of the building" ~~6~~ 2 bed and 12- 1 bed

 Apt 4, Honeybourne Gate, GL51 8DW

 Apt 47, Honeybourne Gate  
GL51 8DW

 Apt 52, Honeybourne Gate.



**RE Full planning application: 23/00625/FUL**

**Objections to Redevelopment of No. 456 High Street, Cheltenham**

Due to the close proximity of the proposed four storey buildings, the mass and scale of the development will have a significant detrimental overbearing impact on the apartments in Honeybourne Gate facing the site.

Honeybourne Gate contains one and two bed apartments occupied by older people, many of whom spend a considerable amount of time in their homes. For those residents occupying homes in Honeybourne Gate facing the application site, the proposed development will have a substantial negative impact on their well-being and quality of life as a result of its overpowering impact.

The proposed windows in the buildings, particularly at 3<sup>rd</sup> floor level, will overlook the apartments in Honeybourne Gate, and given the close proximity of the development this will have a substantial negative impact on the privacy of the apartments.

There is no on-site parking provision within the proposed development. The lack of on-site parking spaces clearly shows that the proposals constitute unacceptable over-development of this small site. There can be no certainty that residents will be able to park in nearby resident streets.

The consequence of having no facilities for visitors, deliveries etc will be that vehicles will park illegally on the footway in the Lower High Street, giving rise to unacceptable safety risks to pedestrians using a busy walking route into the town centre.

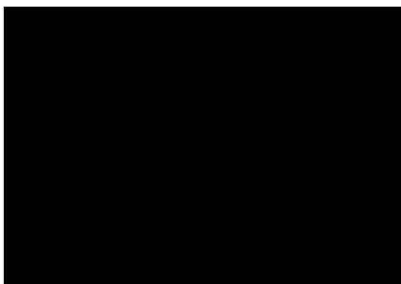
Access to Block B for larger deliveries and removals appears to be totally impractical given that the block will only benefit from a single pedestrian access which is stepped at the front of the site.

The location of the refuse / recycling bins within Block A will be highly inconvenient to the occupiers of the apartments in Block B, and inevitably rubbish will be left more conveniently in the courtyard other paved areas which will be unsightly both to residents and users of the Honeybourne Line.

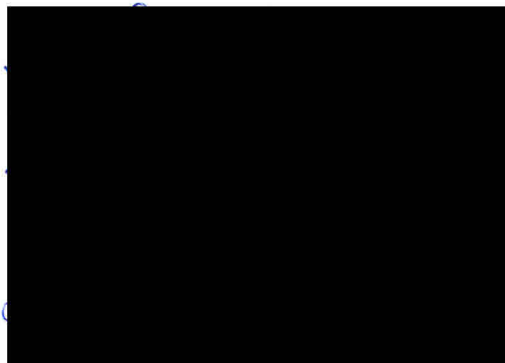
The Council's Heritage and Conservation Officer has submitted detailed and strong objections to the application on the grounds that the scale and massing of the proposal results in overdevelopment of the site which would be out of keeping with the Conservation Area, and that Block B would have a detrimental impact on the setting of the Grade II listed St. Mary's Cemetery Chapel.

I have looked at the revised plans submitted by the application which show a revised roof design at 3<sup>rd</sup> floor level and a small reduction in height. However the number of flats and the scale of the development remains essentially the same and I do not consider that the changes overcome the strong objections of the Council's Heritage and Conservation Officer.

This is unacceptable overdevelopment of the site which is insensitive to its surroundings and should be refused by the Council.



Apt 5.  
Apt 49  
Apt 41  
Apt. 3





Faint, illegible text covering the majority of the page, appearing to be a document or report.

# Parking survey

9-10pm 15 Oct, 2023

# Overview

New Street

Devonshire St

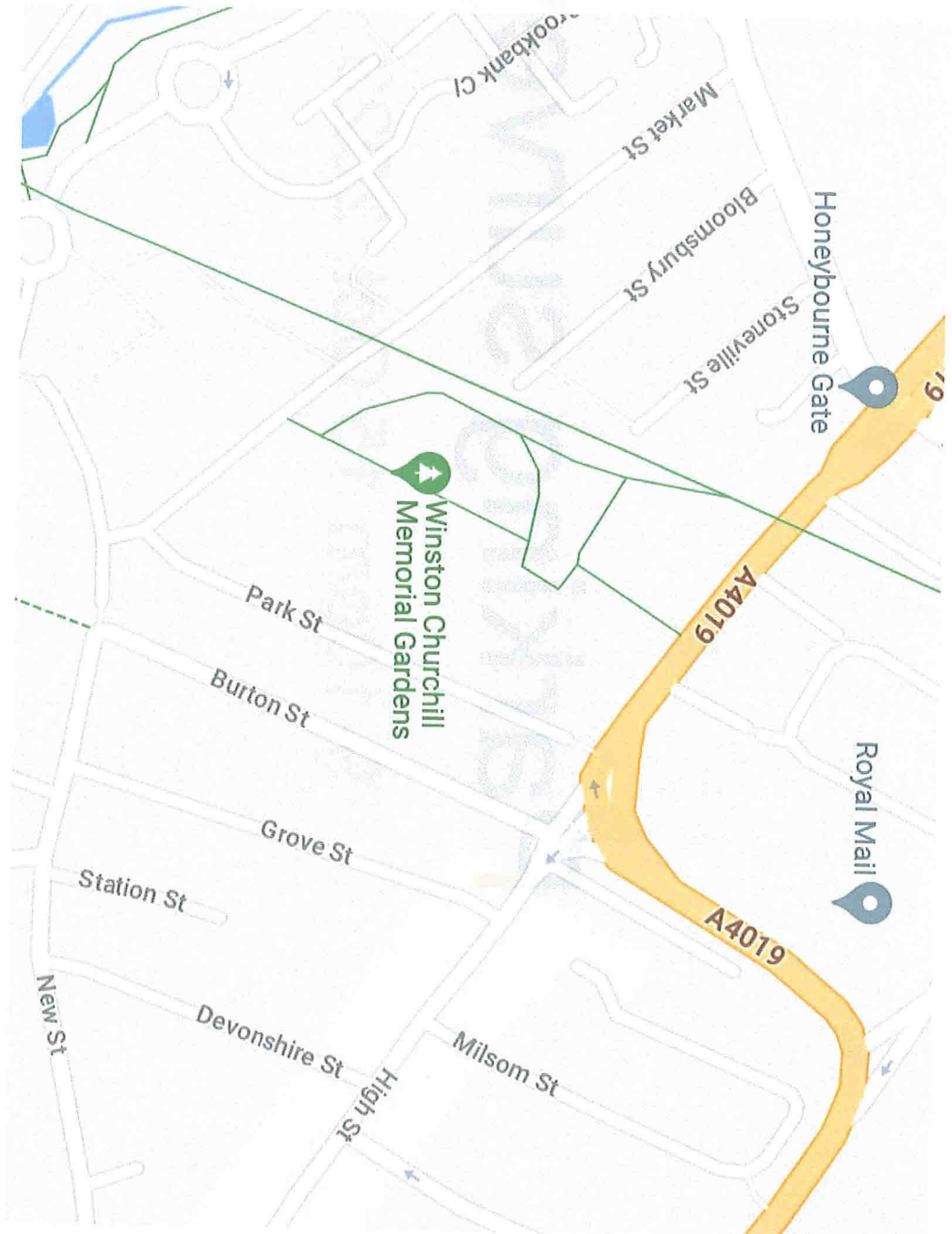
63 Burton St

Page 99  
Park St

Market St

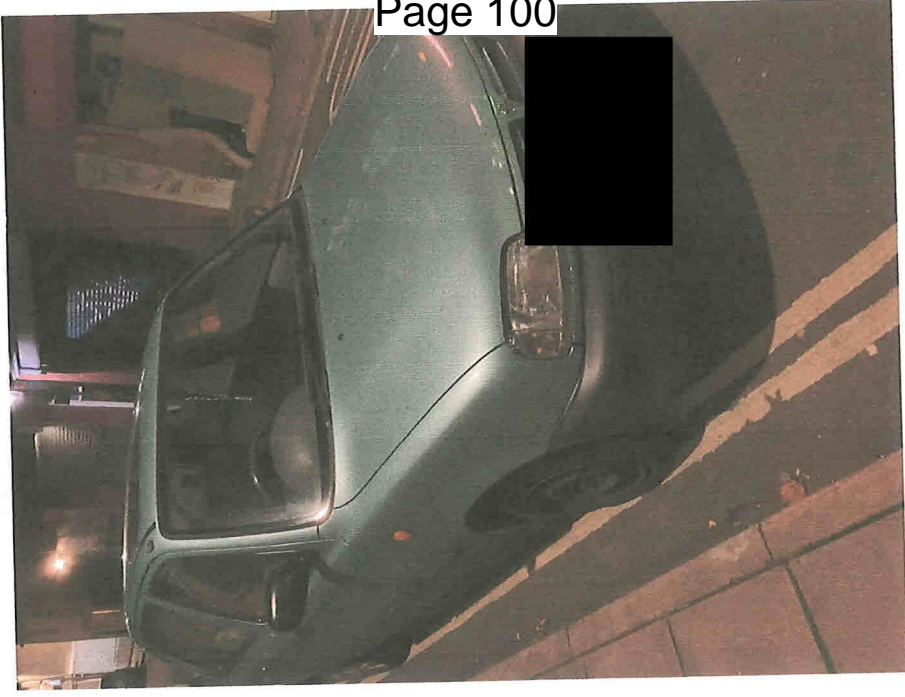
Bloomsbury St

Stoneville St



## New St

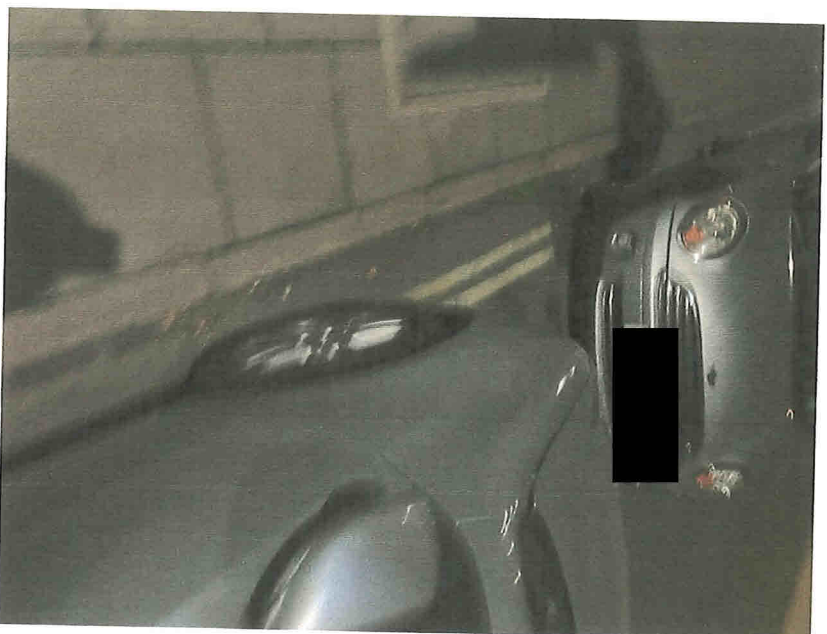
There were no spaces on New St, although parking was very orderly and three cars were parked on double yellow lines.



# Devonshire St

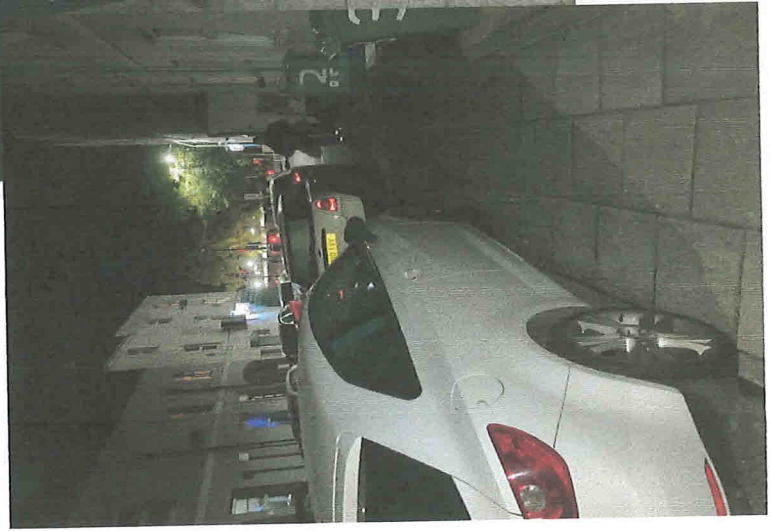
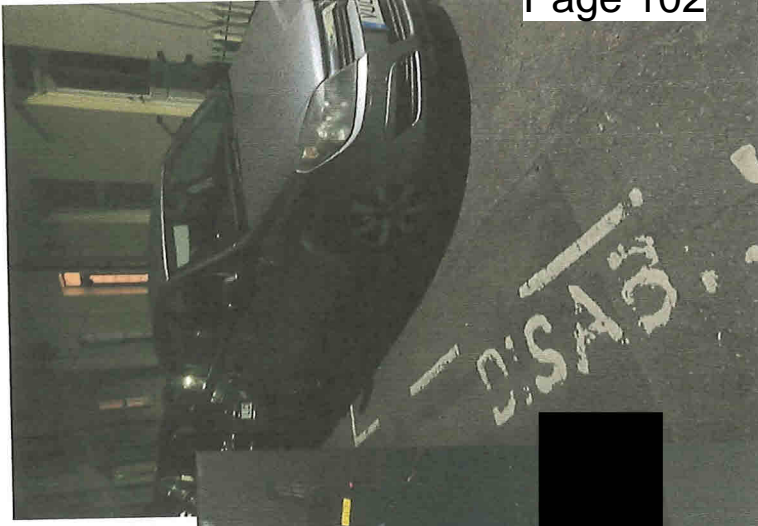
There were three spaces on Devonshire St but there were also three people parked on double yellow

lines.



## Burton St

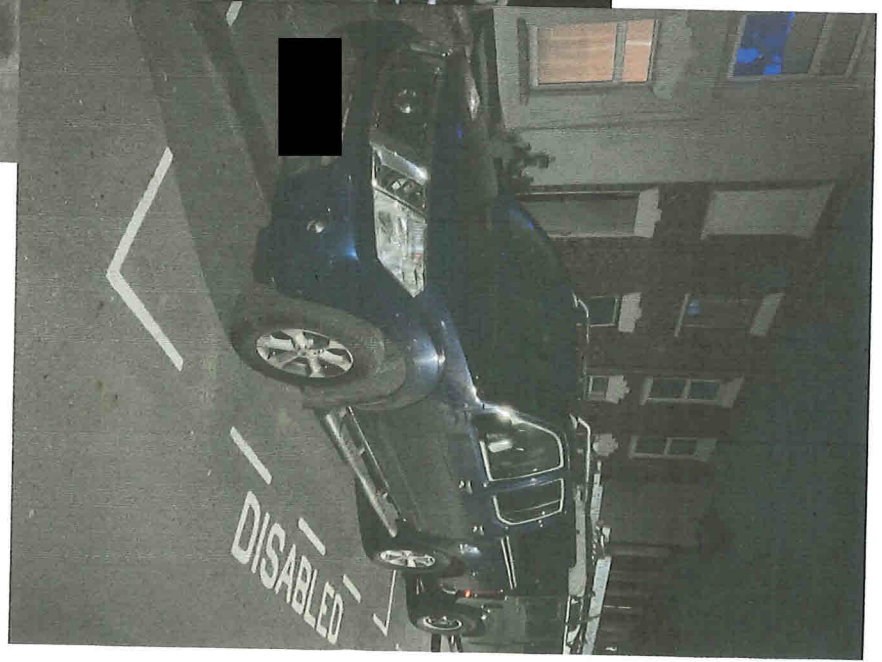
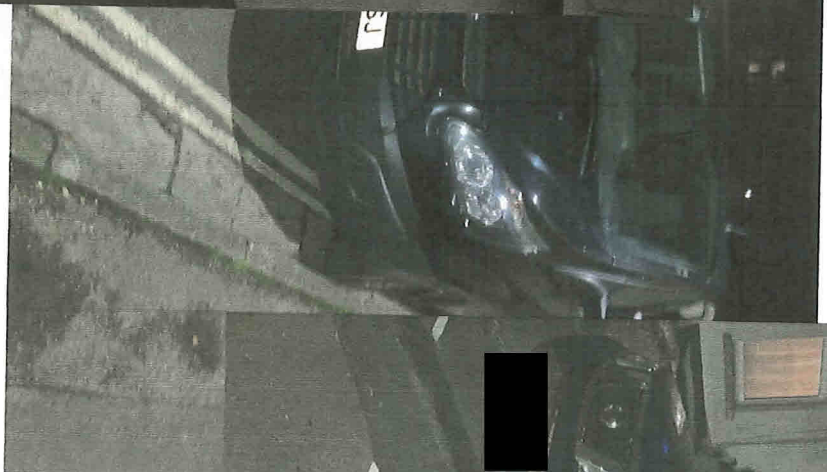
There are five free spaces but this is only achieved by multiple cars parked on the pavement, since the street is too narrow for parking on both sides. Two cars parked on double yellow lines, and in one disabled space.



# Park St / Market St

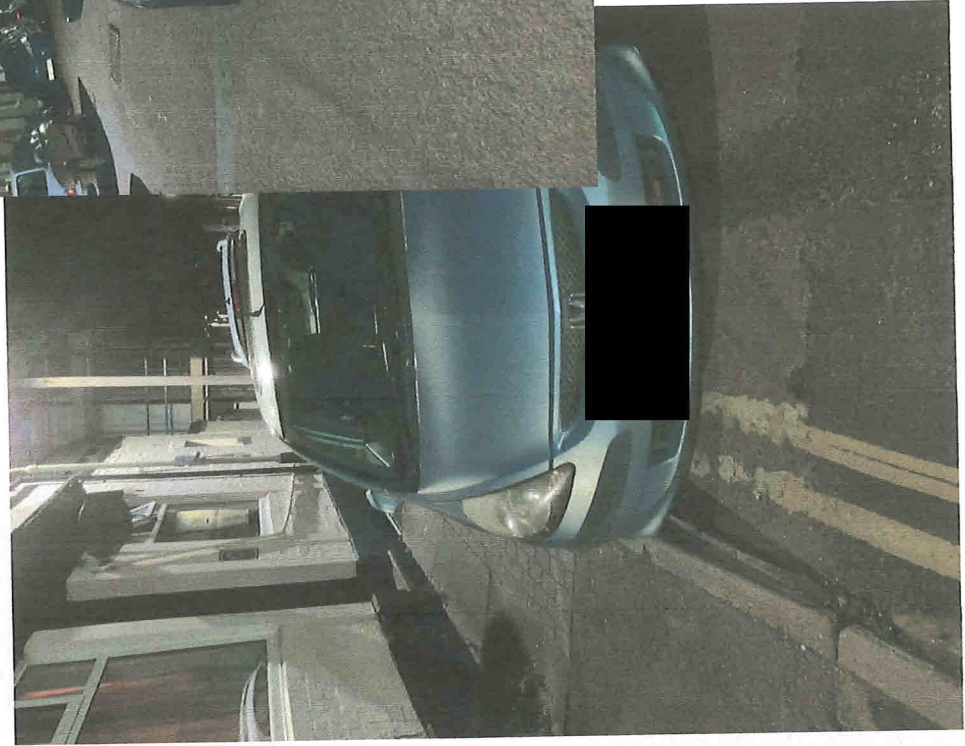
There were four spaces on Park Street, but five cars were on double yellow lines. Page 103

Market Street had no free spaces, and both disabled spaces were blocked by trucks with no badges.



## Bloomsbury St

There were four free parking spaces on Bloomsbury Street, but only because almost half of the cars parked on pavements making it impossible for people with buggies or in wheelchairs to pass.



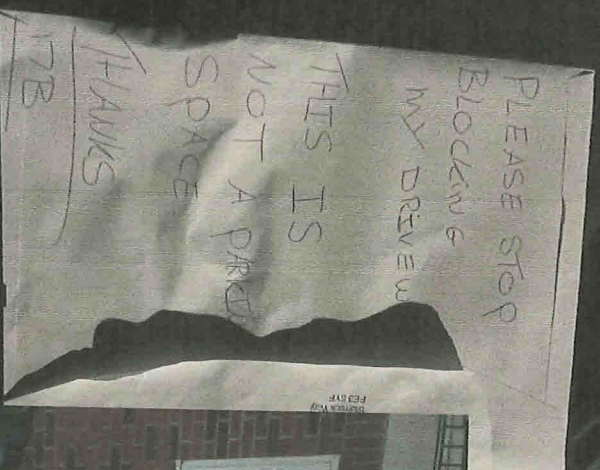


# Stoneville St

There were no free spaces on Stoneville Street, and many cars were parked in front of garages with cones or No Parking signs displayed. One van was parked blocking a driveway, and bore a note on the windshield to that effect.

Page 105

Please stop blocking my drive



This is not a parking space

Thanks

17B



## Summary

Dozens more photos like these.

Lots of illegal parking - on double yellow lines, in disabled bays with no disabled badge - and inconsiderate parking - on the pavement, blocking driveways.

Much more illegal and inconsiderate parking than spare spaces (of which there were only a small handful)

**How much worse would it be with additional high density housing with no parking?**

2:00pm

The Planning Officer  
Cheltenham Page 108 Council  
PO Box 12  
Municipal Offices  
Promenade Cheltenham  
Glos GL50 1PP

Apt 41  
Honeybourne Gate  
2 Gloucester Rd  
Cheltenham  
GL51 8DW  
22-4-'23

REF 23/00625/FUL

Dear Michelle Payne

I strongly object to the planning application made for the redevelopment of an old factory to provide a residential development of 18 apartments in an already overcrowded corner of High St. Parking is very limited and Gloucester Rd / Tewkesbury Rd / High St have constant traffic and jams everyday with queues of cars and many huge lorries. It is not safe as it is.

Another large building is only going to add to the problems and frustration.

There are so many near misses.

Most people moving into their flats will own cars and there will be constant delivery vans, tradesmen etc. servicing the flats which is only going to increase the already dangerous congestion.

I hope when you are planning the building that due consideration will be made to the impact on the local community.

As I am on the third floor and the plans are for four floors, it will inevitably take some of my light.

Yours sincerely

[Redacted signature]

Supporting photographs from Apartment 52 Honeybourne Gate comment:



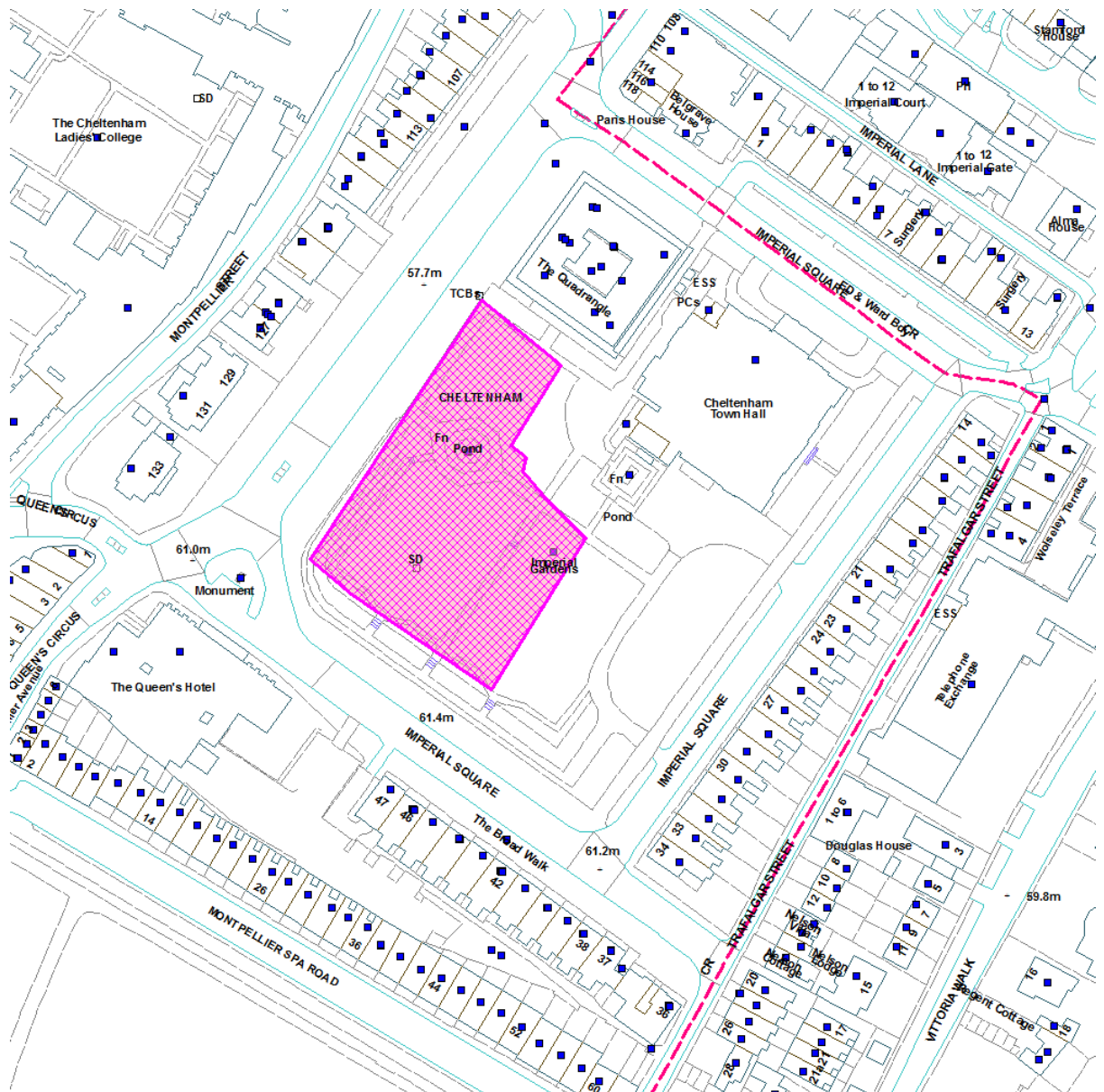


This page is intentionally left blank



<b>APPLICATION NO:</b> 24/00605/CONDIT	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 9th April 2024	<b>DATE OF EXPIRY:</b> 9th July 2024
<b>DATE VALIDATED:</b> 9th April 2024	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	
<b>LOCATION:</b>	Imperial Garden Promenade Cheltenham
<b>PROPOSAL:</b>	Variation of condition 5. (generators) of granted permission 22/01200/FUL. To enable the use of a generator, running exclusively on certified sustainably sourced HVO, in 2024-25, as part of a hybrid power set-up alongside the existing electrical infrastructure and a high-capacity mobile battery unit.

**RECOMMENDATION:** Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to the south western section of Imperial Gardens which is a public green space located within Cheltenham's Central Conservation Area and within the Montpellier Character Area. A number of listed buildings are located within close proximity of the site, this includes Grade II and Grade II\* listed buildings, the surrounding uses include a range of commercial uses and residential properties.
- 1.2 Planning permission was granted in 2022 under planning ref: 22/01200/FUL for the erection of temporary structures in connection with festivals and special events, and included the use of an ice rink in imperial gardens. The permitted ice rink was granted for a maximum period of 75 days (November to January), for 3 separate periods, 2022/2023, 2023/2024 and 2024/2025.
- 1.3 The permitted application was subject to a number of conditions, the condition most relevant to this application is condition 5 which relates to the use of generators. This condition reads:
- 'The development hereby approved shall not use 100% diesel generators and only hybrid or biofuel generators are permitted.*
- Reason: In the interests of sustainable development and the reduction of carbon emissions, having regard to Section 14 of the NPPF, adopted policy INF5 of the Joint Core Strategy (2017) and the aims of The Cheltenham Climate Change SPD (adopted June 2022).'*
- 1.4 The applicant, Cheltenham Borough Council (CBC) is seeking permission to vary condition 5 of this original consent to enable the use of a generator, running exclusively on certified sustainably sourced HVO (Hydrotreated Vegetable Oil) for the 2024 – 2025 period, as part of a hybrid power set up, alongside existing electrical infrastructure and a high-capacity mobile battery unit.
- 1.5 This application is similar to that considered last year under planning ref: 23/01324/CONDIT, which was permitted for the 2023-2024 period.
- 1.6 The application is at committee as CBC is the applicant.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Conservation Area  
Core Commercial Area  
Principal Urban Area  
Public Green Space (GE36)  
Smoke Control Order

### **Relevant Planning History:**

**19/01370/FUL 26th November 2019 PER**

Erection of temporary structures including ice rink in Imperial Gardens in connection with festivals and special events for a maximum of 75 days, inclusive of rig and de-rig for 2 periods being 2020/21 (November 2020 - January 2021) and 2021/22 (November 2021- January 2022). In addition to the current planning permission for festivals and special events on Montpellier Gardens and Imperial Gardens

**20/00369/FUL 1st June 2020 PER**

Erection of temporary structures in connection with festivals and special events including ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig and Christmas Markets on the Promenade for a maximum of 41 days, inclusive of rig and de-rig for a period of 2 periods being 2020 (November - December 2020) and 2021 (November - December 2021) in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

**21/01856/FUL 20th October 2021 PER**

Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2021 - January 2022) inclusive of rig and de rig.

This is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

**21/02476/DISCON 11th November 2021 DISCHA**

Discharge of condition 3 (noise impact assessment) of planning permission 21/01856/FUL

**22/01117/FUL 19th August 2022 PER**

Erection of temporary structures on pedestrian pavement along Promenade and Imperial Gardens, and long gardens in relation to Christmas markets for a maximum of 41 days for two periods 2022 (November - December 2022) and 2023 (November - December 2023) including set-up and take-down

**22/01200/FUL 28th September 2022 PER**

Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January ) inclusive of rig and de-rig, this is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

**23/01324/CONDIT 25th September 2023 PER**

Variation of condition 5 of planning permission 22/01200/FUL, to allow the use of biofuel generators and batteries for the periods 2023/2024 and 2024/2025

**23/01815/DISCON 13th November 2023 DISCHA**

Discharge of condition 5 (power source) of granted permission 23/01324/CONDIT and condition 3 (external generators) of granted permission 22/01200/FUL

**23/01890/DISCON 7th November 2023 DISCHA**

Discharge of condition 4 (Tree Protection Plan) of granted permission 22/01200/FUL

### **3. POLICIES AND GUIDANCE**

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

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 Conserving and enhancing the historic environment

#### **Adopted Cheltenham Plan Policies**

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

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

SD2 Retail and City / Town Centres

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD8 Historic Environment  
SD14 Health and Environmental Quality  
INF1 Transport Network  
INF5 Renewable Energy/Low Carbon Energy Development

**Supplementary Planning Guidance/Documents**

Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)  
Climate Change (2023)

## 4. CONSULTATIONS

**Cheltenham Civic Society**

*18th April 2024 - 24/00605/CONDIT*

Variation of condition 5. (generators) of granted permission 22/01200/FUL. To enable the use of a generator, running exclusively on certified sustainably sourced HVO, in 2024-25, as part of a hybrid power set-up alongside the existing electrical infrastructure and a high-capacity mobile battery unit. | Imperial Garden Promenade Cheltenham Gloucestershire

NEUTRAL

Support in principle as an interim arrangement. We look forward a sustainable, permanent solution coming to fruition.

**Environmental Health**

*29th April 2024 -* At the current time, the Environmental Protection team are neither minded to object nor support this application. This is based on the grounds of the potential impact of noise the proposed activity would have on neighbouring residential properties.

Prior to any installation or use of any power unit for this application, full details of the operation including noise levels subject to BS4142:2014, shall be submitted to and approved in writing by the Local Planning Authority. This is to assess the expected noise levels from the proposed plant/equipment installation at the nearest noise sensitive premises and will be undertaken based on the worst-case scenario. Should this assessment detail that the proposed plant will exceed the levels as set in BS4142, the applicant will, in line with the contractor/consultant providing the assessment, set out any proposed noise mitigation measures. These will be made available in writing for review and approval by the EH team prior to the operation commencing. After written approval from this department, the noise control scheme shall be implemented on site for the first use of any power units and shall thereafter be maintained and operated in accordance with the approved scheme.

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 123 letters were sent to neighbouring land users, 4 site notices were displayed (one on each side of Imperial Gardens) and an advert was published in the Gloucestershire Echo. 2 letters of objection have been received in response to this neighbour notification process. The concerns raised have been summarised but are not limited to the following:
- Questions over the financial success of the ice rink in 2023-2024 period
  - Sustainability concerns

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 Under section 73 of the Town and Country Planning Act, applications can be made to vary or remove conditions associated with a planning permission. In this instance the applicant has submitted a Section 73 application to vary condition 5 of the original planning permission (22/01200/FUL). As noted in the introduction, condition 5 excluded the use of 100% diesel generators and only permitted the use of hybrid or bio-fuel generators. The applicant, CBC, is seeking consent to enable the use of a generator, running exclusively on certified sustainably sourced HVO for the 2024 – 2025 period, as part of a hybrid power set up, alongside existing electrical infrastructure and a high-capacity mobile battery unit.
- 6.3 The principle of development has already been considered as acceptable under the originally permitted application, the development was also considered to be acceptable in terms of its impact on designated heritage assets, highway safety and impact on existing trees. As this is only an application to vary condition 5 of the original consent, these matters remain acceptable and are not for consideration as part of this application. The considerations of this application therefore only relate to the acceptability of using a generator in terms of its impact on neighbouring amenity and sustainability/climate change.
- 6.4 The details of the application contain a number of supporting documents, this includes information regarding the type and specification of plant/equipment, a letter from CBC's Climate Emergency Officer, an Economic Impact Assessment, a letter from CBC's Director of Finance and Assets, additional environmental information, and a report on the ice rink operations for the 2023 – 2024 period.
- 6.5 The supporting information explains that the long-term solution for the ice rink power supply is still a wholly electric provision via a National Grid connection. CBC's Director of Finance and Assets confirms that the council has engaged a specialist engineering company to support the delivery of the project and that survey work relating to flooding, ground conditions, topography and tree roots has already been completed. However, whilst CBC are in discussions with the National Grid, they have experienced long delays in obtaining quotations from the National Grid for the connection works. This delay, in combination with the length of time the connection is likely to take to implement, means that this form of power supply is not likely to be possible for the 2024 – 2025 period. As such, an alternative power supply is required in order to continue to provide the Ice Rink facility.
- 6.6 CBC's Climate Change Officer confirms that *'the emissions associated with the operational phase of the ice rink in December 2023 was better than had been forecast. The use of combined generator and battery solution meant that the generator was only required to run for a couple of hours each day and the ice rink used only 12.7% of the fuel that was previously used to run the ice rink in 2021'*. The Climate Change officer concludes that whilst a main grid connection is explored *'the combined use of battery and Hydrogenated Vegetable Oil (HVO) has the potential to provide an effective transitional solution'*.
- 6.7 The application is also supported by an Economic Impact Assessment, which identifies that the Ice Rink played a key role in Cheltenham's Economy for the period between 17<sup>th</sup> November 2023 and 1<sup>st</sup> January 2024. The assessment identifies that users of the ice rink were also involved in other activities elsewhere in Cheltenham and therefore generated new spend elsewhere in the town. In addition, a report on the successes of the 2023 Ice

Rink has been provided, this discusses, amongst other matters, the environmental sustainability of the project and economic benefits. The document also identifies that no complaints were received by local residents with regards to the operational period of the Ice Rink and its power supply.

- 6.8 The Councils Environmental Health Officer (EHO) raises no objection to the application, but suggests a condition which requires the submission of a noise survey, a condition that was also attached to the previous variation of condition application in 2023.

### **7. CONCLUSION AND RECOMMENDATION**

- 7.1 It is unfortunate that the National Grid connection has not yet been secured, however officers acknowledge that the supporting information demonstrates that this is clearly being pursued and the Council has employed specialist engineers to help progress this matter further.
- 7.2 The considerations of this application are whether the use of a generator, fuelled by HVO, in combination with batteries is acceptable in terms of its impact on neighbouring amenity, with regard to noise and disturbance, and whether the equipment is acceptable in terms of sustainability and climate change.
- 7.3 With regards to noise and disturbance, no objection has been raised by the councils EHO, subject to a condition which requires the submission of a noise survey and potential mitigation measures. The submission demonstrates that this same power supply was successfully used for the 2023 – 2024 period without resulting in any operational noise complaints from local residents. Officers are satisfied that the equipment is unlikely to result in any unacceptable impact on neighbouring amenity, however a noise survey does need to be provided in order to determine if any mitigation measures such as an acoustic barrier is necessary. As such, a suitable condition has been suggested.
- 7.4 In terms of sustainability and climate change, CBC's Climate Change Officer considers the proposed power supply to be a suitable interim solution whilst a national grid connection is secured. The supporting information demonstrates that 2023 – 2024 resulted in a significant reduction in fuel consumption and emissions from that of 2021 – 2022 period.
- 7.5 It is also clear that the ice rink provides an important attraction to Cheltenham during its festival period and contributes to the towns economy, whether this be a facility that directly attracts new visitors/users, or one that supports other facilities and attractions that the town has to offer.
- 7.6 Having considered all of the above, for the reasons discussed, the proposal is considered to be acceptable and the recommendation is to permit the application. Condition 5 has been amended to allow for the use of the plant/equipment specified in the application, the other conditions have been amended accordingly, as set out below;

### **8. CONDITIONS / INFORMATIVES**

- 1 The use of temporary structures including the ice rink in Imperial Gardens in connection with festivals and special events shall be for a maximum of 75 days, inclusive of rig and de-rig for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January).

Reason: The use Imperial Gardens for festivals and special events may detract from the amenity of the locality and impact on neighbouring amenity. The Local Planning

Authority wishes to monitor and review these impacts before considering any further applications for a longer period of time.

- 2 The permission hereby granted shall be implemented in accordance with the Land Use Agreement Summary.

Reason: To ensure the successful implementation of this planning permission and therefore ongoing compliance with Cheltenham plan policy SL1 relating to neighbouring amenity.

- 3 Prior to the installation or use of any power unit/equipment, full details of the operation including noise levels subject to BS4142:2014, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment shall provide details of the expected noise levels from the proposed plant/equipment installation at the nearest noise sensitive premises and will be undertaken based on the worst case scenario. Should the assessment detail that the proposed plant will exceed the levels as set in BS4142, details of the proposed noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority, prior to the operation of any equipment.

The proposed equipment shall be installed, operated, and maintained in accordance with the details so approved.

Reason: To safeguard the amenities of adjacent properties, having regard to Cheltenham plan policy SL1 and Joint Core Strategy policy SD14.

- 4 The works shall be carried out in accordance with the approved tree protection measures approved under ref: 23/01890/DISCON.

Prior to the commencement of development (including demolition and site clearance), the tree protection measures shall be installed and 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).

- 5 The development hereby approved shall only use generators operated by sustainably sourced Hydrogenated Vegetable Oil (HVO) and shall be installed and operated in accordance with the plant specification details set out in document 00605.01, unless otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to control the nature of generators to be used and in the interests of sustainable development and the reduction of carbon emissions having regard to Section 14 of the NPPF, adopted policy INF5 of the Joint Core Strategy (2017) and the aims of the Cheltenham Climate Change SPD (Adopted June 2022).

### **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.

## Page 120

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.



<b>APPLICATION NO: 24/00605/CONDIT</b>	<b>OFFICER: Mr Ben Warren</b>
<b>DATE REGISTERED: 9th April 2024</b>	<b>DATE OF EXPIRY : 9th July 2024</b>
<b>WARD: Lansdown</b>	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>LOCATION:</b>	Imperial Garden Promenade Cheltenham
<b>PROPOSAL:</b>	Variation of condition 5. (generators) of granted permission 22/01200/FUL. To enable the use of a generator, running exclusively on certified sustainably sourced HVO, in 2024-25, as part of a hybrid power set-up alongside the existing electrical infrastructure and a high-capacity mobile battery unit.

**REPRESENTATIONS**

Number of contributors	<b>2</b>
Number of objections	<b>2</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

36D The Broad Walk  
 Imperial Square  
 Cheltenham  
 Gloucestershire  
 GL50 1QG

**Comments:** 23rd April 2024

This is the third application for the ice rink that dismisses previous decisions and requires previous conditions to be removed. It makes a mockery of the planning system and damages the credibility of the Planning Committee. Each of the previous applications used selective and misleading data to support their case and this application is no different.

The 2023 Ice Rink application as presented would not have delivered the promised improvements but the person responsible for delivering the project listened, and consulted professional Power and Noise engineers. This resulted in a much improved event, greatly decreasing the Local Air Pollution, but at a price. A loss of £74,000. In order to deflect from this Council leaders and Officers made several statements about the success of the ice rink, supposedly data from the Cheltenham Ice Rink Economic Impact Report but yet again these statements are suspect, to say the least.

1. The results are reported to be from an independent survey but the questions and the structure of the survey were influenced by Council Officers, which brings into question its impartiality.
2. All the financial figures are stated as fact when the report itself identifies them as "estimates". Worse still these estimates are based on a poorly designed survey and a flawed process rendering the data unreliable.

3. The report includes a statement for Staying visitors that "Due to the small sample size caution should be taken when interpreting the results for these respondents." The announcements made by Marketing Cheltenham and the Cabinet Member for Economic Development, Culture, Tourism and Wellbeing completely ignored this advice but worse still, I have discovered that of the four categories analysed only one had a Sample Size big enough to render them reliable.
4. The survey divided the visitors into four subsets: Staying Visitors, Staying Outside Cheltenham, Day Visitors and Residents. Only Residents met the criteria for recommended Sample Size, but how respondents were categorised as "Influenced" was ambiguous which directly influenced the figures for "additional spend".
5. As already stated, the data attributed to categories Staying Visitors, Staying Outside Cheltenham and Day Visitors is unreliable due to their low sample size This directly effects the process "How was the spend generated by the ice rink calculated" rendering stage 1 and stage 2 unreliable.
6. The method of establishing "Influenced" visitors is compromised by the ambiguity and confusion of question 11 and further compromised by questions 13 and 15.
7. Stage 3 is intended to remove any spend where a visitor states "they would have spent this money even if there were no ice rink present in Cheltenham" but this question is never asked.
8. This renders stage 3 unreliable and as a consequence the data entered into the Cambridge model at stage 4 is also unreliable. So the spend generated calculation is flawed at every stage and the data generated unreliable and inflated.
9. The statement made by several Council Leaders and Officers that "we reduced the carbon footprint by a staggering 98 per cent compared to the 2021 ice rink on the same site" is simply untrue. There was a welcomed reduction in the tailpipe CO2 emissions but this was almost entirely due to the transfer of power delivery to the grid supply and huge auxiliary battery. In other words a lauded reduction of Scope 1 emissions but a failure to acknowledge an increase in Scope 2 emissions and no information at all about Scope 3 emissions.
10. The Ice Rink 2023 consumed 55.76 Million Watt hours of power. That is enough power to run 16 homes every day for the period of the event. Put another way - that is enough power to run One Cheltenham home for Two Years. This supports the argument that running ice rinks in temperate climates such as Cheltenham is just not sustainable.
11. The delivery and positioning of the equipment caused severe damage to flower beds and areas of the lawns (the Auxiliary battery alone weighed 10 tonnes). This has been repaired but the long term effect of the compaction caused is yet to be realised.

This gaslighting of the public, the Cabinet and the Planning Committee is unworthy and lacks the propriety to enable a proper decision to be made. This application should be rejected or at least deferred until the Survey and the Economic Impact Report can be properly assessed and the data verified.

22 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 15th April 2024

Over the last 3 years the council have had 37 applications and approved them all. There is literally no point in entering into this box ticking exercise, however I will do.

Growing plants to make fuel and then shipping it half way around the world is NOT GREEN. Please do not dress it up as being green because you are kidding yourself and misleading others.

Then using this to run events that are poorly attended and are paid for by tax payers (Ice rink and big wheel were lossmaking) that can ill afford it, is not a sensible use of public money. However I'm in no doubt that you will make some spurious claim about the average teenage ice rink goer adding nearly £70 to the local economy (£1.6m divided by the visitor volumes) each trip.

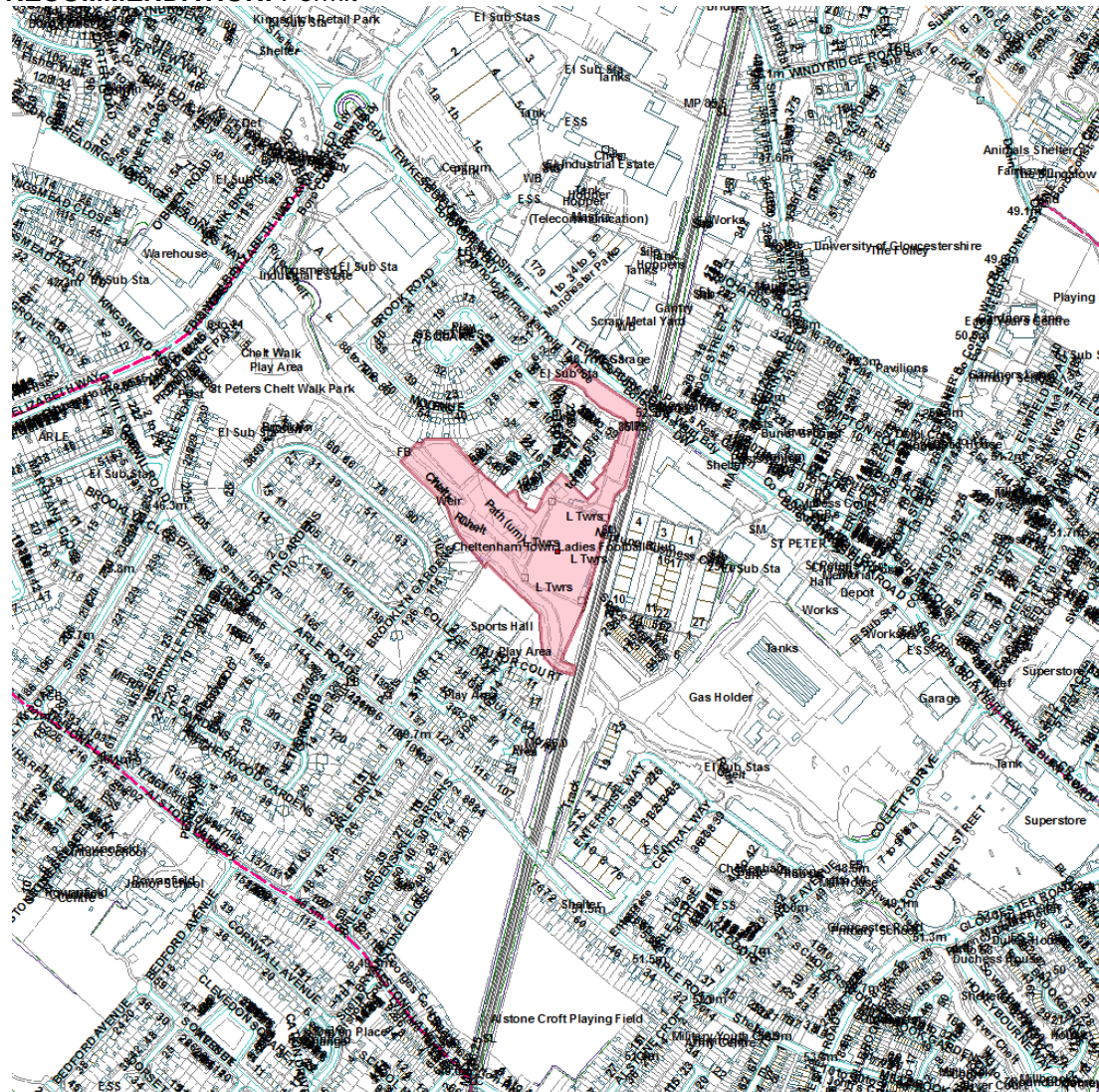
Move forward, slap yourself on the back and pray to god that the global environment does not tip past the point of no return in your life time and that those that can't afford food do not read too much into the loss making stats of the events.

I'm objecting because it is an eye sore, costs the tax payer money they can't afford, is not environmentally sound, and so on, blah, blah, blah. You probably haven't got this far as you have already clicked let's go for it.

This page is intentionally left blank

<b>APPLICATION NO:</b> 24/00407/CONDIT	<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 9th March 2024	<b>DATE OF EXPIRY:</b> 8th June 2024
<b>DATE VALIDATED:</b> 9th March 2024	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Peters	<b>PARISH:</b> n/a
<b>APPLICANT:</b>	St. Petersfield Partnership
<b>AGENT:</b>	Anderson Architecture
<b>LOCATION:</b>	St Peters Playing Field St Peters Close Cheltenham
<b>PROPOSAL:</b>	Variation of condition 2 (approved drawings) to make alterations to the design of the Community Sports Hub Building; and removal of condition 3 (material samples), condition 4 (green roof details), condition 5 (construction management plan) and condition 6 (SuDS) of planning permission ref. 22/01743/FUL

**RECOMMENDATION:** Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to St Peters Playing Field; a designated public green space, which also includes a playing field used by Cheltenham Saracen's Football Club. The site, as existing, has three small buildings which provides facilities for the Football Club. The site is accessed by car through St Peters Close, which benefits from a large car park to serve the site, and by foot via St Peters Close and Princess Elizabeth Way. The site is within the St Peters Ward and is not in a Conservation Area.
- 1.2 This application seeks to vary and remove conditions of the previously approved application for 'Erection of a new single storey Community Sports Hub building, creation of a new private access road off St. Peters Close, the expansion of the existing carpark, and the enhancement of the riverside park including realignment of existing foot/cycleway (Chelt Walk) and compensatory tree planting.' under planning application ref. 22/01743/FUL.
- 1.3 During the course of the application, further details to address additional conditions have been submitted. As such, the application now seeks to remove/vary the following conditions of planning permission 22/01743/FUL;
- Variation of Condition 2 – approved drawings – alterations to the design of the Community Sports Hub Building
  - Remove Condition 3 – Material details,
  - Remove Condition 4 – Green roof details,
  - Remove Condition 5 – Construction Management Plan,
  - Remove Condition 6 – Sustainable Drainage, and
  - Remove Condition 9 – Contaminated Land – site survey.
- 1.4 The application is to be determined at planning committee as the Council are the applicants as well as the landowner.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Flood Zone 2  
Flood Zone 3  
Made-up ground  
Principal Urban Area  
Public Green Space (GE36)

### Relevant Planning History:

**82/00255/PF 12th August 1982 REF**

Conversion Of Waste Land To Football Pitch,Cycle Track And Chelt Walk

**82/00367/PF 8th October 1982 PER**

Change Of Use Of Waste Land To Football Pitch And Extension To Chelt Walk

**82/00413/PF 16th December 1982 PER**

Change Of Use Of Waste Land To Moto-Cross Track

**82/00414/PO 16th December 1982 PER**

Erection Of Youth Club

**83/00157/PO 28th April 1983 PER**

Erection Of Youth Club

**83/00165/PF 6th June 1983 REF**

Construction Of Football Pitch With 6m High Fence.Extension Of Chelt Walk And Construction Of Bmx Track With Fence

**83/00340/PF 5th October 1983 UNDET**

Entrance To Stormwater Overflow Replacement

**83/01126/PF 28th April 1983 PER**

Construction of BMX track surrounded by palisade type fence, extension of chelt walk and construction of football pitch with 6m high fence

**84/00053/PR 28th June 1984 PER**

Renewal Of Permission Of B.M.X. Track Surrounded By Palisade Fence, Extension Chelt Walk, Construction Of Soccer Pitch

**85/00485/PR 27th June 1985 PER**

Renewal Of Permission For Bmx Track Surrounded By Palisade Type Fence, Extension Of Chelt Walk And Construction Of Football Pitch With 6ft High Fence

**85/00573/PF 25th July 1985 PER**

St Peters Recreation Ground Cheltenham Gloucestershire - Proposed Changing Rooms For Cheltenham Saracens Sports Club

**86/00597/PF 24th July 1986 PER**

St Peters Sports Field Cheltenham Gloucestershire - Resiting Of Sales Office As Temporary Pavilion

**86/00622/PR 24th July 1986 PER**

Renewal Of Permission For Bmx Track Surrounded By Palisade Type Fence

**86/00999/PF 27th November 1986 REF**

Erection Of Changing Rooms (Alternative Location)

**86/01231/PF 18th December 1986 PER**

Proposed Covered Stand

**87/00805/PR 27th August 1987 PER**

Renewal Of Permission For Bmx Track Surrounded By Palisade Type Fence

**91/01207/PF 23rd January 1992 PER**

Extension To Existing Changing Accommodation To Provide Tea Room, Kitchen And Ladies Toilet

**94/00772/PF 15th September 1994 PER**

Extension To Existing Changing Accommodation To Provide Tea Room, Kitchen And Ladies Toilet

**01/01215/CONDIT 3rd April 2002 PER**

Increase size of floodlight pylons for football from 10m (as approved) to 15m

**05/01134/FUL 6th September 2005 PER**

Erection of spectator toilet accommodation

**11/01620/FUL 10th January 2012 PER**

Erection of a 50 seat spectator stand on football ground in addition to existing unit

**22/01743/FUL 20th January 2023 PER**

Erection of a new single storey Community Sports Hub building, creation of a new private access road off St. Peters Close, the expansion of the existing carpark, and the enhancement of the riverside park including realignment of existing foot/cycleway (Chelt Walk) and compensatory tree planting.

### **3. POLICIES AND GUIDANCE**

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

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 8 Promoting healthy and safe communities  
Section 12 Achieving well-designed places

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

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD9 Biodiversity and Geodiversity  
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

#### **Cheltenham Plan Policies**

D1 Design  
SL1 Safe and Sustainable Living  
GI1 Local Green Space  
GI2 Protection and replacement of trees  
GI3 Trees and Development

#### **Supplementary Planning Guidance/Documents**

The Cheltenham Climate Change SPD (adopted June 2022)

### **4. CONSULTATIONS**

#### **Drainage And Flooding**

*19th March 2024 –*

With regards to flood risk and drainage the site is considered a major development as the site area exceeds 1ha. The Lead Local Flood Authority should therefore be consulted and advise on the proposed revision to condition 6.

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

*19th March 2024 -*

TOWN AND COUNTRY PLANNING ACT 1990 LEAD LOCAL FLOOD AUTHORITY  
RECOMMENDATION LOCATION: St Peters Playing Field St Peters Close Cheltenham  
Gloucestershire

PROPOSED: Variation of condition 2 (approved drawings), removal of condition 4 (green roof details) and variation of condition 6 (SuDS) of planning permission ref. 22/01743/FUL; to allow for changes to the design of the Community Sports Hub building

The application does not include adequate detail to discharge condition 6 of planning consent 22/01743/FUL. The Planning Statement submitted with the application includes a request to delete the words "works have been implemented in accordance with" from condition 6. The reason for this statement is to ensure that flood risk outside the development is not increased



during the development process as attenuation and flow control will be in place before subsequent disturbance of the drainage regime takes place.

Without seeing a drainage strategy it is difficult to determine what impact allowing the drainage strategy to be built concurrently with the rest of the development will have.

Discussions with the developer have suggested that it may be by attenuation through swales that are part of the landscape design, however there is no indication in the submitted landscape plan that such features have been included. I would be reluctant to see this element of the condition removed without seeing a detailed drainage strategy that we can agree.

*17th May 2024 –*

**TOWN AND COUNTRY PLANNING ACT 1990 LEAD LOCAL FLOOD AUTHORITY RECOMMENDATION**

**LOCATION:** St Peters Playing Field St Peters Close Cheltenham Gloucestershire

**PROPOSED:** Variation of condition 2 (approved drawings), removal of condition 4 (green roof details) and variation of condition 6 (SuDS) of planning permission ref. 22/01743/FUL; to allow for changes to the design of the Community Sports Hub building.

The Drainage and maintenance strategy document published on the planning portal on 15th May 2024 contains suitable detail to discharge condition 6 of planning permission 22/01743/FUL.

The LLFA has no further objection to this application.

### **Contaminated Land Officer**

*2nd May 2024 –*

In relation to 24/00407/CONDIT, St Peters Playing Field, St Peters Close, please find the below response from Environmental Health.

**Condition 5: Construction Management Plan**

After reviewing the submitted Construction Management Plan, Environmental Health would recommend the discharge of Condition 5.

**Condition 9: Contaminated Land, Site Survey**

The submitted contaminated land report has been reviewed. This recommended:

- Additional ground gas monitoring to full characterise the ground gas regime.
- To undertake a stage 2: remediation options appraisal.
- To undertake stage 3: remediation and verification works, including development of a remediation strategy, verification of the identified remediation works.

Therefore, at this stage, Environmental Health would not recommend the discharge of Condition 9, as to recommend a full discharge the remediation and verification certificates are required. Once a remediation strategy has been proposed, this will need to be approved in writing by the Local Planning Authority prior to the remediation occurring to allow for EH to review this.

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

*8th May 2024 –*

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

(Development Management Procedure)(England) Order, 2015 recommends that this application be deferred.

The justification for this decision is provided below.

Can you please ask the applicant to confirm that all contractor parking and deliveries will be contained within the site and there will be no overspill onto adjoining highways?

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

*17th May 2024 –*

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection.

The justification for this decision is provided below.

In considering the Construction Management Plan it has been confirmed that all contractor parking and deliveries will be accommodated within the site and there are therefore no objections to the application on highways grounds.

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

The Highway Authority therefore submits a response of no objection.

**Gloucestershire Centre For Environmental Records**

*15th March 2024 –*

Report available to view in documents tab.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	0
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 Letters have not been sent to adjoining land users in this instance; the application has been publicised by way of 4 no. sites notices placed on neighbouring residential streets, and an advert in the Gloucestershire Echo. Following the statutory consultation period; no responses have been received in response to the proposed development.

**6. OFFICER COMMENTS**

- 6.1 **Determining Issues**

- 6.2 As set out in the introduction, this application is seeking the vary and remove conditions from the previously approved application ref. 22/01743/FUL;
- Variation of Condition 2 – approved drawings – alterations to the design of the Community Sports Hub Building
  - Remove Condition 3 – material details,
  - Remove Condition 4 – green roof details,
  - Remove Condition 5 – construction management plan,
  - Remove Condition 6 – Sustainable Drainage, and
  - Remove Condition 9 – Contaminated Land – site survey.
- 6.3 With the previous permission in mind and given the principle of the works have been previously approved, the consideration for this application is the acceptability of the proposed changes to the building in terms of design, and the details submitted to address the previous conditions which are proposed to be removed.
- 6.4 **Condition 2 – approved drawings; change to the design of the Hub Building**
- 6.5 The application proposes a change to the design of the previously approved Community Sports Hub Building. The building is to remain in the same location, on the same footprint and single storey, as previously approved; the form and design of the building has been amended as part of this application. The internal facilities as previously approved are to remain unchanged. As such, the changes to the design include, the previously approved clerestory roof has been changed to a dual pitched roof; alterations have been made to simplify the fenestration; the proposed green roof has been omitted and changed to be a composite steel panelled roof, including solar PV panels; and the ridge height of the building has been reduced by 120mm.
- 6.6 The building in its revised form would have a dual pitched roof, a red brick finish with a grey, steel panelled roof, and grey windows and doors. The initially proposed green roof has been omitted. Whilst this element of the scheme was a favoured addition to address policy SD3 of the JCS and Cheltenham's Climate Change SPD, the proposal now includes solar panels and therefore would still address the aforementioned policy and guidance document.
- 6.7 Whilst it is unfortunate that the design of the building has been simplified, the amended external form and finish of the building is considered to be appropriate for its use and location.
- 6.8 The changes proposed to the building, when assessed against policy SD4 of the JCS and D1 of the Cheltenham Plan which seek development to be of a high standard of design that responds positively to and respects the character of the site and its surroundings, is considered to be acceptable.
- 6.9 **Condition 3 – external facing and roofing material details**
- 6.10 Condition 3 of the previous permission required materials details to be submitted prior to their installation. As such, the applicants have submitted details of the proposed materials for the newly designed building. As previously mentioned, the building is to have red brick elevations with an anthracite grey steel panelled roof. Given the location of the building, and its functionality, the proposed materials are considered to be appropriate to achieve an acceptable design. The details submitted in the specification sheet are considered to be acceptable.
- 6.11 **Condition 4 – green roof details**

6.12 Condition 4 of the previous application required details of the green roof. Give the change to the design of the building, and the omission of the green roof, these details are no longer required.

### 6.13 **Condition 5 – construction management plan**

6.14 A Construction Management Plan (CMP) was requested by the County Council Development Management Highways team as part of the previous application. A CMP has been submitted and agreed by the Development Management Highways Officer; full comments can be read above. Initially, further confirmation was required; the applicants have provided an updated CMP to address comments. The details within the revised CMP has been agreed by the Development Management Highways Officer. Condition 5 has therefore been suitably addressed.

### 6.15 **Condition 6 – sustainable drainage**

6.16 Details of surface water drainage works were requested as part of condition 6 of the previous permission. Details to remove this condition have been submitted. Comments received from the County Council's Sustainable Drainage Engineer has provided comment on the submitted details. The initial submission was not considered to address the condition. As such, further details have been submitted which is considered to address the condition. As such, based on the revised Drainage and Maintenance Strategy, the Sustainable Drainage Engineer is happy with these details and has no objection to the works.

### 6.17 **Condition 9 – contaminated land site survey**

6.18 Condition 9; submission of a Phase 2 Intrusive Site Investigation Survey, was initially sought to be removed. However, whilst details were submitted, the Council's Environmental Health Officer has not recommended approval of these details as the submission does not address the condition in full. As such, it has been agreed by the applicant that the original condition will remain on the permission.

### 6.19 **Other considerations**

#### 6.20 Protected Species

Whilst records show important species or habitats have been sighted near to the application site in the past, it is not considered that the scale of the proposed development will have a harmful impact on these species.

#### 6.21 Public Sector Equalities Duty (PSED)

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

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

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

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

### 7. CONCLUSION AND RECOMMENDATION

- 7.1 As set out above, the proposed changes to the scheme are considered to be acceptable.
- 7.2 The proposed changes to the design of the building, whilst simplified, are acceptable in terms of design and comply with the relevant design policies and guidance. Furthermore, the proposed material pallet is appropriate for the building type and location.
- 7.3 With regards to the CMP and SuDS details, the submitted details are considered to be appropriate and address the requirements of the conditions of the previously approved scheme ref. 22/01743/FUL.
- 7.4 As such, taking the above, and consultee responses into consideration, the recommendation is to permit this application subject to the conditions set out below.

### 8. CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of the original decision (20th January 2023) issued under planning permission ref. 22/01743/FUL.

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 the decision notice issued under planning permission ref. 22/01743/FUL, unless amended by the plans listed in Schedule 1 of this decision.

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

- 3 The external facing and roofing materials shall be applied in accordance with the External Materials Specification received 26th April 2024 building unless otherwise first agreed in writing by the Local Planning Authority.

For clarity the approved materials are:

Brick - Michelmersh Carlton Heather Sandfaced brickwork

Roof - Jorisode JI PIR Trapezoidal Insulated Roof Panel in colour anthracite grey HPS 200 - Ultra Coating

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).

- 4 The proposed development shall be carried out in accordance with the submitted Construction Management Plan received 15th May 2024.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 5 The proposed development shall be carried out in accordance with the submitted Drainage and Maintenance Strategy received 15th May 2024.

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

- 6 Prior to the implementation of any landscaping, full details of a hard and/or 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; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a 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/or soft landscaping works shall be carried out in accordance with the approved details unless otherwise 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). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 7 The tree(s) identified to be removed on the approved plans shall be replaced by one of the same species in the same vicinity unless otherwise agreed in writing by the Local Planning Authority. The replacement tree(s) shall be planted during the next available planting season (November - February). The size of the tree(s) shall be at least a Selected Standard as per BS3936-1:1992. The trees shall be maintained for at least 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

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

- 8 No building works hereby permitted shall be commenced until a Phase 2 Intrusive Site Investigation Survey has been submitted to and approved in writing by the Local Planning Authority. The Phase 2 Intrusive Site Investigation Survey shall check on the extent of any possible contamination and the extent of any remedial work which may need to be undertaken to ensure the safety of future receptors.

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 The Community Sports Hub hereby permitted must cease operation and close by 00:00 hours seven days a week.

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

- 10 No lighting shall be installed unless in accordance with the recommendations for lighting as set out within Section 4 (Discussion), paragraph 4.4.4 of the submitted Ecology Report received 26th September 2022 as part of planning application ref. 22/01743/FUL.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

## INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The applicant is advised that the design and layout of the changing pavilion should comply with the relevant industry Technical Design Guidance, including guidance published by Football Foundation's Designing your changing pavilion: <https://footballfoundation.org.uk/changing-pavilion-design-key-considerations>

- 3 The construction phase should be kept in line with the Boroughs recommended hours of work, as follows:  
07:30 - 18:00 Monday - Friday and  
08:00 - 13:00 Saturdays  
with no works to take place on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

- 4 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.

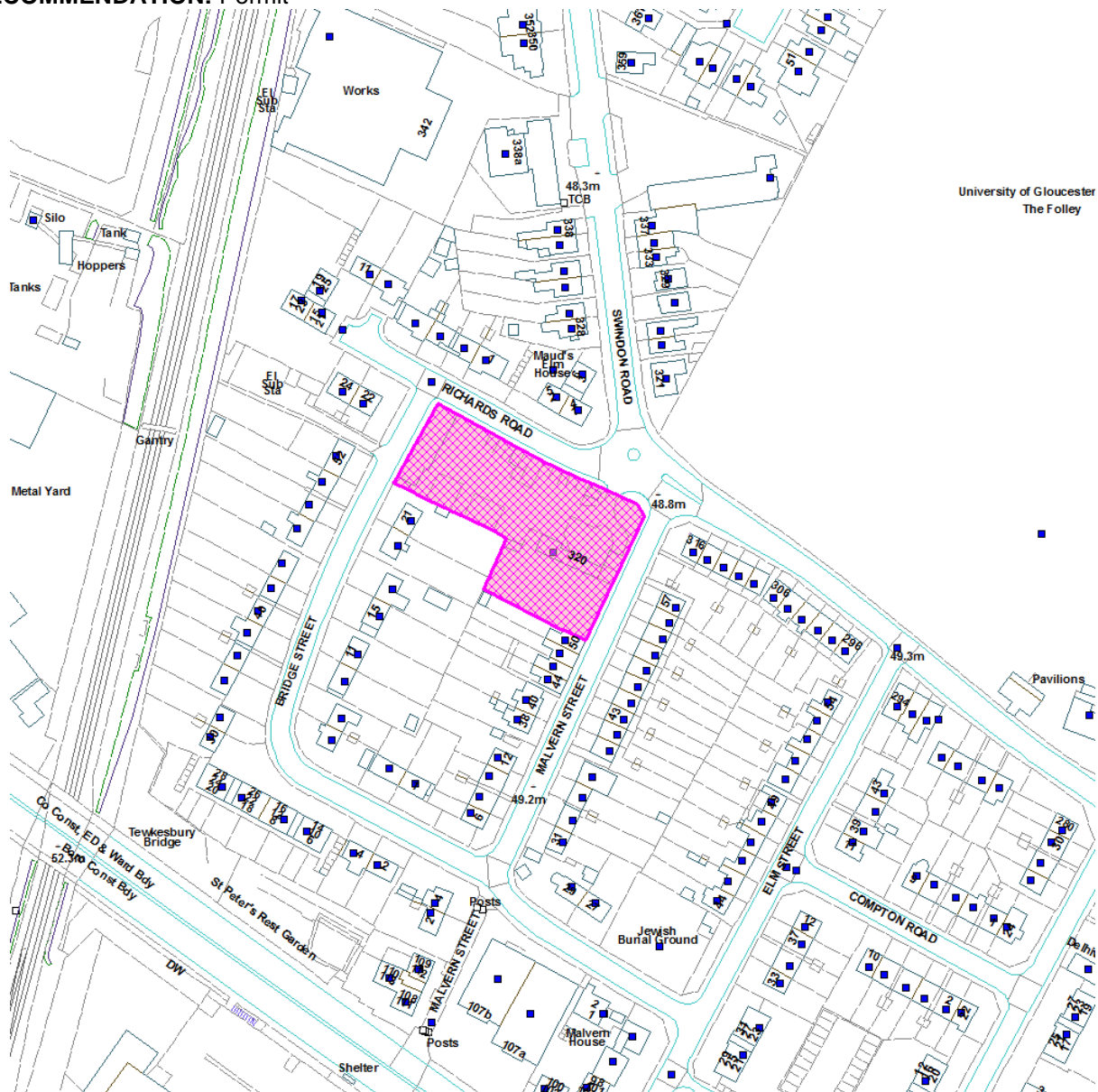
- 5 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:  
Constructors should give utmost consideration to their impact on neighbours and the public  
- 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.

This page is intentionally left blank



<b>APPLICATION NO:</b> 24/00642/CONDIT	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 16th April 2024	<b>DATE OF EXPIRY:</b> 16th July 2024
<b>DATE VALIDATED:</b> 16th April 2024	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Swindon Village	<b>PARISH:</b>
<b>APPLICANT:</b> Cheltenham Borough Homes	
<b>AGENT:</b> WSP	
<b>LOCATION:</b> 320 Swindon Road Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Variation of condition 2 (approved plans), 6 (hard and/or soft landscaping) and 17 (Solar PV panels and air source heat pumps) of granted permission 21/02038/FUL. Amendments to the proposed plans and clarification regarding the energy strategy.

**RECOMMENDATION:** Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site known previously as Mauds Elm, formerly comprised a farmhouse style dwelling with outbuilding, now demolished. The site is located within Cheltenham's Principle Urban Area (PUA) and is surrounded by existing residential development on Malvern Street, Richards Road and Bridge Street.
- 1.2 Planning permission was granted in 2021 under planning ref:21/02038/FUL for the Demolition of all existing buildings and erection of 24 dwellings comprising seven houses and 17 apartments (Use Class C3), and other associated works including access, infrastructure, landscaping, and parking. Since the application was permitted, condition 16 and condition 22 of the original consent have been discharged, and subsequently the existing building have been demolished and site cleared. The original planning permission has therefore been commenced and the planning permission is extant. This has been confirmed in writing by the Councils Compliance Team.
- 1.3 The applicant, Cheltenham Borough Homes (CBH) is seeking permission to vary condition 2, 6 and 17 of the original consent which relate to the approved plans, the hard and soft landscaping details and the renewable technologies. The application is submitted in order to allow for various changes to the approved scheme. These changes have been set out in the applicants planning statement, but in summary these include:
- Minor site layout changes – relocation of bin stores, inclusion of bin collection point, relocation of Air Source Heat Pump's for dwellings, amendment to proposed landscaping details
  - Building modifications – change in window type and design, change in material details
  - Apartment block modifications – minor change in plan form and internal layout, amendment to rear balcony details.
  - Clarification of energy strategy for Apartment block – technology to include Ground Source Heat Pump/s
- 1.4 The application is at planning committee as CBH is the applicant.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Principal Urban Area  
Smoke Control Order

### Relevant Planning History:

**21/00948/PREAPP 20th May 2021 CLO**

Demolition of all existing buildings and erection of 7 dwellinghouses and one block of 17 apartments (Use Class C3), and other associated works including access, infrastructure, landscaping, and parking.

**21/02038/FUL 19th November 2021 PER**

Demolition of all existing buildings and erection of 24 dwellings comprising seven houses and 17 apartments (Use Class C3), and other associated works including access, infrastructure, landscaping, and parking

**21/02796/DISCON 27th January 2022 DISCHA**

Discharge of conditions 22 (Construction Method Statement) of planning permission 21/02038/FUL

**21/02817/DISCON 27th January 2022 DISCHA**

Discharge of conditions 16 (contaminated land) of planning permission 21/02038/FUL

### 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 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

#### **Adopted Cheltenham Plan Policies**

D1 Design

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

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

SD3 Sustainable Design and Construction

SD4 Design Requirements

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

#### **Supplementary Planning Guidance/Documents**

Affordable housing (2004)

Development on garden land and infill sites in Cheltenham (2009)

Flooding and sustainable drainage systems (2003)

### 4. CONSULTATIONS

#### **Gloucestershire Centre For Environmental Records**

26th April 2024 - Report available to view in documents tab.

### 5. PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been advertised by way of a site notice and letters sent to 35 neighbouring land users. No letters of representation have been received in response to this neighbour notification process.

## 6. OFFICER COMMENTS

### 6.1 **Determining Issues**

6.2 Under section 73 of the Town and Country Planning Act, applications can be made to vary or remove conditions associated with a planning permission; in this instance the applicant has submitted a Section 73 application to vary condition 2, 6 and 17 of the consented scheme (planning ref:21/02038/FUL). The conditions relate to the approved plans, the landscaping layout/details and the renewable technologies.

6.3 As the application relates to the variation of conditions, the only consideration is the acceptability of the proposed changes as amendments to the permitted scheme. The principle of development having already been established as acceptable in the granting of the original permission, which remains extant. For completeness, the officer comments below should be read in conjunction with the officer report for the original consent.

6.4 The proposed changes being sought within this application include the following:

- Change in material specifications
- Changes in elevation treatment for the apartment block
- Proposed use of grey uPVC windows instead of aluminium
- Changes in window design and sizes across all elevations
- Relocation of bin storage from front to rear of houses and inclusion of bin collection point
- Relocation of ASHP's from the front to the rear of the houses
- Omission of green roofs on bin and bike stores
- Omission of sheds, paths and planters from rear gardens of houses
- Reduction of insets for apartment building
- Amendment of balcony design to rear of apartment building
- Change in boundary treatment on Bridge Street from Brick wall to timber fence
- Omissions of vegetable planters to rear of apartment block
- Change in some surface materials from block paving to tarmac
- Clarification of energy strategy for apartment block

6.5 Given the changes proposed, the relevant considerations relate to design, landscaping, impact on neighbouring amenity and sustainability.

### 6.6 **Design**

6.7 This revised proposal includes a number of changes across the site that have an impact on the design and appearance of the development. In the main, these changes relate to the apartment block, but minor changes are proposed to external areas of the houses.

- 6.8 With regards to the houses, the application proposes to move the bin stores from the front of the properties to the private rear amenity spaces, officers consider this to be acceptable and provides increased provision of planting to the front of the site which will be of benefit in terms of the appearance of the development in the street scene and in terms of Bio-Diversity. Similarly, the relocation of the ASHP's from the front to the rear of the houses will reduce visual clutter and improve the design and appearance of the development in the street scene.
- 6.9 In terms of the apartment block, changes include the reduction in the depth of insets in the front elevation and a change to the design/material of the balconies on the rear elevation. These amendments are relatively minor and do not materially alter the design and appearance of the building. The proposed insets in the front elevation still provide the necessary breaks in the elevation treatment and represent an acceptable design and appearance. The balcony details to the rear are also acceptable.
- 6.10 In terms of materials, it is noted that specific material details were not approved in the previous consent, material details were required to be provided by condition. The revised submission indicates the materials to include grey facing brickwork, buff facing brickwork and a grey/buff contrasting facing brickwork. Officers consider these indicative materials to result in a similar overall design and appearance to that of the consented scheme and therefore remains acceptable. A condition which requires the submission of the specific material details is considered to be acceptable. In addition, the application proposes a change from grey aluminium windows to grey uPVC windows. The most noticeable difference is the increased thickness of the frames from that of the approved aluminium windows. This amendment results in some visual change to the elevations, however, this change is relatively minor and the overall design and appearance of the development remains acceptable.
- 6.11 The application proposes to omit the green roof previously approved for the bin and bike store building to the rear of the apartment block, this is disappointing, but this amendment would not warrant the refusal of planning permission.
- 6.12 **Landscaping**
- 6.13 The revised plans show the omission of some features that were previously approved in the private rear gardens of the houses and within the landscaped areas to the rear of the apartment block. Specifically, the revised scheme removes previously permitted vegetable planters to the rear of the apartment block and removes sheds, paths and planters previously shown to be in the rear garden areas of the houses. Whilst the removal of these items is regrettable, their removal does not result in an unacceptable landscaping scheme.
- 6.14 This application now includes specific details of the hard and soft landscaping proposals. The Council's tree officer has reviewed the application and has commended the planting proposals; however, some minor amendments and clarification of information was required. In response, a revised soft landscaping plan has been provided and this has addressed the tree officer's comments. With this being the case, the landscaping condition attached to the original permission can now be amended to a compliance condition, rather than requiring the submission of details.
- 6.15 Further tree pit details will still be required and secured by way of condition. In addition, the scheme seeks to install a timber fence on the bridge Street elevation instead of a brick wall, officers consider this amendment to be acceptable.
- 6.16 **Sustainability**
- 6.17 The permitted application included the provision of ASHP's and Solar Panels for the proposed houses. The changes within this application do not change this provision but

simply seek to relocate the ASHP's from the front of the houses to the rear of the houses. This amendment does not affect the sustainability credentials of the scheme and therefore remains acceptable and compliant with JCS policy SD3.

- 6.18 This application also seeks to clarify the energy strategy for the apartment block. In addition to the approved solar panels, the building will utilise Ground Source Heat Pump/s (GSHP).
- 6.19 It should be noted that since the granting of the original permission, Cheltenham has adopted a Climate Change SPD (2022), the provision of Solar Panels, ASHP's and GSHP's is considered to be compliant with the aspirations of this SPD.
- 6.20 Impact on neighbouring amenity**
- 6.21 The proposed amendments will not result increase in the scale of the buildings beyond that already approved, as such, no concerns are raised regarding a loss of light, loss of outlook or overbearing impact.
- 6.22 Whilst the application proposes a change to the window design and form, the windows are in the same locations as those previously permitted, as such, the revised development will not result in any unacceptable privacy issues.
- 6.23 As mentioned above, the application proposes to relocate the ASHP's for the dwellings from the front to the rear of the buildings, this would move the equipment closer to the nearest neighbouring land user at number 21 Bridge Street to the South. The relocated ASHP's will be located between 10.5 metres and 13 metres from the southern boundary of the application site. At this distance, no concerns are raised regarding any potential noise and disturbance from this equipment.
- 6.24 Whilst some technical information for the GSHP equipment has been provided, the Council's Environmental Health Officer has reviewed these details and considers further noise related information is still necessary. As such, a condition which requires the submission of further information has been suggested.

### **Other considerations**

- 6.25 Impact on Beechwood's Special Area of Conservation (SAC)**
- 6.26 The site is within a zone of influence as set out in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022) for recreational pressure for the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).
- 6.27 Officers acknowledge that the development would result in a net increase in dwellings which would normally require mitigation. However, as already discussed, there is an extant planning permission on the site for the same number of dwellings, which has been commenced. As such, this existing application could be fully implemented at any time.
- 6.28 As the amendments being sought within this current application do not include any further increase in the number of dwellings from that already approved, there will be no increased pressure on the Beechwoods SAC beyond that already approved. As such, in this instance, officers do not consider it necessary or reasonable to secure a financial contribution as mitigation.
- 6.29 Bio-diversity Net Gain**
- 6.30 As of 12th February 2024, all major developments require a mandatory 10% requirement for Bio-diversity Net Gain. Whilst this application is major development, the original

consent was permitted well before this BNG requirement came into effect. As this is a Section 73 application, it is exempt from this requirement, as set out in paragraph:002 reference UD:74-002-20240214 of the Planning Practice Guidance.

### 7. CONCLUSION AND RECOMMENDATION

- 7.1 Having considered all of the above, whilst some of the changes are regrettable, specifically those changes that seek to remove elements such as the planters, vegetable planters and green roofs, overall, the changes are considered to be acceptable in terms of site layout, design, impact on neighbouring amenity and sustainability. As such, officer recommendation is to permit the application, subject to conditions.
- 7.2 As a section 73 application results in a new decision that sits alongside the original consent, it is necessary to repeat all relevant and necessary conditions from the original consent. In some instances, conditions have not been carried across, or have been amended accordingly.
- 7.3 It is not considered necessary to copy over condition 1 of the original consent as the development has commenced, furthermore condition 10 which relates to the provision of EV charging points is not considered necessary or reasonable as this is now a requirement of Building Regulations. Condition 22 which relates to demolition has already been discharged and demolition has already been undertaken, as such, this condition is no longer necessary. Condition 16 which relates to contaminated land has been amended to be a compliance condition as those details have already been approved under ref: 21/02817/DISCON.
- 7.4 The applicant has confirmed their agreement to the relevant pre-commencement of construction works condition.

### 8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of the decision notice issued under planning permission ref. 21/02038/FUL, unless amended by the plans listed in Schedule 1 of this decision.

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

- 2 The development shall provide for a minimum of 40% affordable housing (comprising 7 no. social rented homes and 3 no. shared ownership homes) unless otherwise agreed in writing with the Local Planning Authority. For clarity; in the event that the whole development is delivered as 100% affordable housing, there will be no restriction on the application of Homes England grant funding, including what would otherwise be the 40% nil grant provision. The affordable housing units provided shall be retained as such in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with the requirements of Policy SD12 of the Joint Core Strategy 2011 to 2031.

- 3 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).

- 4 Prior to the occupation of the development hereby approved a Waste Minimisation Statement shall be submitted to and approved in writing by the Local Planning Authority and the measures contained therein fully implemented. All of the approved measures shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 5 All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise 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. All hard 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, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 6 Prior to the planting of any new trees on the site details of the proposed tree pits shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity, having regard to adopted policy G12 of the Cheltenham Plan (2020).

- 7 The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 154373-STL-01-00-DR-A-17002 S3\_P18

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

- 8 The vehicular accesses hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

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

- 9 The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.



Reason: To reduce vehicle movements and promote sustainable access, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 10 Prior to the commencement of the construction phase of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement 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;
- 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 during construction;
- vii) provide for wheel washing facilities; and
- viii) specify the access points to be used and maintained during the construction phase.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 11 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

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 to adopted policy INF1 of the Joint Core Strategy (2017).

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

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii. include a timetable for its implementation; and

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 13 The works hereby permitted shall be carried out in accordance with the contaminated land remediation scheme approved under planning ref: 21/02817/DISCON.

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).

- 14 Prior to the first occupation of the development hereby approved the Solar PV panels and air source heat pumps detailed on the approved plans shall be installed and operational and shall be maintained as such thereafter.

Reason: In the interests of sustainability in accordance with policy SD3 of the JCS.

- 15 Prior to the first occupation of the development hereby approved a landscape management plan shall be submitted which sets out the arrangements and funding for the maintenance of the public and shared areas of amenity space and landscaping. The approved management plan shall be adhered to thereafter.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 16 The development shall be completed in accordance with the recommendations of the Noise and Vibration report dated 26th April 2021, as part of the original planning consent, planning ref: 21/02038/FUL and maintained as such thereafter.

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).

- 17 All residents of the units hereby approved shall be provided with a Homeowner Information Pack (HIP) which shall provide the following information:
- information to help new home owners make informed choices about where to go for informal outdoor leisure and if they choose to visit sensitive sites
  - information on how to avoid impacting sensitive areas.
  - general information on the informal, outdoor recreation opportunities in relation to the site and how to help protect the places they visit.
  - specific information on nearby sensitive designated sites, which would include the Cotswold Beechwoods SAC / Cotswold Commons and Beechwoods SSSI as well as other SSSIs

Reason: To help maintain the integrity of the Cotswold Beechwoods SAC in accordance with the Habitats Regulations 2017 (as amended) and policy BG1 of the Adopted Cheltenham Plan 2020.

- 18 The development shall be carried out in strict accordance with the recommendations and requirements of the Bat Survey dated September 2020 and the Ecological Appraisal dated September 2020 submitted with the original planning application, planning ref: 21/02038/FUL.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 19 Prior to the installation of any external Ground Source Heat Pump plant, details shall have first been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include the type/model, location and predicted noise levels of the proposed ground source heat pumps (GSHPs). Upon receipt of this information, further noise assessments (in line with BS4142) may be required to appropriately assess the associated noise levels.

The Ground Source Heat Pump's shall be installed, maintained and retained in accordance with the details approved, unless otherwise first agreed in writing by the Local Planning Authority.

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).

### **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.
- 3 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.

- 4 You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority 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, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

- 5 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

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

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

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

- 6 It is noted from the ecological appraisal that Japanese Knotweed is present on the site. Please be aware that any removal of this invasive species must be carried out in accordance with the requirements of the Environment Agency.

<b>APPLICATION NO:</b> 23/01691/REM		<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 4th October 2023		<b>DATE OF EXPIRY:</b> 24th January 2024/Agreed Ext of Time until 5 June 2024
<b>WARD:</b> Battledown		<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Vistry Homes Limited And Stonewater Limited	
<b>AGENT:</b>	Mr Tony Clements	
<b>LOCATION:</b>	Oakley Farm Priors Road Cheltenham	
<b>PROPOSAL:</b>	Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 24/00251/CONDIT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 24/00251/CONDIT.	

## Update to Officer Report

### 1. OFFICER COMMENTS

#### 1.1. Background

- 1.2. Given the length of time that has passed since this application was first presented to the Planning Committee in December 2023 and the intervening activity in terms of a s73 application, officers consider it helpful to recount, in brief, the relevant planning history for this site.
- 1.3. Members will recall that outline planning permission was granted on appeal in 2022 for development comprising of up to 250 dwellings (including affordable housing) on land at Oakley Farm, with associated infrastructure, open space and landscaping and the formation of a new vehicular access from Harp Hill, under reference 20/01069/OUT (APP/B1605/W/21/3273053). All matters were reserved for future consideration.
- 1.4. An application seeking approval of the reserved matters (REM) details pursuant to the above outline planning permission was submitted to the Council on 3rd October 2023 under reference 23/01691/REM. The reserved matters application considers the design, appearance, layout, scale, landscaping and access arrangements details of the outline permission and is the subject of this report.

- 1.5. Members are reminded that application 21/01691/REM was on the Agenda and due to be determined at the December 14<sup>th</sup> 2023 meeting of the Planning Committee. The Officer report to the Committee recommended approval of the reserved matters details, plus approval of details to discharge other conditions attached to the outline permission.
- 1.6. An officer Update report published prior to the December meeting informed Members of a number of unforeseen but material issues that had arisen in the latter stages of the application. The first related to finished ground levels and building ridge heights and their conformity with the Building Heights Parameter Plan of the outline planning permission. The second issue was concerned with road gradients and whether the proposed development is in conformity with the requirements of Condition 13 of the original outline planning permission, specifically in relation to lengths of road where gradients fall between 1/20 and 1/12
- 1.7. In summary, Condition 13 of the original outline permission (20/01069/OUT) requires reserved matters submissions relating to access to be generally designed so that maximum and minimum gradients allowable will be 1/20 and 1/100 respectively, save that gradients up to 1/12 are permissible, provided that where they are proposed, they shall be limited to maximum lengths of 30 metres.
- 1.8. In December 2023, following publication of the Committee report to Members, the Highway Authority (HA) submitted a revised response to confirm that the proposed reserved matters access arrangements do not conform with the terms of Condition 13. The proposals include sections of roads where gradients fall between 1/20 and 1/12 and exceed the 30 metres permissible under the terms of Condition 13. The HA offered design solutions/site engineering works to overcome this.
- 1.9. At that stage, officers were not supportive of the HA design solutions, which would need very careful consideration and consultation with the Council's specialist advisors to assess any potential landscape and visual effects on the environment. The possibility of the applicant seeking a variation to the terms of Condition 13 (under s73 of the Town and Country Planning Act) was also considered at this stage. The current reserved matters scheme (or an amended scheme) could then be considered alongside any approved varied terms of Condition 13.
- 1.10. The officer recommendation for application 23/01691/REM at December's Planning Committee meeting was therefore changed from permit to a deferral of the application to allow continued discussion with the applicant and Highway Authority. Members subsequently resolved to defer application 21/01691/REM at December's Planning Committee meeting.

- 1.11. Thereafter, considerable discussion took place between officers, the applicant and Highway Authority to resolve the issue. Legal advice on the purpose and interpretation of Condition 13 was also sought by both parties. The standards set by Manual for Gloucestershire Streets (MfGS) and the REM scheme's conformity with these standards was also reviewed. This culminated in the submission of a s73 (non-material amendment) application in February 2024 to vary the terms of Condition 13 (reference 24/00251/CONDIT).
- 1.12. The s73 application was presented to the March 2024 Planning Committee meeting, and Members resolved to approve the proposed variation of Condition 13, as per the officer recommendation, which differed from that proposed by the applicant. The decision notice for 24/00251/CONDIT was issued on 20<sup>th</sup> May 2024. This has resulted in the issuing of a new (revised) outline planning permission, which sits alongside the original permission which remains intact and un-amended.
- 1.13. The original Condition 13 reads as follows, with the proposed amended element underlined/bold text:

*Notwithstanding the illustrative proposed access arrangements on to Harp Hill, as shown on Access and Movement Parameter Plan ref: P18-0847\_02 Sheet No.3 rev F and the Alternative Illustrative Masterplan ref. 18017.202 Rev B, full details of the proposed access junction on to Harp Hill shall be submitted to and approved in writing by the local planning authority as part of the first reserved matters submission. The access shall be installed in accordance with the approved details and made available for use prior to the first occupation of any dwelling. The reserved matters submissions relating to access are required to be generally designed so that maximum and minimum gradients allowable will be 1/20 and 1/100 respectively, save that gradients up to 1/12 are permissible, provided that where they are proposed, they shall be limited to maximum lengths of 30 metres.*

- 1.14. The approved revised Condition 13 wording is as follows (the amended section underlined):-

*Notwithstanding the illustrative proposed access arrangements on to Harp Hill, as shown on Access and Movement Parameter Plan ref: P18-0847\_02 Sheet No.3 rev F and the Alternative Illustrative Masterplan ref. 18017.202 Rev B, full details of the proposed access junction on to Harp Hill shall be submitted to and approved in writing by the local planning authority as part of the first reserved matters submission. The access shall be installed in accordance with the approved details and made available for use prior to the*

*first occupation of any dwelling. The reserved matters submissions relating to access are required to be generally designed in accordance with the Manual for Gloucestershire Streets so that maximum and minimum gradients allowable will be between 1/20 and 1/100 respectively, save that gradients between 1/20 and 1/12 are permissible, provided that where there are proposed gradients of 1/12, these shall be limited to maximum lengths of 30 metres. Where gradients between 1/20 and 1/12 are proposed, and where their respective lengths exceed 30 metres, the reserved matters submissions relating to access shall include evidence, to the satisfaction of the local planning authority, that site topography, the need to retain important existing landscape features, and to protect both the environment and amenities of neighbouring land users, necessitate gradients of between 1/20 and 1/12.*

***Reason: To ensure that safe and suitable access is provided for all users in the interests of highway safety and to ensure an appropriate design in the interests of the amenities of neighbouring land users and the protection of the environment; having regard to adopted policies D1, L1, GI3 and SL1 of the Cheltenham Plan (2020) and adopted policies INF1, INF3, SD4, SD6, SD7, SD9 and SD14 of the Joint Core Strategy (2017) and sections 9, 12, 15 and 16 of the NPPF (2023).***

- 1.15. The above varied terms of Condition 13 allow greater flexibility in the design of the estate roads in instances where gradients between 1/20 and 1/12 are proposed. However, this is subject to the applicant providing sufficient evidence to demonstrate that gradients between 1/20 and 1/12 that exceed 30 metres in length are necessary to protect the environment and amenities of neighbouring land users.
- 1.16. At the time of considering the s73 application, officers were concerned that the delivery of a scheme for 250 dwellings that adheres to the terms of the original Condition 13 (and the parameters set by the AIM) could result in adverse effects on the environment and local amenity; caused specifically by the need to significantly raise and lower ground levels and introduce high retaining walls above those of the current REM scheme. The potential significant and altered engineering works and retaining wall structures that would be necessary to make the current REM scheme accord fully with the terms of original Condition 13 were of particular concern. As such, officers were concerned that the alternative design solutions presented by both the HA and applicant would increase the potential for adverse impacts on the environment, greater overlooking into neighbouring residential properties and the removal of a larger number of trees/hedgerow and would impact on the long term health and survival of retained TPO'd trees.



1.17. The potential effect on road gradients by reducing the number of proposed dwellings on the site has also been considered. The applicant has provided the following Addendum to the 'Alternatives' document. Officers are satisfied that, to comply with the terms of Condition 13, any meaningful reduction in the numbers of dwellings would not alter road gradients because the topography of this site will not change and will determine the main access road layout and design as it traverses the site from top to bottom.

*The configuration of the main access road is dictated by the existing topography of the site (which is between 1 in 6 and 1 in 8). Specifically, from the site entrance at Harp Hill, the access road has to traverse across the slopes of the development east to west, round the Oak tree and then east down the slope to meet the gradient parameters set by the outline planning permission whilst ensuring that there is no impact on existing landscape and biodiversity features that are to be retained. Reducing the number of homes along the streets that are required to reach the bottom of the site would therefore not change the topography of the road.*

### 1.18. Alternative Road Levels

1.19. Pursuant to the above revised terms of Condition 13, the applicant has submitted additional information in the form of a 'Road Levels Alternatives' document dated 23.04.2024. The document provides the evidence to show why the access and road design elements of the reserved matters scheme have been designed in the manner proposed, having regard to (i) site topography, (ii) the need to retain important existing landscape features and (iii) the need to protect both the environment and amenities of neighbouring land users. The applicant considers that the document '*demonstrates that the proposals have been designed to deliver the optimum access solution taking into account the characteristics of the site and the factors that informed the decision to approve the outline application*'.

1.20. The above document sets out two alternative engineering solutions for the access arrangements which could produce shallower road gradients between the southern and northern site boundaries; predominantly affecting a section of the access road through the centre of the site. It then goes on to discuss why these alternative solutions were not pursued by the applicant, noting that these options were discussed in broad terms with officers and the Highway Authority during the early stages of pre-application discussions; the preference of officers being a working with the site topography and incorporating split level houses rather than the significant re-grading of the land and need for large retaining structures.

1.21. The implications of both options are illustrated by way of accompanying plans and section drawings which include comparisons with the current proposed REM access arrangements.

### 1.22. Option 1

1.23. In summary, Option 1 would necessitate a steepening and extensive cut and fill of the initial section of the access road from Harp Hill on its north east alignment. This would achieve a greater change in levels over a shorter distance and thereby allow a central section of the internal estate road further north to have shallower gradients.

1.24. In addition to extensive and deeper cut and fill works to the south east field parcel, this option would necessitate breaks in the hedgerow and the lowering of Severn Trent's (strategically important) high pressure, water mains pipes in this location, which Severn Trent have advised strongly against.

1.25. This part of the site includes the proposed open space (retained AONB) element of the development. The south east field parcel also contains the greatest amount of retained ridge and furrow. Visually, it would be the least developed part of the site and therefore the most sensitive part of the site which impacts on the setting of the heritage assets at Hewlett's Reservoir.

1.26. The applicant also indicates that this option would result in the removal of circa 11,000 cubic metres of spoil from the site, involving 1,375 additional HGV movements.

### 1.27. Option 2

1.28. Option 2 would retain the current access approach from Harp Hill, reduce the level change running from south to north through the residential areas but would raise land levels on parts of the lower site area. Again, this would allow a section of the internal estate roads to have shallower gradients but the proposed dwellings adjacent to the northern site boundary would be significantly higher than the nearest adjacent houses in Pillowell Close and Brockweir Road.

1.29. This option would require extensive cut and fill works around the retained, veteran oak tree, and its root protection zone, within the proposed Oak Tree Neighbourhood (OTN). This would impact on the long term survival of the Veteran Oak tree, potentially culminating in its removal. Similarly, the required fill works within the OTN would affect most residential plots in this area, raising ground levels in the OTN by some 2 metres and at the northern site boundary by some 2-3 metres.

- 1.30. There would also be significant differences in ridge heights between the proposed dwellings in the OTN and existing dwellings to the west in Wessex Drive.
- 1.31. This option would therefore result in a poorer and unsatisfactory relationship between proposed and neighbouring dwellings in terms of overlooking, outlook and overbearing appearance.
- 1.32. Furthermore, the revised land levels and building heights of Option 2 would be in significant breach of the approved Building Heights Parameter Plan of the outline planning permission.
- 1.33. The potential effect on road gradients by reducing the number of proposed dwellings on the site has also been considered. The applicant has provided the following Addendum to the 'Alternatives' document. Officers are satisfied that, to comply with the terms of Condition 13, any meaningful reduction in the numbers of dwellings would not alter road gradients because the topography of this site will not change and will determine the main access road layout and design as it traverses the site from top to bottom.

*The configuration of the main access road is dictated by the existing topography of the site (which is between 1 in 6 and 1 in 8). Specifically, from the site entrance at Harp Hill, the access road has to traverse across the slopes of the development east to west, round the Oak tree and then east down the slope to meet the gradient parameters set by the outline planning permission whilst ensuring that there is no impact on existing landscape and biodiversity features that are to be retained. Reducing the number of homes along the streets that are required to reach the bottom of the site would therefore not change the topography of the road.*

### 1.34. Consultations

- 1.35. The Cotswold Conservation Board, The Friends of Oakley Pasture Slopes, the Highway Authority (HA), the Local Lead Flood Authority (LLFA), and the Council's Conservation and Tree officers were notified in writing of the Road Levels Alternatives document. The views of the Council's appointed Landscape Architect were also sought on the potential alternative road designs. The consultee comments received are set out in full below.
- 1.36. Neighbouring properties were also notified in writing of the additional information submitted and third party representations received since the publication of the Alternatives document are included within the report Appendices. The majority of the concerns and

comments made relate to the principle of residential development in this location and the volume of traffic generated by the proposed development and highway safety issues on Harp Hill.

### **Highway Authority (Development Management)**

17<sup>th</sup> May 2024-

*I have reviewed the documentation included in both 23/01691/REM and 24/00251/CONDIT. You will note that we have previously provided a no objection response to these applications, and that is still the County Council's position.*

*It is the highway authority's opinion that the current road geometry in drawing SK-007 Rev B accords with the wording of the Manual for Gloucestershire Streets, i.e. that no lengths of gradient 1:12 are greater than 30m, not inclusive of the vertical curves linking those sections of gradient.*

*I have reviewed the Road Levels Alternative document and note paragraph 1.11 where a "working with the site" design strategy was agreed with Borough and County Council. It is evident that both 'Option 1' and 'Option 2' would result in more favourable gradients along Road 2, however this would incur significantly more engineering, increase construction traffic, and impact on the site appearance and amenity. The matters relating to appearance, amenity, etc are for consideration by the LPA planning officer.*

### **Cotswold Conservation Board (AONB)**

15<sup>th</sup> May 2024-

APPLICATION NO: 23/01691/REM

*DESCRIPTION: Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 20/01069/OUT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT*

LOCATION: Oakley Farm, Priors Road, Cheltenham, GL52 5AQ

*Thank you for consulting the Cotswolds National Landscape Board<sup>1</sup> ('the Board') on the additional information submitted by the applicant in support of this proposed development, which would be located within the Cotswolds National Landscape<sup>2</sup>.*

*In our response dated 6 November 2023 we did not object to this application which was then considered by the Borough Council Planning Committee with Officers recommending approval. The decision was deferred due to a change of advice from the County Council regarding compliance of the submitted scheme with the terms of condition 13 of the outline planning permission in respect of carriageway gradients. A S.73 application was then approved by the Council in March 2024 revising the wording of condition 13 of the outline permission and now states that "where gradients between 1/20 and 1/12 are proposed, and where their respective lengths exceed 30 metres, the reserved matters submissions relating to access shall include evidence, to the satisfaction of the local planning authority, that site topography and the need to retain important existing landscape features and protect both the environment and amenities of neighbouring land users, necessitate gradients between 1/20 and 1/12".*

*The additional information, in the form of a Road Levels Alternatives document, has been submitted by the applicant to justify their chosen access proposals. Two alternatives to the current scheme are presented which would permit shallower gradients on a section of access road through the centre of the site.*

*Option 1 would entail creating a steeper grade on the access road from Harp Hill, necessitating an extensive cut/fill exercise across what is the most visible and sensitive part of the site and would result in greater loss of historic ridge and furrow and hedgerow. It would expose the pressurised water main crossing the upper part of the site and Severn Trent advise against lowering the main which would also impact the historic features within the public open space and the setting of the neighbouring listed reservoir. It would also necessitate the removal of c.11,000m<sup>3</sup> of spoil involving 1,375 additional HGV movements through the National Landscape.*

*Option 2 would raise the levels on parts of the lower area of the site. This approach would potentially necessitate the removal of the veteran oak tree within the proposed Oak Tree Neighbourhood due to cut/fill works within the root protection zone and would result in a number of other issues resulting from sub-optimal relationships between dwellings both within the site and neighbouring the site on Wessex Drive.*

## Page 158

*The Board would support neither of these options and considers that the submitted scheme which features sections of road at 1/12 for a maximum length of 30m would be preferable. As such we do not object to this proposal.*

*In our previous response, we outlined that the LPA had a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape under Section 85 of the Countryside and Rights of Way Act 2000. This statutory duty has since been superseded by Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 which came into effect on 26 December 2023 and introduces a new statutory duty on LPAs to seek to further the statutory purposes of the National Landscape as opposed to having regard to them. Further information and advice on this new duty is provided within Appendix 1 below.*

### **Trees Officer**

*10<sup>th</sup> May 2024-*

#### *Option 1:*

*Page 9 describes the additional areas of cutting that would be required but doesn't describe the full extent of this (cutting to the west appears to be extended further south than what is currently proposed). Based on the information presented, the impact on existing trees is tolerable. There may be an impact on trees to be planted – it is unclear if these would be planted in the same area or moved south, or the amount to be planted decreased. Further consideration would need to be given to the effect of this cutting on dwellings to the north. An increased height of the retaining wall may give an overbearing feel to those dwellings, increasing pressure on the trees growing to the south of this (for pruning / removal).*

#### *Option 2:*

*The impact of this option on the veteran oak would be unacceptable to the Trees Section. An application for a revised scheme to reflect this option would not be supported and Trees Officers would strongly advise refusal of such a scheme.*

### **Council - Landscape Architect (Ryder Landscape Consultants)**

*17<sup>th</sup> May 2024-*

***Comments on suggested modifications to main access road to create lesser on site gradients***

*Thank you for asking us to comment on the above and we trust you find this note helpful as you consider the implications of whether to reduce the main spine road gradients at Oakley Farm;*

- 1. Summary of modification options*
- 2. Potential landscape, visual and user impacts to Field 3 (south west field)*
- 3. Potential landscape, visual and user impacts to landmark oak tree area and proposals.*
- 4. Summary of comments*

### **1. Summary of modification options**

*The proposals to generate the shorter lengths of the steeper gradient stretches appear to have two basic premises:*

**Option 1** – *Extend the length of the main access road on its north east alignment so it runs into the Public Open Space (POS) of Field 3 (Inquiry field reference number) which is the south east field with the greatest extant ridge and furrow and also the least developmental change proposed. These works require the cutting into the slope of the field and a degree of embankment to the down slope side of the road.*

**Option 2** – *Raising ground around the landmark oak tree area, using the oak tree flats as a greater retaining wall and setting the properties in this area at a higher level than Footpath 86 that runs to the side of Wessex Drive housing.*

### **2. Potential landscape, visual and user impacts to Field 3 (south east field)**

*A number of adverse landscape impacts would occur compared to the original reserved matter road application; these include;*

- **Break in hedgerow / loss of hedgerow** – breaching the hedgerow between Fields 2 & 3 removes the physical containment of the road within the boundary of Field 2, breaks up and weakens the value of this retained landscape feature with the resultant break less desirable in both landscape and ecological terms.*
- **Ridge and furrow** – Field 3 displays strong ridge and furrow (R&F) patterning and the amount of earthworks required to extend the road would reduce this in terms of quantum and legibility for the road corridor, cut and fill areas and any compound / laydown areas required for construction. R&F is listed as one of the indicators of time depth and a*

landscape characteristic of the Cotswolds National Landscape and as a feature worthy of retention.

- **More bank to cut** – Even with a steep batter to the cut face of 1:3 (or less with soil nailing or other geo-technical retaining techniques) there will be more bank to see cut into the natural slope of Field 3. One bank cut into another generally appears artificial within the landscape and typically proposals would seek to smooth out the differences in the gradient of the two slopes but by doing that here more R&F would be lost. The bank face in Field 3 would appear artificial.
- **Additional cut material to dispose of** – The longer the road the greater the volume of excavated material. I note in the Cotswolds National Park response of the 14 May 2024 that they consider the extra 11,000 Cu.m would require an additional 1,375 HGV movements. Removal from Site I think is the only option as depositing it on the remaining open ground of the Site would either remove R&F patterning, or create artificial earth mounds on the generally sloping site which would appear artificial in the landscape.

The following visual effects are considered to occur;

- **Close range change** – introduction of man-made form in the field remnant that has the least developmental change reducing its appearance as the semi-rural country park that it was intended to be. As well as the road itself the street lighting will stick up above the cut slopes and likely appear incongruous and marks its position in Field 3. There will also be less perceived enclosed within this field with the road size break in the hedgerow compared to the footpath sized one.
- **Mid-range views** – Field 3 and the alignment of the road was the primary concern regarding views from Aggs Hill towards the Site. Aggs Hill like the Site is within the National Landscape. At the moment the green roofs of the reservoirs visually ‘flow’ into Field 3 and this would be reduced by the light columns, possible visibility to the road carriageway and expected visibility to traffic movement of larger vehicles e.g. delivery vans and refuse vehicle.
- **Long-range views** – The road would add to the sense of change from the viewpoints on Cleeve Common and the Bill Smyllie Butterfly Reserve that sits just down the escarpment from it. These views are set on the Cotswolds Way. The amount of visible change would be relatively minor at this distance compared to the sense of wider change brought about by the whole development.
- **Residential views** – There would be a greater degree of change experienced by three houses to the western end of Birdlip Road and the top three, eastern most houses on Harp Hill that face Field 3. Some of the Birdlip Road houses from memory have ‘inverted living’ which will mean their rear of house living spaces will have increased visibility to the road compared to lower ground floor living spaces. The Harp Hill residents



would experience the greater change from their first floor, front of house rooms that are presumed to be bedrooms.

The following user effects have been identified;

- **Less Public Open Space** – with the introduction of the road there will be less POS to use and benefit from with the lower part of the field removed for the road extension;
- **Reduced quality of remaining Public Open Space** – with the road set within Field 3 the sense of naturalness within the remaining field will be significantly reduced. It was a theme of the original Inquiry how a semi-natural, country park type POS could genuinely have that character with a road running through it. The keeping of the road alignment within Field 2 improves the users' experience and sense of relative tranquillity in Field 3.

### **3. Potential landscape, visual and user impacts to the landmark oak area**

By raising the ground around the landmark oak tree in Field 1 the following changes would be experienced on and adjacent to the Site.

Landscape wise the worst outcome would be the oak tree not surviving the increased works within its vicinity and its loss from the scheme. Even if the oak is retained it will appear set in a more artificial and convoluted arrangement than is currently proposed.

Visually there is more sense to the existing proposals with the road sweeping around the oak and it becomes the focus of the houses at the south west end of the scheme. If the housing plots were raised here to accommodate a shallower road there would be a knock-on effect to Footpath 86 that runs up the western side of the Site. Already appearing constrained and pushed out to the edge of the Wessex Drive development this path would be set more within a channel with no chance of views out to the east.

In design terms the retention of the landmark oak tree is an example of a landscape led internal layout to the development and its loss would reduce the quality of the south west end of the estate making it less distinctive for both residents and visitors alike.

In considering its useability there would still need to be steps and ramps to allow crossing from the higher southern side of the space to the lower northern parts, There are no user benefits from the change in level such as the removal of all steps and ramps.

A note about the oak tree flats and their relationship with the oak tree space. With the original proposals it appears as a stop end to space that the road then sweeps around and largely this effect would remain. However if the oak tree is lost its reason and arrangement would appear odd and contrived. A quick growing replacement tree would

*take at least 70 to 80 years to reach a similar stature and an oak at least double that. It is better to seek to retain the current, high quality oak than look to replace it.*

*In looking at the further visualisations of the oak tree flats and in particular how planting had been shown growing down some of the rear retaining walls I would advise that planting at the base of retaining walls with climbing plants is usually more successful than relying on stock that grows up and over the top of the wall. Ideally both can be provided at the top and bottom of the walls but suggest this is a matter for detail design comments.*

#### **4. Summary of comments**

*Neither of these suggested modifications are beneficial in landscape character or visual appearance terms. They would lead to significant adverse effects to both the POS to the south east and to the internal character of the housing proposals to the south west if the landmark oak is lost or its setting over engineered.*

*I consider the existing proposals are better in both landscape and visual terms than either Option 1 or Option 2 and that the harms that would accrue by either elongating or raising the road do not justify the benefits of reducing the lengths of the steeper gradient sections. I trust you find this note useful as you consider the Reserved Matters application, but should you have any immediate queries please do not hesitate to contact me.*

#### **1.37. Officer Conclusions**

1.38. Having considered the above consultee responses, it is quite clear that neither Option 1 or 2 offer a suitable and acceptable overall alternative to access arrangements and neither would be beneficial in terms of landscape character, visual appearance or impact on the amenities of adjoining land users. Whilst a reduction in the length of roads where gradients fall between 1/20 and 1/12 could be achieved (and thereby delivering more favourable gradients along sections of roads across the site) this would come at a considerable cost. As such, there will be no further proposed revisions to the REM scheme.

1.39. The Council's landscape architect (LA) provides a detailed commentary on the potential environmental effects of the two alternative options and discusses other potential changes in experience that were not specifically raised by the applicant. In relation to Option 1, these include loss and reduced quality of remaining public open space, the breaching of hedgerow and the visual and landscape impacts of creating an artificial bank face in the

southern field parcels. Close, mid and long distance views from neighbouring properties on Harp Hill and Birdlip Road and from various vantage points on the scarp would also be affected. In addition to the access road being set above the deep cut slopes in the southern field parcels, street lighting columns within this area would also appear incongruous. In relation to Option 2, the effect of raising land levels in the OTN would be Footpath 86 being set within a 'sunken' channel with no views out to the east. In terms of user benefits, the less steep gradients and change in levels across the site would not remove the need for steps and ramps to enable the traversing of the site from south to north. The LA concludes that the existing proposals are better in landscape and visual terms and there would be no benefits in reducing the lengths of the steeper gradient sections.

- 1.40. As previously mentioned, officers recommended approval of the REM scheme in December 2023 which is considered to be a well-considered, entirely bespoke and high quality design response to the topography challenges of this site, its existing landscape features, its AONB status and other constraints.
- 1.41. Similarly, the above consultees raise no objection to the design, scale and layout of the currently proposed REM scheme but have significant concerns in respect of the various impacts of the two alternative options.
- 1.42. Importantly, the HA has also confirmed that the proposed access arrangements of the REM scheme (which include road gradients between 1/20 and 1/12 greater than 30 metres in length) would be of adoptable standard and would satisfy MfGS requirements.
- 1.43. Officers therefore consider that the currently proposed REM scheme (23/01691/REM), which remains unchanged from that presented to the December 2023 Planning Committee, is acceptable for the reasons set out within the original officer report for 23/0169/REM.
- 1.44. As such, the recommendation to the December Planning Committee in respect of 23/01691/REM remains unaltered, including the schedule of suggested conditions.
- 1.45. The only differences to note are the change in the REM application description to include the planning reference number for the new (revised) outline planning permission 24/00251/CONDIT and the revised terms of Condition 13.
- 1.46. This Update report should therefore be read alongside the previous officer reports for 23/01691/REM and 24/00251/CONDIT, which are attached.

**1.47. CONCLUSION AND RECOMMENDATION**

1.48. The submission of the additional information/Road Levels Alternatives, as required by the revised terms of Condition 13, has been considered very carefully, but this does not alter the officer recommendation made previously in respect of application 23/01691/REM. Officers conclude that the applicant has provided sufficient evidence of the need for road gradients of between 1/20 and 1/12 to exceed 30 metre lengths; having regard to site topography, the protection of the environment and the amenities of neighbouring land users.

1.49. The recommendation is therefore to grant planning permission for the reserved matters details subject to the conditions and informatives set out in the previous Update report for 23/01691/REM which are repeated below, alongside the conditions attached to the new outline planning permission (24/00251/CONDIT).

**2. CONDITIONS**

- 1 The development shall be begun not later than the expiration of two years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 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 Affordable housing shall be provided on the site in accordance with the approved plans and the statement (Ref: P20-2940) dated April 2021 submitted on behalf of the applicant; and in accordance with the terms of the signed s106 agreement.

Reason: To ensure that an appropriate mix of affordable housing is provided, having regard to adopted policy SD12 of the Joint Core Strategy (2017).

- 4 Sample panels of all facing and roofing materials of at least one square metre each, shall be provided on site to illustrate the proposed palette of materials. Prior to commencement of any above ground works, the sample panels and an accompanying written specification of the proposed facing and roofing materials shall be approved in writing by the Local Planning Authority and thereafter retained on site for the duration of the construction period.

The sample panels shall demonstrate the proposed colour, texture and finish of the external facing materials to be used for all proposed dwellings/buildings and shall provide details of the proposed bond and pointing profile of all external brickwork.

All dwellings/buildings shall be constructed in accordance with the approved material details.

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 policies SD4 and SD7 of the Joint Core Strategy (2017).

- 5 Notwithstanding the submitted details, prior to the implementation of any hard surfaces within the site, including driveways, parking and turning areas, footways and patios, details of all hard surfacing materials 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 the dwellings (or phase of development) to which the materials relate.

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).

- 6 Notwithstanding the submitted details, prior to the commencement of development and in accordance with the principles set out in the approved Landscape and Environmental Management Plan (LEMP) (March 2021), and the Management Measures set out at section 10 of the approved Landscape Design Statement (November 2023), a detailed landscape and tree management and maintenance scheme (LTMMS) for the short (5-year), medium (10-year), and long (30-year) term, informed by a comprehensive tree survey of the site, shall be submitted to and approved in writing by the local planning authority. The submitted details shall also include a detailed scheme for the retention and future management and maintenance of ridge and furrow landscape features within the site, including details of all footpath construction and tree planting that affects ridge and furrow.

Any risk management and maintenance work relating to retained trees, and ongoing management provisions for veteran trees that are identified to be required, shall be carried out in accordance with the approved LTMMS and undertaken in accordance with BS 3998:2010 - Tree Work Recommendations.

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

- 7 Notwithstanding the submitted information, prior to the commencement of development, a detailed timetable for the implementation of all proposed hard and soft landscaping and tree planting works (to include those carried out in public open space and private amenity areas) shall be submitted to and approved in writing by the local planning authority. The timetable shall correspond with the approved Landscaping Phasing Plan. The approved hard and soft landscaping works shall be carried out in accordance with the approved timetable for implementation.

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

- 8 Notwithstanding the submitted details, prior to the implementation of any new boundary treatments, details of all new boundary walls, railings, fences or other means of enclosure 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 and prior to first occupation of the dwellings to which the boundary treatment (or phase of development) relates.

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, SD7 and SD14 of the Joint Core Strategy (2017).

- 9 Notwithstanding the details provided within the Landscape Design Statement, prior to the commencement of development within the site areas of Phase 3 (Oak Tree Gardens) and Phase 5 (The Glade), as shown on the approved phasing plan, a detailed scheme and specification for the Oak Tree Gardens Local Area for Play (LAP) and The Glade Local Equipped Area for Play (LEAP) shall be submitted to and approved in writing by the local planning authority. No more than 50% of the dwellings within Phases 3 and 5 shall be occupied until the schemes have been fully implemented in accordance with the approved details and made available for use.

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).

- 10 Notwithstanding the submitted details and prior to the commencement of development, a detailed scheme for railings/gates, landscaping (tree and/or shrub planting) within the curtilage of the Veteran Oak tree within Phase 3 (Oak Tree Gardens) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size, layout, protection, aftercare and maintenance. The scheme approved shall be carried out in the first planting season following occupation of no more than 50% of the dwellings within the Phase 3, unless otherwise first agreed in writing by the local planning authority. The landscaping shall be maintained for 30 years after planting and should any landscaping be removed, die, be severely damaged or become seriously diseased within this period it shall be replaced with other tree and/or shrub planting as originally required to be planted.

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).

- 11 Notwithstanding the submitted details and prior to commencement of development, full details of all proposed street tree planting, tree species/sizes, 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.

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).

- 12 Notwithstanding the details provided within the Landscape Design Statement, prior to the commencement of development within the site areas of Phase 3 (Oak Tree Gardens) and Phase 5 (The Glade), as shown on the approved phasing plan, a detailed scheme and specification for the Oak Tree Gardens Local Area for Play (LAP) and The Glade Local Equipped Area for Play (LEAP) shall be submitted to and approved in writing by the local planning authority. No more than 50% of the dwellings within Phases 3 and 5 shall be occupied until the schemes have been fully implemented in accordance with the approved details and made available for use.

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).

- 13 The following elements of the scheme 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:
1. Porch canopies
  2. Rainwater goods
  3. Garage doors
  4. Electric vehicle charging points (including appearance, location and type and a site layout plan to show location of EV charging points for all proposed dwellings) to accord with the relevant Council standards
  5. External bin stores
  6. Balustrades to balconies and roof terraces

Reason: In the interests of visual amenity, having regard to policies D1 and S1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017)

- 14 The design and profile of all new windows and external doors (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.

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

- 15 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in dwellings at Plots 215 and 216 (as shown on Drawing No 1002 P6) without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 16 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the first floor en-suite, dressing and landing windows of Plot 74 shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

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

- 17 Where not shown on the approved plans, secure and covered cycle storage shall be provided for all apartment buildings and in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided prior to first occupation of the relevant dwelling(s) in accordance with the approved details and thereafter retained available for such use.

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).

- 18 Prior to the first occupation of the development the sustainable practices and low carbon emission features outlined in the (AES) Energy and Sustainability Statement dated September 2023 shall be implemented in full, unless otherwise first agreed in writing by the local planning authority.

Reason: To ensure that the proposed development addresses climate change, having regard to policy INF5 of the Joint Core Strategy (2017) and the adopted Supplementary Document - Cheltenham Climate Change (2022).

- 19 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).

- 20 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 building location, 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).

- 21 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.

- 22 Notwithstanding the submitted details, prior to the commencement of above ground works, full details of all retaining wall structures (to include but not limited to, section drawings, elevations, materials) shall be submitted to and approved in writing by the Local Planning Authority. The retaining wall structures shall thereafter be implemented in accordance with the approved details.

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, SD7 and SD14 of the Joint Core Strategy (2017).

- 23 Notwithstanding the submitted details, no development shall take place until plans showing the existing and proposed ground levels of the site and existing ground levels of adjacent land have been submitted to and approved in writing by the local planning authority. The submitted details shall be in substantial accordance with the Building Heights Parameter Plan (drawing P18-847\_02 sheet 04 Rev C) of 20/01689/OUT and shall include:-



1. Existing and proposed cross section drawings of the site indicating the extent of ground works required to achieve finished site levels.
2. Proposed slab levels of the proposed buildings and ridge heights of proposed and adjacent buildings.

The development shall 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, SD7 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 24 Prior to their first occupation all dwellings (other than apartments) shall be provided with a water butt.

Reason: To ensure that the proposed development addresses climate change, having regard to policy INF5 of the Joint Core Strategy (2017) and the adopted Supplementary Document - Cheltenham Climate Change (2022).

- 25 Prior to the commencement of development, full details of the proposed screen wall planting to the apartment buildings shall be submitted to and approved in writing by the local planning authority. The details shall include plant species, planting density, a scheme for the future management and maintenance of the planting and a timetable for its implementation. The screen wall planting 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 policies D1 of the Cheltenham Plan (2020) and adopted policies SD4, SD7 and INF3 of the Joint Core Strategy (2017).

### **INFORMATIVES :-**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to the design and layout of the proposed development in the interests of the character and appearance of the area and landscape qualities of the AONB.

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. The applicant/developer is advised that before undertaking work on the

adopted highway they 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. The applicant/developer will be required to pay fees to cover the Council's costs in undertaking the following actions:

- o Drafting the Agreement
- o A Monitoring Fee
- o Approving the highway details
- o 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 secure and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 3 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. The applicant/developer is advised that they 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). The applicant/developer 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

The applicant/developer 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.

### **Outline Planning Permission Conditions – 24/00251/CONDIT**

- 1 Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To accord with s92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is later.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The development hereby permitted shall provide no more than 250 dwellings.

Reason: To limit the terms of the permission in the interests of the protection of the environment, landscape and visual amenity and the protection and conservation of heritage assets, having regard to adopted policies D1, GI3 and L1 of the Cheltenham Plan (2020), adopted policies INF3, SD4, SD7, SD8 and SD9 of the Joint Core Strategy (2017) and sections 12, 15 and 16 of the NPPF (2023).

- 5 The details to be submitted as part of the reserved matters for access, layout and landscaping shall be in general accordance with the design and layout principles of the Alternative Illustrative Masterplan Ref 18017.202 Rev B in respect of the following:

- a. the proposed and retained structural landscaping (trees, shrubs and hedgerows) and public open space within the green infrastructure areas shown on drawing P18-0847-02 sheet 02 Rev D;
- b. the design and alignment of the main vehicular access road and vehicular junction within Harp Hill within the Highway Corridor Flexibility Zone shown on drawing P18-0847-02 sheet 03 Rev F (excluding other internal estate roads).

For the avoidance of doubt, applications for approval of reserved matters shall be in substantial accordance with the submitted Land Use Parameter Plan (drawing P18-0847\_02 sheet 02 Rev D), Access and Movement Parameter Plan (drawing P18-0847\_02 sheet 3 Rev F), Building Heights Parameter Plan (drawing P18-847\_02 sheet 04 Rev C) and Green Infrastructure Parameter Plan (drawing P18-0847\_02 sheet 05 Rev D).

Reason: To ensure that safe and suitable access is provided for all users and the development accords with the required principles and standards of urban design; in the interests of highway safety, the protection of the environment, and the conservation of heritage assets; having regard to adopted policies D1 and L1 of the Cheltenham Plan (2020), adopted policies INF1, INF3, SD4, SD6, SD7, SD9 and SD8 of the Joint Core Strategy (2017) and sections 9, 12, 15 and 16 of the NPPF (2023).

- 6 The first reserved matters applications required by Condition 1 shall be accompanied by a Phasing Plan, giving details of the phasing of the development. The development shall be carried out in accordance with the approved Phasing Plan unless any variations have first been approved in writing by the local planning authority.

Reason: To ensure the development is delivered in an appropriate manner.

- 7 Prior to the submission of the first reserved matters, a Housing Mix Statement for the open market housing shall be submitted to the local planning authority for approval. The Statement shall set out an appropriate mix of dwelling sizes, types and tenures to be provided on site that will contribute to a mixed and balanced housing market. The

Statement will address the needs of the local area having regard to the Council's current local housing evidence base. The development shall be implemented in accordance with the approved Statement.

Reason: To ensure the development meets the identified housing needs of the area, having regard to adopted policies SD11 and SD12 of the Joint Core Strategy (2017) and section 5 of the NPPF (2023).

- 8 The reserved matters required to be submitted and approved under Condition 1 shall include:
- a. details of the design, form and architectural features of the dwellings, including materials to be used on the external walls and roofs;
  - b. details of the position, design, materials and type of boundary walls within the development;
  - c. details of cycle storage facilities for each dwelling;
  - d. details of refuse and recycling storage to allow for the separate storage of recyclable waste materials;
  - e. details of electrical vehicle charging points (including appearance, location and type) to accord with the relevant Council standards;

The development shall be carried out in complete accordance with approved details.

Reason: In the interests of the character and appearance of the area and sustainable transport and waste management; having regard to adopted policy D1 of the Cheltenham Plan (2020), adopted policies INF1, SD3, SD4, SD6, SD7 and SD8 of the Joint Core Strategy (2017), policy W36 of the Gloucestershire Waste Local Plan and sections 9, 12, 15 and 16 of the NPPF (2023).

- 9 The details to be submitted for approval as part of the reserved matters application(s) for appearance, scale and layout pursuant to Condition 1 shall include an Energy and Sustainability Statement. The statement shall demonstrate an improvement on the energy efficiency of the scheme over and above the Building Regulations in place at the time of this decision and shall include, but not be limited to, the following information:
- a. details of the methods used to calculate predicted annual energy demand and associated carbon emissions;
  - b. measures to reduce impact on climate change (including consideration of heat proofing, construction techniques, building fabric, solar gain, natural lighting, shading, orientation, water retention, flood mitigation and landscaping).

Reason: In the interests of reducing carbon emissions, having regard to adopted policy SD3 and SD4 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD (2022).

- 10 No development shall take place until details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy prepared by Phoenix Design dated March 2020. An assessment shall be made regarding the potential for disposing of surface water by means of a sustainable drainage system (SuDS) in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results provided to the local planning authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall provide:

- a. an assessment of the hydrological and hydro-geological context of the development;
- b. information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- c. a timetable for its implementation;
- d. a management and maintenance plan for the SuDS. The plan shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage scheme, including its management and maintenance, 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 and to avoid increased flood risk to neighbouring properties, 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.

- 11 No development shall take place until full details for the treatment and disposal of foul water (including pollution control and monitoring measures) 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.

Reason: To ensure suitable foul 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.

- 12 No development shall take place until plans showing the existing and proposed ground levels of the site and existing ground levels of adjacent land have been submitted to and approved in writing by the local planning authority. The submitted details shall include existing and proposed cross section drawings of the site indicating the extent of ground works required to achieve finished site levels. The reserved matters application(s) submitted pursuant to Condition 1 shall include details of the proposed slab levels of the proposed buildings and ridge heights of proposed and adjacent buildings. The development shall be implemented strictly in accordance with the agreed details.

Reason: In the interests of a high quality design, the character and appearance of the landscape and visual amenity and to ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to adopted policies D1, L1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD6, SD7 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 13 Notwithstanding the illustrative proposed access arrangements on to Harp Hill, as shown on Access and Movement Parameter Plan ref: P18-0847\_02 Sheet No.3 rev F and the Alternative Illustrative Masterplan ref. 18017.202 Rev B, full details of the proposed access junction on to Harp Hill shall be submitted to and approved in writing by the local planning authority as part of the first reserved matters submission. The access shall be installed in accordance with the approved details and made available for use prior to the first occupation of any dwelling. The reserved matters submissions relating to access are required to be generally designed in accordance with the Manual for Gloucestershire Streets so that maximum and minimum gradients allowable will be between 1/20 and 1/100 respectively, save that gradients between 1/20 and 1/12 are permissible, provided that where there are proposed gradients of 1/12, these shall be

limited to maximum lengths of 30 metres. Where gradients between 1/20 and 1/12 are proposed, and where their respective lengths exceed 30 metres, the reserved matters submissions relating to access shall include evidence, to the satisfaction of the local planning authority, that site topography, the need to retain important existing landscape features, and to protect both the environment and amenities of neighbouring land users, necessitate gradients of between 1/20 and 1/12.

Reason: To ensure that safe and suitable access is provided for all users in the interests of highway safety and to ensure an appropriate design in the interests of the amenities of neighbouring land users and the protection of the environment; having regard to adopted policies D1, L1, GI3 and SL1 of the Cheltenham Plan (2020) and adopted policies INF1, INF3, SD4, SD6, SD7, SD9 and SD14 of the Joint Core Strategy (2017) and sections 9, 12, 15 and 16 of the NPPF (2023).

- 14 No dwelling hereby permitted shall be occupied until the Footpath and Cycleway link between Priors Road and the development area (as shown on Drawing No 333.E.33) has been fully implemented in accordance with a detailed design previously submitted to and agreed in writing by the local planning authority.

Reason: To ensure appropriate and timely delivery of highway works and that opportunities for sustainable transport modes have been taken up; in the interests of highway safety and to minimise impact on the local highway network, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and section 9 of the NPPF (2023).

- 15 No more than 50 dwellings shall be occupied until the following highway works have been implemented in full:
- Alterations to the junction of Priors Road / Hales Road / Harp Hill / Hewlett Road (shown on Drawing No H628/04 Rev C);
  - Harp Hill pavement extension and pedestrian linkages (shown on Drawing No H628/05 Rev A)

Reason: To ensure appropriate and timely delivery of highway works and that opportunities for sustainable transport modes have been taken up; in the interests of highway safety and to minimise impact on the local highway network, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and section 9 of the NPPF (2023).

- 16 No dwelling shall be occupied until: (i) the carriageways providing access from the public highway to that dwelling have been completed to at least binder course level, and the footways 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.

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 Section 9 of the National Planning Policy Framework (2023).

- 17 Prior to first occupation of the development, details of the arrangements for future management and maintenance of the 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 to adopted policy INF1 of the Joint Core Strategy (2017).

- 18 No development shall take place until a Construction Traffic Environmental Management Plan (CTEMP) has been submitted to and approved in writing by the local planning authority. The CTEMP shall include: details of parking or vehicles of site operatives and visitors (including measures to ensure satisfactory access and movement for existing occupiers during construction); details of any temporary access into the site; details of loading and unloading of plant and materials; arrangements for turning vehicles; details of storage of plant and materials; measures for traffic management (including routing) so as to minimise the impacts of construction traffic on the highway; details of types, size and numbers of construction related vehicles anticipated daily, including arrangements to receive abnormal loads or unusually large vehicles; means to prevent deposition of mud or other substances on the highway; details of wheel washing facilities; measures for the control of site lighting (required for safe working or for security); means to control dust and emissions to air; means to control noise and vibration; methods of communicating the CTEMP to staff, visitors and neighbouring residents and businesses. The approved CTEMP shall be adhered to throughout the demolition and construction period.

Reason: In the interests of highway safety and to safeguard the amenities of occupiers of neighbouring land users, having regard to adopted policy SL1 of the Cheltenham Plan and adopted policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway and amenity impact during construction.

- 19 Gloucestershire Waste Local Plan Policy W36 Gloucestershire Waste Local Plan Policy W36 No development shall take place until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall include: 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. The approved SWMP shall be adhered to throughout the demolition and construction period.

Reason: To ensure the effective implementation of waste minimisation in accordance with the Gloucestershire Waste Core Strategy, Gloucestershire Waste Local Plan Policy W36 and adopted policy SD3 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 20 Demolition, construction works or other operations that generate noise beyond the site boundary shall be only carried out between the hours of 0800 hrs and 1800 hrs Mondays to Fridays, and between 0800 hrs and 1300 hrs on Saturdays and at no time on Sundays and Bank Holidays. Deliveries to, and removal of plant, equipment, machinery and waste from the site shall only take place within the permitted hours detailed above.

Reason: To 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).

- 21 No piling activities shall be carried out until a full piling method statement has been submitted to and 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 properties; dates and times of piling; and

details of monitoring measures. All piling activities shall be carried out in accordance with the approved details.

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).

- 22 In the event contamination is found at any time when carrying out the approved development that was not previously identified, it must be immediately reported in writing 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 the Environment Agency's relevant guidance and, where necessary, a remediation scheme 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 off-site receptors in accordance with adopted policies SD3 and SD14 of the Joint Core Strategy (2017).

- 23 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 recommendations and measures within the Construction Environmental Management Plan (CEMP) (Ecology Solutions March 2021 7807.CEMP.vf); and the Landscape and Ecology Management Plan (LEMP) (Ecology Solutions dated March 2021 7807.LEMP.vf). In addition to the approved LEMP, hedgehog tunnels shall be installed in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority. Any modifications to the approved details within the CEMP and LEMP (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 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, having regard to adopted policies INF3 and SD9 of the Joint Core Strategy (2017) and section 15 of the NPPF (2023).

- 24 Full details of the external lighting scheme, following the principles and recommendations of the approved lighting strategy (Illume Design Lighting Strategy 03.03.2021 No. 4218 rev 0.2), shall be submitted to and approved in writing by the local planning authority. The details shall include but shall not be limited to the following:
- a. the position, height and type of all external lighting (including any security lighting);
  - b. the intensity of lighting and spread of light as a lux contour plan (including horizontal and vertical components);
  - c. lighting calculations and assessment;
  - d. measures to minimise light spill/pollution, having regard to the sensitive location of the site within an AONB;
  - e. measures to minimise the effects of lighting on protected wildlife species;
  - f. the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.



The development shall be carried out in accordance with the approved scheme, maintained thereafter for the lifetime of the development and in accordance with the manufacturer's recommendations.

Reason: In the interests of the character and appearance of the Cotswolds National Landscape (AONB) and locality in general and to safeguard important ecological species and the amenities of adjacent properties 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; having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies INF3, SD4, SD6, SD7, SD9 and SD14 of the Joint Core Strategy (2017) and sections 12 and 15 of the NPPF (2023).

- 25 The submission of details required by Condition 1 shall include full details of a hard and soft landscaping and boundary treatment scheme for both the residential and open space elements of the proposed development. The scheme shall include the following:
- a. a written specification describing the species, sizes, spacing, densities and planting numbers;
  - b. details of all retained trees, hedgerow and other ecological features;
  - c. details of the phasing of implementation of all proposed hard and soft landscaping;
  - d. details of proposed aquatic planting for the indicative SuDS feature shown in the north-west corner of the site;
  - e. details of meadow grassland planting within the areas of public open space;
  - f. details of hard and soft boundary treatment (including details of materials and elevation drawings where relevant);
  - g. details of ridge and furrow retention, planting and maintenance;
  - h. buffer/protection and deterrent planting measures (from deer and other predators) around retained mature, veteran and ancient trees;
  - i. details of biodiversity net gain (BNG), in accordance with Natural England's Biodiversity Metric 2.0;
  - j. a detailed Landscape and Tree Management and Maintenance Scheme (LTMMS) (for the short, medium and long term - 5, 10 and 30 years) for areas of proposed open space and children's play areas based on the principles set out in the approved LEMP.

All hard and soft landscaping and boundary treatments (as well as the LTMMS) shall be implemented and maintained in accordance with the approved details, and in accordance with a timetable agreed with the local planning authority. Any trees, hedgerows or other plants which, within a period of 5 years from the date that they were planted, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season (October to March) with others of the same size or species unless otherwise first agreed in writing by the local planning authority. Any pruning works shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

Reason: In the interests of biodiversity and the character and appearance of the area, having regard to adopted policies D1, GI3 of the Cheltenham Plan (2020), and adopted policies SD4, SD6, SD7, SD8, SD9 and INF3 of the Joint Core Strategy (2017).

- 26 All works including roads, paths, parking areas, drainage runs and other areas of hard landscaping that fall within Root Protection Areas of retained trees shall be constructed using a no-dig method. All trenches and service runs shall fall outside the Root Protection Area(s) of any retained trees shown on the approved drawings, unless otherwise first agreed in writing by the local planning authority. Any such works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or

any standard that reproduces or replaces this standard). No fires shall be lit within 5m of the Root Protection Areas and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of any tree stem. Existing ground levels shall remain the same within the Root Protection Areas and no building materials or surplus soil shall be stored therein.

Reason: To safeguard the existing tree(s) in the interests of visual amenity and biodiversity, having regard to adopted policies D1 and GI3 of the Cheltenham Plan (2020) and adopted policies SD4, SD7, SD9 and INF3 of the Joint Core Strategy (2017).

- 27 Prior to the commencement of development (including site and vegetation clearance works), the following shall be submitted and approved in writing by the local planning authority:
- a. a Tree, Shrub and Hedgerow Retention and Removal Plan, identifying all trees, shrubs and hedgerow to be removed and retained (including tree BS 5837:2012 categorisation);
  - b. details of tree protective fencing to comply with BS 5837:2012;
  - c. an Arboricultural Monitoring scheme for the construction phase which shall include details of (a) persons to conduct the monitoring; (b) the methodology and programme for reporting; and (c) a timetable for inspections;
  - d. an Arboricultural Method Statement (AMS) to comply with BS 5837:2012 which shall include (a) any no-dig construction method details for parking areas, footpaths, roads, drainage runs and other forms of hard landscaping; (b) foundation details for properties near to retained trees on or adjacent to the site; (c) the storage of materials and siting of temporary structures for contractors; and (d) any access facilitation pruning in accordance with BS 3998 (2010).

No trees, shrubs or hedges within the site which are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed, without the prior written consent of the local planning authority. Any retained trees, shrubs or hedgerow indicated on the approved drawings which, within a period of 5 years following the completion of the construction phase die, become seriously damaged or diseased shall be replaced during the next available 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 shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

No tree and/or hedge clearance shall be carried out during bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has first been submitted to and approved in writing by the local planning authority.

The development shall be carried out at all times in accordance with the details approved and the tree protective fencing shall be installed and inspected prior to the commencement of development and shall thereafter remain in place until the completion of the relevant construction phase.

Reason: To safeguard important existing trees and hedgerow in the interests of visual amenity and to safeguard important ecological species and their habitat, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020) and adopted policies SD4, SD7, SD9 and INF3 of the Joint Core Strategy (2017).

- 28 Details of a scheme for Public Art within the area(s) of public open space shall be submitted to and approved in writing by the local planning authority. The approved

scheme be installed within six months following the completion of the development or in accordance with a timetable previously agreed in writing by the local planning authority.

Reason: To allow provision of public art in accordance with the public realm objectives of adopted policy SD4 of the Joint Core Strategy (2017) and having regard to the Cheltenham Public Art Strategy (2017).

- 29 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages and outbuildings (other than sheds and greenhouses, and those forming part of the development hereby permitted) shall be erected without the permission of the local planning authority.

Reason: Any further extension or alteration requires further consideration to safeguard the character and appearance and amenities of the area and those of future occupiers of the development, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD6, SD7 and SD14 of the Joint Core Strategy (2017).

- 30 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 shall be in accordance with the advice from Natural England (letter dated 13 April 2021) and include reference to: Alternative local recreation opportunities (off site), and website information for the Cotswolds AONB. Each household shall be provided with an approved Homeowner Information Pack on occupation.

Reason: To assist in mitigating any impacts the proposed development may cause to designated landscape areas having regard to Policy BG1 of the Cheltenham Plan, Policy SD9 of the Joint Core Strategy (2017) and guidance set out at section 15 of the NPPF (2023).

- 31 Details of a scheme of interpretation for the adjacent heritage assets at Hewlett's Reservoir (which shall include details of the location, content and design of interpretation boards to provide the public with a better understanding of the heritage assets adjoining the site) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the completion of the development.

Reason: In the interests of heritage and conservation, having regard to adopted policy SD8 of the Joint Core Strategy and Section 16 of the NPPF (2023).

### **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications

and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

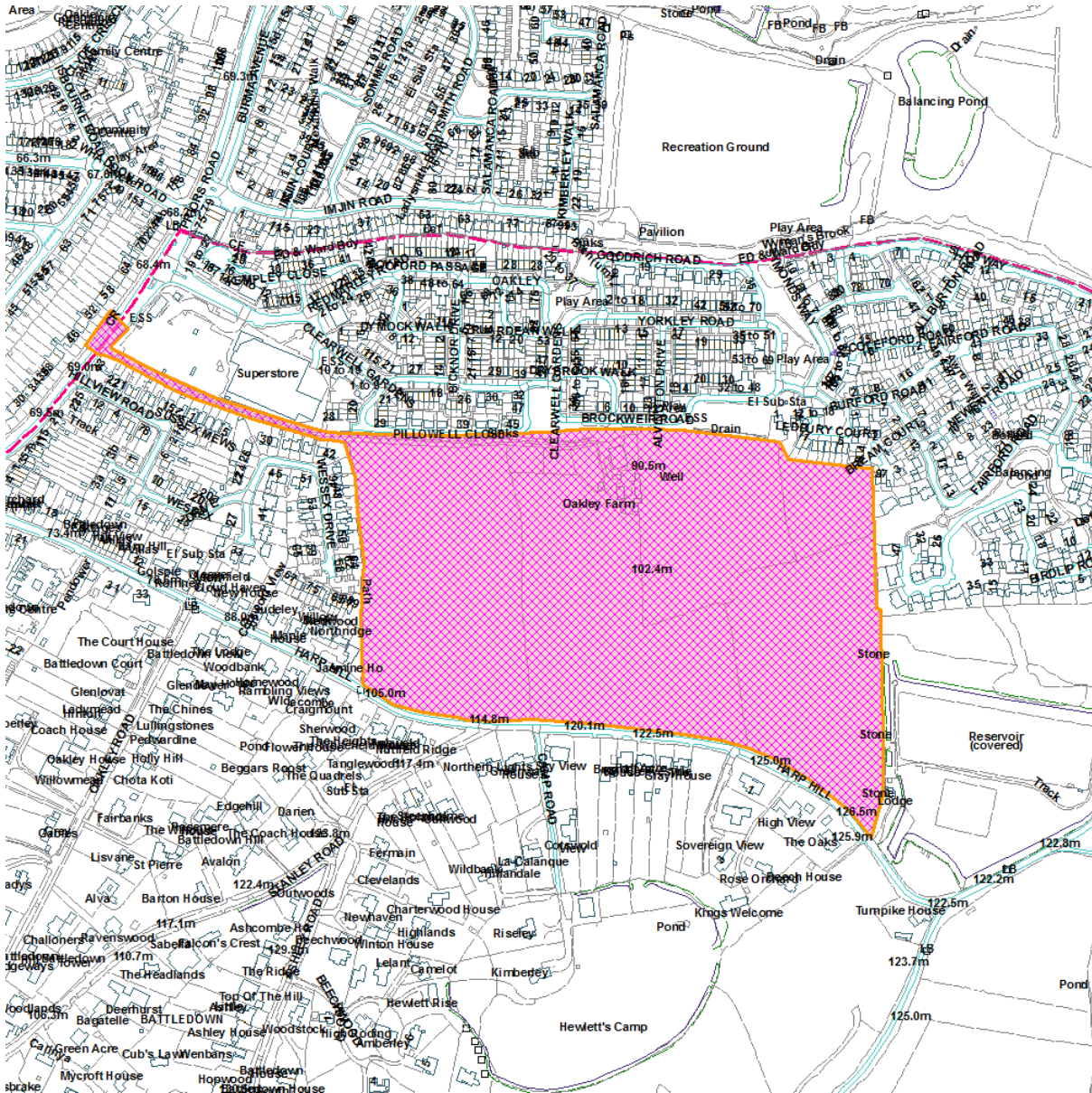
2 This planning permission is subject to Section 106 legal agreements/Unilateral Undertakings which provide (in summary) for the following:

- Affordable housing
- Open space/play and recreation provision, allotment space provision, off-site contributions for playing pitch improvements and future open space management and maintenance
- Education and Library provision/contributions
- Off-site transport infrastructure works - footway and cycleway works along Priors Road
- Travel Plan implementation/monitoring
- Maintenance contribution for repointing and maintaining historic wall adjacent to Hewlett's Reservoir

The planning permission should be read in conjunction with the above s106 legal agreements/Unilateral Undertakings.

<b>APPLICATION NO:</b> 23/01691/REM		<b>OFFICER:</b> Mrs Lucy White	
<b>DATE REGISTERED:</b> 4th October 2023		<b>DATE OF EXPIRY:</b> 24th January 2024	
<b>DATE VALIDATED:</b> 4th October 2023		<b>DATE OF SITE VISIT:</b>	
<b>WARD:</b> Battledown		<b>PARISH:</b> Charlton Kings	
<b>APPLICANT:</b>	Vistry Homes Limited And Stonewater Limited		
<b>AGENT:</b>	Nexus Planning		
<b>LOCATION:</b>	Oakley Farm Priors Road Cheltenham		
<b>PROPOSAL:</b>	Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 20/01069/OUT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT.		

**RECOMMENDATION:** Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of an area of approximately 14.9ha of agricultural grassland and associated buildings at Oakley Farm. The site lies wholly within the Cotswold Area of Outstanding Natural Beauty (AONB) and is bounded by Harp Hill to the south, residential development associated with the former GCHQ site to the east and north and Wessex Drive to the west. The grade II listed Hewlett's Reservoir and Pavilion form part of the east site boundary. The land rises steeply south towards Harp Hill and is sub-divided into separate field parcels, delineated by extensive rows of established, mature hedgerow. A number of established trees occupy other parts of the site, some of which are veteran trees and subject to Tree Preservation Orders.
- 1.2 Members will recall that outline planning permission was granted on appeal in 2022 for development comprising of up to 250 residential dwellings, to include provision of affordable housing, associated infrastructure, ancillary facilities, open space and landscaping, demolition of all existing buildings and the formation of a new vehicular

access from Harp Hill, under reference APP/B1605/W/21/3273053 (20/01069/OUT). All matters were reserved for future consideration.

- 1.3** The above outline planning permission was granted subject to 5no. Section 106 Agreements to secure the provision of 40% affordable housing, on-site public open space and recreation provision (including its future management and maintenance), an off-site financial contribution towards improvements to Beeches and/or Priors Farm playing fields, implementation of a residential Travel Plan, financial contributions towards off-site highway improvements, bus services, libraries and education provision. There is also a legal undertaking for the developer to pay a sum of up to £25,000 towards any future costs associated with the repair/re-jointing and maintenance of the listed boundary wall at Hewlett's Reservoir, which forms part of the east site boundary.
- 1.4** This application is seeking approval of the reserved matters (design, appearance, layout, scale, landscaping and access arrangements) pursuant to the above outline planning permission. In so doing, details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 12 (site levels), 13 (Harp Hill access junction details), and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT.
- 1.5** A Housing Mix Statement, as required by Condition 7 and to be provided at reserved matters stage, has been submitted separately.
- 1.6** In addition to the suite of elevation and layout drawings, the application includes various supporting documents including a Design Statement, Landscape Design Statement, Planning Statement, Statement of Engagement, Arboricultural Impact Plans, Energy and Sustainability Statement, and Transport Technical Note. In response to the various scheme revisions, some of the supporting documents have been updated.
- 1.7** Both the Landscape Design Statement and Design Statement include various helpful 3D and illustrative images of the proposed development. The latter also sets out how the scheme design has evolved from conception through to the final pre-application proposal. The applicant has needed to work within the approved parameters and scope of the outline planning permission, alongside the constraints of site topography and existing landscape features, which has presented significant but not insurmountable challenges for the design team.
- 1.8** This application is before the Planning Committee because of the scale and significance of the proposed development and following a request from the Chair of Planning Committee that any future reserved matters applications would be determined by the Planning Committee.
- 1.9** Pre-application process and Public Engagement
- 1.10** This application is subject to a Planning Performance Agreement (PPA) which was entered into to cover both the pre-application and reserved matters application stages. The PPA sets a timetable and protocols for determining both the pre-application and reserved matters submissions. Over the summer of 2023, lengthy pre-application discussions and a series of design workshops took place involving both the applicant and Council, including their respective specialist advisors for landscape architecture, trees, urban design and affordable housing.
- 1.11** The applicants made a separate pre-application to Gloucestershire County Council acting as Highway Authority and a summary of the outcome of those discussions is provided as part of the current application.
- 1.12** It is important to note that there has been a highly collaborative approach to all pre-application/PPA meetings and discussions and this has resulted in a well-considered and high quality scheme, despite the challenges of site topography and retained landscape

features. The proposals offer a wholly bespoke approach to these constraints and respond well to the character of the site and its surroundings. The vast majority of officer/advisor concerns and suggestions have been addressed and incorporated into the final scheme proposal.

- 1.13** At an advanced stage in the pre-application process, in September 2023, the emerging proposals were presented to the Gloucestershire Design Review Panel. The comments of the Panel are set out in full at the end of the report and discussed later in the report. The majority of the Panel's comments have been taken on board and incorporated within the scheme revisions.
- 1.14** The applicant has also engaged with and presented the scheme to the Parish Council and the Friends of Oakley Farm Pasture Slopes (the Friends), the latter having been a Rule 6 Party to the Public Inquiry appeal in respect of the outline planning permission. Members will also recall that the applicant presented the pre-application scheme to Planning Committee Members and ward councillors, also in September 2023.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Area of Outstanding Natural Beauty  
Airport safeguarding over 15m  
Airport Safeguarding over 45m

### Relevant Planning History:

**23/00201/PREAPP 20th October 2023 CLO**

A reserved matters application for 250 dwellings and associated infrastructure (pursuant to outline planning permission 20/01069/OUT)

**19/00526/SCREEN 2nd April 2019 ISSUE**

Request for a screening opinion under Part 2, Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

**19/00916/SCOPE 12th July 2019 SCOPE**

Request for EIA Scoping Opinion for Land at Oakley Farm

**19/01610/DEMCON 10th September 2019 NPRIOR**

Application to determine whether prior approval is required for the demolition of a detached dwelling (The Farmhouse, Oakley Farm) (method of demolition and restoration of the site)

**20/01069/OUT 7th October 2022 UNDET/ALLOWED ON APPEAL 5<sup>th</sup> October 2022**

Outline application for development comprising of up to 250 residential dwellings including provision of associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and formation of new vehicular access from Harp Hill. All matters reserved except for means of access to site from Harp Hill.

**23/01677/DISCON PCO**

Discharge of condition 7 (housing mix statement) of planning permission 20/01069/OUT

## 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 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
- HE2 National and Local Archaeological Remains of Importance
- BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure
- SL1 Safe and Sustainable Living
- GI2 Protection and replacement of trees
- GI3 Trees and Development

**Adopted Joint Core Strategy Policies**

- 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

**Supplementary Planning Guidance/Documents**

Cheltenham Climate Change (2022)

**4. CONSULTATIONS**

See appendix at end of report

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>313</b>
Total comments received	<b>55</b>
Number of objections	<b>52</b>
Number of supporting	<b>0</b>
General comment	<b>3</b>

- 5.1 Letters of notification were sent to 313 properties. In addition, a number of site notices were displayed at various points around the periphery of the site and an advert placed in the Gloucestershire Echo.
- 5.2 In response to the publicity, a total of 55 representations have been received, 52 of which are in objection to the proposals.

**5.3** All representations received during the course of the application have been made available to Members separately. In summary, the concerns raised relate to (but are not limited to) the following matters:

- Increase in traffic on Harp Hill, unsuitability of Harp Hill/Greenway Lane, proposed access from Harp Hill and pressures on local road network. Congestion at Priors Road roundabout and other road junctions. Highway safety implications and safety of pedestrians and cyclists. Access difficulties for properties opposite the Harp Hill site access.
- Harp Hill site access should be relocated and possibly further west, outside of Highway Flexibility Zone
- Loss of privacy, light and outlook from neighbouring properties
- Environmental pollution – air quality, traffic pollution, light and noise emissions
- Lack of infrastructure proposed and pressures on existing schools and community services
- Impact on drainage and flooding in area
- Loss and harm to AONB
- Ecological harm, loss of (Veteran) trees, hedgerow, wildlife, habitat, flora and fauna.
- Overdevelopment of site with too many houses proposed.
- Disturbance, heavy traffic and damage to nearby properties during construction programme

**5.4** It should be noted that many of the public representations are concerned with matters that were considered at the outline planning permission stage (e.g. principle of residential development, traffic impact, AONB impact, housing numbers, air quality, pollution and education provision). As such, these matters are of no material relevance when determining this reserved matters application.

**5.5** Charlton Kings Parish Council has also made representations and objects to the proposed development. In summary, their concerns relate to traffic impacts on Harp Hill and local road junctions, inadequate on-site parking provision, potential drainage issues from the outlet pipes within the SUDs attenuation pond, overbearing impact of some plots on neighbouring properties and overdevelopment of the site. Comments are also made in respect of EV charging points, headlight glare affecting properties on Harp Hill opposite the main site access and appropriate deer-proof fencing around the allotments. The Parish's comments are set out in full at the end of the report.

**5.6** The applicant has sought to address the concerns of the Parish in their amended covering letter received 23<sup>rd</sup> November 2023; some of which (dwelling numbers, access, traffic impact) relate to considerations of the outline planning permission. Officers concur with the applicant's response to the Parish's concerns, the majority of which are discussed generally in later sections of the report. Furthermore, in respect of neighbour amenity, officers are satisfied that, despite the proximity of some plots to dwellings on adjacent land, there would be no significant harm caused to the amenities of neighbouring land users.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** This is an application seeking approval of reserved matters following the grant of outline planning permission. As such, the matters for consideration are limited to the following:-

- details of the layout, design, scale, density and architectural features of the proposed dwellings
- extent to which the proposals adhere to the approved Parameter Plans of the outline planning permission (i.e. compliance with Condition 5 of 20/01069/OUT)
- details of proposed landscaping within both the built up and public open space areas of the development
- impact on retained trees and hedgerow
- ecology, biodiversity and BNG
- estate road and access junction arrangements
- distribution, tenure mix and design of the affordable housing provision
- the impact on the beauty and landscape qualities of the Cotswold AONB
- impact on designated heritage assets
- drainage and flood risk
- impact on amenities of adjoining land users

**6.3** Matters relating to the acceptability of the principle of the redevelopment of the site to provide up to 250 dwellings, vehicular access via Harp Hill and the transport impacts of the proposed development on the local road network are not relevant to the determination of the reserved matters and cannot therefore be re-examined.

### **6.4 Policy Background**

**6.5** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 47 of the National Planning Policy Framework (NPPF) which also highlights that decisions on applications should be made as quickly as possible.

**6.6** The development plan comprises of the Cheltenham Plan (CP) (adopted 2020) and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS) (adopted 2017). Material considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and the Cotswold National Landscape Management Plan 2023-25 (CMP).

**6.7** The outline planning permission establishes the principle of the redevelopment of the site for residential purposes and the provision of up to 250 dwellings.

**6.8** Notwithstanding the above, 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.

**6.9** 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.

**6.10** The Council is currently unable to demonstrate a five year housing land supply (the latest published figure as at 31 March 2023 being 4.84 years). The housing supply policies in the development plan are therefore out-of-date.

- 6.11** The application site is also designated land and lies wholly within the Cotswold AONB. The site's designated status means that NPPF paragraph 11(d) (i) and (ii) both apply.
- 6.12** Although the impact of the redevelopment of this site on the AONB was considered as part of the outline application and by the appeal Inspector, the current REM proposals will still need to be considered having regard to the relevant paragraphs of the NPPF. Paragraph 176 of the NPPF states that '*great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues*'. Paragraph 177 advises that consideration of such applications should include an assessment of:-
- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated*
- 6.13** JCS Policy SD7 states that:-
- All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.*
- 6.14** Similarly, Policy L1 of the Cheltenham Plan states that '*development will only be permitted where it would not harm the setting of Cheltenham including views into or out of areas of acknowledged importance*'. The supporting text to L1 emphasises the need to continue the protection of the town's setting and encourage its future enhancement through sensitively designed and located development; and in doing so protect views into and out of the AONB. Paragraph 8.3 of the Cheltenham Plan comments on the particular importance of protecting the scarp as the dominant feature of Cheltenham's setting.
- 6.15** Policy CE1 of the Cotswolds National Landscape Management Plan 2023-25 requires:
1. *Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds National Landscape, should have regard to, be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines. There should be a presumption against the loss of key characteristics identified in the landscape character assessment.*
  2. *Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds National Landscape, should have regard to the scenic quality of the location and its setting and ensure that views - including those into and out of the National Landscape - and visual amenity are conserved and enhanced.*
- 6.16** CMP Policy CE3 stipulates:
1. *Proposals that are likely to impact on the local distinctiveness of the Cotswolds National Landscape should have regard to, be compatible with and reinforce this local distinctiveness. This should include:*
- *being compatible with the Cotswolds Conservation Board's Landscape Character Assessment, Landscape Strategy and Guidelines and Local Distinctiveness and Landscape Change;*
  - *being designed and, where relevant, landscaped to respect local settlement patterns, building styles, scale and materials;*
  - *using an appropriate colour of limestone to reflect local distinctiveness.*

*2. Innovative designs - which are informed by local distinctiveness, character and scale - should be welcomed.*

**6.17 Compliance with Outline Planning Permission/Alternative Illustrative Master Plan and Parameter Plans**

**6.18** The outline planning permission is subject to a number of approved Parameter Plan drawings and 31 conditions, a number of which require details to be provided at the reserved matters stage (REM). The Parameter Plans illustrate the broad concepts of access and movement, general land use, building heights and green infrastructure. The outline submission also included an Alternative Illustrative Masterplan (AIM) and landscaping strategy to demonstrate how 250 dwellings could be accommodated on this site and to illustrate the general distribution/layout of built form and soft landscaping.

**6.19** Of note is Condition 5 of the outline permission which requires the REM to be in general accordance with the AIM in respect of the following:-

*a. the proposed and retained structural landscaping (trees, shrubs and hedgerows) and public open space within the green infrastructure areas shown on drawing P18-0847-02 sheet 02 Rev D;*

*b. the design and alignment of the main vehicular access road and vehicular junction within Harp Hill within the Highway Corridor Flexibility Zone shown on drawing P18-0847-02 sheet 03 Rev F (excluding other internal estate roads).*

*For the avoidance of doubt, applications for approval of reserved matters shall be in substantial accordance with the submitted Land Use Parameter Plan (drawing P18-0847\_02 sheet 02 Rev D), Access and Movement Parameter Plan (drawing P18-0847\_02 sheet 3 Rev F), Building Heights Parameter Plan (drawing P18-847\_02 sheet 04 Rev C) and Green Infrastructure Parameter Plan (drawing P18-0847\_02 sheet 05 Rev D)*

**6.20** In light of the above, the REM proposals are required to accord substantially with the design and layout principles of the proposed and retained structural landscaping, distribution of built form and opens space across the site and the alignment of the main vehicular access and junction from Harp Hill, as shown on these plans. In essence, a tree belt/buffer should run east west across the site to demarcate the built up area from the public open space/green infrastructure within the retained southern field parcels.

**6.21** Similarly, Condition 13 relates to the proposed access arrangements from Harp Hill and the road gradients within the site. The condition reads as follows:-

*Notwithstanding the illustrative proposed access arrangements on to Harp Hill, as shown on Access and Movement Parameter Plan ref: P18-0847\_02 Sheet No.3 rev F and the Alternative Illustrative Masterplan ref. 18017.202 Rev B, full details of the proposed access junction on to Harp Hill shall be submitted to and approved in writing by the local planning authority as part of the first reserved matters submission. The access shall be installed in accordance with the approved details and made available for use prior to the first occupation of any dwelling. The reserved matters submissions relating to access are required to be generally designed so that maximum and minimum gradients allowable will be 1/20 and 1/100 respectively, save that gradients up to 1/12 are permissible, provided that where they are proposed, they shall be limited to maximum lengths of 30 metres.*

**6.22** The extent to which the REM scheme satisfies the requirements of the above planning conditions is discussed below.

**6.23 Design and layout**

- 6.24** 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 of the JCS require development to respond positively to and respect the character of the site and its surroundings. 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.
- 6.25** In similarity with the AIM, the application site is split into roughly one third/two thirds land parcels. The larger northern section would accommodate the 250 proposed dwellings plus 2no. SUDS pond features, associated estate roads and infrastructure. The smaller southern section would accommodate an approximate 15 metre tree belt, retained pasture slopes/public open space, footpaths and the main vehicular access into the site. The main estate road running through the site is circular, follows the contours of the land and provides access to a number of short cul-de-sacs.
- 6.26** The proposed dwellings are fairly evenly distributed across the site in street frontage rows or cul-sacs. The dwellings are a mix of terraced, semi-detached and detached properties and apartment blocks. Within the central-western part of the site the majority of the dwellings front the estate roads, creating strong building lines; albeit the topography of the site and roof forms prevent an overly terracing effect within the street scene. Elsewhere, dwellings front onto the 'destination oak tree', SUDS features and central Glade area in the north east corner and central area respectively. There is good use of back-to-back gardens, with other dwellings backing onto areas of public open space or site boundaries. The 5no. allotments are suitably located adjacent to the east site boundary and provide a generous buffer between the proposed dwellings and properties in Birdlip Road. Overall, the layout, spacing and distribution of houses and the street hierarchy work well across the site.
- 6.27** All proposed dwellings have dedicated parking provision either as on-plot parking spaces, allocated street parking or in parking courts. In addition there are 56 unallocated visitor parking spaces across the site and allocated parking for the allotment holders.
- 6.28** The proposed refuse storage strategy, is again a bespoke approach. Some of the terraced houses have been designed with refuse bin storage built into front boundary walls and a detailed drawing is provided to show this arrangement. All under croft garages have storage areas for bins within the garages. All dwellings with rear garden access would have bin stores in their rear gardens and the apartments have bin collection points located within acceptable carry and collection vehicle distances. Cycle storage for houses is located either within garages or in rear garden sheds. The majority of the apartment buildings have secure and covered cycle storage in the form of a dedicated store or under star storage facility. However, there are some apartments that have either a Sheffield stand or nor cycle storage facility. A condition is therefore added to ensure appropriate covered and secure cycle storage provision for these apartments.
- 6.29** The layout comprises generally of 4no. distinct 'neighbourhood' areas, known as Central Lower, Upper Lower, NE Pond, Oak Tree, Reservoir and NE Edge. Within these areas, retained and structural planting is proposed together with the east-west tree belt. The layout includes 5 no. LAPs (informal local play areas) and 1no. LEAP (local equipped play area), as required by the s106 Agreement. These are located evenly across the site to achieve suitable travel distance from properties.
- 6.30** The existing north-south hedgerow within the west field parcels is largely retained with breaks in the hedgerow for roads and footpaths. Similarly, the revised road alignment/main access location has resulted in the retention of the majority of the existing north-south hedgerow within the eastern field parcels. This feature connects with the heavily landscaped Glade area (and LEAP) forming an almost continuous landscaped strip running north-south across the site and defining the character of this part of the site.

In this respect and in comparison with the previous Alternative Illustrative Masterplan (AIM), the proposed layout is a betterment in terms of retained green infrastructure. Furthermore, in the Design Statement, the applicant refers to their vision of creating '*a new landscape-led neighbourhood in Cheltenham...bespoke houses have been designed to accommodate the slopes of the site and embed the homes into the landscape*'. Officers consider that overall, the proposed scheme achieves these aims successfully. The proposals are a bespoke response to the constraints of the site. There are no standard house types within the layout.

- 6.31** The proposed location and alignment of the main access road and junction with Harp Hill, as shown on the site layout plan and Drawing No PJS22-068-DR-400: Planning Stage Roads Horizontal General Arrangement, fall within the Highway Corridor Flexibility Zone of the Parameter Plan. This is despite the relocation of the main access slightly further west than that shown on the AIM and without compromising the two oak trees located within the highway verge. The reasons given for the adjustment are the provision of a tested, less convoluted and far more efficient response to the site. The access arrangements shown on the AIM are considered by the applicant to be impracticable due to site gradients. A site layout drawing with parameters overlay is provided to demonstrate conformity with condition 13.
- 6.32** The other proposed pedestrian and cycle access points into the site are also in general conformity with the AIM. These consist of two footpath connections onto Harp Hill at the southern end of the site, and a footpath/cycle path and emergency vehicular access via the old farm track leading to Priors Road in the north. However, during pre-application discussions it was agreed that to minimise pedestrian/vehicular conflict, the footpath adjoining the main vehicular access onto Harp Hill (as shown on the AIM) should be removed because there is no footpath provision on this part of Harp Hill. The outline planning permission only required the extension of the existing footpath on Harp Hill further east to connect with the existing public right of way (PROW) running along the west site boundary.
- 6.33** There are three main north-south internal footpath routes through the site, linking Harp Hill and the POS with Priors Road, with connections to the central Glade play area. These paths vary in width, with sections of the footpaths running between or alongside houses and needing steps in places due to site gradients. Some concerns were raised during pre-application discussions over the potential width and proximity of these paths to neighbouring dwellings. In response, the applicant has provided additional, larger scale drawings to demonstrate the (varying) width and alignment of these footpath links more clearly. Officers are now satisfied that the footpaths are suitable and should not significantly harm the amenities of any future dwelling occupiers.
- 6.34** There are additional points of access into the site from the PROW along the west site boundary. The proposed layout also indicates new access points into neighbouring housing areas in Birdlip Road and Highnam Place within the north and north-east corners of the site. The applicant is continuing discussions with adjoining land owners and management companies to facilitate these access opportunities and connections with surrounding areas, whose residents would certainly benefit from being able to access the play areas and the public open space and recreation opportunities of the proposed development. From these neighbouring residential areas, there would also be improved pedestrian access to Harp Hill and the AONB beyond. Unfortunately, within the scope of this REM application, the applicant can only provide the areas for these access points; it cannot facilitate and carry out the works to implement the access points.
- 6.35** There are some points between the demarcated built development and green infrastructure areas of the Land Use Parameter Plan where the boundaries are moderately breached. Within the Central Upper Neighbourhood and the Oak Tree Neighbourhood some of the rear boundaries/plots of the dwellings have been moved

slight further south by approximately 7 metres. That said, only the rear gardens of the affected dwellings would encroach into the tree belt area. This adjustment has been made to enable more meaningful street tree planting (with heavy standard/semi-mature species) within the highway verges. This amendment and slight conflict with the approved parameter plans was agreed by officers during pre-application discussions and was a result of comments raised by the Gloucestershire Design Review Panel. The proposed reduction in width of parts of the tree belt buffer is minimal and would be imperceptible when viewed from Harp Hill and from within the site/public open space. There is also another slight deviation in that there are some visitor parking spaces located within the Highway Flexibility Zone. These minor changes are of no concern.

- 6.36** Despite the number of proposed apartment buildings and three storey buildings across the site, officers are also satisfied that building heights are in general accordance with the Building Heights Parameter Plan whereby the tallest buildings must be confined to the central and lower parts of the site (noting future ground levels permissible up to 1.5 metres above existing ground levels). The applicant has provided a Schedule of Accommodation which includes an assessment of all the plots against the Parameter Plan and confirms the parameter height for each plot (10.5 metres or 12 metres, depending on location within the site). The assessment indicates that four plots (118-219) exceed the parameter height by approximately 46cm. However, when allowing for the additional 1.5 metres of finished raised ground levels above existing levels, the parameter ridge heights for these four plots are not exceeded.
- 6.37** In light of the above, officers are satisfied that the proposed layout is in general accordance with the approved Parameter Plans and AIM. The requirements of Condition 5 are therefore met.
- 6.38** The submitted Phasing Plan indicates a logical construction programme, starting with the main access road and junction with Harp Hill, then working left and down the slope, finishing with the last Phase (6) of house building adjacent to properties in Birdlip Road. Phase 3 would see the green infrastructure of the POS area implemented to allow time for the landscaping to establish. A Landscape Phasing Plan is also provided. A Construction Environmental Management Plan (CEMP), to tie in with the phased construction programme, would be submitted and approved by the LPA prior to the commencement of development.
- 6.39** Architectural Design/Dwelling Types
- 6.40** Due to the topography of the site, many of the proposed dwellings are split level properties, particularly those in the central areas where gradients are steepest. These dwellings either step up or down the contours of the site to reduce the height of retaining walls within rear gardens and reduce visible retaining structures generally across the site. As a result, many of the proposed house types have living accommodation on the upper floors and raised external garden areas with privacy walls. Some are two storey at the front with level access and parking at ground level and three storey height at the rear with the kitchen at lower ground, garden level. The Oak Tree flats similarly step up the slope and incorporate two internal retaining wall structures. The single aspect flats and houses above garages (FOGS and HOGS) have also been purposely designed to act as retaining structures.
- 6.41** The bespoke house types vary from terraced, semi-detached and detached dwellings plus several three storey detached and linked apartment buildings. In terms of building heights, dwelling house types range from one bed bungalows to three/three and a half storey town houses and apartment buildings with maximum ridge heights in line with the approved Building Heights Parameter Plan (10.5 and 12 metres). There is strong use of gable front features and pitched roofs with window alignment and proportions reflecting the principles of Cheltenham's Regency architecture. At various end points within the site



layout, buildings have been carefully designed to act as attractive focal points within the street scene.

- 6.42** Front boundary treatments to individual houses vary from stone walls, (some of which also act as retaining structures), hedges, estate type railings with planting behind. Other boundary treatment is shown in a revised drawing, submitted in response to concerns about timber fencing installed adjacent to areas of public open space. Unfortunately, the revisions do not adequately address officer concerns in that plots 1-42 (which back onto the POS and tree belt) and plots 11-14 (Glade area) are still shown with timber fencing. Although a more robust timber fence panel could be used, officers consider a solid stone wall a more appropriate boundary treatment in these areas. Timber fence panels would more than likely in time be altered/replaced by future home owners, which could result in a haphazard appearance, thereby detracting from the overall character and appearance of the development. A condition is therefore added requiring the submission and approval of a revised boundary treatment scheme.
- 6.43** The design of the Oak Tree flats and those with the Glade neighbourhood has been very carefully considered and the topic of much pre-application discussion, due to site topography, their prominence and trees within their settings. The Oak Tree flats in particular would be a prominent feature in the street scene, forming the backdrop to the retained veteran oak tree. These buildings step down the slope and appear more as smaller groups of town houses, adding verticality to the building mass. The introduction of mansard roofs to these buildings, alters and reduces their scale and massing, whilst adding visual interest and modulation.
- 6.44** Similarly, some of the Glade apartment buildings have been designed to step up the slope and are linked by their recessed shared entrances. Following discussion with the applicant, the location of some apartment buildings within the Glade neighbourhood has been revised to improve walking/step distances to the parking and bin collection areas for these flats. Some of the Glade flats also play an important surveillance role over the Glade children's' play area.
- 6.45** The materials palette consists of Cotswold/re-constituted stone, stone/buff coloured brick, pale coloured render and dark timber cladding. Stone and facing brick would be the predominant external facing materials with some of render and timber cladding added. Roof coverings would be slate/artificial slate and metal cladding for the mansard roofs of the Oak Tree flats.
- 6.46** The design and materials palette of the dwellings responds largely to its neighbourhood area location within the site. For example, dwellings in the Oak Tree neighbourhood incorporate more stone in their facades, more render is used in the dwellings fronting the SUDS pond in the north west corner and timber cladding has been added to dwellings in the Glade area and around tree groups.
- 6.47** Notwithstanding the requirements of Condition 8, officers have agreed with the applicant, that due to current difficulties sourcing brick and Cotswold stone (and to avoid revised planning applications), material details would be agreed at a later stage. This will include a requirement for large sample panels of all facing materials to be constructed on site and subsequently approved. A condition has been added accordingly.
- 6.48** Drawings are also provided to show future management and maintenance responsibilities for the site. All areas of public open space (outside of private/affordable home ownership) would be transferred to a management company. The allotments would be transferred to either the Parish Council or Management Company and the majority of the internal estate roads would become adopted highway.
- 6.49** Gloucestershire Design Review Panel

- 6.50** At a relatively advanced but still emerging stage during the pre-application process, the proposals were presented to the Gloucestershire Design Review Panel in early September 2023. The Panel's comments are set out in full at the end of the report.
- 6.51** The Panel were generally supportive of the scheme but raised concerns about the visual impacts of the main vehicular access into the site from Harp Hill and the lack of a pedestrian footway on Harp Hill. Whilst recognising that the principles of this were agreed at outline planning stage, the Panel thought that the visual impacts could be reduced by additional landscape screening of the elevated section of the vehicular entrance.
- 6.52** One of the key amendments to the scheme was the result of comments made by the Panel, who suggested the incorporation of more street trees to create a more meaningful landscape feature. As discussed at paragraph 6.34 the alignment of the built development and green infrastructure boundaries adjacent to the POS has been adjusted slightly. Essentially, this has created a wider road verge within which to carry out more effective street tree planting.
- 6.53** Other comments were made in relation to site levels and the drainage ponds and SUDS proposals generally, pedestrian links to surrounding areas, proximity of retained hedges to dwellings and site level effects on these hedges.
- 6.54** Notwithstanding the Panel's view that this is a well-designed development of the principals agreed at outline and a positive design response to the sloping site, there were also comments on the architectural detailing and aesthetics of the scheme. In particular, attention was drawn to the mansard roof form of the apartments buildings, the balance of vertical and horizontal on some elevations and careful use of timber cladding.
- 6.55** Where achievable, the majority of the above suggestions were incorporated into the REM scheme.
- 6.56** Cotswold National Landscape (Cotswold Conservation Board)
- 6.57** Cotswold National Landscape (CNL) raise no objection to the proposed development and consider this a high quality scheme. In particular, they comment as follows:-

*We consider that the scheme accords with the relevant advice contained within Section 2.1 of the Cotswolds National Landscape Strategy and Guidelines; for example, it does not overwhelm the existing settlement, does not unduly affect settlement character and form and is not an overly standardised development layout. It also avoids development that may restrict or obscure views to the upper escarpment slopes. By extension we also consider the scheme accords with the relevant parts of Cotswolds National Landscape Management Plan policies including CE1 (Landscape) and CE11 (Major Development)*

*The proposed materials palette reflects both Cotswold stone and light render commonly seen in the local area as well as dark grey slate. We would support the comments of the Council's Urban Design consultant that good quality natural Cotswold stone should be used rather than recon stone to ensure that locally distinctive characteristics and relevant 'special qualities' of the National Landscape are reflected in the scheme and that the scheme positively addresses the aims of Policy CE3 of the Management Plan and the advice contained within the Cotswolds AONB Landscape Strategy & Guidelines.*

- 6.58** Comments are made in respect of conformity with the parameter plans and connectivity to adjacent residential areas which should be addressed as part of the REM application to provide certainty over the arrangements. The difficulties presented by the latter point are discussed elsewhere in the report.

### **6.59** Affordable Housing

- 6.60** Paragraph 59 of the NPPF states that when supporting the government's objective of boosting housing land supply, the needs of groups with specific housing requirements must be addressed. Within this context paragraph 61 goes on to state that the size, type and tenure of housing needed for different groups in the community should be reflected in strategic policies.
- 6.61** Policy SD12 of the JCS (affordable housing) seeks the provision of 40% affordable housing (AH) in all new residential developments of 11 or more dwellings. Policy SD11 sets out that development should address the needs of the local area, including older people.
- 6.62** The outline application proposed a policy compliant level of affordable housing (40%) and a provision of 100 affordable homes for this development with an approximate 70/30 tenure split between rented and shared ownership/intermediate properties. Affordable housing provision is secured via a s106 Agreement. The relevant s106 obligations secure the number, type, tenure mix, sizes and floor areas of the AH provision.
- 6.63** The REM application is submitted jointly by Vistry Homes and Stonewater Ltd, the latter intended to be the affordable housing provider for this development.
- 6.64** The REM scheme proposes 250 dwellings, 100 of which would be a mix of social and affordable rented and shared ownership dwellings. The proposals have been reviewed by the Council's Housing Enabling officer who was also heavily involved in pre-application discussions. In terms of clustering, the 100 AH units are seamlessly distributed across the site and the sizes, types and tenure mix adheres broadly with the terms of the s106 obligations (which allows for revisions agreed between the parties). The AH units are in small clusters (with a maximum cluster size of 12 units) and would be indistinguishable in appearance from the market dwellings, faced in either stone or a mix of brick and render. The layout of the AH has been well thought and balanced against the need to achieve social integration and deliver level access affordable homes.
- 6.65** Notwithstanding the above, some concerns were raised regarding site gradients and the extent of level access to all ground floor AH units, the distance of the single storey 2no. wheelchair accessible units (plots 215 & 216) in the NE corner of the site from the Priors Road footpath entrance and the grouping of some 4/5 bed affordable and market dwellings together. After further discussion with the applicant, it is agreed that the relocation of the wheelchair accessible units to the SUDS pond area is not feasible. Stonewater have also confirmed that they have no issues with the layout and future management of the AH scheme and officers have been given sufficient assurance that the 4/5 bed affordable units (and their interaction with the wider market offer) will not create a community cohesion issue. On this basis, officers are now satisfied that the proposals would deliver an acceptable AH provision.
- 6.66** The Housing Enabling officer's comments are set out in full at the end of the report.
- 6.67** Summary of PPA Scheme Revisions
- 6.68** Following the statutory 21 day consultation period a number of potential minor scheme revisions were discussed with the applicant; in response to both public and consultee comments.
- 6.69** In summary, these include (but are not limited to) the following:-

## Page 196

- Footpath junctions within POS amended to Y-heads to avoid desire line formation. Bound gravel paths amended to buff asphalt surface with concrete edging to avoid erosion and downhill run-off (resin bound surface option not suitable due to underlying strata). Supplementary tree planting added to POS and section of unnecessary crescent path removed from south west corner of POS, in order to retain as much ridge and furrow feature as possible.
- To address concerns over future hedge management, an additional drawing is provided to show the detail and degree of separation between the footpath/hedge line and dwellings along the western site boundary. Future management of hedgerow will be submitted as part of the discharge of Condition 27.
- A defined footpath connection shown connecting the Glade area to Birdlip Road (adjacent to plot 216 at eastern site boundary). No-dig solution proposed for path with path line defined by rustic post and rail fencing to prevent desire line formation. Footpaths through the Glade play area also clarified – concern over desire lines down steep gradients
- Amended perimeter hedge planting proposed around 'Destination Oak Tree' in western area. Planting to comprise of defensive and established species to provide early establishment of the barrier.
- Intermediate size of tree belt species confirmed to enable establishment
- Relocation of sub-station to a less prominent location adjacent to plot 101. Specification drawing of sub-stations also provided.
- Relevant house types amended to show upper floor dark cladding wrapping round side elevations of properties to avoid awkward joins in prominent locations. Garage doors amended to be the same colour as elevation dark grey/black cladding. Box dormer feature added to upper floors of open market Hazel house type.
- House types amended to show location of PV roof panels.
- Larger balconies (5sq metres) provided where achievable.
- Boundary treatment (timber fencing) adjoining some landscaped areas and the public realm amended to solid brick walls.
- Additional Phasing Plan (extracted from the Design Statement) and Landscape Management Plan submitted, the latter plan denoting the public and private realm management responsibility areas.
- Phasing Plan for landscaping.
- Footpath crossing details added to Harp Hill access.
- Longitudinal Section Plan of access arrangements (to accompany an additional Transport Technical Note to confirm that the access arrangements comply with the requirements of Condition 13 – road gradients).
- Roof pitch of maisonette plots 125-127 and 133 and 135 in north west corner altered slightly to accord with the Building Height Parameter Plan.

**6.70** The applicant has also provided additional drawings to satisfy all requirements of Condition 15 (levels and ridge heights of proposed dwellings and buildings on adjoining

land). This plan shows the ridge heights for all the existing buildings that share a boundary with the site, and the proposed ridge heights for the nearby properties. The potential impact on neighbour amenity is discussed at paragraphs 6.74-80.

- 6.71** Although not all of the comments and requests for scheme amendments made by officers and consultees are addressed, the various proposed revisions are welcomed. The majority of the outstanding matters can be dealt with satisfactorily at a later stage via the discharge of conditions attached to the outline permission and new conditions added to this REM approval.
- 6.72** Given the nature of the scheme revisions, officers did not consider it necessary to carry out a formal re-consultation exercise; albeit some the proposed amendments have been discussed with the relevant Council consultees and specialist advisors.

### **6.73 Impact on neighbouring property**

- 6.74** 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.
- 6.75** The nearest residential properties and, those considered to be most affected by the proposed development, are located in Wessex Drive to the west, Harp Hill to the south and the residential areas of the former GCHQ site to the north and east.
- 6.76** Separation distances between proposed and neighbouring property boundaries and nearest elevations in Wessex Drive and the Oakley Grange residential areas (notably Birdlip Road and Highnam Place) appear acceptable and adhere broadly to the recommended distances set out within Policy SL1 of the Cheltenham Plan. Separation distances between the proposed dwellings within the site and their garden sizes are also, on the whole, acceptable and broadly in line with policy recommendations and SPD guidance. There are however, three instances where the recommended 21 metre distance between facing windows falls a little short; albeit this must be balanced against the majority of facing dwellings exceeding the recommended distances.
- 6.77** Although 95% of the proposed houses provide gardens over 10.5 metres in length, some rear garden sizes fall below the 10-11m length usually recommended for new housing development, with some first floor rear facing windows located falling short of the recommended 10.5 metres distance from their rear property boundary (5.8 and 7.8 metres being the shortest lengths). Although some of these gardens have increased garden width and generous front garden areas to provide adequate amenity space, this does not overcome the potential overlooking issue for the back to back houses. There are also some rear/side elevations of buildings located in close proximity to and extending the full width of proposed rear property boundaries. These relationships and garden lengths for some dwellings are not ideal but they are not sufficiently harmful to withhold planning permission or require a substantial revision of the scheme layout and numbers of dwellings proposed.
- 6.78** Local residents have raised concerns about the proximity of existing neighbouring dwellings and to proposed plots adjacent to the west and east site boundaries and the resultant potential for overlooking and an overbearing appearance. Notwithstanding the above comments, the relationship between the proposed development and these neighbouring properties has been considered very carefully.

- 6.79** Plots 228 and 237 are located the closest to properties in Birdlip Road, one of which has an inverted internal layout with main living areas and a raised terrace at first floor. The proposed allotments (the full length of an individual allotment) and some tree planting are located between the side elevations of Plots 228 and 237 and the east site boundary. The separation distances between the rear elevations of Nos 45 and 43 Birdip Road and the (blank) side elevations of plots 228 and 237 is some 37-40 metres. As such, the potential level of harm to neighbour amenity is significantly reduced by the intervening allotment buffer. Furthermore, any overlooking from first floor windows in plots 228 and 237 is reduced by the angle of view, in addition to the separation distances between properties. Further north, the Birdlip Road properties side onto an area of POS.
- 6.80** The rear elevations of the single storey dwellings proposed at plots 215 and 216 are within 1.5-4 metres of the east site shared boundary with No 3 Highnam Place. Given the single storey form and scale of plots 215 and 216, there should be no significant harm to the amenities of No 3 in terms of loss of light privacy or overbearing. However, to maintain privacy between neighbouring properties, a condition is added which prevents the insertion of additional windows and doors (including dormer windows) within these two dwellings. It is not considered reasonable to apply the same condition to other plots, because the separation distances between rear elevations and site boundaries is considered acceptable and/or planning permission would be required for any new first floor side facing windows/doors. In this respect, officers have no significant concerns over the potential for overlooking, loss of light or an overbearing appearance in relation to properties in Wessex Drive, Pillowell Close, Brockweir Road and Fairford Road.
- 6.81** The differences in (finished) land levels and ridge heights between the proposed dwellings and dwellings on adjoining land is acknowledged. Ridge heights of the proposed dwellings would be in region of 4-8 metres higher than properties in Wessex Drive. However, the separation distances between the dwellings and the intervening PROW and landscaping buffer would prevent any significant overbearing appearance or loss of outlook. The adjoining properties in Brockweir Close, Birdlip Road and Highnam Place, adjacent the north and east site boundaries, would be less affected by ridge height differences, albeit the differences in ground (rear garden) levels is acknowledged. Again, separation distances here and the intervening allotments would minimise any harmful effects on amenity. Furthermore, one should not forget the fact that the application site is steeply sloping and as such, the outline permission allows for future finished ground levels to exceed existing ground levels by 1.5 metres.
- 6.82** For the above reasons, the proposals are considered to be in broad accordance with the objectives and policy guidance of section 8 of the NPPF (2023), Policy SL1 of the Cheltenham plan, Policy SD14 of the JCS and the relevant SPD guidance.
- 6.83 Access and highway issues**
- 6.84** 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.
- 6.85** 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.
- 6.86** Gloucestershire County Council, acting as local highway authority (HA) has undertaken a thorough review of the REM submission. The current proposals were also subject to a pre-application process with the HA.

- 6.87** As previously mentioned, the outline planning permission defines a Highway Corridor Flexibility Zone within which the design and alignment of the main vehicular access road and vehicular junction within Harp Hill is to be provided, in accordance with Condition 5. Condition 13 relates to the detail of the access arrangements from Harp Hill and the minimum and maximum gradients allowable for roads within the new housing estate. Note that, Condition 13 does not require strict conformity with the illustrative proposed access arrangements on to Harp Hill as shown on the Access and Movement Parameter Plan and AIM of the outline permission.
- 6.88** As set out at paragraph 6.31 of the report, the main vehicular access and junction within Harp Hill has been moved slightly further west but is still within the Highway Corridor Flexibility Zone, as required by Condition 5.
- 6.89** The application is accompanied by a Transport Technical Note and various highway related technical drawings. The Transport Technical Note was revised to add commentary on the proposed road gradients and their conformity with the terms of Condition 13. In summary, the horizontal alignment of the roads has been established to achieve the most effective alignment overall, whilst respecting the constraints of the existing TPO trees and their associated root protection areas across the site. The GCC MfGS Highways Design Guidance prescribes maximum and minimum grades of 1:20 and 1:100 respectively, with 1:12 sections permitted for max 30m lengths, as per the requirements of Condition 13. These requirements have been discussed and agreed with the HA; the vertical design and the proposed road levels are in accordance with these requirements. Similarly, vehicular swept path analysis across the site (including the requirements for refuse vehicles) has also been discussed and agreed with the HA.
- 6.90** Irrespective of the above, the HA has been re-consulted in respect of the additional Longitudinal Section Plan of access arrangements submitted on 4<sup>th</sup> December 2023. Members will be notified of their response and whether this alters the HA's recommendation, in an Update report or at Committee.
- 6.91** In summary, the HA consider the quantum of car parking and cycle parking provision consistent with the guidance set out in Manual for Manual for Gloucestershire Streets (MfGS). The requirement to provide for EV charging is conveyed through the building regulations; regardless conditions are in place to secure appropriate provision. The internal road layout is also considered acceptable, subject to further scrutiny at technical design stage. The HA notes that some areas (pedestrian corridors, forward visibility/tree conflict and additional crossing point) within the layout may need revisiting, but these are not significant issues and can be addressed at the later (s38) stage.
- 6.92** The HA confirms that the revised location for the main vehicular access from Harp Hill is suitable, achieves the required visibility splays and its geometry accords with MfGS guidance. The main pedestrian and cycle access would be via an existing PROW (footpath ZCHH86) which extends to the farm track onto Priors Road to the north and Harp Hill to the south. This right of way will be upgraded to adoptable standards, the specification for which will be dealt with at technical design stage. Condition 14 of the outline consent requires the footpath and cycleway link between Priors Road and the development area to be implemented prior to occupation of any dwelling on site, and in accordance with details to the submitted and approved by the LPA.
- 6.93** The HA concludes therefore *'that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained'*.
- 6.94** Note also that Condition 15 of the outline consent sets out various dwelling occupation triggers for the implementation of the agreed off-site highway improvement works which are also subject to a s106 obligation.

**6.95** The Parish Council and a number of local residents have raised concerns over the amount of visitor parking shown. MfGS sets out that visitor car parking should be provided at a ratio of 1 space per 5 dwellings. In addition, unallocated parking should be provided for 10% of four bed dwellings. The proposed development consists of 250 dwellings including 31 four-bed dwellings. On this basis, a total of 50 visitor parking spaces are required and an additional 4 unallocated spaces based on the 10% provision for the four bed dwellings. Therefore a total of 54 unallocated/visitor spaces are provided plus 2 additional unallocated on-street parking spaces adjacent to plots 34 and 47.

**6.96** Local residents have also raised concerns over the traffic and congestion impacts of the proposed development, affecting Harp Hill, the Prior Road junctions, Greenway Lane and Six Ways junction on London Road. These matters were considered by the appeal Inspector when determining the outline planning permission and cannot be re-examined at REM stage.

### **6.97 Sustainability**

**6.98** Paragraphs 148 and 150 of the NPPF require the planning system to ‘...support renewable and low carbon energy and associated infrastructure’. New development should ‘avoid increased vulnerability to the range of impacts arising from climate change’ and in areas which are vulnerable risks should be managed ‘through suitable adaptation measures, including through the planning of green infrastructure’. Similarly, greenhouse gas emissions can be reduced through the location, design and orientation of new development.

**6.99** 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’*

**6.100** 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’.

**6.101** Policy SD3 of the JCS sets out the requirements for achieving sustainable design and construction. Development proposals should aim to increase energy efficiency, minimise waste and avoid environmental pollution and in doing so will be expected to achieve national standards and be adaptable to climate change in relation to design, layout, siting, orientation and associated external spaces. An Energy Statement must be submitted for all major planning applications which should indicate the methods used to calculate predicted annual energy demand and associated carbon emissions. 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.

**6.102** 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.

**6.103** The comprehensive Energy and Sustainability Statement submitted to discharge Condition 9 sets out the applicant’s proposed approach to sustainable design and



measures to reduce carbon emissions. It should be pointed out that the outline planning application was determined prior to the adoption of the above SPD and therefore a Sustainability Statement/Checklist in direct response to the SPD was not provided at that time. However, the REM submitted statement aims to achieve standards close to those listed in the SPD.

**6.104** Condition 9 of 20/01069/OUT requires the Energy and Sustainability Statement to demonstrate an improvement on the energy efficiency of the scheme over and above the Building Regulations in place at the time of the outline planning permission; albeit there is a requirement for the statement to include measures to reduce impact on climate change (including consideration of heat proofing, construction techniques, building fabric, solar gain, natural lighting, shading, orientation, water retention, flood mitigation and landscaping).

**6.105** With the above in mind, the proposed low carbon measures outlined within the submitted Energy and Sustainability Statement (in summary) are as follows:

- Fabric first approach to sustainable construction
- Improvements in insulation specification and reduction in thermal bridging
- Water usage reduced in accordance with Part G of Building Regulations (flow restrictors, low use appliances selected)
- Passive design methods
- All new dwellings to be served by Air Source Heat Pumps and Hot Water Pumps
- Solar PV installed on roofs where appropriate
- EV charging points provided for all new dwellings (shared facility for flats)
- All homes to meet minimum requirements of Part L of 2021 Building Regulations – therefore resulting in a 31% reduction over Part L 2013 9in force at the time of the outline permission). The proposed low and renewable measures proposed would deliver a reduction of 256,754 kgCO<sub>2</sub>/year over Part L 2021 equating to an improvement of 65.77% and around 76% over Part L 2013.
- Some dwellings will be constructed beyond the implementation of the Future Homes Standard (anticipated in 2025), resulting in a 75-80% reduction in CO<sub>2</sub> emissions.

**6.106** These measures are clearly welcomed and will significantly reduce energy demand and CO<sub>2</sub> emissions beyond Building Regulations Part L, exceeding the requirements of the outline permission and Condition 9.

**6.107** Notwithstanding the requirements of Condition 9, conditions are added which require the submission and approval of details for the ASHPs, solar PV installations and EV charging points, and their subsequent implementation prior to first occupation of the relevant dwellings. Further conditions are included that require the development to be carried out as a 'no gas' served site and in general accordance with the measures set out within the Statement.

**6.108** Other considerations

### **6.109** Heritage and Conservation

**6.110** The application site lies adjacent to the grade II listed Hewlett's Reservoir; the walls and embankment of the reservoir forming part of the south east site boundary. There are a number of heritage assets located within the reservoir complex including two underground reservoirs, an octagonal pavilion, Cotswold stone gate piers, cast iron gates and brick boundary walls and all are grade II listed. The adjoining Stone Lodge which faces onto Harp Hill is also listed due to its association with Hewlett's reservoir.

**6.111** Other notable heritage assets are located nearby but are not considered to be significantly affected by the proposals and these include (Scheduled Monument) Hewlett's Camp to the south, the grade II listed Bouncer's Lane Cemetery Park and Garden and Cemetery Chapels.

**6.112** JCS policy SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 197 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:

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

**6.113** Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA), in considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

**6.114** The Council's Conservation officer has reviewed the proposed reserved matters proposals which are considered to be in accordance with the terms of the outline planning permission. No objection is therefore raised to the works on heritage grounds.

**6.115** The County Archaeologist, similarly has no further observations or requests for archaeological investigation.

**6.116** The application site contains surviving ridge and furrow field patterns in the majority of the field parcels. This is a characteristic landscape feature (and non-designated heritage asset) of this part of the AONB.

**6.117** Although the majority of ridge and furrow features would be lost as a result of the proposed development, the retention of surviving ridge and furrow within the proposed public open space at the southern end of the site must be safeguarded through appropriate hard and soft landscaping and their future management within this area. As such, Condition 25 (g) requires the submission of details of ridge and furrow retention, planting and maintenance.

**6.118** The proposals are considered to retain ridge and furrow features where practicable. Hard surfaced footpaths have been kept to a minimum within the POS, with the remainder being mown paths only. The Council's Landscape Architect and Trees officer consider the proposals for soft landscaping and tree planting within the POS acceptable. The future general landscape management of this area is dealt with via s106 obligations, Condition 23 and an additional suggested condition set out below.

### **6.119** Drainage/Flood Risk

- 6.120** The application has been assessed in accordance with JCS Policies INF2 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.
- 6.121** The application site is located in Flood Zone 1 (lowest risk of fluvial flooding). An ordinary watercourse/ditches (not a main river) runs adjacent to the northern site boundary and there are two internal ditches and a surface water drain within the site.
- 6.122** Environment Agency mapping indicates that the north east section of the site is at risk of reservoir flooding (from Severn Trent Water Ltd Hewlett's Reservoir). Also according to EA mapping and the surface water management plan produced for the Priors Oakley Flood Alleviation Scheme led by the County Council, there is some risk of surface water flooding to the site during the 1 in 100 year rainfall event. However, there is no known historical reported surface water flooding of this site but properties downstream of the site and Wymans Brook have experienced flooding historically. The site could also be affected by overland flows onto the site from elevated land to the south east.
- 6.123** The outline planning application was accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy and matters relating to hydrology, drainage and flood risk were set out in Section 12 of the Environmental Statement accompanying the outline application. The FRA concluded that the development would be safe from flooding. Flood risk would not be increased downstream and that the overall flood risk in the area would be reduced. The use of SuDS as mitigation would manage and reduce flood risk and would ensure that there is no adverse effect on water quality. The FRA identified a minor beneficial effect of the proposed development on flooding and surface water drainage. Similarly, subject to Severn Trent approval, foul sewerage could be accommodated and any effect on existing sewerage infrastructure would be negligible.
- 6.124** At outline stage the LLFA advised that subject to subsequent approval of a detailed drainage strategy, to include appropriate on site attenuation for events with flow probabilities of up to and including the 1 in 100 year event and the incorporation of sustainable drainage and hierarchy principles (SuDS) to balance surface water run-off to Greenfield run-off rates, no objection was raised.
- 6.125** Conditions 10 and 11 of the outline permission require a detailed surface water and foul drainage scheme to be approved prior to the commencement of development. The scheme should be in accordance with the principles set out in the FRA and Drainage Strategy submitted with the outline application.
- 6.126** The REM submission includes details of a drainage strategy and the Local Lead Flood Authority (LLFA) has reviewed the information provided. Although the applicant is not seeking through REM details to discharge Condition 10 in full, the LLFA has no objection to the layout proposed to satisfy the reserved matters of the outline planning permission. However, the LLFA note that the details submitted (to discharge condition 10 in full) do not include a timetable for implementation. The LLFA suggest that, to prevent flood risk to new properties at the lower end of the slope, the SUDS features and any other drainage required on the lower ground is put in place prior to the commencement of other site works. This matter has been discussed with the applicant who has confirmed that a separate application to discharge Condition 10 will be submitted prior to commencement of development. The timetable for implementation will be dealt with and agreed with the LLFA at this stage.
- 6.127** The Council's drainage officer has also reviewed the scheme and comments that the hydrological aspects of the drainage scheme are acceptable. However, an updated management plan for the drainage scheme and SUDS features (including any new

culverts and land drains if they are not to be adopted by Severn Trent Water) will need to be provided. The management plan should specify who will be responsible for maintenance of the surface water drainage assets and SUDS features. These matters can also be adequately dealt with through the discharge of Conditions 10 and 11.

**6.128** No response was received from Severn Trent Water. However, the applicant is not seeing to discharge condition 11 at this stage which deals with foul water drainage proposals.

**6.129** In light of the above, there are no significant concerns or adverse effects arising from the proposed development that would increase fluvial food risk, surface water flood risk on or off site or compromise water quality on or off-site.

### **6.130** Ecology/Biodiversity/Green Infrastructure

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

**6.132** 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.

**6.133** The REM is in general accordance with the approved parameter plans (and AIM) of the outline approval and in some places offers a betterment in terms of green infrastructure and biodiversity provision, particularly in The Glade area, which includes the larger of the children's play area (LEAP). Pre-application discussions have left little doubt that, despite the number of dwellings proposed and the challenges faced by site topography, the scheme has been landscaped led.

**6.134** It is evident that the proposals have, where achievable, sought to retain as much of the existing landscape features of the site and incorporate retained individual TPO trees and groups of trees and shrubs to create distinct character areas within the site. Furthermore, the proposed SUDS features at the northern end of the site, offer biodiversity and ecological benefits in addition to the visual and recreational enhancements to these areas within the development.

**6.135** The Council's ecology advisor (EO) has reviewed the BNG report, BNG metric and landscaping plans. The EO confirms that positive BNG values for area habitats and linear habitats are achieved and these exceed the 10% minimum and appear to be achievable based on the BNG calculations and the current landscape plan.

**6.136** The submitted updated site surveys have also been reviewed. The EO notes that several trees with low bat roost potential (T7, T65) will require removal. These trees should be subject to aerial inspection by a bat licensed ecologist prior to removal. Should bats be found to be present then it will be necessary to apply to Natural England for an EPS mitigation licence (a copy of which should be sent to the LPA once received).

**6.137** The EO recommends other precautionary measures in respect of well used mammal paths leading into the scrub in the north-western part of the site. The detail of such measures are included in a subsequent amended Briefing Note which has been agreed by the EO.

**6.138** Note also that Condition 23 of the outline planning permission requires the submission and approval of hedgehog tunnels and the approval of any modifications to the CEMP and LEMP as a result of requirements of a protected species license.

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

**6.140** Although not strictly a consideration of this reserved matters application, 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.

**6.141** 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.

**6.142** However, the outline planning application was received and validated prior to 1 November 2022, this being the date after which the Cotswolds Beechwoods SAC Mitigation Strategy of May 2022 should apply to planning applications; as stated by Natural England in its letter to Councils of 9 September 2022. SAC mitigation in the form of a financial contribution is not therefore being sought for this development.

**6.143** Notwithstanding the above, Section 7 of the ES covered the ecological implications of the proposed development and included a Preliminary Ecological Appraisal and Habitats Regulations Assessment (HRA) (for the Cotswold Beechwoods Special Area of Conservation (SAC) and Severn Estuary SPA/Ramsar), as requested by Natural England and in accordance with the Conservation of Habitats and Species Regulations 2017. The applicant's shadow HRA considered the recreational pressures on the SAC arising from the proposed development and concluded that, given the distance between the application site and Beechwoods and the number of other recreational opportunities available within and closer to the site, there should not be any significant effects on the Beechwoods SAC, either alone or in combination with other planned development. In carrying out its 'appropriate HRA assessment', the sHRA was adopted by the Council.

**6.144** Appropriate SAC mitigation would be sought via Homeowner Information Packs (HIP) provided to all first occupiers of the proposed dwellings. Accordingly, Condition 30 requires the HIP to reference alternative (off site) recreation opportunities and website information for the Cotswold National Landscape. Furthermore, the proposed development includes significant on-site POS and recreation opportunities, which offer further mitigation for SAC recreational pressures.

**6.145** Trees and Landscaping

**6.146** Policies GI1 and GI2 of the Cheltenham Plan seek to retain, protect and minimise the loss of trees through development.

**6.147** The application site contains a number of TPO'd trees which include the majority of the veteran and mature oak trees within the site. There are also other trees and mature hedgerow within the site, which form parts of the existing field parcels and site boundaries.

**6.148** The Council's Trees Officer (TO) has undertaken a thorough review of the proposed tree planting proposals and has considered associated elements of the soft landscaping scheme. The TO's comments are set out in full in the consultation section of this report.

**6.149** The TO was also heavily involved in all pre-application discussions and associated site visits. The proposed layout responds to the tree impact related concerns raised during this pre-application process, in particular eliminating development within root protection

areas (RPAs), no-dig construction methods for any ground works within RPAs, creating suitable buffers and distance between the larger trees and proposed dwellings, avoidance of all year round shading of dwellings and the long term protection of the Veteran 'destination' oak tree within the Oak Tree Neighbourhood.

**6.150** Whilst the revised scheme addresses the majority of the tree related concerns, the TO maintains their concerns over the protection of the veteran 'destination' oak tree which is of high amenity value, as an existing and proposed site feature. Therefore, to ensure the long term health and protection of this prominent feature, public access to the area around and under the tree canopy must be prevented. Unfortunately, the revised landscape strategy has not incorporated the TO's suggested 'buffer' (prickly) planting around the tree. The proposed hornbeam/beechnor the proposed 'Cheshire' style fencing surrounding the tree are considered sufficiently robust to prevent unwelcome intrusion. The TO recommends alternative prickly/thorny species which should be planted at the start of the build process to enable establishment upon first occupation of the dwellings.

**6.151** The location of the informal play area (LAP) adjacent to this oak tree is also of concern. Although the LAP is outside the target area for possible branch failure, its proximity may encourage congregation in this area and therefore potential intrusion into the oak tree enclosure and/or requests for pruning.

**6.152** In light of the above outstanding concerns, a condition has been added requiring the submission of a revised landscaping and boundary treatment scheme for this oak tree. The scheme will also need to include suitable signage within the area to prevent the residents/public from entering the enclosure. A condition is also added requiring a revised scheme for the layout and play equipment to be provided within the Oak Tree Neighbourhood LAP.

**6.153** The applicant has also been made aware of the TO's comments in relation to all year round shading caused by trees to some of the proposed dwellings. The majority of the associated trees are TPO protected oak trees which retain their leaves longer than other species. Whilst the Council would maintain control of pruning through the TPO application process, the Council would not welcome requests from homeowners to significantly prune these protected trees.

**6.154** The other tree related outstanding matters are noted and have either been addressed and/or are not of significant, overarching concern.

### **6.155** Public Sector Equalities Duty (PSED)

**6.156** 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.

**6.157** 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.

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

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 The principle of redeveloping this site for residential purposes and the suitability of the site to accommodate up to 250 dwellings has already been established with the grant of outline planning permission in October 2022. The detail of the reserved matters of that approval must be in general accordance with the approved Parameter Plans and specific elements of the Alternative Illustrative Master Plan (AIM) of the outline planning application.
- 7.2 The details submitted in respect of the following reserved matters have been found to be acceptable: access, layout, scale, appearance and landscaping. The proposals are in general conformity with the approved parameter plans and relevant parts of the AIM and where there are slight deviations, there are sound and acceptable reasons for the adjustments made.
- 7.3 The potential for significant harm to the amenities of occupiers of neighbouring properties and those of future occupiers of the development would be minimal. Similarly, the Highway Authority and LLFA raise no objection to the reserved matters details subject to conditions and the subsequent discharge of other conditions attached to the outline permission.
- 7.4 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.
- 7.5 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.
- 7.6 Officers have taken account of the social, economic and environmental benefits of the proposals and have applied the policies in the NPPF that protect the relevant areas or assets of particular importance, those being the AONB and designated heritage assets of Hewlett's Reservoir. 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.
- 7.7 The recommendation is therefore to grant planning permission for the reserved matters subject to the following suggested conditions.
- 7.8 At the time of writing, the wording and scope of the below suggested conditions (including any pre-commencement conditions) are still being discussed with the applicant. Confirmation of the final agreed list of conditions will be provided by way of an update report prior to the Committee meeting.

## 8. CONDITIONS / INFORMATIVES

## Page 208

- 1 The development shall be begun not later than the expiration of two years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 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 Affordable housing shall be provided on the site in accordance with the approved plans and in accordance with the terms of the signed s106 agreement.

Reason: To ensure that an appropriate mix of affordable housing is provided, having regard to adopted policy SD12 of the Joint Core Strategy (2017).

- 4 Sample panels of all facing and roofing materials of at least one square metre each, shall be provided on site to illustrate the proposed palette of materials. Prior to commencement of any above ground works, the sample panels and an accompanying written specification of the proposed facing and roofing materials shall be approved in writing by the Local Planning Authority and thereafter retained on site for the duration of the construction period.

The sample panels shall demonstrate the proposed colour, texture and finish of the external facing materials to be used for all proposed dwellings/buildings and shall provide details of the proposed bond and pointing profile of all external brickwork.

All dwellings/buildings shall be constructed in accordance with the approved material details.

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 policies SD4 and SD7 of the Joint Core Strategy (2017).

- 5 Notwithstanding the submitted details, 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 the dwellings (or phase of development) to which the materials relate.

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).

- 6 Notwithstanding the submitted details, prior to the implementation of any new boundary treatments, including boundary walls, railings, 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 dwellings to which the boundary treatment (or phase of development) relates.

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, SD7 and SD14 of the Joint Core Strategy (2017).



- 7 Notwithstanding the submitted details, prior to the commencement of development and in accordance with the principles set out in the approved Landscape and Environmental Management Plan (LEMP) (March 2021), and the Management Measures set out at section 10 of the approved Landscape Design Statement (November 2023), a detailed landscape and tree management and maintenance scheme (LTMMS) for the short (5-year), medium (10-year), and long (30-year) term, informed by a comprehensive tree survey of the site, shall be submitted to and approved in writing by the local planning authority. Any risk management and maintenance work relating to retained trees, and ongoing management provisions for veteran trees that are identified to be required, shall be carried out in accordance with the approved LTMMS and undertaken in accordance with BS 3998:2010 - Tree Work Recommendations.

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

- 8 Notwithstanding the details provided within the Landscape Design Statement, prior to the commencement of development within the site areas of Phase 3 (Oak Tree Gardens) and Phase 5 (The Glade), as shown on the approved phasing plan, a detailed scheme and specification for the Oak Tree Gardens Local Area for Play (LAP) and The Glade Local Equipped Area for Play (LEAP) shall be submitted to and approved in writing by the local planning authority. No more than 50% of the dwellings within Phases 3 and 5 shall be occupied until the schemes have been fully implemented in accordance with the approved details and made available for use.

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).

- 9 Notwithstanding the submitted details and prior to the commencement of development, a detailed scheme for railings/gates, landscaping (tree and/or shrub planting) within the curtilage of the Veteran Oak tree within Phase 3, Oak Tree Gardens shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size, layout, protection, aftercare and maintenance. The scheme approved shall be carried out in the first planting season following occupation of no more than 50% of the dwellings within the Phase 3, unless otherwise first agreed in writing by the local planning authority. The landscaping shall be maintained for 30 years after planting and should any landscaping be removed, die, be severely damaged or become seriously diseased within this period it shall be replaced with other tree and/or shrub planting as originally required to be planted.

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).

- 10 Notwithstanding the submitted details and 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.

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).

- 11 The following elements of the scheme 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:

1. Porch canopies
2. Rainwater goods
3. Garage doors
4. Electric vehicle charging points (including appearance, location and type and a site layout plan to show location of EV charging points for all proposed dwellings) to accord with the relevant Council standards
5. External bin stores

Reason: In the interests of visual amenity, having regard to policies D1 and S1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017)

- 12 The design and profile of all new windows and external doors (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.

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

- 13 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in dwellings at Plots 215 and 216 (as shown on Drawing No 1002 P6) without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 14 Prior to the first occupation of the development the sustainable practices and low carbon emission features outlined in the (AES) Energy and Sustainability Statement dated September 2023 shall be implemented in full, unless otherwise first agreed in writing by the local planning authority.

Reason: To ensure that the proposed development addresses climate change, having regard to policy INF5 of the Joint Core Strategy (2017) and the adopted Supplementary Document - Cheltenham Climate Change (2022).

- 15 The proposed solar PV panels to serve dwellings and apartment buildings shall be fully installed and operational prior to first occupation of the relevant dwelling or apartment building and in accordance with details (to include their building location, operation, design, appearance and positioning on the roof) which shall have been submitted to and approved 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).

- 16 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.

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.

- 17 Where not shown on the approved plans, secure and covered cycle storage shall be provided for the apartment buildings 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 for such use in accordance with the approved details at all times.

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).

- 18 Notwithstanding the submitted details, prior to the commencement of above ground works, full details of all retaining wall structures (to include but not limited to, section drawings, elevations, materials) shall be submitted to and approved in writing by the Local Planning Authority. The retaining wall structures shall thereafter be implemented in accordance with the approved details.

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, SD7 and SD14 of the Joint Core Strategy (2017).

### INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to the design and layout of the proposed development in the interests of the character and appearance of the area and landscape qualities of the AONB.

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. The applicant/developer is advised that before undertaking work on the adopted highway they 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. The applicant/developer 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 secure and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 3 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. The applicant/developer is advised that they 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:

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

The applicant/developer 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.

## Consultations Appendix

### **Landscape Architect**

*6th November 2023* – Comments provided separately at end of report

### **Urban Design**

*27th October 2023* – Comments provided separately at end of report

### **Gloucestershire Design Review Panel**

*20th September 2023* - Comments provided separately at end of report

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

*8th November 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. The justification for this decision is provided below.

The Highway Authority (HA) has considered the reserved matters application and is content that the quantum of car parking and cycle parking provision is consistent with the guidance set out in Manual for Gloucestershire Streets (MfGS). The requirement to provide for EV charging is conveyed through the building regulations approved document S.

The proposed layout is acceptable and will be subject to further scrutiny at technical design stage. There are areas within the proposed layout that will likely need to be revisited during S38 proceedings, such as the location of the proposed pedestrian corridor along the southern end of the road that serves dwellings 228 to 250, which appears outside a natural desire line for pedestrians walking to the west; the forward visibility along the bend between the parking spaces for plots 242 and 234 is obstructed by the proposed trees and will likely result in an unacceptably short forward-visibility splay or this green area being dedicated to the HA. In addition, the pedestrian walkway to the south of the visitor parking spaces to the east of plot 1 will necessitate a crossing point.

#### Vehicular access

Access to the site will be made via Harp Hill, within an area approved on a parameters plan that accompanied the original Outline application ref 20/01069/OUT. The HA is satisfied that the revised access location is suitable when achieving the necessary visibility splays in accordance with the sign posted speed limit of Harp Hill, and the proposed geometry of the access accords with the guidance set out in MfGS.

It is worth noting that a number of public representations have been received in respect of the traffic impact of the development proposal within the local road network; however, such matters have already been considered as part of the aforementioned Outline application that was granted planning permission in October 2022 by way of an appeal (ref APP/B1605/W/21/3273053).

#### Pedestrian/cycle access

The main pedestrian and cycle access to the site is proposed to be made via an existing PROW footpath 86 ref ZCH86. The Highway Authority has no objection to the proposal; however the right of way will need to be upgraded to an adoptable standard for its use by pedestrians and cyclists, and its specifications are largely a matter dealt with during the technical design stage.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that

there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

### Conditions

#### Conformity with Submitted Details (Multiple Buildings)

The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawing DR A 1002 Rev P1.

Reason: To ensure conformity with submitted details.

### 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 Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

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

#### 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 Councils cost's in undertaking the following actions:

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

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

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

### Street Trees

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

### Public Right of Way Impacted

There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or [highways@gloucestershire.gov.uk](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

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

*23rd October 2023 –*

The LLFA has no objection to the layout proposed to satisfy reserved matters of this site.

*Supplementary comments on the revised scheme provided 28th and 29th November 2023 –*

The only bit that isn't covered is the timetable for implementation.

The objective of that item is to get a commitment to put the suds and any other drainage required in place before other works on site may increase flood risk down the slope. This, we have found from experience, is particularly important on developments on slope like this.

By digging the attenuation ponds first and putting in drainage features on the lower slope first protection is given to the properties on the lower slope from increased risk of flooding caused by exposing ground on higher slopes. Alternatively a strategy of directing overland flows by use of straw bail bunds or similar may be implemented until the SuDS are fully functional.

There is nothing in the new layouts that affects drainage, the two attenuation ponds are still in the same place.

### **CBC Drainage and Flooding Officer**

*2nd November 2023 –*

Hydrological aspects of the drainage scheme are acceptable and these have also been reviewed and accepted by the LLFA.

An updated management plan for the drainage scheme and SUDS features (including any new culverts and land drains if they are not to be adopted by Severn Trent Water) still needs to be provided as it is not currently included in the drainage compliance note. The management plan should specify who will be responsible for maintenance of the surface water drainage assets and SUDS features.

### **Heritage and Conservation**

*9th November 2023 –*

In terms of the impact on neighbouring heritage assets, the proposed works shown in the approval of reserved matters application (access, appearance, landscaping, layout and scale) are considered in accordance with the terms of outline planning permission 20/01069/OUT allowed at appeal. No objection is therefore raised to the works on heritage grounds.

### **Cotswold Conservation Board (Cotswold National Landscape)**

*8th November 2023 -*

APPLICATION NO: 23/01691/REM

DESCRIPTION: Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 20/01069/OUT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT

LOCATION: Oakley Farm, Priors Road, Cheltenham, GL52 5AQ

Thank you for consulting the Cotswolds National Landscape Board<sup>1</sup> ('the Board') on this proposed development, which would be located within the Cotswolds National Landscape<sup>2</sup>.

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.<sup>3</sup> The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications<sup>4</sup>:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2023-2025 (link);
- Cotswolds AONB Landscape Character Assessment (link) in this instance, with regards to Landscape Character Type (LCT) 2 (Escarpment), which the site is located within, and LCT 7 (High Wold), which the site is visible from;
- Cotswolds AONB Landscape Strategy and Guidelines (link) particularly, in this instance with regards to LCT 2 (link), including Section 2.1 and LCT 7 (link), including Section 7.1;
- Cotswolds AONB Local Distinctiveness and Landscape Change (link);
- Cotswolds Conservation Board Position Statements (link) particularly, in this instance, with regards to the Housing Position Statement (link) and its appendices (link), Landscape-Led Development Position Statement (link) and its Appendices (link), Tranquillity Position Statement (link) and the Dark Skies and Artificial Light Position Statement (link) and its appendices (link 1, link 2, link 3).

Having reviewed the applicant's submission, the Board does not object to this application. Please see Annex 1 below for our further comments.

Without prejudice, should the Council be minded to grant planning permission we would recommend that the implementation of these proposals (in particular the landscaping scheme and Landscape and Tree Management and Maintenance Scheme, CEMP and LEMP) should be closely monitored to ensure compliance, in the interests of the conservation and enhancement of the landscape and scenic beauty of the Cotswolds National Landscape.

ANNEX 1 COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN  
RELATION TO PLANNING  
APPLICATION 23/01691/REM



This application principally seeks approval for the reserved matters detailed within condition 1 of the outline permission; namely access, layout, appearance, landscaping, and scale. We consider each below:

### Access

The vehicular access from Harp Hill shown on the Feasibility Layout (DRWG: P22-3013\_DE\_01\_C\_01) is located within the 'Highways Corridor Flexibility Zone' shown on the approved Access and Movement Parameter Plan as required by condition 5 of the outline planning permission though it differs to the exact position shown on the Alternative Illustrative Masterplan as the proposed access point has been moved further west. We acknowledge that the route of the access road and roads within the site differ from the Alternative Illustrative Masterplan due to engineering issues related to the gradients present on site.

However, it is noted that the length of the access road within the most visually prominent part of the site south of the main belt of landscape screening appears to be shorter than that shown in the Alternative Illustrative Masterplan and as such could be considered an improvement on what is shown within the parameter plans. Therefore, we consider that the vehicular access point is acceptable in principle, subject to it meeting the technical requirements of condition 13 of the outline planning permission. Though pedestrian and cycle connections are proposed on the western boundary, only 'potential' pedestrian/cycle connections are shown to the north and east, but with little detail provided, the Landscape Design Statement states for example that "opportunities for connecting areas of POS [offsite at Fairford Road] will be explored". Ideally this should be addressed as part of this reserved matters application to provide certainty over the arrangements, enable an increased level of pedestrian permeability through the site and ensure that neighbouring communities to the north and east can access the site including the play areas.

### Layout

We consider that the submitted Site Layout is in general accordance with the design and layout principles of the Alternative Illustrative Masterplan as required by condition 5 and is a high quality scheme. We note the slight variations between the proposed layout and the parameter plans in respect to the location of parts of a small number of gardens and part of one dwelling, in part due to the need to provide good standard and sized street trees, but consider that the proposed development remains "substantially in accordance" with the parameter plans as required by the conditions pursuant to the outline permission.

The substantial tree belt that runs east-west across the site is mostly retained and enhanced and demarcates the developed part of the site, helping to reduce the visual impact of the development in wider views. The main hedgerow running north-south in the western part of the site is retained for the majority of its length along with the key large veteran oak tree in the western part of the site and overall, the submitted masterplan offers Green Infrastructure benefits over and above the Alternative Illustrative Masterplan. The proposed layout also addresses the setting of the Reservoir and Pavillion.

We consider that the scheme accords with the relevant advice contained within Section 2.1 of the Cotswolds AONB Landscape Strategy and Guidelines; for example, it does not overwhelm the existing settlement, does not unduly affect settlement character and form and is not an overly standardised development layout. It also avoids development that may restrict or obscure views to the upper escarpment slopes. By extension we also consider the scheme accords with the relevant parts of Cotswolds National Landscape Management Plan policies including CE1 (Landscape) and CE11 (Major Development).

Appearance (including materials)

The proposed materials palette reflects both Cotswold stone and light render commonly seen in the local area as well as dark grey slate. We would support the comments of the Council's Urban Design consultant that good quality natural Cotswold stone should be used rather than recon stone to ensure that locally distinctive characteristics and relevant 'special qualities' of

the National Landscape are reflected in the scheme and that the scheme positively addresses the aims of Policy CE3 of the Management Plan and the advice contained within the Cotswolds AONB Landscape Strategy & Guidelines. We also agree that this should be tested through samples and onsite sample panels to be controlled via condition.

Affordable housing units appear to be of a high design standard, use the same materials palette as the market housing, generally accord with the requirements of the outline permission in terms of size and tenure and are well assimilated with the market dwellings within the layout.

### Hard and Soft Landscaping

Condition 25 (including parts a-j) requires the submission of detailed hard and soft landscaping and boundary treatment schemes for the residential and open space elements of the proposed development. The applicant's comprehensive Landscape Design Statement and accompanying plans provide a detailed response to this requirement and, by and large, we agree that the scheme is landscape-led.

The retention of much of the existing trees and structural planting in the areas referred to as Harp Hill Meadows, the Glade, Oak Meadow Walk and Oakley Farm Green (including all veteran or TPO'd trees) and provision of new structural planting in a minimum 15m wide belt of native woodland should mitigate the impact of the residential development, helping to break up the parcels of built form, especially in the eastern part of the site. The concentration of development on the northern half and lower parts of the site and retention of the more elevated southern part of the site as grassland meadow (including its ridge and furrow features) should help to reduce potential harm to landscape character and minimise the impact of the development on views towards and from the Cotswold Escarpment.

We also note that the scheme would result in an estimated 91.87% gain in habitat units and 65.71% in hedgerow units.

### Scale

We consider the proposed use of split-level dwellings and two-storey dwellings with undercroft parking on certain parts of the site would, subject to accordance with the maximum building heights shown on the Building Heights Parameter Plan, be preferable to using retaining walls which may increase the visual impact of the development. We also consider that the scheme as a whole is in substantial accordance with the Building Heights Parameter Plan.

### Other matters

We note and support the Phasing Plan submitted in accordance with Condition 6. This shows the establishment of the southern part of the site within phase 3, before the majority of the residential development is completed which will enable the landscaping further time to establish before the majority of residential development is completed.

We note the contents of the Energy and Sustainability Statement and the conclusion that the proposed scheme would deliver a 66% improvement in terms of energy efficiency compared to Part L (2021) of the Building Regulations and, where applicable, is also designed to meet Future Homes Standards.

Finally, we acknowledge that a further external lighting scheme will be prepared and submitted at a later date to address the requirements of condition 24 and would request to be consulted on its discharge given the requirement of part d) of condition 24 relating to the regard to be given to the sensitive location of the site within the National Landscape and the fact that its dark skies are one its 'special qualities'.

### **Ecologist**

*25th October 2023 –*

I have reviewed the BNG report, BNG metric and landscaping plan. I confirm that the positive BNG values for area habitats and linear habitats exceed the 10% minimum and appear to be achievable based on the BNG calculations and the current landscape plan. I accept the reasons that the BNG metric 2.0 has been used on this occasion. (For new projects, we would expect BNG Metric 4.0 to be used).

A Landscape and Ecological Management plan will need to be submitted to the LPA prior to commencement to ensure that the target conditions for enhanced/created habitats will be met and consequently that the positive BNG values can be achieved. The management plan should be of 30 year duration for BNG projects, to ensure that the proposed net gains can be delivered. (This is of particular importance for larger projects.)

I have also reviewed the Briefing Note - Updated Walkover Survey, Sept 2023; and note that several trees with low bat roost potential (T7, T65) will require removal. These trees should be subject to aerial inspection by bat licensed ecologist prior to removal. Should bats be found to be present then it will be necessary to apply to Natural England for an EPS mitigation licence ( a copy of which should be sent to the LPA once received). Due to the presence of well used mammal paths leading into the scrub in the north-western part of the site, precautionary measures are recommended. The details of such measures should be included in the Briefing Note and this should be re-submitted to the LPA for review.

### **Tree Officer**

*9th November 2023 –*

1) The Root Protection Area of the 2 veteran trees on the eastern boundary has now created a "curved rear garden boundary of Plot T217. Whilst unusual, it is the most appropriate solution here. It is desirable that "buffer" (prickly) planting is undertaken under the canopy of these 2 adjacent veteran oak trees so as to ensure that a desire line/footpath is not created which leads from the adjacent estate westwards under the canopy of these trees.

2) It is not clear whether the recommended 2M wide maintenance access strip of the boundary has been created.

3) No "gateway tree proposals" (for the area leading from Priors Rd) are shown.

4) No buffer planting is shown on the landscape Master Plan around the "Destination Oak". Similarly "Cheshire style fencing" does not sound robust or appropriate against unwelcome intrusion under the canopy (Root Protection Area) of this Veteran Oak. The proposed beech/hornbeam hedge is not a sufficient deterrent to unwelcome visitors. Prickly/thorny species should be planted within the Veteran Tree Buffer area - dog rose, hawthorn, bramble, holly etc should be incorporated into the overall design. All such buffer planting should be planted at the start of the build process so it is well established and functioning at the start of occupation of the proposed dwellings.

5) It is unclear if a play area is to be sited adjacent to this oak tree. Such a play area would not be welcome as described within point 8 of previous Trees Officer comment (of 23/8/23 23/00201/PREAPP)).

6) As previously requested, no clear plan showing proposed new underground/over ground services showing appropriate clearance from retained trees have been submitted.

7) As previously requested, no details of short, medium and long term vegetative/Tree management plans have been submitted.

8) As previously requested, no Suds Management Plans have been submitted.

9) As previously requested the woodland screening to run east-west through the site should be moved to the south so as to reduce the likelihood of shade onto rear gardens as the trees establish and grow. It will also help provide an alternative open space to the rear of the properties thus relieving pressure on the "destination oak". Such a grassed strip should be at approx. 8M wide so as to facilitate grass mowing but also give a sense of an "open area" to the rear of properties which would encourage eg a circular soft landscape walk. Such a step back will also reduce the likelihood of significant shade and ground water extraction by tree roots on the proposed allotments to the east of the site.

10) The proposed dwelling to the north of the "quiet glade" will detract from the secluded nature of the views to the north and towards the fantastic views of the tree outline within the Bouncers Lane cemetery. The proposed "naturalistic play" within this area is more welcome than the colourful and hard play areas as installed in other domestic situations.

11) The shade analysis of the trees onto the proposed dwellings at differing times of year and differing times of day is welcome. It reads that several properties will be in regular and quite constant shade from the sun. Whilst sunlight may be blocked at differing times of day, there will be a sense of daylight as properties are to be situated at some distance to many of the trees. Most/all of the best/high quality of the trees on site are now subject to a Tree Preservation Order and so formal Council permission will be necessary prior to the pruning of any live wood. However, given the level of shade on some of the properties, it is anticipated that there will be regular and significant requests to prune the protected trees-many of which could be considered "notable" and several of "veteran" status. CBC Trees Officers would not welcome such causation of formal applications. It should be born in mind that the overwhelming majority of TPO protected trees are oak, and that this species retains leaves attached to the crown until late November/early December. As such there is only approx. 4 months when the trees will be leafless.

12) The landscape plans do not seem to show the specific locations of different species of new planting.

### **Tree Officer 2**

*20th November 2023 –*

There is much to commend the submitted landscape plan (entitled Framework Plan) by IDP Drawing no 002 of Sept 2023. It proposes a rich tapestry of trees which in the main, is true to the Landscape Design Statement.

There are many proposed fruit trees to be planted within proposed rear gardens-this is very welcome.

It is highly ambitious in terms of the "instant landscape" it proposes to achieve and there is a good variation in the palette of trees proposed for planting-large and small, native and exotic, wind and insect pollinated etc.

However, the drawing does not contain any key to the species proposed and the schedule contained within the Landscape Design Statement does not contain the abbreviated code to the scientific names of proposed trees to be planted. CBC trees officers consider they have deciphered the abbreviated scientific names. However, it would be very helpful to the non-specialist if such abbreviations are explained.

Please could the following be adjusted to the submitted Landscape Plan and Landscape Design Statement:

1) No trees to be planted should be greater in size than 12-14's - Heavy Standards-rather than the Extra Heavy Standards proposed. Such smaller trees will have reduced instant visual impact but will be significantly easier to establish and grow. Trees Officers preferred go-to size of tree to plant is the BS8545 "Standard" size 10-12cms girth at 1M above ground level (approx. 3.5M high). The anticipated cost saving that this will create should be used to contribute to extra aftercare and maintenance of the new tree planting.

The Tree Pit design drawings within the Landscape Design Statement should be adjusted to reflect this change in tree sizes to be planted.

2) All tree pits (other than the whip planting within the shelterbelt) must have fresh topsoil (to the BS 8545 (2014) spec. Maps show the underlying soil type to be Charmouth mudstone and as such some free draining sandy soil must be included into all tree pits.

3) It should be borne in mind that the proposed street tree Persian ironwood *Parrotia persica* 'Vanessa' is an interesting choice of an upright tree with much to commend it-though it is slow growing and will take many years before so many proposed trees are visually significant in the landscape.

4) Many field maple "*Acer campestre* S" are proposed. It is unclear what this variety/sub species is. It is assumed that more fastigate and suitable in built up areas, *Acer campestre* 'Elsrijk' are to be planted as a part of the street scene.

5) Please could details of a proposed "avenue planting" off the entrance from Priors Rd be detailed.

6) Many hornbeam *Carpinus betulus* are proposed within built-up areas. Such trees will become too large for the proposed sites. It would be preferable if the more upright and manageable *Carpinus betulus* 'Frans Fontaine' were planted as an alternative.

7) The shelterbelt woodland mix of tree sizes are to be only 40-60cms tall. Whilst this should help ensure prompt establishment, the proposed planting tubes are to be 600 mm and as such no trees would be visible growing out the top of the tubes for at least 1-2 years. Experience has shown that trees in such growing tubes suffer with extreme heat if there is a hot summer. Please could this planting size be made larger to 90-120cms high. A carpet of mulch should be applied to 1metre diameter spread around the base of all such whips.

8) No *Salix* or *Populus* (willow or poplar) should be planted within this shelter belt-they will become too large (casting shade onto the rear gardens, allotments to the north as well as choke out other proposed species) as well as suppress other adjacent species. Willow and poplar are fast growing and can proliferate and become very difficult to control. It is recommended that an increase in the proportion of native evergreen shade tolerant species be planted instead-holly, yew, etc. Please could rowan (*Sorbus aucuparia*) and spindle (*Euonymus europaeus*) be added to the woodland edge mix

9) Details of protection from unwelcome visitors, dogs as well as deer should be submitted and agreed. Such fencing must remain in situ until plants are approx. 5M high and be a part of the short, medium and long term management plan for the site.

10) No short/medium and long term management strategy is available to view for this woodland. Indeed no such Management Strategy is available for any of the soft landscaping (as well as SUDS schemes) for this site. Such information (or at least the Heads of Terms to be addressed) should be submitted as a part of this application.

11) It is noted that *Magnolia Leonard Messel* are to be planted. Experience has shown that *Magnolia* are slow growing (4M in 20 years?) and enjoy free draining soil. The soil in this site is unlikely to be free draining and such a delicate species as *magnolia* should not be planted adjacent to play areas. Please could an alternative tree species be suggested.

12) There is an overreliance on *Amelanchier* to be planted as driveway trees around the destination oak. A wider palette of small trees should be planted.

13) FAO Sam-do we want AES HIP and ACE PLA in the open spaces to the south of the site?

14) A really strong gateway landscape visual statement would be if at least 3 tall evergreen species were planted close to the entrance to the site off Harp Hill. *Sequoiadendron giganteum* or *Sequoia sempervirens* would be welcome in amongst the proposed oak as an obvious go-to choice-many such trees exist within Battledown and as such it is anticipated that they will grow well here too.

15) Landscape details regarding the tree "buffer" around the destination oak are anticipated and must be agreed prior to determination.

16) It would be interesting and help create heritage if some old varieties of native fruit trees of local provenance were planted within the open space to the south of the site as well as on the edge of the buffer zone adjacent to the woodland shelter belt. Glos Orchard Group could advise and supply (and plant).

## **Tree Officer 3**

*28<sup>th</sup> November 2023-*

The proposed scheme will completely change much of the site entirely. It is recognised that whilst through the Appeal process, the site has an existing Outline Permission for up to 250 dwellings, the proposed scheme takes account of and respects existing tree constraints.

The best trees on the site have been protected by a TPO and have been retained and incorporated into the design. As such the Council has overall control of them from increased pressure for inappropriate pruning and removal. Nevertheless, it must be recognised that the wider environment in which the trees exist (above and below ground) will be forever changed through indirect and indirect impacts of introducing new adjacent dwellings, roads, drainage etc to the site. However, to mitigate for this, a generous tree planting plan is proposed, not only within the street scene but also in the larger open space to the south.

Nevertheless, there are several issues which need to be further addressed/changed so as to try to minimise impact on the protected trees as well as new tree planting:

1) Trees officers maintain unease of the formal play provision around the destination oak to the east of the site. Whilst the play areas are to be outside of the target area/drop zone of possible branch failure, it is anticipated that inviting children and others to congregate near to this delicate tree will lead to increased requests to prune. Chapter 07 of the Public Open Space Details LA5727-LDS-001B states "the area beneath the canopy of the tree will be retained as grassland and bark". This is an insufficient and deterrent and buffer planting detail. There should be deterrent planting included within the sphere of influence of the tree to actively deter the public from gathering under the canopy of the tree. Notice/explanation boards should be provided explaining why visitors are being excluded and the value of the tree explained.

2) 7.5 of the Public Open Space Details recommends *Morus alba pendula* is incorporated. Such small weeping white mulberry will shed much soft fruit onto the ground in the autumn. This is unlikely to be welcome by those living adjacent and lead to pressure to remove.

3) As per point 10 above the tranquil nature of the proposed "glade area" will be transformed into something somewhat different if the swings/slides and other play equipment is incorporated. However, the direct impact of such play provision onto adjacent trees should not be significant. Nevertheless, a more natural "natural play" area would be less visually jarring than many of the proposed play features proposed. The proposed play equipment will somewhat dominate this tranquil space.

4) Whilst the landscape plan ("Landscape Framework") describes only 1 willow, para 7.6 Oakley Farm Green & SuDS of the Landscape Design Statement recommends the planting of willow within the SuDS areas. Such trees will outgrow the site and come to dominate and overwhelm as well as spread and colonise other green space adjacent.

5) It appears that the proposed woodland tree planting will be relatively close to the proposed allotments. Such trees would not only be elevated from the site but also to the south. As such, it is anticipated that the woodland trees will take sunlight and water as they grow thus taking sun and water from the allotment. This would not likely be welcome by allotment holders. Trees to be planted nearby should be of an appropriate species to not become a nuisance (eg plum, cherry, hawthorn etc).

6) As commented previously, Trees Officers maintain that several of the proposed properties will remain in shade for much of the day throughout a large proportion of the year. Large retained TPO'd oaks elevated up the natural slope of the site and to the south of proposed dwellings will put much shade on the gardens and homes. Whilst the trees are set back which will allow daylight into the area, this should not be confused with direct sunlight. Whilst the Borough Council will retain overall control of pruning through the TPO application process, it is important that new potential buyers are made aware of the protected status of

the trees during the purchase process and that applications to prune to allow for more light are likely to be refused. Oak trees by their nature retain their leaves for much of the year (until early December and are in leaf by May).

Proposed tree conditions of any permission to grant consent:

1) TRE05C - No service runs within RPA

All service runs shall fall outside the Root Protection Area(s) shown on the approved drawings, unless otherwise first agreed in writing by the Local Planning Authority. Any such works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or any standard that reproduces or replaces this standard).

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies G11 + G12 of the Cheltenham Borough Local Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

2) TRE03B - Protective fencing

Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

Reason: To safeguard the biological and structural condition of the tree having regard to Policies G11 + G12 of Cheltenham Borough Local Plan 2020.

3) Landscaping

Notwithstanding other landscaping details, post-development tree protection around the destination oak should be submitted and agreed prior to the commencement of demolition and construction. Such new landscaping should include details of proposed deterrent planting within the proposed Cheshire fencing and to include bramble, dog rose etc. Such deterrent protection should be explained on public notice boards explaining the delicate and special nature of this Veteran oak as well as the reasoning behind the area within the Cheshire fencing being a permanent exclusion zone.

Reason: To safeguard the biological and structural condition of the tree having regard to Policies G11 + G12 of Cheltenham Borough Local Plan 2020.

4) No-Dig Construction Methods

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

Reason: In the interests of local amenity in accordance with Local Plan Policies G11 and G12 relating to the retention, protection and replacement of trees.

5) TRE08C - Arboricultural monitoring

No works shall commence on site unless details of Arboricultural Monitoring of the site to include details of (i) person(s) to conduct the monitoring; (ii) the methodology and programme for reporting; and (iii) a timetable for inspections, has been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the details so approved.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GI1 and GI2 of the Cheltenham Borough Local Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

6) Arb Monitoring: TRE01C - Existing trees to be retained

All trees and planting 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 ten year period shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard). Tree planting in areas not subject to development and all deterrent planting should be undertaken at the start of any construction process. This will help ensure tree establishment is successful prior to habitation of dwellings.

Reason: In the interests of visual amenity, having regard to Policies GI1 and GI2 of the Cheltenham Borough Local Plan (2020).

7) Heads of terms for the management of the TPO protected trees should be submitted and agreed prior to the commencement of demolition and construction of any approved scheme.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GI1 and GI2 of the Cheltenham Borough Local Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

### **Minerals And Waste Policy Gloucestershire**

*2nd November 2023* - Comment available to view on website.

### **Gloucestershire Centre For Environmental Records**

*13th October 2023* - Report available to view on website.

### **Building Control**

*27th October 2023* - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

### **Parish Council**

*11th November 2023* –

### Objection:

The Committee has grave concerns regarding the addition of traffic from 250 dwellings on to Harp Hill, and the resultant effect, particularly in rush hours, on the junctions with Priors Road, and Greenway Lane at Sixways, and an increase in traffic using Mill Lane. The later in particular will have an increased risk of collisions / accidents. Therefore, great consideration must be given to improvements to the two junctions and what measures can be taken on Mill Lane to improve safety / cope with increased traffic.

There is inadequate parking provision that will result in residents having to resort to anti-social / inconsiderate parking, as clearly evident on the adjacent Oakley GCHQ development's roads.

Plot numbers 227 & 57 will be overbearing to dwellings on Wessex Drive and similarly with plots 211 to 216 in relation to adjacent dwellings on Birdlip Road. Both this issue, and that of



inadequate parking, result from attempting to squeeze too many units into the area. Fewer units would prevent the overbearing nature of parts of the development and allow for an increase in parking provision.

As parking spaces are not necessarily adjacent to the dwellings they serve, how will electrical charging points be provided at all spaces, particularly with regard to apartments?

Concerns have been raised regarding headlights from cars leaving the site shining to windows of dwellings opposite the entrance. The Committee would ask that, in the light of this concern, the position of the proposed access / egress point on Harp Hill is assessed to check it is in the optimal position.

Given the severity of the slopes within the site sufficient grit bins will need to be provided to maintain safety in severe winter conditions. With the increased volume of traffic, grit bin provision for Harp Hill should also be re-assessed.

Both from the Parish Council's experience on its allotment sites, and the more rural character of this site, it is imperative that the proposed allotments are protected by deer-proof fencing, otherwise in practice they will be unusable.

The 675mm dia. outlet pipe from the attenuation pond cuts through the space occupied by the overflow attenuation storage crates, so the design will need to be revised to avoid that clash.

If the Case Officer is minded to permit without the design being revised to address these concerns, the Committee requests that the application is examined by CBC's Planning Committee.

### **County Archaeology**

*2nd November 2023 –*

Thank you for consulting the archaeology department on this application. The county Historic Environment Record shows that geophysical survey and archaeological trial trench evaluation were carried out in relation to application 20/01069/OUT. On the basis of these investigations this department advised that no further archaeological investigations/mitigation was required. I therefore have no comments to make in relation to this reserved matters application.

**From:** Emma Williams <[admin@glosdesignpanel.co.uk](mailto:admin@glosdesignpanel.co.uk)>

**Sent:** 06 December 2023 14:10

**To:** Tony Clements <[t.clements@nexusplanning.co.uk](mailto:t.clements@nexusplanning.co.uk)>

**Cc:** [ataylor@nashpartnership.com](mailto:ataylor@nashpartnership.com); Rob Stroud <[Rob.Stroud@vistry.co.uk](mailto:Rob.Stroud@vistry.co.uk)>; Nigel Lush <[Nigel.Lush@vistry.co.uk](mailto:Nigel.Lush@vistry.co.uk)>; [KCharsley@idpgroup.com](mailto:KCharsley@idpgroup.com); Daniel Sharp <[d.sharp@nexusplanning.co.uk](mailto:d.sharp@nexusplanning.co.uk)>; Lucy White <[Lucy.White@cheltenham.gov.uk](mailto:Lucy.White@cheltenham.gov.uk)>

**Subject:** Re: Oakley Farm, Battledown, Cheltenham - 23/01691/REM: GDPR Presentation

Good afternoon Tony and all

Please see below the response from the panel with regards to the latest information that was sent to them for review.

The issues with commenting on these details are the time it will take to understand them on a scheme of this nature and scale and the limited time to arrange a formal and comprehensive second design review. There are a couple of headlines we suggested as requiring development such as the access road location and its potential visibility in the AONB and the proximity of new buildings to the retained hedgerows and trees. Looking at these in more detail:

1. ACCESS VISIBILITY - The road location was agreed as part of the appeal so apart from some additional screening there is not a lot different that could be achieved?
2. VEGETATION - The tree line to the south look to have been relocated which provides more space around the veteran oak tree and an allowance for on street trees so this is a positive. However remain unconvinced that the retention of the hedgerows running north /south is feasible given the proximity of the houses. There does not appear to be any space for the level changes and construction and there is not any additional room for maintenance. Street trees are shown to the southern street only, and still rooting volume is questionable to achieve larger species trees (which is what would be required for them to have some visual filtering / laying effect).
3. RETAINING WALLS – we would hope to see some clarity on the retaining walls that we spoke about last time, still no details of what where and how they will work.

With this in mind and without a more formal review which would provide sufficient time to look at these items and comment accordingly I would suggest our original comments stand and Cheltenham Planning Department need to review the submitted scheme against the earlier comments to ensure they are satisfied that the comments are not relevant or have been addressed.

I trust this is acceptable in this instance.

Kind regards

Emma Williams  
Design Panel Admin  
07771866651

(Please note that I work part-time, so you may not get an immediate response)



<b>APPLICATION NO:</b> 23/01691/REM	<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 4th October 2023	<b>DATE OF EXPIRY:</b> 24th January 2024
<b>WARD:</b> Battledown	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Vistry Homes Limited And Stonewater Limited
<b>AGENT:</b>	Mr Tony Clements
<b>LOCATION:</b>	Oakley Farm Priors Road Cheltenham
<b>PROPOSAL:</b>	Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 20/01069/OUT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT.

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. A revised list of suggested conditions is set out at the end of this report and supersedes the conditions schedule within the original Officer Committee report. In summary, conditions have been added in relation to site levels and ridge heights, sustainability (no gas serving development and provision of water butts), obscure glazing to one plot, a timetable for implementation of hard and soft landscaping and details of the proposed screen wall planting to the apartment buildings.
- 1.2. For completeness, a full list of the conditions attached to the outline planning permission is also provided at the end of the report.
- 1.3. Since the publication of the Officer report, a number of unforeseen but material issues have arisen which must be brought to Members' attention. The first relates to finished ground levels and building ridge heights and their conformity with the Building Heights Parameter Plan (drawing ref: drawing P18-847\_02 sheet 04 Rev C) of the outline planning permission (20/01069/OUT). For ease of reference, this drawing is also provided at the end of the report.
- 1.4. Condition 5 of the outline planning permission requires applications for approval of reserved matters to be in substantial accordance with the Building Heights Parameter Plan. The parameter plan restricts building heights above future ground level to 10.5 metres or 12 metres within defined areas of the site. This plan also includes an

annotation which states that '*future ground level allows for a maximum of 1.5 metres above the existing ground level (this establishes appropriate drainage, balance cut and fill and align street and buildings to consistent levels)*'.

- 1.5. There are some instances across the site where the 1.5 metres allowance above existing ground levels is exceeded, with some future ground levels being 3 metres above existing ground levels. However, there are no instances across the site where building heights exceed either the 10.5 or 12 metre ridge height limit (whichever is applicable to that plot) above existing ground levels plus the additional 1.5 metre allowance.
- 1.6. Officers are not overly concerned about these future ground level increases above the 1.5 metre parameter plan allowance. At outline stage, the engineering and drainage challenges and the overall feasibility of delivering a 250 dwelling scheme on a significantly sloping site had not been fully investigated or tested. Applying a 1.5 metre increase in ground levels across the whole site is considered a rather simplistic and generalised approach in the absence of any testing. As such, and on balance, officers consider the finished ground levels to be acceptable and the proposed development in substantial accordance with the Building Heights Parameter Plan. Officers are also strongly of the view that the merits of the proposed development must be considered as a whole and there are many positives associated with the proposals that outweigh the effects of any future ground levels exceeding the 1.5 metre limit set by the parameter plan.
- 1.7. The second issue relates to road gradients and whether the proposed development is in conformity with the requirements of Condition 13 of the outline planning permission. In summary, Condition 13 requires reserved matters submissions relating to access to be generally designed so that maximum and minimum gradients allowable will be 1/20 and 1/100 respectively, save that gradients up to 1/12 are permissible, provided that where they are proposed, they shall be limited to maximum lengths of 30 metres.
- 1.8. The Highway Authority's formal consultee response was received on 9<sup>th</sup> November 2023 and no objection to the proposals was raised. In response to officers seeking clarification from the applicant that the proposed road gradients comply with the requirements of Condition 13, the Highway Authority has since reviewed the proposed access arrangements and now reached the conclusion that the road gradients within the site, although not exceeding 1:12, include lengths between 1:20 and 1:12 longer than the 30 metre length permissible.

- 1.9. Accordingly, the Highway Authority has provided the following update to their previous consultee response:

*We have received information from Vistry concerning the impact of potential changes to the gradients to fully comply with Condition 13.*

*By way of background, the County Council accepted the currently proposed road gradients for highways adoption purposes and had agreed that Vistry had complied with the planning condition on the basis that none of their 1/12 gradients were longer than 30 metres. The condition requires the access to be generally designed so that maximum gradients allowable will be 1/20, save that gradients up to 1/12 are permissible, provided that where they are proposed, they shall be limited to maximum lengths of 30 metres. However, upon reviewing the wording of the planning condition, it is GGC's opinion that the correct interpretation of the condition is that all gradients that are steeper than 1/20 should be restricted to 30m in length. There are a number of vertical curve transitions between the proposed 1/12 gradients that exceed 30 metres in length and where the average gradient is steeper than 1/20 and therefore it is GCC's opinion that this aspect would not comply with the condition.*

*Nevertheless, the objective of the condition is to ensure that gradients have been optimised to provide the best circumstances for wheel-chair users etc. So GCC have been working with Vistry to see whether everything that is reasonably practicable has been done to achieve the gradients and whether the proposal can be modified to comply with the exact wording of the condition, i.e. the gradients between 1/12 and 1/20 are shorter than 30m in length.*

*As mentioned above had accepted the proposed gradients, however if the levels were modified so that they were fully compliant with the wording of the condition, that would have to be done by either raising the lower end of the road or lowering the upper section of the road.*

*Lowering the upper section of road has some implications that would need to be considered in the planning balance:*

- *Reduces the currently proposed levels through the open space by a further c.2.2m and widens the earthworks embankments affecting the adjacent public open space;*
- *Reduces the level of the connecting road and would require additional removal of some hedge / trees where the road crosses the retain north/south hedge.*
- *Would require further diversion of a 12inch and 18inch water main.*

- *Would require the exportation of significant higher level of surplus soil.*

*Raising the lower end of the road has some implications that would need to be considered in the planning balance:*

- *Raises the existing low spot at least 3m above currently proposes levels.*
- *Adversely impacts the veteran protected Oak tree by raising levels in the vicinity of the tree.*
- *Would require additional retaining structures to accommodate the increase in levels.*
- *Would require the exportation of significant higher level of surplus soil.*

1.10. The Highway Authority and planning officers are still in discussion with the applicant on how to resolve this issue. However, at this stage officers are generally not supportive of the design solutions set out above, which would also need very careful consideration and consultation with the Council's specialist advisors, to minimise harmful impacts on the landscape. It is more likely that the applicant will be advised to submit an application to vary Condition 13 (under s73 of the Town and Country Planning Act). The current scheme (or an amended scheme) could then subsequently be considered alongside an approved varied wording of Condition 13.

1.11. Officers and the Highway Authority will provide a verbal update and explanation of the highway related matters concerning the proposed development's conformity with Condition 13 at Planning Committee on Thursday 14<sup>th</sup> December 2023.

**1.12. In light of the above and to allow for further discussion with the applicant, the officer recommendation is therefore changed to DEFERRAL of the application.**

## **CONDITIONS**

- 1 The development shall be begun not later than the expiration of two years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 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 Affordable housing shall be provided on the site in accordance with the approved plans and the statement (Ref: P20-2940) dated April 2021 submitted on behalf of the applicant; and in accordance with the terms of the signed s106 agreement.

Reason: To ensure that an appropriate mix of affordable housing is provided, having regard to adopted policy SD12 of the Joint Core Strategy (2017).

- 4 Sample panels of all facing and roofing materials of at least one square metre each, shall be provided on site to illustrate the proposed palette of materials. Prior to commencement of any above ground works, the sample panels and an accompanying written specification of the proposed facing and roofing materials shall be approved in writing by the Local Planning Authority and thereafter retained on site for the duration of the construction period.

The sample panels shall demonstrate the proposed colour, texture and finish of the external facing materials to be used for all proposed dwellings/buildings and shall provide details of the proposed bond and pointing profile of all external brickwork.

All dwellings/buildings shall be constructed in accordance with the approved material details.

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 policies SD4 and SD7 of the Joint Core Strategy (2017).

- 5 Notwithstanding the submitted details, prior to the implementation of any hard surfaces within the site, including driveways, parking and turning areas, footways and patios, details of all hard surfacing materials 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 the dwellings (or phase of development) to which the materials relate.

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).

- 6 Notwithstanding the submitted details, prior to the commencement of development and in accordance with the principles set out in the approved Landscape and Environmental Management Plan (LEMP) (March 2021), and the Management Measures set out at section 10 of the approved Landscape Design Statement (November 2023), a detailed landscape and tree management and maintenance scheme (LTMMS) for the short (5-year), medium (10-year), and long (30-year) term, informed by a comprehensive tree survey of the site, shall be submitted to and approved in writing by the local planning authority. The submitted details shall also include a detailed scheme for the retention and future management and maintenance of ridge and furrow landscape features within the site, including details of all footpath construction and tree planting that affects ridge and furrow.

Any risk management and maintenance work relating to retained trees, and ongoing management provisions for veteran trees that are identified to be required, shall be carried out in accordance with the approved LTMMS and undertaken in accordance with BS 3998:2010 - Tree Work Recommendations.

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



- 7 Notwithstanding the submitted information, prior to the commencement of development, a detailed timetable for the implementation of all proposed hard and soft landscaping and tree planting works (to include those carried out in public open space and private amenity areas) shall be submitted to and approved in writing by the local planning authority. The timetable shall correspond with the approved Landscaping Phasing Plan. The approved hard and soft landscaping works shall be carried out in accordance with the approved timetable for implementation.

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

- 8 Notwithstanding the submitted details, prior to the implementation of any new boundary treatments, details of all new boundary walls, railings, fences or other means of enclosure 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 and prior to first occupation of the dwellings to which the boundary treatment (or phase of development) relates.

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, SD7 and SD14 of the Joint Core Strategy (2017).

- 9 Notwithstanding the details provided within the Landscape Design Statement, prior to the commencement of development within the site areas of Phase 3 (Oak Tree Gardens) and Phase 5 (The Glade), as shown on the approved phasing plan, a detailed scheme and specification for the Oak Tree Gardens Local Area for Play (LAP) and The Glade Local Equipped Area for Play (LEAP) shall be submitted to and approved in writing by the local planning authority. No more than 50% of the dwellings within Phases 3 and 5 shall be occupied until the schemes have been fully implemented in accordance with the approved details and made available for use.

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).

- 10 Notwithstanding the submitted details and prior to the commencement of development, a detailed scheme for railings/gates, landscaping (tree and/or shrub planting) within the curtilage of the Veteran Oak tree within Phase 3 (Oak Tree Gardens) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size, layout, protection, aftercare and maintenance. The scheme approved shall be carried out in the first planting season following occupation of no more than 50% of the dwellings within the Phase 3, unless otherwise first agreed in writing by the local planning authority. The landscaping shall be maintained for 30 years after planting and should any landscaping be removed, die, be severely damaged or become seriously diseased within this period it shall be replaced with other tree and/or shrub planting as originally required to be planted.

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).

- 11 Notwithstanding the submitted details and prior to commencement of development, full details of all proposed street tree planting, tree species/sizes, 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.

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).

- 12 Notwithstanding the details provided within the Landscape Design Statement, prior to the commencement of development within the site areas of Phase 3 (Oak Tree Gardens) and Phase 5 (The Glade), as shown on the approved phasing plan, a detailed scheme and specification for the Oak Tree Gardens Local Area for Play (LAP) and The Glade Local Equipped Area for Play (LEAP) shall be submitted to and approved in writing by the local planning authority. No more than 50% of the dwellings within Phases 3 and 5 shall be occupied until the schemes have been fully implemented in accordance with the approved details and made available for use.

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).

- 13 The following elements of the scheme 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:
1. Porch canopies
  2. Rainwater goods
  3. Garage doors
  4. Electric vehicle charging points (including appearance, location and type and a site layout plan to show location of EV charging points for all proposed dwellings) to accord with the relevant Council standards
  5. External bin stores
  6. Balustrades to balconies and roof terraces

Reason: In the interests of visual amenity, having regard to policies D1 and S1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017)

- 14 The design and profile of all new windows and external doors (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.

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

- 15 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in dwellings at Plots 215 and 216 (as shown on Drawing No 1002 P6) without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 16 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the first floor en-suite, dressing and landing windows of Plot 74 shall at all times

be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

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

- 17 Where not shown on the approved plans, secure and covered cycle storage shall be provided for all apartment buildings and in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided prior to first occupation of the relevant dwelling(s) in accordance with the approved details and thereafter retained available for such use.

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).

- 18 Prior to the first occupation of the development the sustainable practices and low carbon emission features outlined in the (AES) Energy and Sustainability Statement dated September 2023 shall be implemented in full, unless otherwise first agreed in writing by the local planning authority.

Reason: To ensure that the proposed development addresses climate change, having regard to policy INF5 of the Joint Core Strategy (2017) and the adopted Supplementary Document - Cheltenham Climate Change (2022).

- 19 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).

- 20 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 building location, 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).

- 21 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.

- 22 Notwithstanding the submitted details, prior to the commencement of above ground works, full details of all retaining wall structures (to include but not limited to, section drawings, elevations, materials) shall be submitted to and approved in writing by the Local Planning Authority. The retaining wall structures shall thereafter be implemented in accordance with the approved details.

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, SD7 and SD14 of the Joint Core Strategy (2017).

- 23 Notwithstanding the submitted details, no development shall take place until plans showing the existing and proposed ground levels of the site and existing ground levels of adjacent land have been submitted to and approved in writing by the local planning authority. The submitted details shall be in substantial accordance with the Building Heights Parameter Plan (drawing P18-847\_02 sheet 04 Rev C) of 20/01689/OUT and shall include:-

1. Existing and proposed cross section drawings of the site indicating the extent of ground works required to achieve finished site levels.
2. Proposed slab levels of the proposed buildings and ridge heights of proposed and adjacent buildings.

The development shall 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, SD7 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 24 Prior to their first occupation all dwellings (other than apartments) shall be provided with a water butt.

Reason: To ensure that the proposed development addresses climate change, having regard to policy INF5 of the Joint Core Strategy (2017) and the adopted Supplementary Document - Cheltenham Climate Change (2022).

- 25 Prior to the commencement of development, full details of the proposed screen wall planting to the apartment buildings shall be submitted to and approved in writing by the local planning authority. The details shall include plant species, planting density, a scheme for the future management and maintenance of the planting and a timetable for its implementation. The screen wall planting 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 policies D1 of the Cheltenham Plan (2020) and adopted policies SD4, SD7 and INF3 of the Joint Core Strategy (2017).

### **Schedule of Conditions attached to Outline Planning Permission**

- 1) Details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this decision.
- 3) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is later.
- 4) The development hereby permitted shall provide no more than 250 dwellings.
- 5) The details to be submitted as part of the reserved matters for access, layout and landscaping shall be in general accordance with the design and layout principles of the Alternative Illustrative Masterplan Ref 18017.202 Rev B in respect of the following:
  - a. the proposed and retained structural landscaping (trees, shrubs and hedgerows) and public open space within the green infrastructure areas shown on drawing P18-0847-02 sheet 02 Rev D;
  - b. the design and alignment of the main vehicular access road and vehicular junction within Harp Hill within the Highway Corridor Flexibility Zone shown on drawing P18-0847-02 sheet 03 Rev F (excluding other internal estate roads).

For the avoidance of doubt, applications for approval of reserved matters shall be in substantial accordance with the submitted Land Use Parameter Plan (drawing P18-0847\_02 sheet 02 Rev D), Access and Movement Parameter Plan (drawing P18-0847\_02 sheet 3 Rev F), Building Heights Parameter Plan (drawing P18-847\_02 sheet 04 Rev C) and Green Infrastructure Parameter Plan (drawing P18-0847\_02 sheet 05 Rev D).

- 6) The first reserved matters applications required by Condition 1 shall be accompanied by a Phasing Plan, giving details of the phasing of the development. The development shall be carried out in accordance with the approved Phasing Plan unless any variations have first been approved in writing by the local planning authority.
- 7) Prior to the submission of the first reserved matters, a Housing Mix Statement for the open market housing shall be submitted to the local planning authority for approval. The Statement shall set out an appropriate mix of dwelling sizes, types and tenures to be provided on site that will contribute to a mixed and balanced housing market. The Statement will address the needs of the local area having regard to the Council’s current local housing evidence base. The development shall be implemented in accordance with the approved Statement.
- 8) The reserved matters required to be submitted and approved under Condition 1 shall include:
  - a. details of the design, form and architectural features of the dwellings, including materials to be used on the external walls and roofs;
  - b. details of the position, design, materials and type of boundary walls within the development;
  - c. details of cycle storage facilities for each dwelling;
  - d. details of refuse and recycling storage to allow for the separate storage of recyclable waste materials;
  - e. details of electrical vehicle charging points (including appearance, location and type) to accord with the relevant Council standards;The development shall be carried out in complete accordance with approved details.

- 9) The details to be submitted for approval as part of the reserved matters application(s) for appearance, scale and layout pursuant to Condition 1 shall include an Energy and Sustainability Statement. The statement shall demonstrate an improvement on the energy efficiency of the scheme over and above the Building Regulations in place at the time of this decision and shall include, but not be limited to, the following information:
- details of the methods used to calculate predicted annual energy demand and associated carbon emissions;
  - measures to reduce impact on climate change (including consideration of heat proofing, construction techniques, building fabric, solar gain, natural lighting, shading, orientation, water retention, flood mitigation and landscaping).

- 10) No development shall take place until details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy prepared by Phoenix Design dated March 2020. An assessment shall be made regarding the potential for disposing of surface water by means of a sustainable drainage system (SuDS) in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results provided to the local planning authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall provide:

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

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

- 11) No development shall take place until full details for the treatment and disposal of foul water (including pollution control and monitoring measures) 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.
- 12) No development shall take place until plans showing the existing and proposed ground levels of the site and existing ground levels of adjacent land have been submitted to and approved in writing by the local planning authority. The submitted details shall include existing and proposed cross section drawings of the site indicating the extent of ground works required to achieve finished site levels. The reserved matters application(s) submitted pursuant to Condition 1 shall include details of the proposed slab levels of the proposed buildings and ridge heights of proposed and adjacent buildings. The development shall be implemented strictly in accordance with the agreed details.
- 13) Notwithstanding the illustrative proposed access arrangements on to Harp Hill, as shown on Access and Movement Parameter Plan ref: P18-0847\_02 Sheet No.3 rev F and the Alternative Illustrative Masterplan ref. 18017.202 Rev B, full details of the proposed access junction on to Harp Hill shall be submitted to and approved in writing by the local planning authority as part of the first reserved matters submission. The access shall be installed in accordance with the approved details and made available for use prior to the first occupation of any dwelling. The reserved matters submissions relating to access are required to be generally designed so that maximum and minimum

gradients allowable will be 1/20 and 1/100 respectively, save that gradients up to 1/12 are permissible, provided that where they are proposed, they shall be limited to maximum lengths of 30 metres.

- 14) No dwelling hereby permitted shall be occupied until the Footpath and Cycleway link between Priors Road and the development area (as shown on Drawing No 333.E.33) has been fully implemented in accordance with a detailed design previously submitted to and agreed in writing by the local planning authority.
- 15) No more than 50 dwellings shall be occupied until the following highway works have been implemented in full:
  - a. Alterations to the junction of Priors Road / Hales Road / Harp Hill / Hewlett Road (shown on Drawing No H628/04 Rev C);
  - b. Harp Hill pavement extension and pedestrian linkages (shown on Drawing No H628/05 Rev A).
- 16) No dwelling shall be occupied until: (i) the carriageways providing access from the public highway to that dwelling have been completed to at least binder course level, and the footways 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.
- 17) Prior to first occupation of the development, details of the arrangements for future management and maintenance of the 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.
- 18) No development shall take place until a Construction Traffic Environmental Management Plan (CTEMP) has been submitted to and approved in writing by the local planning authority. The CTEMP shall include: details of parking or vehicles of site operatives and visitors (including measures to ensure satisfactory access and movement for existing occupiers during construction); details of any temporary access into the site; details of loading and unloading of plant and materials; arrangements for turning vehicles; details of storage of plant and materials; measures for traffic management (including routing) so as to minimise the impacts of construction traffic on the highway; details of types, size and numbers of construction related vehicles anticipated daily, including arrangements to receive abnormal loads or unusually large vehicles; means to prevent deposition of mud or other substances on the highway; details of wheel washing facilities; measures for the control of site lighting (required for safe working or for security); means to control dust and emissions to air; means to control noise and vibration; methods of communicating the CTEMP to staff, visitors and neighbouring residents and businesses. The approved CTEMP shall be adhered to throughout the demolition and construction period.
- 19) No development shall take place until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall include: 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. The approved SWMP shall be adhered to throughout the demolition and construction period.
- 20) Demolition, construction works or other operations that generate noise beyond the site boundary shall be only carried out between the hours of 0800 hrs and 1800 hrs

Mondays to Fridays, and between 0800 hrs and 1300 hrs on Saturdays and at no time on Sundays and 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.

- 21) No piling activities shall be carried out until a full piling method statement has been submitted to and 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 properties; dates and times of piling; and details of monitoring measures. All piling activities shall be carried out in accordance with the approved details.
- 22) In the event contamination is found at any time when carrying out the approved development that was not previously identified, it must be immediately reported in writing 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 the Environment Agency's relevant guidance and, where necessary, a remediation scheme 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.
- 23) 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 recommendations and measures within the Construction Environmental Management Plan (CEMP) (Ecology Solutions March 2021 7807.CEMP.vf); and the Landscape and Ecology Management Plan (LEMP) (Ecology Solutions dated March 2021 7807.LEMP.vf). In addition to the approved LEMP, hedgehog tunnels shall be installed in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority. Any modifications to the approved details within the CEMP and LEMP (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 prior to the implementation of any modifications.
- 24) Full details of the external lighting scheme, following the principles and recommendations of the approved lighting strategy (Illume Design Lighting Strategy 03.03.2021 No. 4218 rev 0.2), shall be submitted to and approved in writing by the local planning authority. The details shall include but shall not be limited to the following:
  - a. the position, height and type of all external lighting (including any security lighting);
  - b. the intensity of lighting and spread of light as a lux contour plan (including horizontal and vertical components);
  - c. lighting calculations and assessment;
  - d. measures to minimise light spill/pollution, having regard to the sensitive location of the site within an AONB;
  - e. measures to minimise the effects of lighting on protected wildlife species;
  - f. the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

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

- 25) The submission of details required by Condition 1 shall include full details of a hard and soft landscaping and boundary treatment scheme for both the residential and open space elements of the proposed development. The scheme shall include the following:
  - a. a written specification describing the species, sizes, spacing, densities and planting numbers;
  - b. details of all retained trees, hedgerow and other ecological features;



- c. details of the phasing of implementation of all proposed hard and soft landscaping;
- d. details of proposed aquatic planting for the indicative SuDS feature shown in the north-west corner of the site;
- e. details of meadow grassland planting within the areas of public open space;
- f. details of hard and soft boundary treatment (including details of materials and elevation drawings where relevant);
- g. details of ridge and furrow retention, planting and maintenance;
- h. buffer/protection and deterrent planting measures (from deer and other predators) around retained mature, veteran and ancient trees;
- i. details of biodiversity net gain (BNG), in accordance with Natural England's Biodiversity Metric 2.0;
- j. a detailed Landscape and Tree Management and Maintenance Scheme (LTMMS) (for the short, medium and long term – 5, 10 and 30 years) for areas of proposed open space and children's play areas based on the principles set out in the approved LEMP.

All hard and soft landscaping and boundary treatments (as well as the LTMMS) shall be implemented and maintained in accordance with the approved details, and in accordance with a timetable agreed with the local planning authority. Any trees, hedgerows or other plants which, within a period of 5 years from the date that they were planted, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season (October to March) with others of the same size or species unless otherwise first agreed in writing by the local planning authority. Any pruning works shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

- 26) All works including roads, paths, parking areas, drainage runs and other areas of hard landscaping that fall within Root Protection Areas of retained trees shall be constructed using a no-dig method. All trenches and service runs shall fall outside the Root Protection Area(s) of any retained trees shown on the approved drawings, unless otherwise first agreed in writing by the local planning authority. Any such works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or any standard that reproduces or replaces this standard). No fires shall be lit within 5m of the Root Protection Areas and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of any tree stem. Existing ground levels shall remain the same within the Root Protection Areas and no building materials or surplus soil shall be stored therein.
- 27) Prior to the commencement of development (including site and vegetation clearance works), the following shall be submitted and approved in writing by the local planning authority:
  - a. a Tree, Shrub and Hedgerow Retention and Removal Plan, identifying all trees, shrubs and hedgerow to be removed and retained (including tree BS 5837:2012 categorisation);
  - b. details of tree protective fencing to comply with BS 5837:2012;
  - c. an Arboricultural Monitoring scheme for the construction phase which shall include details of (a) persons to conduct the monitoring; (b) the methodology and programme for reporting; and (c) a timetable for inspections;
  - d. an Arboricultural Method Statement (AMS) to comply with BS 5837:2012 which shall include (a) any no-dig construction method details for parking areas, footpaths, roads, drainage runs and other forms of hard landscaping; (b) foundation details for properties near to retained trees on or adjacent to the site; (c) the storage of materials and siting of temporary structures for contractors; and (d) any access facilitation pruning in accordance with BS 3998 (2010).

No trees, shrubs or hedges within the site which are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed, without the prior written consent of the local planning authority. Any



retained trees, shrubs or hedgerow indicated on the approved drawings which, within a period of 5 years following the completion of the construction phase die, become seriously damaged or diseased shall be replaced during the next available 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 shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

No tree and/or hedge clearance shall be carried out during bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has first been submitted to and approved in writing by the local planning authority.

The development shall be carried out at all times in accordance with the details approved and the tree protective fencing shall be installed and inspected prior to the commencement of development and shall thereafter remain in place until the completion of the relevant construction phase.

- 28) Details of a scheme for Public Art within the area(s) of public open space shall be submitted to and approved in writing by the local planning authority. The approved scheme be installed within six months following the completion of the development or in accordance with a timetable previously agreed in writing by the local planning authority.
- 29) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages and outbuildings (other than sheds and greenhouses, and those forming part of the development hereby permitted) shall be erected without the permission of the local planning authority.
- 30) 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 shall be in accordance with the advice from Natural England (letter dated 13 April 2021) and include reference to: Alternative local recreation opportunities (off site), and website information for the Cotswolds AONB. Each household shall be provided with an approved Homeowner Information Pack on occupation.
- 31) Details of a scheme of interpretation for the adjacent heritage assets at Hewlett's Reservoir (which shall include details of the location, content and design of interpretation boards to provide the public with a better understanding of the heritage assets adjoining the site) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the completion of the development.



-  **PLANNING APPLICATION BOUNDARY**  
(15.27 HA)
-  **MAXIMUM BUILDING HEIGHT UP TO 10.5M**  
**ABOVE FUTURE GROUND LEVEL**
-  **MAXIMUM BUILDING HEIGHT UP TO 12M**  
**ABOVE FUTURE GROUND LEVEL**
-  **EXISTING CONTOURS AND SPOT HEIGHTS**  
(CONTOURS AT 1M INTERVALS)

\* FUTURE GROUND LEVEL ALLOWS FOR A MAXIMUM OF 1.5M ABOVE THE EXISTING GROUND LEVEL (THIS ESTABLISHES APPROPRIATE DRAINAGE, BALANCE CUT AND FILL AND ALIGN STREET AND BUILDINGS TO CONSISTENT LEVELS).

EXTRACT AT 1:2500 SHOWING WESTERN GATEWAY

This page is intentionally left blank

<b>APPLICATION NO:</b> 23/01691/REM	<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 4th October 2023	<b>DATE OF EXPIRY :</b> 24th January 2024
<b>WARD:</b> Battledown	<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Vistry Homes Limited And Stonewater Limited
<b>LOCATION:</b>	Oakley Farm Priors Road Cheltenham
<b>PROPOSAL:</b>	Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 20/01069/OUT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT.

## REPRESENTATIONS

Number of contributors	<b>60</b>
Number of objections	<b>57</b>
Number of representations	<b>3</b>
Number of supporting	<b>0</b>

30 Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LB

### Comments: 3rd November 2023

The access/egress to and from this development is restricted to entering/exiting Harp Hill from/to an already very busy traffic management of roundabouts and junctions at Priors Road/Hales Road/Hewlett Road, and to/from SixWays in Charlton Kings. The additional traffic could add considerably more congestion at these junctions.

It is possible that the additional flow of traffic from the development of 250 houses using Harp Hill, Greenway Lane and Mill Lane could be in excess of 1000 journeys per day if all reasons for travel and vehicle use are considered. This is an enormous increase of traffic that is unacceptable for reasons of noise, extreme pollution, the dangers to elderly and indeed all pedestrians on the steep slope of Harp Hill, particularly at night, the danger posed to children travelling to schools on bicycles, and the risk posed to nearby residents mental health matters.

Harp Hill has on road residential parking serving local residents and their guests and could not reasonably be altered without some considerable suffering.

The impact from extra delivery vehicles should not be forgotten, and I am most anxious that emergency vehicles could find extreme difficulty to access all areas during peak times. Legitimate on-street parked traffic and the sheer volume of additional traffic from this development could unacceptably hinder attendances in all areas surrounding Harp Hill, Greenway Lane and Mill Lane.

I am very concerned for the state of Greenway Lane at the traffic lights of SixWays that are programmed for very short periods of traffic movement allowing only a few cars to pass to the A40 at a time. I understand that it would be very difficult to change this programme as A40 traffic is prioritised.

It is not unusual these days for traffic to back well up Greenway Lane at peak periods with some waiting vehicles mounting grass verges to pass legitimately parked residents cars. The school run is notorious for parents parking cars that exacerbates the congestion issue. Extra Emergency vehicles could have difficulty passing or even accessing on this route.

Congestion caused by increased slow moving traffic from the proposed development could add to pollution levels that are unacceptable considering the present day attitudes to such healthy lifestyle.

Similarly, accessing Greenway Lane, Mill Lane or Aggs Hill, all of which have dire restriction for the safe flow of traffic is very short sighted indeed. Mill Lane is winding and very narrow in places and is locally considered not suitable for unsustainable increased levels of new traffic. Greenway Lane is largely unlit at night, is steep and does not have suitable pathways. All routes are used by joggers, dog walkers, nature lovers and horse riders.

Harp Hill, Greenway Lane and the surrounds were not designed nor built for this additional proposed traffic.

I strongly suggest that an alternative egress/access route for this development would be the best result for the project to relieve the gross mistake that the present plan would present. This alternative should be sited shorter in distance to more appropriate traffic allowance.

Beech Cottage  
Harp Hill  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6PR

### **Comments:** 6th November 2023

As residents of Harp Hill, we have a clear interest in this development. We appreciate that there is a shortage of housing and that new developments need to take place. Our concerns do not relate to the proposed housing per se but rather the vehicular access to that housing estate coming solely from Harp Hill. The building of 250 houses means up to an additional 500 cars will be attempting to get up or down Harp Hill to access Cheltenham and surrounding areas.

As far as we can tell the only planned routes out from the bottom of new estate via Brockweir Road or Pillowell Close are cycling or walking routes. Why is a road access

not being considered there to at least halve the traffic having to use Harp Hill? It is simply not realistic to think that people will walk or cycle. Not all children will be able to attend the local schools and not all adults will work in the vicinity, meaning that they will need to use their cars. As parents of different aged children we know that it is also simply impossible to take children to different schools and then get on to our place of work without a car, so allowing only for walking or cycling routes for this new development is shortsighted. In addition, an increasing number of people use delivery services for both groceries and other purchases. These will not be by delivered by bicycle or on foot; they will come by road. Those who don't use delivery services use their cars to do their grocery shopping. The lack of vehicular access from the bottom of the development, where there are pre-existing good roads with pavements and lighting seems nonsensical.

The only access point is onto the fairly high slopes of Harp Hill. Harp Hill is not a town road, it is a lane up to open countryside in an area of outstanding national beauty. The lower slope is already an extremely busy road with many car users speeding through. It has several choke points along its ascent.

At the top of the hill, there is already substantial redevelopment from other approved housing developments (Cromwell Court and Sovereign View to name a couple). This has resulted in countless works vans, and additional car traffic without sufficient parking on site necessitating on-road parking. This then causes blind corners as people attempt to overtake these vehicles. Added to this, there are no footpath facilities meaning we feel very unsafe walking dogs or children along the road. It is already too fast and too busy for us to contemplate doing this safely. What is being proposed will exacerbate our safety concerns.

However, of most concern is the traffic at the bottom of the hill. You will be aware of the Battledown Centre for Children and Families. This already causes traffic chaos at pick-up and drop-off times. The families who need to use this facility must do so through the maze of parked cars at the bottom of the hill. Many of the houses on the lower slopes require road parking as their driveways only accommodate one car. Furthermore, the very successful and popular Hewlett Arms causes cars to park on Harp Hill due to the pub's insufficient car park. The current situation is dangerous enough for the children and families who need to use the Battledown facility or indeed other members of the public who wish to walk along the road to access local shops. Adding up to an additional 500 vehicles to the mix could be disastrous. Not only impacting pedestrians, it will cause a back-up of car traffic waiting to meet the double roundabout at the bottom of the hill at Prior's Road/B4075. It is already extremely challenging to turn right at this roundabout (ie towards Sainsbury's) and is not much better turning left, due to the lack of visibility. With the increase in traffic, this development may make Harp Hill into a virtual car park at busy times, with queues all the way up the hill. It will cause motorists to take more chances when turning right across traffic and we will see more collisions on the roundabout. Will there be a re-working of the road layout to accommodate this upturn in traffic exiting Harp Hill? Has a traffic survey been conducted?

Alternatively, any traffic which needs to exit out of the new housing estate and proceed up the hill and take the Greenway Lane turn to Sixways will be caught up in the already extremely time-consuming traffic lights there. It currently takes 6 minutes per traffic light cycle to wait for Greenway Lane's turn to join at Sixways. Imagine how many cars will be backed up if half of the additional vehicles use this route.

## Page 248

In other words, both exit routes (to Hales Road, or Greenway Lane) are struggling to cope with current traffic conditions. We cannot understand why an access point is not being considered at the base of the site at Brockweir Road, Pillowell Close or indeed along the farm track running between the Sainsburys site and Hillview Road turning onto Priors Road/B4075. It is for this reason that we strongly oppose the development as the plans stand.

14 Ashley Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LF

### **Comments:** 30th October 2023

This development will cause so much extra traffic congestion. It will affect the traffic on Harp Hill in both directions. It is currently a problem with traffic having to negotiate the parked cars at the bottom of Harp Hill and at the top of Harp Hill there are no pavements with pedestrians having to walk on the road.

Greenway Lane will also be greatly affected with the extra traffic, it is already a problem with traffic build up from the Six Ways traffic lights, even coming back as far as Ashley Close.

The schools, doctors and other facilities will be unable to cope with all the extra people, which could be as much as a further 1000 people.

Lastly the area of AONB would be lost.

18 Ashley Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LF

### **Comments:** 31st October 2023

I object to the proposed development firstly because the increase in traffic on Greenway Lane near where I live will make existing problems there much worse:

Vehicles frequently mount the pavement where Greenway Lane meets the A40 because cars parked near the junction cause those waiting at the lights on Greenway Lane into the middle of the road.

There are long queues on Greenway Lane near the Six Ways junction at peak times, especially at the Ashley Manor (formerly St. Edwards Preparatory) school's open and close times - when Ashley Manor holds an event, the traffic on Greenway Lane can be chaotic because parents park their cars on both sides of Greenway Lane, blocking both the road and pavement.

Greenway Lane floods regularly causing problems for both vehicles and pedestrians.



Vehicles entering Greenway Lane from the A40 in the direction of town often do so from the outside lane, through oncoming traffic - more traffic will cause more problems leading to accidents.

Secondly, the road is used by walkers, cyclists and horse riders, the increased traffic flow due to this development will certainly lead to a loss of amenity for all these people.

Thirdly, I object to any development on the AONB and on productive farm land.

Land Adj To  
Gray House  
Harp Hill  
Cheltenham.

**Comments:** 8th November 2023

RE : OBJECTION TO PLANNING APPLICATION REF. 23/01691/REM

I am writing on behalf of my client, \*\*\*\*\*, whose property comprises the site of two new homes currently under construction at Land Adj. To Gray House, Harp Hill and which will be materially affected by the above proposed development.

In the last few days my client has received an incorrectly addressed consultation letter from your council notifying him of the above application.

As he has only just become aware of the submitted application he has not had an opportunity to respond to your council by the suggested deadline for comment (stated as the 3rd November 2023).

On initial review, my client considers that the submitted proposal fails to comply with requirements of NPPF policy guidance and the Local Plan and he therefore objects to this application. In this regard, I would confirm his intention to submit a detailed letter of objection by the 17th November 2023.

Given that he has only just received notification of the proposed development and could not have responded by the 3rd of November I would respectfully request that both this email and, in due course, his pending letter of objection should be taken into consideration by your council in determination of the above application.

Kind regards

High Grove  
Greenway Lane  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6LA

**Comments:** 31st October 2023

In this application for reserved matters, it is now possible to see the full detail of the scheme intended to provide up to 250 houses on the Oakley Farm Site. I am appalled to note that the sole vehicular access to the proposed development is to be via a T-junction with Harp Hill. Something of the order of 1000 vehicle entries to and exits from the development are anticipated per day. It is clear to anyone familiar with the driving conditions on Harp Hill and Greenway Lane that these additional vehicle movements will have a catastrophic effect on those of us who have to use these two roads routinely.

I live on Greenway Lane, very close to the junction with London Road, and I observe daily the effects of the current 'rush-hour' congestion largely generated by Ashley Manor School traffic and also the contortions that result from the passage of huge lorries taking construction materials and removing waste from the existing developments around the areas of the Hewlett Reservoirs (Cromwell Court, etc). The design of junctions and of the narrow roads themselves is inadequate for current conditions, even before the deluge of lorries, and ultimately cars, from Oakley Farm is unleashed on them.

This proposal should be rejected until a safe scheme of traffic management for the construction and the residential phases has been devised. The presently proposed scheme would create unsafe, unhealthy and utterly inconvenient conditions for large numbers of existing residents, plus unacceptable increases in carbon emissions.

Willow Bank  
Harp Hill  
Cheltenham  
GL52 6PX

**Comments:** 19th October 2023

Harp hill is one of the worst maintained roads in Cheltenham and really dangerous to walk along. Traffic is awful already at peak times. Impact of development modelled as severe. Piecemeal offering through road widening at the bottom that will have little to no real impact. I read the discussion on traffic in the appeal, and the mitigation for this suggested by Robert Hitchens can basically be summarised as "the traffic will be so bad once the development is complete, that people will stop using the route". And the Secretary of State agreed with it. How can that be a reasonable position? How are these 250 extra cars going to get where they need to go in the mornings and evenings? Harp Hill completely unsuitable as an entrance to the development. Obvious to all including Gloucestershire Highways. Overridden by a Secretary of State who walked up it once.

## Page 251

Since the appeal was successful I expect there's little we can do now to change the fact the entrance will be on Harp Hill. I can only suggest Gloucestershire highways take a serious look at traffic calming measures, speed bumps, pedestrian crossings, re surfacing of the whole road including pavements and road widening at the single track bottleneck outside the school to name a few as a best effort mitigation for this impending catastrophe for local residents.

11 Ashley Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LF

### **Comments:** 30th October 2023

I am horrified to hear that with the Planning application for up to 250 dwellings on the area of AONB may go ahead.

I understand that the vehicular access to these houses is to be from the top of Harp Hill and Greenway Lane. Neither of these roads are able to cope with the volume of traffic which will be incurred.

Both roads are narrow with no chance to widen. Greenway Lane is a Rural country Road and just not suitable for the volume of extra traffic which will be incurred.

As it is at peak times the queue at the traffic lights into the London Road there are tail backs to Ashley Road.

The extra volume of traffic and pollution will be completely catastrophic and unsustainable.

I am opposed to this proposal.

12 Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LB

### **Comments:** 3rd November 2023

I agree with other objectors that the environmental and particularly traffic impact of this development, exacerbated by only one point of access on Harp Hill, will be significant to the junctions at the bottom of Harp Hill and Greenway Lane.

But my particular objection is to the supposed purpose of this development. The housing crisis is caused by the lack of genuinely affordable housing, due to the sell-off and non-replacement of council housing. This development offers only a small percentage of 'affordable' houses and the likelihood is that, as in so many other new developments, this percentage will eventually be reduced, if not removed altogether, by the developers' 'non-viability' arguments. Even if the affordability quota survives, it only requires those properties to be available at 80% of local market prices. This remains way beyond the means of most people who are victims of the housing crisis. We need developments that provide only social housing at genuinely affordable prices.

Thaylin  
11 Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PY

**Comments:** 18th October 2023

Access to the proposed development from Harp Hill will cause significant issues for local residents.

We live towards the bottom of the hill and find it difficult to access and leave our property due to traffic at the junction with Hales and Priors Rd at peak times. The increase in vehicles on Harp Hill due to access to the new development will increase traffic significantly. Not only will this further impact our ability to access our property, but it will increase the risk to pedestrians trying to cross the road. This is of particular concern given that there is a school on Harp Hill.

From approximately 2/3 of the way up the hill there is only a narrow footpath on one side, meaning pedestrians often need to step into the road. At the top of the hill there is no footpath. This is already a dangerous situation so an increase in vehicles will increase the risk to life for pedestrians.

An increase in traffic transiting up Harp Hill will also impact traffic levels at the Six Ways junction in Charlton Kings. Traffic already queues back around the corner from the junction and often as far as Ashley Road during peak times. An increase in traffic would cause significant delays for residents and those attending the school.

The current condition of the road surface on Harp Hill is poor, with multiple potholes and scree washing down the hill during heavy rain. The corner between Oakley and Stanley Roads is also very narrow, with a concrete box restricting the width of the road. The condition and width of the road already cause pinch points so the increase in works vehicles during the build phase and vehicles of new residents will further degrade the surface and increase the risk of a head on collision between vehicles.

Harp Hill is not an appropriate access point for this new development.

3 Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6QB

**Comments:** 21st October 2023

Harp Hill is not a suitable access road to support the additional traffic which will be created through the building of 250 homes. It is a steep and narrow road which can already barely cope with the large number of vehicles using it. The pavements are narrow or non-existent in parts, which causes a danger to pedestrians. Cars parked along the road cause major bottlenecks. However if double yellow lines were to be painted to prevent cars parking, there would then be a greater risk of vehicles speeding up and down a road which is used as a commuter rat run.

The new development needs greater provision for parking and fewer houses to be built, so that there is not such a huge increase in traffic and we can ensure that Harp Hill is as safe as possible and doesn't become a really dangerous road.

31 Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PY

**Comments:** 2nd November 2023

Response to Full Planning Application 02/11/23

Comments from 31 Harp Hill

These comments should be read in conjunction with my comments on the Outline Planning Application which I reiterate below.

My comments on this Full Application refer mainly to the increased traffic on local roads, principally on Harp Hill.

The Outline Planning documents already contained a letter (20/01069/OUT) dated 10 February 2021 from Highways Management to Planning requesting a deferral of the Outline Application on the grounds that the Traffic Assessment (TA) had not been fully addressed. Now the Outline Application has been approved, can we be assured that should the Full Application be approved, all 'improvements' to Harp Hill and other local roads associated with the development site should be based on an appropriate TA accepted by Highways Management? Moreover, I feel such assurances are needed at the pre-construction phase as well as at the pre-occupation phase; as regards the former, appropriate restrictions on the construction traffic will also need to be imposed and their adherence monitored in order to minimise the nuisance caused in what is a residential area.

In the meantime, I also note the numerous other comments on this Full Application detailing why Harp Hill is unsuitable as an access road (steepness, speeding, congestion, driving on pavements, poor condition, narrowness, lack/inadequacy of pavements, sensitive school location, hidden driveways, lack of pedestrian crossings at mini-roundabouts etc.). While I see little point in restating all that has been said elsewhere, I would additionally like to mention that the recent new Zone 15 parking restrictions have also led to increased parking and subsequent congestion on Harp Hill.

Response to Outline Planning Application 06/08/20

My home, 31 Harp Hill, forms part of the Battledown Estate and in the first instance I should like to give my strongest endorsement to the objection submitted by the Trustees of Battledown Estate on 29 July 2020.

In addition I should like to add the following:

1. The Biodiversity Report makes no mention of deer. In fact, various photos of roe deer on the Oakley Farm site are readily available elsewhere on the internet and muntjac deer have also been observed there. Moreover, Harp Hill has signage for deer at various places. A number of roe deer are permanently resident in this area of the Battledown Estate and have been known to stray onto Harp Hill on occasions, which must present a traffic hazard under any circumstances, let alone with increased traffic levels.

2. The Transport Assessment does not discuss the extra traffic flow which will be generated on Aggs Hill, being the continuation of Harp Hill up the Cotswold escarpment. Aggs Hill is a particularly narrow, steep and winding country road which not only gives direct access from Cheltenham to the Cotswolds Way footpath, but also can potentially be used as a rat run towards Andoversford. Any significant increase in traffic on this hill would be highly dangerous and very unwelcome.

3. The Transport Assessment makes no mention of Gloucestershire County Council's plans to increase pupil numbers at the Battledown Centre for Children and Families (23, 25 Harp Hill) in the coming years, see:  
<https://glostext.gloucestershire.gov.uk/documents/g9396/Public%20reports%20pack%20Wednesday%2017-Jun-2020%2010.00%20Cabinet.pdf?T=10>

This expansion has the potential to generate considerable extra traffic, on-street parking and congestion on Harp Hill and should be taken into account.

4. Both Harp Hill and Aggs Hill are cycle routes (hill climbs) of national importance, see e.g.

<https://www.climbbybike.com/climb/Aggs-Hill/9992>

In particular, Harp Hill featured in the 2014 Tour of Britain cycle race when large crowds gathered on the hill. As such, these hill climbs generate considerable cyclo-tourism. The introduction of the proposed new junction on Harp Hill would provide an extra hazard for cyclists, particularly if the junction is steep and cars are pulling out quickly into gaps in a busier traffic flow. Additional traffic on Harp Hill would also necessarily also increase the overall danger to cyclists.

5. I have concerns about the impact and duration of the building works associated with the proposed new development. The flow of contractor vehicles up and down the hill would be immense and, as has been seen with recent construction work higher up the hill, the lorries most often do not carry tarpaulins (thus often shed soil etc.) and frequently speed, so that monitoring of this construction traffic for adherence to regulations would need to be strict and properly enforced, remembering that Harp Hill is a residential area.

6. I have related concerns about the disruption which would be caused by the proposed mitigation works on the mini-roundabouts at the foot of Harp Hill, which would undoubtedly lead to major congestion not only on the hill but in the broader local area.

20 Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6QG

**Comments:** 18th October 2023

As a resident of Harp Hill, I have concerns relating to the traffic impact of this new development. Harp Hill is a minor road and already struggles with the volume of traffic it has to cope with, particularly at morning and evening commuting/school times when it's used as a cut-through to avoid the A40. Some days I struggle to get out of my driveway for quite some time and there's been cases of gridlock, where cars going down the hill and waiting to access the roundabout queue so far up the hill, past Battledown school,

## Page 255

that cars cannot get up the hill due to cars being parked on the road. Adding a further 250 households is going to add further congestion to this junction as well as noise/health implications for local residents.

Harp Hill was not designed to carry this volume of traffic. It is in a state of disrepair near to the peak of the hill and in my view, not wide enough as it is to support the homes that already need access. And being a hill, when it rains heavily, unsafe levels of water can be seen to run down it. Adding more traffic is going to increase the likelihood of traffic accidents. I lost one of my cats recently, run over outside Battledown School by a car coming at speed down Harp Hill.

I am also concerned about the impact that 250 additional homes will have on the provision of local services - Schools, GPs, water supply, drainage, broadband, etc.

Manurewa  
16 Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6QG

### **Comments:** 23rd October 2023

Having studied the proposed plans I object to the number of dwellings on the development. I think there are too many squeezed onto the site and not enough adequate parking for the cars that will be associated with the number of dwellings. Cars will end up being parked along the access roads making it dangerous to access for emergency vehicles and refuse lorries. Young children will be at risk if parked cars block line of sight of drivers. The number of houses built should be reduced, as adding additional parking will only add to the increase run off of rainwater coming from the hill and leave the area vulnerable to flooding. Reduce the number of dwellings built.

### **Comments:** 18th October 2023

Has anyone who permitted this application ever tried to walk or drive up or down Harp Hill at rush hour? After perhaps a heavy rain storm? I would suggest not, as currently there is an issue with too many cars, lorries and vans using this road. At parts the road tapers and narrows, so it is dangerous for two vehicles to pass safely, let alone a pedestrian who may be trying to reach a local school (one of which is situated on the bottom of the hill). Half the hill has no pavement, yet is a direct link to The Cotswold Way. So adding to this the additional amount of cars that 250 new houses will bring with their only access as Harp Hill, seems thoughtless. The truth is there is no safe or sensible access to this proposed development. The uneven surface of the road, problematic drainage issues (road is constantly being dug up, or patching potholes), and lack of speed control is already a mounting issue. If developers have to push these things through then why are we not making sure the access is suitable before they break ground.

Good luck getting a local secondary school place that your children can walk or cycle to if you live here, both local schools are over subscribed already.

## Page 256

There's not much point reflecting on the damage to wildlife, AONB destruction, or the increased flood risk to North East Cheltenham, as it's already been permitted but the access and traffic issues could be addressed, there is still time.

It is worth noting that the increase of traffic will also greatly affect Ham, Charlton Kings Six Ways, Priors Road, Hales Road and Hewlett Road.

The whole thing is tainted with bullying big companies and greed being put before local communities.

3 Battledown Cottages  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6QG

**Comments:** 2nd November 2023

I write with a formal objection to development at Oakley Farm, Ref Planning Application 23/01691/REM.

Safety - As a resident on Harp Hill for the past 18 yrs, I have witnessed increased volume and speed of traffic on the hill. The footpaths are narrow and non-existent towards the top of the hill where access to the new development is proposed. As a pedestrian, walking on Harp Hill has become a hazard, the increased volume and swerving of pot-holes is an accident waiting to happen.

Access in and out of properties, including the school, The Battledown Centre, is also a daily hazard and we simply cannot cope with more traffic impacting our daily lives. Congestion of adjoining roads and the bend at the Hewlett Reservoir is also a major issue.

If this development goes ahead we will count the days until a serious accident occurs.

Damage to Buildings & Infrastructure: Many of the period properties on Harp Hill do not have foundations and will not withstand the vibrations from heavy construction traffic. Evidence of this can be produced, with the previous development (Birdlip Road), our house required re-plastering, inside and out, since cracks formed due to the daily vibration of the lorries carrying hardcore to/from the site.

Flooding is evident from the Birdlip Road development, and this will cause further problems with more homes generating waste. Drainage cannot cope with the additional water which will cause damage the roads and dwellings.

Local facilities, shops, schools, surgeries and supermarkets are inadequate for further residents in the Battledown / Charlton Kings area.

The traffic noise is also problematic, vehicles accelerating up the hill and speeding down cause a constant nuisance.

We also should reflect on the destruction of AONB, the loss of this natural habitat and impact to wildlife is astonishing - we should be preserving this site.



If valid surveys had been conducted this planning would never go ahead.

The impact of an additional 250 houses will adversely impact the local community causing much stress and a decline in the quality of life for residents.

The site is simply not suitable for the development. I strongly recommend that the decision is reviewed, and the proposed planning for dwellings cancelled or at least reduced.

2 Harp Hill Villas  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PX

### **Comments:** 2nd November 2023

As residents of Harp Hill, we strongly object to the access approach outlined in this application and believe the impact on the local road network will be severe and make travel in the surrounding area (by car, foot, and bike) much more dangerous.

Regardless of some of the conclusions drawn in the appeal decision regarding post-covid traffic decreasing due to self-redistribution, working from home and e-scooter schemes, this is not our experience living on Harp Hill. This development is likely to introduce over 1,000 extra journeys into the surrounding small and poorly maintained roads. Roads that already experience circulatory issues at the bottom and top of the hill, plus at the junction with Greenway Lane and the traffic lights to the A40 at Six Ways.

For pedestrians the danger will be compounded by the narrow or lack of pavement on both sides of the hill, which will not be remedied by the footpath on the development. Whilst appreciating the addition of a planned footpath on the development, crossing the road to get to it might be riskier than it's worth. It is currently impossible to push a double buggy up the hill without going on the road and looking at the current plan, taking one through the estate will also be difficult without using the access road.

Placing the access entrance just over the brow of Harp Hill would also seem to be a dangerous development for cars, pedestrians, cyclists and horse riders.

Harp Hill is already widely used as a short cut to avoid the A40 and traffic lights, particularly during peak school times and the additional 1,000+ car journeys will add to the often chaotic scenes at the Battledown Children's Centre during morning drop off and afternoon pick up. Particularly given the lack of parking restrictions on the hill resulting in cars being parked on both sides of the road.

There is no public transport on Harp Hill which will restrict any movements on sustainable transport modes and add to the pedestrian and car journeys on Harp Hill.

Whilst appreciating the developers will pay £64,500 to support local traffic improvements, it is difficult to judge whether this amount is sufficient or will be appropriately used without sight of the associated plans. The small roundabout at the bottom of Harp Hill is already congested with local traffic movements and through traffic. A speed limit of no more than 20mph will surely be needed to manage traffic movements on the hill, Greenway Lane already has traffic calming measures.

It seems strange that the GCC Highways Planning Liaison Officer was not consulted for this application given the implications of the access proposed.

Adding the car fumes of another 1,000+ journeys into the air around Harp Hill must have an impact on the air quality of the surrounding area.

Having seen the substantial impact of the recent development of just three houses on Harp Hill, the introduction of heavy vehicles moving up and down the hill on multiple journeys during the construction phase is a very worrying consideration. The speed of the lorries, often full of spoil or heavy building materials, for the three developments was completely inappropriate for the gradient of the hill and very dangerous and they also further damaged an already poor road surface.

Golspie  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PX

### **Comments:** 2nd November 2023

The development will cause a number of ongoing and long-term problems to Harp Hill and its' residents. These issues will greatly impact both the residents of Harp Hill and also the council and parties that maintain and / or provide services to or via Harp Hill. Some issues will be ongoing and some will be occasional, but all will have a severe impact.

In no particular order, we list some that quickly spring to mind:

- The road Harp Hill is already extremely busy. We have issues getting cars in and out of our drive during the day. The impact of an extra 250 houses will cause misery for residents of Harp Hill, the surrounding roads such as Hales Road, Hewlett Road and Greenway Lane. The residents on the proposed estate will suffer as permission has been granted for too many houses. There is insufficient parking on the proposed new estate and cars will encounter severe problems getting in and out of the estate. An access road (and the only one for the development) onto Harp Hill is simply unworkable.

- The road is already dangerous as it is narrow and down to one lane from the Oakley Road turning due to the number of parked cars. There are always numerous vehicles parked outside our house and all the way down the Hill. These include overspill from the Battledown Centre, the Hewlett Arms, residents, visitors and tradespeople working at houses on the Hill. They need to park on the road, double yellow lines are not a viable

option as then there would be nowhere for residents to park. We are next to Zone 15 so residents, visitors and others already can't easily park elsewhere.

- From time to time, it is unavoidable that the road will be closed for maintenance and services work. Road traffic always comes with wear and tear and increased heavy traffic accelerates the wear. The provision or improvement of services around Harp Hill and any development may require road closure. The geography around Harp Hill is such that there is ground movement, which will result in road work and consequential road closure every once in a while. The list goes on but inevitably the road will have to be closed for maintenance work from time to time, even if occasionally. If Harp Hill is closed and if the only access to and from the development is via Harp Hill, then a consequence will be hours of congestion with people in the development effectively being locked in. In some circumstances it may result in traffic moving via Greenway Lane causing a complete block and lock of the area surrounding Harp Hill. The only viable solution is access to the development via Priors Road.

- Emergency services. With a large development it is inevitable that emergency services will be called upon unpredictably from time to time. A congested road with (within reason) no guaranteed access smacks of negligence and the council / highways will be liable. Again, the obvious and only solution is access via Priors Road.

- Opening up access onto Priors Road is the proper solution to many problems. Early on we attended a meeting at Whaddon Hall and did not get a clear answer as to why this was not to be considered, only obfuscation. The existing track connecting Priors Road is wide enough to be turned into a road. It connects to a very wide road where traffic is already controlled by lights. Is this a ransom strip? Is there a connection with the previous Oakley government site? What is the problem with developing the track into an access road?

Finally, why wasn't a judicial review of the application grant lodged? A JR would have been a low-cost option, so this is puzzling to say the least. Was this discussed internally and if so then what was discussed? Can we please see the minutes?

For everyone's information:

Freedom of information (FOI) is the right of anyone to access information held by public authorities. It is a fundamental right that allows people to hold their governments and other public bodies to account.

The Freedom of Information Act 2000 (FOIA) gives everyone the right to request information from public authorities in the UK. This includes information about how they spend public money, the decisions they make, and the services they provide.

Public authorities have a duty to respond to FOI requests promptly and within 20 working days. They must release all information that they hold, unless it is exempt under one of the exemptions in the FOIA.

Cloud Haven  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PX

**Comments:** 25th October 2023

I have lived on Harp Hill with my family for over 20 years. In that time I have noted traffic volumes increase significantly. I have noted occasional efforts at traffic-calming to be short-lived and largely ineffective.

This proposal involves the creation of high-density housing in an area where the existing infrastructure, notably highways, will struggle to cope with the additional burdens that this will create. Harp Hill is a narrow road with a steep section running from Battledown School all the way to the junction with Stanley Road. There are no pedestrian pavements from Stanley Road eastwards.

Harp Hill is already being used as a 'rat-run' between London Road and the B4075 (Priors Road) and also from the Cotswolds to the B4075. Commonly cars speed in both directions, the perception being that this is the edge of town. Cars going up hill typically are very noisy, as engines need to be gunned hard to gain speed.

Harp Hill is one of the entrance points from Cheltenham into the Cotswolds for both pedestrians and cyclists. It is much to be preferred to the B4632, A40, A435 and Leckhampton Hill, all of which are larger roads, designed to accommodate heavy traffic flows, and where it takes much longer before leisure walkers/cyclists are into the countryside. However, it is self-evident that as traffic volumes increase, so the amenity value of Harp Hill for walkers and cyclists diminishes. Pedestrians and cyclists face unnecessary risks currently. For pedestrians there is no pavement beyond Stanley Road: one should be installed ideally all the way to the junction with Birdlip Road. For cyclists, going up hill most will be slow and wobbly, there is an unsighted corner before Stanley Road at one of the steepest points. Coming down hill, the road surface - even after recent remedial efforts - is poor, uneven and pot-holed. The road surface needs to be completely re-instated and a 15mph limit introduced.

My perception is that this development is likely to go ahead, regardless of the views of current local residents. I consider that suggestions to mitigate its impact are therefore more likely to be adopted. To this end I suggest:

The design of the estate should have additional direct exit(s) onto Priors Road and encourage eventual residents to prefer exit onto Priors Road which is a large road. Possibly a one-way system would be needed with, say, ingress via the existing Oakley estate and egress via the existing farm track onto Priors Road. Clearly measures would need to be incorporated to deter motorists from using the estate as a cut-through from Harp Hill to Priors Road, eg a 10mph speed limit, chicanes, speed humps etc.

During development, construction traffic should access the site from Priors Road through the existing farm-track.

## Page 261

The whole of Harp Hill from its junction with Priors Road to its junction with Birdlip Road should be designated as a 15mph zone and enforcement efforts should be robust and effective.

A hard-pavement should be installed on Harp Hill all the way from Stanley Road to the junction with Birdlip Road.

Harp Hill should be resurfaced to a very high standard, with a particular regard for the safety of cyclists, who will be going up hill very slowly and coming down hill at speed. Particular safety measures to slow cars at the blind corner near Stanley Road should be adopted.

Effective measures need to be taken to address the flow of water down Harp Hill in times of heavy rainfall. There is little point resurfacing the road unless the problem of drainage (and springs) is addressed.

Harp Hill should have a vehicular size/weight restriction to deter coaches and lorries from using this route except for access.

The New House  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PX

**Comments:** 19th October 2023

Dear Madam

This is the second time I have objected to the proposed development. My husband and I have lived on Harp Hill for 35 years and when we moved here .... Harp Hill was a relatively quiet backwater of Cheltenham. Now it is a rat run in the mornings and afternoons . You must realise this is a short cut to London Road and with the additional traffic created by the proposed new development it will be made far worse. The hill is unsafe for pedestrians and desperately needs resurfacing PROPERLY. Years of patching up is not good enough. We have incredibly poor paths, where they exist and also road subsidence. Some drains are totally blocked up and with heavy rain we have water gushing down the hill onto Hales Road causing flash flooding. In addition we also have increased noise pollution year on year and this would be made far worse with additional vehicles from the proposed estate. The access for this housing estate should be on Prior's Road NOT on Harp Hill !

\*\*\*\*\*

I firmly object to full planning permission being obtained.

Sudeley  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PX

**Comments:** 2nd November 2023

I am writing with the following comments as an OBJECTION to the application reference 23/01691/REM.

It is inconceivable that an application would be allowed in any area that had already been identified as AONB. Once done it cannot be undone. The impact on the local flora and fauna is irreversible, and the damage to the broader appeal of Cheltenham as the centre of the Cotswolds as more development is allowed on their very foothills and as Cheltenham grows will continue.

The hedgerows surrounding the site provide much needed habitat for our wildlife, an ever increasing need to support our environment and bio-diversity. These hedgerows must be maintained as they take significant time to establish and given the current climate challenge we have we cannot afford to eliminate already established environments.

As a resident of Harp Hill I witness on a daily basis the level of traffic that already uses Harp Hill and the dangerous consequences from a Health and Safety perspective that would result from any increase in traffic flow.

As someone who regularly walks and cycles up Harp Hill the level of speeding (in general in excess of the speed limit, and often significantly more so) is dangerous and will result in a fatality if something is not done about it. The increasing number of journeys will only increase the traffic volumes and make it more dangerous for pedestrians, cyclists and motorists. Those who plan, allow the approval, and build this project will be responsible for those injuries sustained and lives cost as a result in future.

The road itself can also not sustain an increased volume of traffic - it is already disintegrating, and I fear that increased traffic, especially heavy traffic, will have consequences for the state of existing houses up Harp Hill.

I do not believe that an adequate road traffic survey has been conducted in recent times during typical high volume flow (within a normal working week, outside school holidays, and since the impacts following lockdown during COVID-19 have returned to normal).

250 houses will result in far too dense housing, with invariably insufficient space for vehicles to be parked off the road, and a significant impact on the surrounding road usage in terms of frequent journeys into and out of the area, and supporting services.

The road surface is in constant need of attention and only the very deepest of holes are ever filled, resulting in dangerous driving conditions, exacerbated by heavy traffic trying to pass and swerve holes as obstacles in the road.

There are already a smaller number of developments which have increased the heavy goods vehicles up Harp Hill to an unprecedented level, most recently requiring the

## Page 263

installation of traffic lights to control flow on the road, which otherwise would be free flowing. I have concerns for the impact on foundations on houses situated in the proximity of such increased traffic.

The road and surrounding area already suffer from flooding following heavy rain, and further building on green land will further exacerbate the issue for existing residents in the area.

Given the reduction in surface area for drainage, through inevitable paving and housing, I am concerned that similar flooding will occur lower down the hill into Priors Road such as during the floods of 2007.

There is also the significant issue of lack of facilities in the local area (and across Cheltenham) to support this number of houses. There are insufficient school spaces, and the area of proposed development does not currently fall within any secondary school catchment for schools located nearby, propagating yet more transport needs. A similar level of challenge exists for other necessary services such as medical, GP and dentists.

I cannot believe that the proposed development on Oakley Farm has got this, certainly in the round about way that has been achieved.

None of the issues raised during the consultation or subsequent planning processes have been addressed.

How can this proceed setting such a precedent for total disregard for AONB in future.

The significant concerns over road safety have been ignored - I want the warning of the likelihood of serious accident on this road noted given the increased volumes of traffic following and during completion (including unsuitable heavy goods and construction traffic). The road is already in a dreadful state and this will only increase, impacting cyclists in particular as well as normal vehicular traffic.

Please take all these points as an OBJECTION to the application.

37 Birdlip Road  
Cheltenham  
Gloucestershire  
GL52 5AJ

**Comments:** 27th October 2023

Totally agree with all previous posts who have expressed serious concern over the traffic implications of this development and in particular, the impact this will have on Harp Hill. This road is already dangerous and unfit for purpose at both ends. At the bottom end, it is practically a single lane carriageway as traffic already has to queue and weave in and out of parked cars. At the top end near the bend with Greenway Lane, the road is very narrow, traffic is frequently travelling too fast at this point and it is inevitable that there will be accidents following the significant increase in volume. Pedestrians are also going to be at risk as construction traffic towards the top of Harp Hill have frequently been blocking the footpath, forcing pedestrians onto the road. If the planning inspector did indeed visit Harp Hill and subsequently gave his opinion that the development will not have any significant impact on local traffic, this beggars belief.

19 Birdlip Road  
Cheltenham  
Gloucestershire  
GL52 5AJ

**Comments:** 1st November 2023

I would like to raise an objection to this scheme around the poorly thought out vehicle access and general traffic management. The access on to the existing road at Harp Hill is dangerous and will lead to an accident, either due to frustrated drivers undertaking risky manoeuvres on an already congested road or at the proposed junction where it will join on a short section of straight road in between 2 bends.

Harp Hill already suffers from significant congestion, is very steep and also poorly maintained. There are a large number of vehicles that are parked along the street side leading to the road becoming in effect a single lane. This leads to frustration, speeding and generally poor driving at the current traffic levels. Introducing 250 more dwellings will clearly make this worse. I regularly cycle along Harp hill and on most occasions I have to swerved to avoid oncoming cars who are on the wrong side of the road whilst passing parked vehicles. The current road surface makes cyclists ride further out from the curb due to cracking and the parking and congestion problem makes drivers "take their chance" to pass parked vehicles whilst cyclists and other vehicles (with the right of way) are coming towards them. There are also poorly lit areas, a blind bend and the steep hill to contend with. Adding 250 houses with single access via this road is going to create real issues.

In addition the top section of the road (from the Battledown entrance onwards) is unpaved. There are many walkers and runners who use this section regularly to take exercise or simply travel by low carbon modes but the the lack of pavement makes this dangerous. More cars will increase the hazard. The developers need to propose a system of safe traffic management both during construction of the development and for residents after completion. Significant funds should be held from the developers as a deposit via an S106 agreement to ensure that these requirements are met.

**Comments:** 31st October 2023



The footpaths that links this development to the green space at the edge of Birdlip Road will result in increased access through the pathways that link the eden Villas development with Oakley Grange. This area already has a problem with motorcycles (and sometimes cars) using these paths as a short cut up and down the hill. This type of use will need to be addressed with suitable street furniture to prevent motorised vehicles using it

25 Birdlip Road  
Cheltenham  
Gloucestershire  
GL52 5AJ

**Comments:** 19th October 2023

Having lived on Birdlip Road, accessed via Harp Hill, for the last 6 years, it is abundantly clear that Harp Hill is not adequate for the current level of traffic, let alone from 250 more homes. The state of disrepair of Harp Hill will be at the forefront of the minds of anyone who lives in the area, as the road is frequently full of potholes which seem only to be filled when they are causing damage to vehicles and result in a badly patched up road which is not fit for purpose. However, even if the road were to be adequately resurfaced to handle the construction traffic, and then adequately repaired once construction is completed to handle the traffic from 250 additional homes, the road itself is not equipped to handle such a volume of traffic. Much of the road, particularly towards to bottom of the hill, is obstructed by parked cars on one or both sides of the road leading to significant delays and blocking traffic at the roundabouts at the bottom of the hill. These parked cars appear to be both from residents of homes on Harp Hill, and additionally from Battledown Centre for Children and Families towards the bottom of the hill. An increase in traffic via Harp Hill would only further these issues.

Recent construction work to just a handful of homes (new developments and enhancements to existing properties) has resulted in heavy construction traffic and dangerous blockages to the road as the road had become single-track for such a long stretch that visibility beyond the construction traffic was not possible. This resulted in significant delays, which would likely be exacerbated by construction work to such a large number of new homes.

The local amenities are also not sufficient to handle such a large number of new homes in the area - local schools are already substantially oversubscribed, as are local childcare providers, and anti-social behaviour and crime continues to be a problem in the nearby housing development which ranges from Sainsbury's Oakley all the way up to Birdlip Road.

Also, while it may seem unlikely given the presence of the large Sainsbury's supermarket nearby, I am confident that such a large number of new homes would result in further traffic chaos at the local Tesco Express store on Hewlett Road which frequently sees cars parked on the double yellow lines and blocking traffic flow on both Hewlett Road and Mersey Road.

23 Birdlip Road  
Cheltenham  
Gloucestershire  
GL52 5AJ

**Comments:** 3rd November 2023

Reference 23/01691/REM

We object to the proposed vehicle access to Harp Hill from the related development.

Harp Hill already has more road users than the road is suitable for. It is used as a 'rat run' to get to A40 as well as A435. There are also three schools (Battledown Childrens Centre, Glenfall and Ashley Manor) where Harp Hill is one of the access roads. Additional vehicles trying to access Harp Hill will only cause further issues. When there are parked cars it makes the road single lane which causes frustration and near misses as it is.

There is already insufficient infrastructure (paths, road width) for pedestrians and cyclists, adding more vehicles onto an already over-used road will only likely cause an accident. There are already too many vehicles cutting across the junction with Greenway Lane when turning right from Harp Hill which is an accident waiting to happen. The bend on Harp Hill at this junction towards Mill Lane/Aggs Hill is also too narrow, there is also regular flooding of this section of road. Additional traffic from Harp Hill to Greenway Lane will cause extra delays at the Sixways Junction. Race traffic already exacerbates the above points as it is.

The planning for the development where we live was limited to 40 houses having direct access to Harp Hill due to concerns over traffic-an additional 250 having access to Harp Hill simply won't be safe.

There is limited public transport options for local routes which may enable the volume of local traffic to be reduced if it was more readily available.

Wessex House  
3 Sovereign View  
Cheltenham  
Gloucestershire  
GL52 6FD

**Comments:** 25th October 2023

My objection is solely that the access to the site off Harp Hill is just not practical. The volume of traffic using Harp Hill already is a major issue and to significantly increase the traffic will create absolute chaos and congestion. It's already impossible to drive up or down the hill without having to take your life in your own hands as there is far too much traffic now, so I dread to think what the position will be like adding even more cars on to the hill.

I do find it incredulous that whoever approved the original outline planning position thought that the hill was capable of accommodating more traffic. It can't! I have little

confidence though that any comments will be considered and the application will be approved regardless but it truly is a ridiculous state of affairs if this is approved given the genuine concerns residents have. My objection is not about the houses, I understand the need to build more homes, but the access from Harp Hill which is already oversubscribed and a danger to road users. Is there no other alternative access that could be considered which prevents the Hill from being used?

High View  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 24th October 2023

We actively objected to the outline planning permission for this development on numerous grounds, key among which was the total unsuitability of Harp Hill as the access/egress for this development. In his report, the Planning Inspector stated that he had visited the site on several occasions and did not believe the development would create serious traffic problems. In this (as in much else) he was utterly wrong.

Harp Hill is essentially a country lane which has been pressed into service as a major commuter route. It has street lighting (because GCHQ bullied the council into installing this the while the Oakley site was active) but no pedestrian pavement for much of its length, with pedestrians and vehicles sharing the road. The lower stretch is frequently congested as thru-traffic in both directions weaves between parked cars. This is especially true at peak commuter periods. It also carries large volumes of traffic (including buses and coaches) on race days (in particular during the Festival) when much of the traffic arriving in Cheltenham from the east on the A40 uses Greenway Lane and Harp Hill to approach the racecourse. The idea that an additional 1000 vehicle movements a day (250 houses x 2 cars x 2 journeys) can be added to all this without chaos resulting is risible.

In addition, it is difficult to see how so many vehicles will be able to get out of the new estate onto Harp Hill at peak times. In my own daily experience, it can be problematic for a single car to find a break in the traffic flow to safely pull out. I would anticipate a long line of cars trying to get onto Harp Hill from the new estate with a great deal of frustration and frequent altercations resulting.

Sadly it seems inevitable that this appalling and locally unwanted development will go ahead but it must surely be possible to find a better solution to the access problem than that proposed.

Hanover House  
1 Sovereign View  
Cheltenham  
Gloucestershire  
GL52 6FD

**Comments:** 24th October 2023

We live at the top of the hill, where the new builds have caused all sorts of problems and disruption due to the extra amount of vehicles needed for the workman to carry out their jobs on site. This would equate to only 20-30 extra vehicles a day, times that by 10 and it is very clear that Harp Hill is not suitable to accommodate access for 500 cars a day (average 2 per a household). Several parked cars on the curbs all the way down harp hill, sometimes on blind corners and opposite large potholes means daily I have to take a blind risk and hope nothing is coming when driving up and down the road. Towards the bottom end of Harp hill it bottle necks everytime I go up and down the hill, meaning ques of cars have to nip in and out of spaces allowing large volume of traffic to pass to enable a clear passage. I'd also like to consider the sound and light pollution to the residents on the road, where the access is being considered the land lies on a slope, with a long and windy road network planned, headlights from the traffic will be evident to the residents particularly where the acces is being considered, bright head lamps lighting up people's private space all evening everyday. Also we must consider harp Hill has already taken a huge increase in traffic due to the top end of the Oakley Estate Can only be accessed via harp hill. There Is only so much capacity the small hill lane can take. There is a farm access rout that already exist tin the farm site, this shoudl be utilised and not destructed all the AONB in the field where there is many wild animal habitats that will collapse by putting roads and public places through it. We shoudl also consider the environmental changes over the winter months, where the road twice last year was impossible due to snow and ice, i watched and have evidence of cars sliding to the bottom crashing into walls and one narrowly missing my 10 year old walking up, if you plan to let 500 -700 more cars through its only a matter of time that there will be a fatal accident on this road, its just numbers game, the more cars the more likely. In a era when we are all told to consider the environment, and the climate, respect our wildlife more you rip right through the heart of it all with terrible planning permissions agreed before you have even considered or confirmed access. The only real solution is to cancel the planning but if that is to far now the access to the site must remain at the bottom of the estate on flat terrain minimising the increased number of cars using the hill and minimising the damage to a 12 acre field just for cars to access an estate that isn't there yet. Also, to mention the development stage where large artic lorries and workforce vehicles will destroy that road and cause mayhem ,accidents and potential fatalities using this as access to build such sites. This cause mayhem for two years from building 3 new dwellings on harp hill, let alone 250, the area and residnese need a rest!

Cleevesyde  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 3rd November 2023

Neutral

We made huge efforts, with employed professional advisers in both planning and highways, in objecting against the initial outline application 20/01069/OUT for 250 houses on the site with access onto Harp Hill. Our main focus and concern was, and always will be, the impact of the access and additional traffic associated with the development on Harp Hill and the enjoyment of our home. We remain of the opinion that it is totally inappropriate to add so many additional vehicles to the traffic load on Harp Hill and the connecting roads.

Unfortunately our efforts to have the scheme rejected were in vain and this totally inappropriate scheme has been granted. So we are now wanting to try to put forward our best hopes and concerns over the scheme's details in an effort to make the best of a bad situation.

We fully realise that this is a scheme that has been passed and this latest application 23/01691/ REM is for the finer details of the site layout, houses and its entrance. With this in mind, we want to put across our thoughts and concerns as adjacent residents to the scheme and access road.

We understand that the appeal inspector, in determining the outline planning application 20/01069/OUT, agreed flexibility in the final position of the site access onto Harp Hill.

This is limited by condition to a position within an identified Highway Corridor Flexibility Zone (HCFZ) shown on drawing P18-0847-02 on sheet 03 Rev F.

The illustrative layout plan submitted with the outline application 20/01069/OUT showed the site access to be directly opposite our house entrance and Half Acre's entrance and we are, of course, relieved that that location is not possible/not a viable option given site levels. In the planning compliance statement submitted by Nexus, they state that the entrance as indicated in 20/01069/OUT was unachievable being "incompatible with site gradients" (page 21 - condition 5). They indicate that the site access position submitted as part of the reserved matters application does however comply with condition 5 of the outline consent. We do feel awful for the residents of those properties who now sit directly opposite to the site access as shown on this reserved matters application. They too should not have to suffer this traffic, noise and light pollution either.

It is in our opinion and that of our qualified Highways consultant (Helix Transport Consultants), which formed part of his statement submitted in objection to 20/01069/OUT, that the location of the HCFZ is not in the best place. This should be reviewed.

At the time of our last objection our highways consultant submitted a statement that suggested the better position for the site entrance was not in front of the 6 houses where the current HCFZ is indicated, but further down the slope in an area opposite Camp Road or Stanley Road. The visibility at these locations would be better and more importantly the impact on houses and the wellbeing of the residents on Harp Hill near the junction would be minimised as there would only be a road opposite the new access as opposed to houses. In this location the impact of light and noise pollution would be kept to a minimum.

While I understand that the design and location of the access in this reserved matters application 23/01691/REM has taken into account the site design and specific slopes and access requirements for the road on the new site in accordance with planning guidelines and the outline planning consent (condition 5) with the proposed location for the entrance is as low as it can be with the agreed HCFZ, we question whether the developers would have positioned the access lower down i.e. opposite Camp Road or Stanley Road had the HCFZ extended that far down Harp Hill. We suspect so.

We feel that the HCFZ needs moving down the hill to improve the access gradients still further and lower the impact on local neighbours.

Our comment on this application is, as we see it, a neutral one. Whilst we object to the entire scheme and consider any access onto Harp Hill to serve 250 dwellings to be a bad/incorrect decision, we acknowledge that sadly that's not what is currently in question and whilst we are supportive of the relocation of the access away from our own property, for the sake of our neighbours, would push for the idea of moving the HCFZ further down Harp Hill.

Can the HCFZ be extended down the hill?

Better still, can the access be amended to a minimise the impact on Harp Hill by having a one way system, (thus instantly reducing the traffic on Harp Hill by 50%), IN from Harp Hill and OUT via the old farm access onto Priors Road? (We know from our highways consultant that this section of Road is 6m wide and compatible with 150 houses volume of traffic in accordance with site and highways design) Or, as with the old GCHQ development, could it not be determined that a split in access arrangements where a large proportion of the site use Priors Road and a smaller proportion of the site use Harp Hill? (Reducing the Harp Hill traffic volume even more).

When planning was granted for the houses that occupy the old GCHQ site with access onto Aggs Hill (which is the continuation of Harp Hill) in 01/00637/CONDIT it states that Aggs Hill and Harp Hill should be restricted to 40 units. Surely a similar limitation should be used in this case and the HCFZ be revisited. Given the opposition, should not the options for access to this new site be reconsidered?

With regards to the rest of the reserved matters to be considered in this application, 23/01691/ REM, we have no design concerns over the site landscaping and housing layout to comment on.

Half Acre  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 3rd November 2023

I attended, gave evidence and fundamentally objected to the original planning application and remain very disappointed that planning was ultimately granted in principal for up to 250 houses on an AONB location, with access from Harp Hill (within a designated Highway Corridor Flexibility Zone - HCFZ shown on drawing P18-0847-02 on sheet 03 Rev F).

I understand this current planning application to be a 'reserved matters application' which has to adhere to the conditions of the already approved scheme namely; 250 houses and the access road within the HCFZ. Therefore, I will not repeat all of the many valid objections, which all residents, CBC and GBC (Highways), all provided as part of the original planning application resulting in an unanimous objection to the scheme e.g. impact on greenbelt, lack of local amenities in the local area and road safety.

My current objection, as part of the reserved matters application is therefore focused on the planned location of the access road (and the HCFZ) and the direct link to road safely (both vehicular and pedestrian/cyclist). Harp Hill can barely cope with the current volume of traffic (in particular around the school at the bottom) as well as the direct impacts to Mill Lane, Greenway Road and Sixways traffic joining London Road.

In addition, all 6 residents at the top of Harp Hill and within the HCFZ (of which I am one), will inevitably object to the positioning of the road, if it is directly opposite their property. There will be noise impacts to all residents, together with light pollution directly in residents properties.

The location of the road should be where it has the least impact to properties at the top of the hill and is the safest location from a Highways perspective. I strongly urge the Council and planning committee to revisit the span of the HCFZ, it is clear that visibility would increase if access was further down the hill (beyond the current HCFZ), with the added benefit of reducing the impact to ALL houses at the top of the hill. For example, the planning committee should consider introducing a mini roundabout for a 4-way intersection with Camp Road (or Stanley Road), Harp Hill and the new access road to better control traffic flow and reduce speeding on Harp Hill.

Alternatively, if this is not a consideration then I strongly recommend the Council revisit a one way system with vehicle access to the new estate from Harp Hill and vehicle access out of the estate via Priors Road. I understand this is counter to the already approved HCFZ, however given the impact on the local infrastructure this must surely be considered.

ONLY IF the HCFZ cannot be moved as a point of planning law (which I am clearly not an expert in), and the access road has to be within the currently defined parameters of the HCFZ, we would reluctantly have to remain neutral on this point. ONLY because the planned access road is not directly opposite our house and therefore the direct impacts are marginally reduced to our property. We sincerely hope it will not come to this and the Council are able to work with the Highways and other planning authorities to change the parameters of the HCFZ.

As a final point, the fact that the road has been at different positions within the HCFZ in previous planning applications/discussions, to my mind bears no weight to the current application.

Overall, I object whole heartedly to both the volume of houses and access point. We understand that this was approved by the national planning authority, however we are ever hopeful the local planning authorities can challenge the already agreed parameters to improve road safety and reduce direct impacts to all residents.

Elba House  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 3rd November 2023

We are writing to you with regard to the recent application for approval of reserved matters  
Ref 23/01691/REM.

We wish to add our voice to the already existing opposition to this application.

Unfortunately, we understand that the building of 250 houses and the exit road onto Harp Hill has already been given approval and there is little that we can do to alter this. We do passionately feel, that the planning committee should give full and detailed consideration to the decision to allow vehicular access from Harp Hill.

At present this road is designated as a country lane and the number of cars that currently use it as a short cut from the London Road is already phenomenal. In the past ours and our neighbours' children were able to safely walk to school and to visit friends along Harp Hill, Mill Lane and Greenway Lane. Even now with the volume of traffic this is not safe for pedestrians and with an increase of traffic from the proposed development would become nigh on impossible. We as residents are unable even to walk our dogs safely on this road. We have had several near misses to ourselves with cars speeding along Harp Hill and we have had our dog hurt by a speeding motorist using the road as a rat run. How long is it before it is a child who is injured?

As well as the direct effect on residents of Harp Hill this vehicular access will have a wider negative effect on the surrounding areas eg Sixways and the roundabout at the bottom of Harp Hill.

We believe that there are several options that may mitigate the negative effects on this increase in traffic and pollution.

The first, and most important option, is to form a one-way system in and out of the new estate - the entrance being on Harp Hill and the exit from the new estate on the northern pathway out onto Priors Road (using the developer's proposed cycle lane.) This would immediately cut the traffic flow by 50%.

Secondly, we believe the vehicular access from Harp Hill should be moved further to west of the permitted zone, ideally at the junction of Stanley Road and Harp Hill or Camp Road and Harp Hill. This would take the entrance away from any housing therefore not directly affecting any residents at the top of Harp Hill. No one would be happy with a junction directly opposite their house.

Gloucestershire Highways and all independent Highway Officers who have been engaged to look at the proposed vehicular access on Harp Hill have stated that it is not a suitable site.

We would therefore urge you to take a closer look at all residents' and professionals' objections and come to the conclusion that this decision MUST be challenged.



Haytor  
65 Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 4th November 2023

Re: Objection to The Proposed Change of Site Entrance - Oakley Farm New Residential Development

Planning Application Reference: - 23/01691/REM

Dear Mrs White and the Planning Committee, Members of the Cheltenham Borough Council,

I am writing to express my deep concerns, strong objection and appeal against the proposed change of site entrance for the Oakley Farm New Residential Development project which would position the entrance directly opposite my residence, and also the current 'Highway Corridor Flexibility Zone' (HCFZ) on Harp Hill. This project entails the construction of 250 houses in an area of outstanding natural beauty in Cheltenham, United Kingdom.

I am deeply concerned that the proposed site entrance, if allowed to proceed, will have grave implications for the safety and well-being of my family, particularly my children who commute to and from school, the safety of my neighbours, the pedestrians and animals, as well as the safety of the construction workers and the imminent residents of the construction site.

Moreover, it will adversely impact my ability to continue providing life-saving emergency coronary angioplasty procedures as an Interventional Consultant Cardiologist to the people of Gloucestershire who suffer life-threatening heart attack.

I would like to highlight several key points that outline the compelling reasons for my appeal:

A-Traffic congestion, safety concerns, personal and environmental impacts

1-Traffic congestion

The proposed entrance directly opposite my house would introduce a significant increase in traffic, including construction vehicles, delivery trucks, and the eventual residents' vehicles calculated as a total of 481 cars as per the parking spaces allocated to the 250 dwellings (427 parking places for the properties plus 54 visitors parking spaces).

The sheer volume of additional vehicles that will result from the nearly 480 future site residents' cars will introduce a daunting level of traffic congestion on Harp Hill, which, is at risk of being transformed into a congested and potentially hazardous thoroughfare. The existing residents, and not the site developers will stand to suffer from the increased traffic and altered traffic patterns.

The proposed construction project is projected to span at least three to five years if not longer, making it a prolonged and extensive endeavour. This extended period of construction will introduce a multitude of disturbances, noise, increased traffic, and

disruptions to the neighbourhood. Such a long-term construction project carries with it a myriad of implications that pose significant challenges. This construction may also have significant impact on the timely access of emergency services like ambulances and fire trucks, which are critical for everyone's safety.

## 2-Safety concerns

### - Safety of my family and neighbours

This construction project threatens the safety and well-being of my family members and neighbours who reside in the vicinity. The increased traffic, noise, and disturbances are not only inconvenient but also pose safety risks to those living nearby. The dangerous implications of dark, cloudy weather conditions combined with these disruptions compound the potential hazards.

This would significantly raise the risk to the safety of my family and my children as they commute to and from school. Their daily journey is presently undertaken with the assurance of a quiet and safe residential area. The proposed entrance change threatens to shatter this peace of mind and expose my family to unnecessary danger.

My profound concern lies in the perilous impact this project will have on the safety and well-being of my family, specifically my son, who is reliant on a hearing aid, and whose sense of direction is impaired.

I wish to expound on this particular concern, as it is of paramount importance:

My Son uses a hearing aid to navigate the world around him. His hearing aid is an essential tool that allows him to communicate, learn, and engage in daily activities.

However, the proposed construction, with the accompanying cacophony of machinery, heavy vehicles, and construction work, presents an imminent danger to my son.

The incessant noise and disruptions caused by construction activities will not only disturb my son's daily routine but also hinder his ability to communicate effectively and safely.

This amplified noise level can potentially damage his hearing, affecting his education and overall quality of life. Additionally, the altered traffic patterns and increased traffic congestion resulting from the proposed entrance change will put my son at a heightened risk as he journeys to and from school.

It is crucial to recognize that there are vulnerable members of our community who require special consideration, such as individuals with impaired senses or unique needs. My son, in his use of a hearing aid and his impaired sense of direction, falls into this category. His safety should be of utmost concern in any decision that impacts our community.

I beseech the Cheltenham Borough Council to earnestly deliberate on the unique needs of my son and other vulnerable individuals within our community.

### - The safety of my patients and impact on my professional duties

It is vital to recognize that my patients' lives depend on the expedient delivery of medical care. The ability to perform emergency coronary angioplasty procedures hinges on seamless and unhindered access to the hospital, even in adverse weather and road conditions. The proposed construction directly jeopardizes the lives of my patients by introducing delays that may prove fatal.

As an Interventional Consultant Cardiologist working at Gloucestershire NHS Trust, my role involves performing emergency coronary angioplasty procedures to save the lives of people suffering from heart attack, a life-threatening condition. Time is of the essence in these critical situations, where every minute can be the difference between life and death. Timely arrival at the hospital is absolutely essential for me to carry out these procedures effectively.

These interventions demand immediate attention, often within minutes, to save lives. A delay caused by increased traffic congestion, road closures, or accidents resulting from

the proposed entrance change could have dire consequences for patients in need of immediate medical care. My ability to provide timely and life-saving treatments will be significantly compromised.

- Safety of pedestrians, runners, and animals:

The proposed construction project directly affects the safety of a diverse group of individuals and wildlife that frequent Harp Hill. This unique area has long been cherished for its accessibility to pedestrians, runners, athletes, cyclists and the local wildlife. The anticipated increase in traffic and disruptions resulting from the project and the new site access threatens the safety of pedestrians and runners who use Harp Hill for recreational activities, exercise, and commuting, in addition to animals. There has been in the recent past, significant accidents where pedestrians and animals have been affected. The potential for accidents and injuries is a serious concern, particularly when considering schoolchildren, residents with special needs, and anyone who relies on Harp Hill for safe and convenient access.

- The safety of future residents

The safety of all residents, particularly schoolchildren and those with special needs, is at stake as the volume of traffic surges. The potential for accidents, road closures, and safety risks during peak traffic hours becomes a very real concern. The altered landscape and new traffic patterns could impact the safe access to homes and amenities, creating a substantial safety hazard for all.

Beyond the immediate safety concerns, it is essential to consider the implications for the future residents of the construction site. The proposed entrance's altered traffic patterns may result in congestion, accidents, and potential difficulties in accessing the newly constructed houses, thereby impacting their quality of life and safety.

3- Privacy concerns

The increased traffic, pedestrian activity, and construction would compromise the privacy that we have enjoyed in our neighbourhood for years.

The altered traffic patterns will bring vehicles and pedestrians much closer to our homes, potentially encroaching on our personal space.

Privacy is not merely about physical boundaries but also the peace of mind and quality of life that come with a sense of security and personal space.

4- Effect of car lights on our residence

Another significant concern that arises from the proposed site entrance directly opposite our house is the potential effect of direct car lights shining at our residence, particularly during night time hours. The anticipated increase in traffic, including both construction vehicles and residents' cars calculated as more than 450 cars, will introduce a heightened level of artificial illumination in our immediate surroundings.

The bright and invasive lights emanating from vehicles during the night will undoubtedly be very disruptive. It threatens to compromise our family's ability to enjoy a peaceful and restful night's sleep. Sleep disturbances have been linked to various health issues, and it is essential that we continue to benefit from the tranquil nights that our neighbourhood has offered.

Moreover, as cars will be driving in an upward direction from the proposed site onto harp hill, the glare from car lights can infiltrate our living spaces, including bedrooms and common areas, creating discomfort and potentially affecting our overall quality of life. The potential impact of such lighting disturbances is not just a matter of convenience but also a significant concern for our well-being and that of our neighbours.

#### 5-Impact on my work from home

In my capacity as an Interventional Consultant Cardiologist, my professional duties often extend beyond the hospital walls, necessitating that I work from my home office. This arrangement is essential for responding to medical consultations, and reviewing patient records.

The proposed construction project introduces a disquieting and disruptive element that could hinder my ability to effectively work from home. The expected noise and disturbances from construction activities can undermine my focus and concentration, affecting the quality of my work. This, in turn, may have implications for patient care and research activities that are reliant on my home office.

The disruptions from the construction work threaten to compromise my ability to provide the high level of care and expertise expected of a cardiologist. They not only jeopardize my professional duties but can also impact my ability to balance my responsibilities as a healthcare professional and a family member, ultimately affecting my family's quality of life.

#### 6-Noise and air pollution from the construction

Construction projects are inherently noisy, with heavy machinery, vehicle movement, and construction work generating constant and sometimes intense noise levels. This noise can be both disruptive and invasive, seeping into our homes and compromising the sense of peace and relaxation that we hold dear.

The anticipated increase in traffic volume, especially at peak times, threatens to heighten noise levels and disturbances in our residential neighbourhood.

The disturbances from construction activities can also disrupt daily routines, making it challenging for residents to work, study, or engage in recreational activities. This impact may be felt not only by my family but by all of our neighbours, further eroding the sense of community and well-being.

The noise from construction and the increased traffic will disrupt the peaceful atmosphere of our residences and impact our ability to enjoy our homes and outdoor spaces. Noise can have a significant impact on our health and mental well-being, beyond just being annoying or disturbing sleep. Noise can lead to an increase in an individuals' risk of developing more serious health problems such as heart attacks, strokes, diabetes, depression and stress and anxiety. This is not a trivial issue and should not be underestimated.

With the increased number of vehicles, the environmental impact of the construction project extends to the increased carbon emissions, air quality issues, and additional stress on the area of outstanding natural beauty.

#### 7-Visual Impact Concerns

The introduction of extensive construction work and a potentially increased number of vehicles directly opposite our residences poses a substantial threat to the visual harmony and charm of our community. The aesthetic value of our homes and the visual appeal of the environment may be significantly compromised. The visual appeal of our neighbourhood is not just a matter of personal preference; it contributes to the overall well-being and the sense of pride we take in our community.

#### 8-Property Value Preservation

The proposed new site entrance will significantly impact the ability to preserve our property value and the existing homeowners and the desirability of the neighbourhood.

#### B-Concerns about lack of transparency during the application process

### 1. Lack of Notification Transparency and Public Consultation

There has been a clear lack of notification from the developers, transparency and public consultation in the process with regard to the proposed new site access change. Nexus reached out to the Friends of Oakley Farm Slopes (FOFS) to engage in a consultation on 09 August 2023 with residents impacted by the development. Those directly impacted on Harp Hill opposite the access zone, however, were not notified about, nor invited to the meeting, nor was notice of the meeting provided on the FOFS website, Facebook or signed up to Friends of Oakley. Furthermore, the minutes, attendees and presentation made The FOFS engagement were not provided in the Statement of Engagement or its Action Tracker (Appendix 2) and, therefore, this FOFS meeting was not a representation of ourselves or fellow Harp Hill neighbours.

It has been stated in the application to the planning committee that a presentation was made to the Friends of Oakley Farm Slopes (FOFS) on the 09th of August 2023, but there has been no documentation about the details of the presentation, who attended the meeting and more importantly what was the outcome of such presentation and the local residents' views on the proposed change.

By doing so, it gives the planning committee the impression that they have fulfilled their public duty and consulted with and engaged the relevant local residents, which is clearly not the case.

This oversight may be a violation of transparency and community engagement standards. There is a well-defined community but clearly there has been no Harp Hill resident's engagement.

We, as Harp Hill residents have a right to be informed about changes that could affect our safety, well-being, and quality of life.

Additionally, no information has been provided that could justify the relocation of the access on Harp Hill. We are unclear of the rationale behind the proposed change in site access and particularly at this stage of development. The access has been moved west to a point outside two properties that have only a single driveway entrance exit which often requires reversing of vehicles on to Harp Hill and would subsequently be into the access junction creating a hazard for all road users and the risks blocking access for emergency services along Harp Hill and onto the Oakley Farm development.

The impact of this proposed change has to be thoroughly assessed, and residents' concerns are heard and addressed through proper channels.

### 2. Impact Assessment:

In light of the above concerns, and on the basis of transparency and the right to have access to public information, we request a comprehensive impact assessment, which should include considerations for safety, traffic, environmental impact, noise, and disruptions to daily life. Such assessments should be conducted with the involvement of the residents of Harp Hill.

### C- Cheltenham Borough Council's Responsibility for Safety

It is imperative to underscore that the Cheltenham Borough Council bears a significant responsibility for the safety and well-being of its residents. This responsibility extends to any accidents and incidents that may occur as a result of the proposed site entrance change.

The decision to approve the site entrance change directly impacts the safety of Harp Hill residents. The council holds a duty to ensure that this decision is made with careful consideration of the potential consequences and risks it introduces. In the event of

accidents, injuries, or harm to residents, the council must be prepared to accept responsibility for the decisions it makes.

I implore the Cheltenham Borough Council to carry out its responsibilities with the utmost diligence and to make decisions that prioritize the safety and well-being of all residents. Safety must be paramount in the council's considerations, and it must be ready to accept accountability for the outcomes of those decisions.

### D- Alternative Site Entrance Proposal

#### 1- Access to the Development from Harp Hill opposite Stanley Road

I respectfully propose an alternative solution to the issue of the site entrance for the Oakley Farm development project. While it is essential to address the housing needs of our community, it is equally vital to do so in a manner that safeguards the safety, tranquillity, and quality of life for all residents.

I propose the exploration of an alternative site entrance that does not directly face our residences on Harp Hill. An entrance situated opposite to Stanley Road, with due consideration to traffic flow and safety, would help mitigate the disruptive and potentially dangerous consequences that the current proposal presents.

The current Highway Corridor Flexibility Zone overall retains a greater safety risk and environmental impact than is necessary and has been raised in the multiple objections of neighbouring homes which we support.

A more suitable location on Harp Hill, therefore, is opposite the Stanley Road junction providing for a safer access and also reducing the impact on the natural landscape.

This access point is at an existing junction and not directly opposite any properties and their subsequent driveways which ensure no vehicles are exiting their driveway onto the new Oakley Farm access road.

The access from Oakley Farm onto Harp Hill at the Stanley Road junction is effectively level thereby enabling a more direct, shorter access road, reducing the amount of green land converted to hard landscaping.

By accessing Harp Hill opposite an existing road rather than opposite existing homes, the issue of headlight pollution into homes is eliminated.

This junction also connects to a footpath down Harp Hill thereby increasing the safety of the int Traffic flow will be further eased by reducing the impact on Battledown traffic entering Stanley Road from the East of Harp Hill.

We note that the junction comfortably satisfies the minimum 43m sight lines required for the 30mph speed limit on Harp Hill.

The consultations with and submissions from the GCC Highways authority in relation to the original submission (20/01069/OUT) support this, as do the independent professional highways consultant submission ('Helix transport consultants obo half acre and cleavesyde', dated 22 September 2020).

We also note that, the Design Panel, in its notes dated 10 September 2023 (Statement of Engagement, Appendix 3) has highlighted it's concern for 'scars in the landscape through the 'green' zone above the housing' thereby indicating support for alternative proposals which enable a reduction of the green zone impact.

#### 2- Enhanced Option - One way access route with entrance at Harp Hill/ Stanley Road and exit to the North/ West onto Priors Road

This could be further enhanced by utilising the track access to Oakley Farm as a one-way access to split the traffic load across two separate entry and exit points.

It is noted that, during the Developers consultation on 16 August 2023, Highways raised the question 'Review whether connections through the northern boundary are possible' confirming that Highways preference would be to utilise a Northern point to at least

reduce or eliminate the traffic congestion on Harp Hill which suggests this proposal still retains wider support.

This alternative entrance would help minimize traffic impact, enhance safety as a paramount consideration, preserve our privacy, maintain aesthetics, reduce environmental impact and will help provide me with easy access via Stanley Road to the main roads and subsequently to Gloucester Royal Hospital and will enable me to fulfil my professional duties as a consultant interventional cardiologist performing time-sensitive and life-saving emergency procedures.

I kindly request that the Cheltenham Borough Council considers this alternative site entrance proposal as a means to address the housing needs of our community while safeguarding the safety, tranquillity, and quality of life that we have enjoyed.

By us, proposing an alternative solution, clearly we are demonstrating our willingness to work collaboratively with the council in addressing the housing needs while considering the safety and well-being of all residents.

### Conclusion

In light of these substantial concerns, we strongly object to the access point to the Oakley Farm Development being within the current 'Highway Corridor Flexibility Zone' (HCFZ) on Harp Hill, and specifically, the revised location of the access point.

I earnestly request the Planning Committee, Cheltenham Borough Council to carefully study all circumstances and take all of the above genuine concerns into consideration before making a decision regarding the change of site entrance. It is imperative that the alternative solutions provided above, be explored to mitigate the potential dangers and disruptions posed by this construction project. The safety and well-being of the residents of Harp Hill, including patients in need of immediate medical care, must be prioritized.

I implore you to consider these life-threatening implications carefully and make the necessary adjustments to ensure the safety and quality of life for all residents of Harp Hill and Cheltenham.

### **Comments:** 3rd November 2023

65 Harp Hill  
Charlton Kings  
Cheltenham  
GL52 6PR

Re: Objection to The Proposed Change of Site Entrance - Oakley Farm New Residential Development

Planning Application Reference: - 23/01691/REM

Dear Mrs White and the Planning Committee, Members of the Cheltenham Borough Council,

I am writing to express my deep concerns, strong objection and appeal against the proposed change of site entrance for the Oakley Farm New Residential Development project which would position the entrance directly opposite my residence, and also the current 'Highway Corridor Flexibility Zone' (HCFZ) on Harp Hill. This project entails the construction of 250 houses in an area of outstanding natural beauty in Cheltenham, United Kingdom.

I am deeply concerned that the proposed site entrance, if allowed to proceed, will have grave implications for the safety and well-being of my family, particularly my children who commute to and from school, the safety of my neighbours, the pedestrians and animals, as well as the safety of the construction workers and the imminent residents of the construction site.

Moreover, it will adversely impact my ability to continue providing life-saving emergency coronary angioplasty procedures as an Interventional Consultant Cardiologist to the people of Gloucestershire who suffer life-threatening heart attack.

I would like to highlight several key points that outline the compelling reasons for my appeal:

### A-Traffic congestion, safety concerns, personal and environmental impacts

#### 1-Traffic congestion

The proposed entrance directly opposite my house would introduce a significant increase in traffic, including construction vehicles, delivery trucks, and the eventual residents' vehicles calculated as a total of 481 cars as per the parking spaces allocated to the 250 dwellings (427 parking places for the properties plus 54 visitors parking spaces).

The sheer volume of additional vehicles that will result from the nearly 480 future site residents' cars will introduce a daunting level of traffic congestion on Harp Hill, which, is at risk of being transformed into a congested and potentially hazardous thoroughfare.

The existing residents, and not the site developers will stand to suffer from the increased traffic and altered traffic patterns.

The proposed construction project is projected to span at least three to five years if not longer, making it a prolonged and extensive endeavour. This extended period of construction will introduce a multitude of disturbances, noise, increased traffic, and disruptions to the neighbourhood. Such a long-term construction project carries with it a myriad of implications that pose significant challenges. This construction may also have significant impact of on the timely access of emergency services like ambulances and fire trucks, which are critical for everyone's safety.

#### 2-Safety concerns

##### - Safety of my family and neighbours

This construction project threatens the safety and well-being of my family members and neighbours who reside in the vicinity. The increased traffic, noise, and disturbances are not only inconvenient but also pose safety risks to those living nearby. The dangerous implications of dark, cloudy weather conditions combined with these disruptions compound the potential hazards.

This would significantly raise the risk to the safety of my family and my children as they commute to and from school. Their daily journey is presently undertaken with the assurance of a quiet and safe residential area. The proposed entrance change threatens to shatter this peace of mind and expose my family to unnecessary danger.

my profound concern lies in the perilous impact this project will have on the safety and well-being of my family, specifically my son, who is reliant on a hearing aid, and whose sense of direction is impaired.

I wish to expound on this particular concern, as it is of paramount importance:

My Son uses a hearing aid to navigate the world around him. His hearing aid is an essential tool that allows him to communicate, learn, and engage in daily activities.



However, the proposed construction, with the accompanying cacophony of machinery, heavy vehicles, and construction work, presents an imminent danger to my son.

The incessant noise and disruptions caused by construction activities will not only disturb my son's daily routine but also hinder his ability to communicate effectively and safely. This amplified noise level can potentially damage his hearing, affecting his education and overall quality of life. Additionally, the altered traffic patterns and increased traffic congestion resulting from the proposed entrance change will put my son at a heightened risk as he journeys to and from school.

It is crucial to recognize that there are vulnerable members of our community who require special consideration, such as individuals with impaired senses or unique needs. My son, in his use of a hearing aid and his impaired sense of direction, falls into this category. His safety should be of utmost concern in any decision that impacts our community.

I beseech the Cheltenham Borough Council to earnestly deliberate on the unique needs of my son and other vulnerable individuals within our community.

- The safety of my patients and impact on my professional duties

It is vital to recognize that my patients' lives depend on the expedient delivery of medical care. The ability to perform emergency coronary angioplasty procedures hinges on seamless and unhindered access to the hospital, even in adverse weather and road conditions. The proposed construction directly jeopardizes the lives of my patients by introducing delays that may prove fatal.

As an Interventional Consultant Cardiologist working at Gloucestershire NHS Trust, my role involves performing emergency coronary angioplasty procedures to save the lives of people suffering from heart attack, a life-threatening condition. Time is of the essence in these critical situations, where every minute can be the difference between life and death. Timely arrival at the hospital is absolutely essential for me to carry out these procedures effectively.

These interventions demand immediate attention, often within minutes, to save lives. A delay caused by increased traffic congestion, road closures, or accidents resulting from the proposed entrance change could have dire consequences for patients in need of immediate medical care. My ability to provide timely and life-saving treatments will be significantly compromised.

- Safety of pedestrians, runners, and animals:

The proposed construction project directly affects the safety of a diverse group of individuals and wildlife that frequent Harp Hill. This unique area has long been cherished for its accessibility to pedestrians, runners, athletes, cyclists and the local wildlife. The anticipated increase in traffic and disruptions resulting from the project and the new site access threatens the safety of pedestrians and runners who use Harp Hill for recreational activities, exercise, and commuting, in addition to animals. There has been in the recent past, significant accidents where pedestrians and animals have been affected. The potential for accidents and injuries is a serious concern, particularly when considering schoolchildren, residents with special needs, and anyone who relies on Harp Hill for safe and convenient access.

- The safety of future residents

The safety of all residents, particularly schoolchildren and those with special needs, is at stake as the volume of traffic surges. The potential for accidents, road closures, and

safety risks during peak traffic hours becomes a very real concern. The altered landscape and new traffic patterns could impact the safe access to homes and amenities, creating a substantial safety hazard for all.

Beyond the immediate safety concerns, it is essential to consider the implications for the future residents of the construction site. The proposed entrance's altered traffic patterns may result in congestion, accidents, and potential difficulties in accessing the newly constructed houses, thereby impacting their quality of life and safety.

### 3- Privacy concerns

The increased traffic, pedestrian activity, and construction would compromise the privacy that we have enjoyed in our neighbourhood for years.

The altered traffic patterns will bring vehicles and pedestrians much closer to our homes, potentially encroaching on our personal space.

Privacy is not merely about physical boundaries but also the peace of mind and quality of life that come with a sense of security and personal space.

### 4- Effect of car lights on our residence

Another significant concern that arises from the proposed site entrance directly opposite our house is the potential effect of direct car lights shining at our residence, particularly during night time hours. The anticipated increase in traffic, including both construction vehicles and residents' cars calculated as more than 450 cars, will introduce a heightened level of artificial illumination in our immediate surroundings.

The bright and invasive lights emanating from vehicles during the night will undoubtedly be very disruptive. It threatens to compromise our family's ability to enjoy a peaceful and restful night's sleep. Sleep disturbances have been linked to various health issues, and it is essential that we continue to benefit from the tranquil nights that our neighbourhood has offered.

Moreover, as cars will be driving in an upward direction from the proposed site onto harp hill, the glare from car lights can infiltrate our living spaces, including bedrooms and common areas, creating discomfort and potentially affecting our overall quality of life. The potential impact of such lighting disturbances is not just a matter of convenience but also a significant concern for our well-being and that of our neighbours.

### 5-Impact on my work from home

In my capacity as an Interventional Consultant Cardiologist, my professional duties often extend beyond the hospital walls, necessitating that I work from my home office. This arrangement is essential for responding to medical consultations, and reviewing patient records.

The proposed construction project introduces a disquieting and disruptive element that could hinder my ability to effectively work from home. The expected noise and disturbances from construction activities can undermine my focus and concentration, affecting the quality of my work. This, in turn, may have implications for patient care and research activities that are reliant on my home office.

The disruptions from the construction work threaten to compromise my ability to provide the high level of care and expertise expected of a cardiologist. They not only jeopardize my professional duties but can also impact my ability to balance my responsibilities as a healthcare professional and a family member, ultimately affecting my family's quality of life.

### 6-Noise and air pollution from the construction

Construction projects are inherently noisy, with heavy machinery, vehicle movement, and construction work generating constant and sometimes intense noise levels. This noise

can be both disruptive and invasive, seeping into our homes and compromising the sense of peace and relaxation that we hold dear.

The anticipated increase in traffic volume, especially at peak times, threatens to heighten noise levels and disturbances in our residential neighbourhood.

The disturbances from construction activities can also disrupt daily routines, making it challenging for residents to work, study, or engage in recreational activities. This impact may be felt not only by my family but by all of our neighbours, further eroding the sense of community and well-being.

The noise from construction and the increased traffic will disrupt the peaceful atmosphere of our residences and impact our ability to enjoy our homes and outdoor spaces. Noise can have a significant impact on our health and mental well-being, beyond just being annoying or disturbing sleep. Noise can lead to an increase in an individuals' risk of developing more serious health problems such as heart attacks, strokes, diabetes, depression and stress and anxiety. This is not a trivial issue and should not be underestimated.

With the increased number of vehicles, the environmental impact of the construction project extends to the increased carbon emissions, air quality issues, and additional stress on the area of outstanding natural beauty.

### 7-Visual Impact Concerns

The introduction of extensive construction work and a potentially increased number of vehicles directly opposite our residences poses a substantial threat to the visual harmony and charm of our community. The aesthetic value of our homes and the visual appeal of the environment may be significantly compromised. The visual appeal of our neighbourhood is not just a matter of personal preference; it contributes to the overall well-being and the sense of pride we take in our community.

### 8-Property Value Preservation

The proposed new site entrance will significantly impact the ability to preserve our property value and the existing homeowners and the desirability of the neighbourhood.

## B-Concerns about lack of transparency during the application process

### 1. Lack of Notification Transparency and Public Consultation

There has been a clear lack of notification from the developers, transparency and public consultation in the process with regard to the proposed new site access change. Nexus reached out to the Friends of Oakley Farm Slopes (FOFS) to engage in a consultation on 09 August 2023 with residents impacted by the development. Those directly impacted on Harp Hill opposite the access zone, however, were not notified about, nor invited to the meeting, nor was notice of the meeting provided on the FOFS website, Facebook or signed up to Friends of Oakley. Furthermore, the minutes, attendees and presentation made The FOFS engagement were not provided in the Statement of Engagement or its Action Tracker (Appendix 2) and, therefore, this FOFS meeting was not a representation of ourselves or fellow Harp Hill neighbours.

It has been stated in the application to the planning committee that a presentation was made to the Friends of Oakley Farm Slopes (FOFS) on the 09th of August 2023, but there has been no documentation about the details of the presentation, who attended the meeting and more importantly what was the outcome of such presentation and the local residents' views on the proposed change.

By doing so, it gives the planning committee the impression that they have fulfilled their public duty and consulted with and engaged the relevant local residents, which is clearly not the case.

This oversight may be a violation of transparency and community engagement standards. There is a well-defined community but clearly there has been no Harp Hill resident's engagement.

We, as Harp Hill residents have a right to be informed about changes that could affect our safety, well-being, and quality of life.

Additionally, no information has been provided that could justify the relocation of the access on Harp Hill. We are unclear of the rationale behind the proposed change in site access and particularly at this stage of development. The access has been moved west to a point outside two properties that have only a single driveway entrance exit which often requires reversing of vehicles on to Harp Hill and would subsequently be into the access junction creating a hazard for all road users and the risks blocking access for emergency services along Harp Hill and onto the Oakley Farm development.

The impact of this proposed change has to be thoroughly assessed, and residents' concerns are heard and addressed through proper channels.

### 2. Impact Assessment:

In light of the above concerns, and on the basis of transparency and the right to have access to public information, we request a comprehensive impact assessment, which should include considerations for safety, traffic, environmental impact, noise, and disruptions to daily life. Such assessments should be conducted with the involvement of the residents of Harp Hill.

### C- Cheltenham Borough Council's Responsibility for Safety

It is imperative to underscore that the Cheltenham Borough Council bears a significant responsibility for the safety and well-being of its residents. This responsibility extends to any accidents and incidents that may occur as a result of the proposed site entrance change.

The decision to approve the site entrance change directly impacts the safety of Harp Hill residents. The council holds a duty to ensure that this decision is made with careful consideration of the potential consequences and risks it introduces. In the event of accidents, injuries, or harm to residents, the council must be prepared to accept responsibility for the decisions it makes.

I implore the Cheltenham Borough Council to carry out its responsibilities with the utmost diligence and to make decisions that prioritize the safety and well-being of all residents. Safety must be paramount in the council's considerations, and it must be ready to accept accountability for the outcomes of those decisions.

### D- Alternative Site Entrance Proposal

#### 1- Access to the Development from Harp Hill opposite Stanley Road

I respectfully propose an alternative solution to the issue of the site entrance for the Oakley Farm development project. While it is essential to address the housing needs of our community, it is equally vital to do so in a manner that safeguards the safety, tranquility, and quality of life for all residents.

I propose the exploration of an alternative site entrance that does not directly face our residences on Harp Hill. An entrance situated opposite to Stanley Road, with due consideration to traffic flow and safety, would help mitigate the disruptive and potentially dangerous consequences that the current proposal presents.

The current Highway Corridor Flexibility Zone overall retains a greater safety risk and environmental impact than is necessary and has been raised in the multiple objections of neighbouring homes which we support.

A more suitable location on Harp Hill, therefore, is opposite the Stanley Road junction providing for a safer access and also reducing the impact on the natural landscape.

This access point is at an existing junction and not directly opposite any properties and their subsequent driveways which ensure no vehicles are exiting their driveway onto the new Oakley Farm access road.

The access from Oakley Farm onto Harp Hill at the Stanley Road junction is effectively level thereby enabling a more direct, shorter access road, reducing the amount of green land converted to hard landscaping.

By accessing Harp Hill opposite an existing road rather than opposite existing homes, the issue of headlight pollution into homes is eliminated.

This junction also connects to a footpath down Harp Hill thereby increasing the safety of the int Traffic flow will be further eased by reducing the impact on Battledown traffic entering Stanley Road from the East of Harp Hill.

We note that the junction comfortably satisfies the minimum 43m sight lines required for the 30mph speed limit on Harp Hill.

The consultations with and submissions from the GCC Highways authority in relation to the original submission (20/01069/OUT) support this, as do the independent professional highways consultant submission ('Helix transport consultants obo half acre and cleevesyde', dated 22 September 2020).

We also note that, the Design Panel, in its notes dated 10 September 2023 (Statement of Engagement, Appendix 3) has highlighted it's concern for 'scars in the landscape through the 'green' zone above the housing' thereby indicating support for alternative proposals which enable a reduction of the green zone impact.

2- Enhanced Option - One way access route with entrance at Harp Hill/ Stanley Road and exit to the North/ West onto Priors Road

This could be further enhanced by utilising the track access to Oakley Farm as a one-way access to split the traffic load across two separate entry and exit points.

It is noted that, during the Developers consultation on 16 August 2023, Highways raised the question 'Review whether connections through the northern boundary are possible' confirming that Highways preference would be to utilise a Northern point to at least reduce or eliminate the traffic congestion on Harp Hill which suggests this proposal still retains wider support.

This alternative entrance would help minimize traffic impact, enhance safety as a paramount consideration, preserve our privacy, maintain aesthetics, reduce environmental impact and will help provide me with easy access via Stanley Road to the main roads and subsequently to Gloucester Royal Hospital and will enable me to fulfill my professional duties as a consultant interventional cardiologist performing time-sensitive and life-saving emergency procedures.

I kindly request that the Cheltenham Borough Council considers this alternative site entrance proposal as a means to address the housing needs of our community while safeguarding the safety, tranquility, and quality of life that we have enjoyed.

By us, proposing an alternative solution, clearly we are demonstrating our willingness to work collaboratively with the council in addressing the housing needs while considering the safety and well-being of all residents.

## Conclusion

In light of these substantial concerns, we strongly object to the access point to the Oakley Farm Development being within the current 'Highway Corridor Flexibility Zone' (HCFZ) on Harp Hill, and specifically, the revised location of the access point.

I earnestly request the Planning Committee, Cheltenham Borough Council to carefully study all circumstances and take all of the above genuine concerns into consideration before making a decision regarding the change of site entrance. It is imperative that the alternative solutions provided above, be explored to mitigate the potential dangers and disruptions posed by this construction project. The safety and well-being of the residents of Harp Hill, including patients in need of immediate medical care, must be prioritized. I implore you to consider these life-threatening implications carefully and make the necessary adjustments to ensure the safety and quality of life for all residents of Harp Hill and Cheltenham.

56 Wessex Drive  
Cheltenham  
Gloucestershire  
GL52 5AU

## Comments: 7th November 2023

We strongly object to the proposed housing development on the basis of the below points.

1. Overshadowing/proximity to our house. The proposed layout of the houses will negatively impact our property through overshadowing, specifically plot 57 on the proposed plans. The lowest level of our garden is some 6 metres below the highest point of the footpath. Your proposal states that plot 57 will be built with a side elevation facing the rear of our property, which will be in the region of 8 metres high - causing a nett effect of 14 metres below the apex of the proposed dwelling. This will reduce light into our property and cause overshadowing. From looking at the plans, a small hedgerow has been retained between the path and the back of our property - therefore there is not much of a barrier to reduce the feeling of being loomed over.
2. Proximity of pedestrian access point to our house. From looking at the plans, it looks like there is a pedestrian access point opposite the boundary of our property. Although in subsequent documents it is not shown - it is not clear from the presented documents which document takes precedent. We are strongly against having an access point opposite our boundary, due to the noise and disturbance generated from people passing through this access point.
3. Noise. We currently live in a peaceful, quiet neighbourhood. We enjoy listening to birdsong and at night-time the owls who use the neighbouring field. The addition of 250 houses will increase noise pollution from activities such as traffic and anthropogenic noise (e.g. loud music), whilst also removing the ecological soundscape.
4. Water run off. During intense rainfall events (e.g. Storm Ciaran in October 2023), an excessive amount of water runs down Harp Hill (leading to water pooling at the double roundabouts at the intersection between Harp Hill and Priors Road) and the path leading from Harp Hill to the track by Pillowell Close (this then pools at the bottom of the track by Priors Road). Our concern is that with the addition of 250 houses there will be an

increase in surface run off and that the proposed hydrology solutions will not be adequate.

5. Traffic. The traffic on Harp Hill and Priors Road is already congested - the addition of another 500 cars (assumed 2 per household) will only make the situation worse. We already find it difficult exiting Hillview Road (leading to Wessex Drive). When using the kissing gate (from the path running behind Wessex Drive) at the top of Harp Hill, we find it difficult to cross the road owing to the amount of traffic travelling up or down Harp Hill. Drivers are often driving at excessive speed around this blind bend and we have witnessed a number of near misses (vehicles narrowly avoiding pedestrians). The road surface on Harp Hill is already poor and needs completely resurfacing; the addition of 500 cars will increase the degradation in road surface quality. We understand that the developers carried out a traffic survey during half term; we feel this is not representative of the actual traffic volume around the estate - this work needs to be re-done during school term time to more accurately reflect the true traffic volumes.

6. Highway safety. As alluded to in point 5, the blind bend between the exit of the Harp Hill path and the Stanley Road entrance to the Battledown estate is particularly dangerous with cars excessively speeding around the blind bend. The footpath between these two sections is very narrow with a lot of overgrown vegetation - there is not enough space for two people to pass safely (with people having to step into the road to pass each other). The footpath section onwards to Agg Hill is none-existent and is currently inadequate for pedestrian use. Traffic calming measures, the introduction of purpose-built footpaths and their regular maintenance will need to be introduced. A pedestrian crossing from the top of the Harp Hill-Pillowell Close footpath is an absolute necessity.

7. Scale of development. We feel that the scale of the development is much too large for the site, for the main reasons outlined above.

8. Appearance. The design of proposed properties is not in keeping with the landscape and the neighbouring properties.

9. Wider impacts to the community and the environment. We are deeply unhappy with the loss of habitat for local wildlife, namely songbirds, owls, deer, bats and fox. The current local services are already over-subscribed (e.g. doctors, local schools) and the increase in the local population will only exacerbate this situation.

We are strongly against the proposed development of Oakley Farm pastures.

42 Wessex Drive  
Cheltenham  
Gloucestershire  
GL52 5AU

### **Comments:** 2nd November 2023

We object to the construction of a three storey house within a few metres of our garden fence which will directly and closely overlook our garden and into our kitchen window. This is a substantial change from the outline Application which showed a drainage structure at this location.

The development should not be permitted until an adequate traffic safety and management scheme has been developed for Harp Hill. This should incorporate reduction in use of the route as a 'rat run' by non residential traffic avoiding the London Road junctions, effective measures to reduce speeding (acknowledged recently by the Police as a problem at this location) and improvements to pavement safety along the narrow section at and immediately either side of the road bend. The present situation is

dangerous for pedestrians as larger vehicle wing mirrors often overhang the narrow pavement, the impact risk will increase as the traffic volume rises.

A yellow no entry box or other suitable measure is required at the junction of Hillview Road and Priors road to ease exit onto Priors Road when the increased traffic flow from the development is realised. Exit is already difficult at peak and some other times, with traffic queuing one or both ways between Harp Hill and the Sainsbury traffic lights.

The creation of a cycle way along the existing farm track will not encourage cycling as it exits only onto an already busy and increasingly congested Priors Road. It may also increase anti social behaviour by creating a track and focal point for the use of off road motorcycles and other vehicles. The elevation of the planned cycle way and path should not be above that of the existing farm track to preserve current water run off routing and to maintain privacy for adjacent properties. Lighting which is understood to be low level bollard based, should be located at no higher than one metre above current elevation level, to reduce light pollution nuisance.

44 Priors Road  
Cheltenham  
Gloucestershire  
GL52 5AA

**Comments:** 16th November 2023

I understand that there is a proposal to build a cycle lane from the new estate along the lane adjacent to Sainburys, which joins with Priors Rd.

I would like to strongly object, at present it is like a country lane used to walk dogs. It's full of wildflowers and birds. A cycle lane would also mean electric scooters, dangerous for dog walkers, and there will enough other ways to get around, than adding 150m of tarmac.

If it were tarmaced then CBC would start cutting it , NO MORE wildflowers.....It is one of the few areas not cut fortnightly by CBC. Please leave it alone.

Photographs attached.

33 Pillowell Close  
Cheltenham  
Gloucestershire  
GL52 5GJ

**Comments:** 25th October 2023

Vehicle access:

When was the traffic survey completed? I have only found references to a survey in 2019, but at that time the upper part of Battledown Park estate (on the site of the old GCHQ buildings) was not complete and consequently there is now a higher volume of traffic on the roads in the area already.

Did the traffic survey consider travel along Harp Hill rather than simply the junctions? Harp Hill is not a very wide road and so when cars are parked along it, it effectively



becomes a single lane. This is already evident at busy periods (and can be a bit of a slalom course), so any increase in traffic will be unhelpful. Similarly, the Tesco shop on Hewlett Road frequently has deliveries during busy periods, seriously constricting the carriageway immediately adjacent to the double roundabout.

If heavy construction traffic uses Harp Hill for access to the site the problems will be greatly exacerbated. Also with regard to construction traffic, I trust that provision will be made for site workers to park on the site itself. It will be totally unacceptable for them to park on nearby roads (including those on the Battledown Park estate, as was experienced during previous construction at the top of the estate)

**Pedestrian access and public transport:**

What are the plans to improve pedestrian walkways on Harp Hill? The existing tarmac pathways stop part way up the hill and are not very wide in places. Any pedestrian access to the new estate from the top of the hill will be direct onto the road carriageway as things stand. Furthermore, increased traffic levels will make it more difficult for pedestrians to cross the roads at the double roundabout.

There are plans to improve the existing public right of way from Priors Road. Will the existing wooden fence between the new footpath and Pillowell Close be retained? Will there be access from the footpath to Pillowell Close (there is currently a gap in the fence that is commonly used)?

I don't see any plans to improve public transport in the area. I'm not aware of a bus stop on Harp Hill, so access to public transport will likely increase pedestrian use of Harp Hill.

**GP availability and medical provision:**

Is any provision being made in local GP practices to accommodate a further influx of residents to the area? Access to a GP is difficult enough now so more patients will make matters worse.

**Schools and childcare provision:**

Can the local schools take a further influx? It remains to be seen how many children and young people of school age will move into the estate, but it will be more pressure on already stretched resources. And given the proposed access to the development it will mean increased pedestrian and vehicle activity during what are already busy periods of the day, with consequent increased risk to pedestrians due to issues already mentioned.

**General comments:**

As usual there seems to have been no thoughts about creating a community rather than just building a bunch of new houses. This development is adjacent to the Battledown Park estate and the two should be considered as one entity in terms of the number of dwellings in the immediate area (the impact of this development is not simply 250 new dwellings - it is 250 more on top of those already existing). There is the Sainsbury's store off Priors Road, but other than that there are no shops or other amenities for a quite large volume of dwellings. Indeed, it is telling that the closest venue available for the public exhibition relating to the new development was the church on Whaddon Road. In the early days of the Battledown Park estate we tried to run a residents association which ran

out of steam partly because of lack of a meeting venue close by, together with difficulty advising residents the it existed and where it was likely to meet (there is not even a public notice board).

4 Brockweir Road  
Cheltenham  
Gloucestershire  
GL52 5FW

**Comments:** 1st November 2023

The local infrastructure is inadequate for the current housing locally, an addition of 250 extra houses and a potential 500 further cars poses an extremely dangerous problem. There is currently not enough parking allocated within this estate, to build another neighbouring with pedestrian cut throughs will guarantee this problem is amplified. The current volume of traffic is problematic, the pressure these houses will add to this is unimaginable and will threaten the safety of drivers and pedestrians alike. In addition there are questions around the visual impact this will pose to the estate I am based, with 3 storey buildings being constructed on a gradient which will be imposing and result in a lack of privacy for existing houses and neighbours, not to mention the noise and disturbance from the development being built in such a vast quantity with little of the boundary greenery being protected.

12 Brockweir Road  
Cheltenham  
Gloucestershire  
GL52 5FW

**Comments:** 31st October 2023

How can anybody ever think it is acceptable to have approx 500 more cars on Harp Hill when we can't even walk to our car and open the door to get in without waiting for many cars to pass. It's absurd!!

44 Brockweir Road  
Cheltenham  
Gloucestershire  
GL52 5FW

**Comments:** 19th October 2023

Irreversible destruction of this Area of Outstanding Natural Beauty in the name of big money is deeply disappointing and displays a disregard for preservation of Green Spaces in Cheltenham.

This pocket of cheltenham is already heavily populated causing a great deal of traffic on the surrounding small roads that are not fit to withstand greater strain. Greater development on this side of town means greater traffic through the centre of town for use of the Motorway & Train Station.

2 Bream Court  
Cheltenham  
Gloucestershire  
GL52 5FY

**Comments:** 3rd November 2023

We wish to object to the development of the AONB on the grounds of diminished amenity of existing properties and a lack of privacy. The subject of the access over Harp Hill has (rightly so) already been a topic for objections from many residents who have legitimate concerns over the increased volume of traffic, the lack of adequate provision for pedestrians and cyclists, and the issue of congestion at the Priors Road & Sixways junctions. It would seem that there is little point in dwelling much further on this here because it would simply echo the numerous objections already lodged and unless the appropriate authorities take action to address this, the developers will likely achieve what they set out to do, possibly with only minor plan amendments. Similarly, the concerns over drainage, flooding, lack of infrastructure & public services, emergency access & adequacy of parking provision are likely to go unaddressed, but at least these concerns have been publicly voiced.

We do however wish to question why the originally consented (albeit via direct intervention from the planning inspectorate) scheme now seems to have altered somewhat, to create relatively open plan development, with a reasonable ratio of mixed housing types in harmony with green space, but this now offset by a concentration of smaller & affordable housing types concentrated into smaller areas. Whereas the original scheme went at least some way to respecting the status of the AONB landscape, the current one doesn't, particularly at the eastern & north-eastern boundary of the development, where the original number of dwellings has now increased significantly from (approx) 12 to 21. Although there has been some attempt to provide a green buffer between the existing properties on Birdlip Road & the new development, seemingly because their elevated position and the far reaching views across AONB should be maintained, this principle has not extended down the slope to the north, where the properties in Highnam Place, Bream Court, Ledbury Court & Burford Road has also enjoyed views of AONB & open countryside, yet are now facing the prospect of having intensive and visually overbearing development taking away not only their views, but also their amenity and privacy.

1 Ledbury Court  
Cheltenham  
Gloucestershire  
GL52 5FZ

**Comments:** 2nd November 2023

I strongly object to the proposed planning. My original comments and objections still stand :

I strongly object to this development.

As everyone else previously has stated, the area cannot support such a large development of houses, in terms of infrastructure, schooling, doctors surgeries etc.

The roads are already a mess, both physically and traffic volume. Harp Hill would not be able to take such a drastic increase in residents and cars.

The schools are full beyond capacity.

This is a heavily populated area, which is already ignored by local government. How will they cope with the addition of 250 houses? It is 100% pure greed, and not with the residents or the nature of the area in mind at all.

The water run off and flooding has become an increasing concern as more and more houses are built on the hill.

Not only will it be a huge hindrance, eyesore and inconvenience, most importantly it will be irreparably destroying an area inhabited by wild life.

It now also appears that there is proposal for a concentration of smaller & affordable housing types into smaller areas. Whereas the original scheme went at least some way to respecting the status of the AONB landscape, the current one doesn't, particularly at the eastern & north-eastern boundary of the development, where the original number of dwellings has now increased significantly from (approx) 12 to 21. Although there has been some attempt to provide a green buffer between the existing properties on Birdlip Road & the new development, seemingly because their elevated position and the far reaching views across AONB should be maintained, this principle has not extended down the slope to the north, where the properties in Highnam Place, Bream Court, Ledbury Court & Burford Road has also enjoyed views of AONB & open countryside, yet are now facing the prospect of having intensive and visually overbearing development taking away not only their views, but also their amenity and privacy.

Crime is already on the rise in the area. Residents are blatantly ignored by local government and their already existing concerns WITHOUT the addition of this absurd development.

2 Fairford Road  
Cheltenham  
Gloucestershire  
GL52 5FQ

**Comments:** 15th October 2023

The development makes the traffic much heavier in priors road and harp hill road . The traffic in rush hour are congested,the traffic in local area cannot afford another 250 home to be build. It doesnt have enough medical and school places for new family. The beautiful landscape and reserve woulc be destroyed asa result i oppose this development.

3 Highnam Place  
Cheltenham  
Gloucestershire  
GL52 5FX

**Comments:** 3rd November 2023

We are writing to formally object to the planning permission application as follows-

#### Design Statement

The impact and proximity of this development on the residents of existing dwellings does not appear to have been fully considered or represented.

The design development plan, understandably not to scale does however omit Highnam Place which sits on the Northeast boundary in between Birdlip Road and Fairford Road. 3 Highnam Place is an upside-down house in an elevated position with far reaching views over the AONB and Cheltenham, although appears to have been positioned within the plan as being in the lower part of the site, therefore having lower sensitivity than the Hewlett's Reservoir neighbourhood in terms of impact on views.

Bream Court & Ledbury Court to the North of Highnam Place are sited on the Northeast neighbourhood boundary and also enjoy extensive views over the AONB.

The Google Earth aerial photograph of the site shows the field enclosed by this boundary as probably the smallest for development across the site. Plan PPA3 - PPA4 used for the application has 21 houses within the site to include 2 no. bungalows, associated parking and garages. This is the highest concentration of homes placed next to existing dwellings (in both Highnam Place and Oakley Grange) of the entire proposed development, and 50% of these are designated as affordable housing. The original scheme had only 12 houses within this area, going some way to respecting both the AONB landscape and existing dwellings affected by the development. The current design statement/site layout shows this area to be the most densely built-up within the site affecting all the properties that sit on its boundary. Privacy, outlook, impact on views and amenity, aside from the fact that approx. 50 cars are likely to be present within the area, meaning a potential air quality issue may arise in close proximity to pre-existing dwellings. This confirms that the Northeast neighbourhood has not been given due consideration or representation when discussing and setting out the plan and it will therefore have a negative impact on the residents of these homes.

The meeting held 09 August 2023 as a result of the pre-application statement does not fully describe or represent some of the areas affected by this development. The adjustments requested to the masterplan to include re-location of the allotments and house type changes on the Southeast Hewlett's Reservoir neighbourhood have significantly improved the outlook and impact of the development for just 3 houses on Birdlip Road, but to the detriment of many more other homes nearby. This does question whether suggestions made during the meeting were mis-interpreted in favour of only a minority of dwellings.

The re-location of the allotments puts a drop off point at the edge of a private drive, presumably making use of the visitor bays (as long as they are not being used by the adjacent properties for the intended visitors, or more likely an overflow of residents cars/vans) located to unload and load equipment required to tend allotments, which raises the following questions:-

Why have they been re-located to a position that can only be accessed over a private drive (Plots 236 & 237) making them predominately accessible only to a minority. Presumably the intention is that they should be available to all unless they are to be privately owned.

Who are these allotments for and who will be able to apply to use them?

Who will make the decision on allocation?

Who will monitor the area's upkeep from a visibility and environmental view?

Will sheds be allowed?

Will incineration of waste be allowed?

### Impact of Site Layout

Bungalow plots 215 & 216 are positioned far too close to the boundary of 3 Highnam Place. This will result in a loss of privacy for each of those properties, partly because 3 Highnam Place is an upside-down house type which would allow direct view into the rear of the bungalows and across to the affordable housing placed on the boundary of Bream Court & Ledbury Court. The near visibility from our bedrooms and upstairs living area is of 14 homes. Our elevated position will do nothing to reduce the effect of this, our bedrooms on this boundary are also elevated and sit level with the top of the fence boundary so the issue of privacy, outlook and disturbance at such proximity is totally unacceptable and should surely be re-considered. Additionally, the bungalows appear to have virtually no back garden areas which would question whether consideration has been given to the issue of amenity space for those dwellings. Please also note that our existing boundary fence is not the actual boundary, this being approximately 600mm to the west.

There appears to be a proposed boundary footpath from the new development into Eden Villas which can only have been positioned here without the benefit of a site survey. It passes directly next to the rear garden access of 3 Highnam Place, and then past a ground floor bedroom which would again result in privacy and security issues. Because of the existing ground levels this access point is the only route which permits removal of garden waste bins from our property, so to have this converging with a public footpath is impractical. Added to this is the potential for antisocial behaviour problems occurring directly next to a private dwelling, which again is unacceptable. Highnam Place itself is designated a private road and its upkeep is the responsibility of the three properties accessed by it. As such there cannot be any access for a public thoroughfare along it

granted. If a pathway is a requirement (and it's difficult to understand why it would be) it should be sited either elsewhere where there would not be a compromise to the amenity and privacy of existing dwellings. Both 47 Birdlip Road and 3 Highnam Place are upside down houses, so the same privacy and security issues regarding viewing into ground floor bedrooms would apply. It is indeed alarming that the urban design consultant doesn't appear to have taken into consideration the issues that this proposed footpath would have on the two properties affected as well as the wider Eden Villas development. If a parallel is drawn with the other site access path into Brockweir Road the obvious difference is that its access/egress point is directly via a relatively narrow grass verge, which would not be adversely affected by conversion to a footpath linking to the roadway, and there are no immediately adjacent dwellings which would be affected by privacy issues. The proposed access to Highnam Place is an unpaved grass area and any new hardstanding introduced will compromise its ability to provide adequate drainage for an area which already suffers from excessive ground water problems. There is also the possibility that work to create additional hard surfacing will cause damage to an existing subterranean watercourse which has happened in the past. As for what purpose the proposed access is intended to achieve is unclear. The only possible reason would be to provide pedestrian access to Cleeve Hill or the footpaths leading to Charlton Kings and Ham areas, but this facility will already exist, with the green space at the top of the development, along with its proposed footpaths providing more than adequate & far more suitable and attractive access to those areas without the need to traverse the Eden Villas areas.

The original approved plan for which permission was obtained by Robert Hitchins allowed for fewer (but larger) dwellings with sufficient green space around them to be concentrated over a larger area, with a more even spread of homes extending towards the south along the boundary between Eden Villas and the new development. The area of concentration and dwelling type appears to have changed somewhat since then, to create an overdevelopment at the northern end and an underdevelopment elsewhere. Furthermore, there now appears to be a need for greater than initially anticipated SUDS facilities on the site, and consequently a need to cram dwellings together more to accommodate this. Perhaps a reduction in the number of dwellings with a higher ratio of larger and more premium house types would help to maintain a more balanced and less intensive development of the area.

We concur with other objections regarding the exit road onto Harp Hill. Although we do think that careful planning and re-directing of some of the existing roads in the area, perhaps with the introduction of one-way systems would go a long way to easing the flow of traffic on Harp Hill and Priors Road.

45 Birdlip Road  
Cheltenham  
Gloucestershire  
GL52 5AJ

**Comments:** 23rd October 2023

The proposed plan has a 3 storey town house too close, and side-on, to the rear elevation of my property. The ridge height is far too high and the impact on my domestic life in terms of loss of light, privacy and outlook are intolerable.

The local road network will not handle the extra volume of traffic generated by such a development as Harp Hill is already dangerous, overcrowded and not fit for purpose - there will be RTC's without doubt

**Comments:** 25th October 2023

Why were Friends of Oakley Farm Fields not asked to make a consultee comment when the trustees of Battledown estate have been asked to comment.

Surely they must be asked to comment - I am sure they have a great deal of input to offer

28 Birdlip Road  
Cheltenham  
Gloucestershire  
GL52 5AJ

**Comments:** 2nd November 2023

I am writing to formally object to the planning permission application (Reference: 23/01691/REM) for the proposed residential development at Oakley Farm, Priors Road, Cheltenham. I strongly urge the Local Planning Authority to reconsider and reject this application for the following reasons:

**Inadequate Road Infrastructure:**

The current roadways in the area are already unable to cope with the existing volume of traffic. Introducing a residential development of the proposed scale will exacerbate the problem, leading to severe congestion, increased pollution, and compromised road safety. As it stands, pedestrians are forced to walk along roads lacking pathways, posing significant risks, especially for families with children, the elderly, and individuals using pushchairs.

**Pedestrian Safety Concerns:**

The absence of pathways creates an unsafe environment for pedestrians, particularly families with children and the elderly. Increasing traffic due to the proposed development will heighten the risks, making it dangerous for residents to walk in the area. The lack of adequate pedestrian facilities poses a direct threat to public safety and must be addressed before any further development is considered.

**Community Impact:**

The proposed development does not align with the existing character of the area, which predominantly consists of family residences. Making the area even higher-density with the residential development will disrupt the harmony of the neighbourhood, increases in



unwanted traffic flow leading to a decline in the overall quality of life for current residents. The community's concerns and preferences should be respected and considered in any decision-making process regarding changes to the local landscape.

There is a lack of public transport resources to mitigate the potential 1000 additional car journeys others have calculated the development would create around the Harp Hill Area.

### Failure to Address Existing Conditions:

The application does not adequately address the current issues, such as traffic congestion and pedestrian safety. Approving this application without a comprehensive plan to mitigate these concerns would be negligent and detrimental to the well-being of the community and place the existing residents in more risk if walking or cycling. The road quality is awful at present.

Traffic surveys were conducted during school holidays and considering there are multiple schools within a mile radius it is already noticeable when the children are not in attendance.

Planning permission: CB11954/43 and ref:01/00637/CONDIT stated in Condition 19 on review that at eastern end of the site, restricted to 40 units by Condition 19 of the outline planning permission. This restriction was put in place as it was the view that Harp Hill could not handle more than an additional 40 units. You now are looking to add an additional 250 units with access from this road.

Given the aforementioned reasons, I kindly request the Local Planning Authority to reject the proposed planning permission application. I believe it is essential to prioritise the safety and well-being of the existing residents and address the concerns raised by the community before considering any further development in this area.

39 Birdlip Road  
Cheltenham  
Gloucestershire  
GL52 5AJ

### **Comments:** 30th October 2023

The planned vehicular access point to this development, on Harp Hill, for 250 dwellings is totally unsuitable.

Harp Hill is already an accident waiting to happen. Apart from being incredibly steep and very poorly maintained, cars parking across the pavements creates daily dangers to wheelchair and pram/pushchair users forcing them into the road which at one point is on a completely blind bend. Cars that do park on the road and not across the pavement create a 'single lane' which causes delays and congestion. The situation is made worse at the bottom of the hill during drop off and pick up times for the Battledown Center for Children & Families.

It's my understanding that the traffic surveys conducted by the applicant during the outline planning phase were done during a school holiday meaning the traffic volume results are massively skewed to be far less than usual. Anyone who lives near here and uses the hill regularly knows that it is already a if not over its limit.

Indeed this seemed to be the councils view when approval of reserved matters pursuant to Outline Planning permission ref:

CB11954/43 and ref:01/00637/CONDIT for the erection of 311 dwellings and associated roads, footways, parking, landscaping, drainage and public open space was granted. This the planning for the development that I now live in. The site's main access is from Priors Road, through the earlier phases. Another point of vehicular access is also available from Harp Hill, at eastern end of the site, restricted to 40 units by Condition 19 of the outline planning permission. This restriction was put in place as it was the view that Harp Hill could not handle more than an additional 40 units. You now are being asked to add another 250 units with access from this very road.

12 Fossebridge Place  
Cheltenham  
Gloucestershire  
GL52 5BW

**Comments:** 6th November 2023

The estate I currently live on (Oakely Grange) plus the two others we are connected to (Eden Villas and Oakley) were all build on the old GCHQ land - these account for many hundreds of homes, and have added a very, very high volume of traffic to the road network.

The road network around Oakley already cannot cope. Queues are very common and severe. Adding up to 250 families (which could be up to 500 cars) to the local roads will cause utter chaos. The infrastructure cannot cope with what's already there.

Furthermore, I am unaware of plans for extra school or doctor allocation. The primaries nearby are jam-packed, and my own doctors surgery (Sixways Clinic) is already burdened with more patients than they are able to help. Wait-times for routine appointments can be very long.

In short, the road and public service infrastructure is already unable to cope. Adding another big estate will be detrimental on multiple fronts.

Sudeley  
Harp Hill  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6PX

**Comments:** 2nd November 2023

I strongly object to the proposal for 250 homes to be built on Oakley Farm Pastures. It is my understanding that the development is going ahead so I'll limit my comments assuming the construction is happening.

Access - Harp Hill is incredibly busy at peak times as both a rat run for getting onto the A40 and for school pick up and drop off. My children who walk to the bus stop for school

## Page 299

regularly report near misses with inconsiderate and dangerous car drivers speeding up and down the hill. I myself am often sworn at or beeped at when I reverse into my drive which is the safest way to park. With in the region of 1000 extra car journeys put into the mix I fear it will no be long for a serious accident to occur. I would also add that the construction traffic thundering up and down the hill will likely damage the existing foundations of dwellings already there. Harp Hill simply cannot absorb this extra traffic.

Density - the amount of housing planned is far too great and it is not necessary for so many houses to be crammed in. There are a number of other large scale housing projects happening in the locality on sites which are far more suitable. This amount of housing will completely transform the region and not for the better. Where will they go to school, find a GP and other services?

Drainage - after heavy rain the road is often flooded with tarmac being damaged. How will this be addressed?

Biodiversity - I trust that the hedgerow on the side of the road to the top of the hill will remain. It is a source of much needed habitat for wildlife and will also help combat light and noise pollution. The pastures are home to owls, deer and other species I hope the developers take serious genuine consideration for them.

129 New Barn Lane  
Cheltenham  
Gloucestershire  
GL52 3LQ

### **Comments:** 2nd November 2023

Harp Hill is already an over used and congested road. It gets parked up on both sides so that only one car can pass at a time. A development of 250 new houses is going to add upwards of 300 cars to an already inadequate road which carries not only local traffic but also cars which use it as a cut through from Charlton Kings.

In terms of amenities, has anyone actually considered whether the area can sustain an additional 250 families? I belong to the doctor's surgery at the new Wilson Medical Centre, and wonder what impact an additional 250 families will have on the already overwhelmed facility. Are there spaces available with local dentists? Are there additional places in local schools?

I have serious concerns that if it goes ahead, this huge housing development will overwhelm the roads and amenities in the area leading to a reduction in the quality of life for existing residents and a disappointing experience for new ones.

Linton House  
Greenway Lane  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6LB

**Comments:** 2nd November 2023

Reason for objection - traffic.

Harp Hill and Greenway are not suited to an increased volume of traffic which will be considerable during construction, and when the site is occupied by 250 families.

At peak times Greenway Lane is already very congested due to the Sixways lights and parents accessing Ashley Manor Preparatory School.

Ryeworth Farmhouse  
26 Greenway Lane  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6LB

**Comments:** 29th October 2023

The development takes insufficient consideration of the road types, lack of pavements, lack of traffic calming measures and various constrictions at the key exit points onto Hales Road and through Greenway Lane onto London Road. Both exists represent significant pinch points with already congestion problems at key times of day.

Those pinch points create delays, frustration and then speeding on greenway lane. Neither road has pavements and so walking as well as horseriding and cycling will be endangered by the undoubted speeding as a result of congestion or road user frustration.

The dangers created by so much extra traffic have not been properly considered. The exit from this development needs to be into the Sainsbury's estate to enable the traffic light system to support the flow of traffic as well as visits to Sainsbury's providing useful buffering.

34 Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LB

**Comments:** 29th October 2023

The development that is planned for Harp Hill cannot be considered in isolation from the access to that development. Indeed, the current access roads, Harp Hill and Greenway Lane, which are severely limited and have no possibility to be improved, must be an important factor in determining the size of any planned development.

Anyone who uses Harp Hill will be familiar with the struggle and challenges of zig zagging between parked cars towards the bottom of Harp Hill. With traffic arriving along Priors Road from the Prestbury area having priority over traffic queueing on Harp Hill, long tailbacks form very quickly. This also compromises drivers wishing to go up Harp Hill, as this tailback often snakes around parked cars. Anyone who witnesses this congestion at the peak hours will be left in no doubt that adding the volume of journeys that will result from this development, is completely unsustainable. In addition to this, there is a danger to pedestrians higher up Harp Hill where there are no pavements. With the width of the current roads and the limited space either side, it does appear that pavements cannot be built.

Simply put, Harp Hill and Greenway Lane were not designed for the additional 1,000 daily traffic movements that a development of 250 houses could generate.

In addition to the residential journeys, the dramatic rise in home deliveries from supermarkets and delivery companies, has changed the type and size of vehicles using the already limited single lane roads.

Whilst it is understandable that current comment has been largely focused on the impact on Harp Hill, the consequences for Greenway Lane will be similarly catastrophic. Access from Greenway Lane into Harp Hill and vice versa is exacerbated, particularly for construction traffic and larger vehicles, by the angle that the roads join and the restricted width of Harp Hill at that point.

The traffic lights at the Sixways junction are programmed to facilitate the major traffic flow, that being the A40 traffic entering and leaving the Cheltenham area. The time allowed for crossing the junction from Greenway Lane is very limited, this will increase the traffic queues in Greenway Lane, which in rush hour can reach Ashley Road. A further issue is that cars are often parked outside their owners houses on the left-hand side; this causes the traffic waiting at the lights to queue in the middle of the road. This already presents a challenge for larger cars and vehicles entering Greenway Lane from the A40; construction traffic would not be able to access with mounting the pavement. Alternatively, they block the junction and the Sixways Junction is brought to a standstill. This presents a serious danger to the high number of children cycling or walking to/from the 2 large schools in the close vicinity.

12 Brockweir Road  
Cheltenham  
Gloucestershire  
GL52 5FW

**Comments:** 31st October 2023

Harp Hill was not designed for any more traffic than it has currently got. Potentially another 500 cars from the proposed access would be passing up and down, creating an extremely unsafe area for motorists, pedestrians, animals and the environment. This would only be acceptable to people not living locally. For all of us living in the area, trying to go about their usual daily routine it would be a catastrophe.

Hill Covert  
Harp Hill  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 3rd November 2023

Please find our submission in relation to the above planning application for the discharge of reserved matters in relation to the Oakley Farm development.

1.0 Summary Objection, Outline Recommendations & Proposals

We object to the access point to the Oakley Farm Development being within the current 'Highway Corridor Flexibility Zone' (HCFZ) on Harp Hill, in particular to the revised location of the access point, which will only serve to increase risk to safety, well-being and environmental impact, whilst we are proposing a solution that we, and our Harp Hill neighbours, can support.

We, therefore, object to the adjustments proposed to the location of the access road, whilst we provide alternatives which may be accommodated without significant change to the scheme.

This decision is the most material decision of the application; noting the permanent impact on the surrounding community, and therefore, consideration of the entry and exit to a site of up to 250 properties with 427 housing plus 54 guest parking spaces defined on the submission.

We believe that for a relatively small amendment to the proposed access, impacting the safety for all residents; new Oakley Farm and existing surrounding residents plus passing walkers, cyclists and vehicles, can be improved. Furthermore, the environmental impact and scarring on the green land can be reduced.

2.0 Objectives of our Submission

Strong objections have been raised by other concerned residents regarding the overall development, and impact on local facilities which are concerns we also share. Noting,

however, that this submission is for discharge of the reserved matters, our response relates specifically to these reserved matters.

Our objective is to ensure that the legacy of this development is as positive as it may be, given the generations that will live with the results of this development. Our priorities are therefore:

a. Safety for all parties

By considering the access point/s to the development, noting the increased traffic from the new homes, the impact on existing residents, hikers, cyclists, dog walkers and runners that pass daily along Harp Hill as part of a favoured countryside route.

Safety also does not only refer to physical safety, it refers to the mental health and wellbeing of all parties involved in this development.

b. Reduced scarring and impact on Green area of the development

Once lost to hard landscaping, the green areas cannot be recovered and, therefore, the obligation is to retain as much of the natural environment (formally ANOB), as possible.

c. The final decision on reserved matters to be a local decision taken in consideration of the local community and environment and full representation of all parties

Whilst the decision was made by central government to approve the development, the local council and committee now has the capability, and the duty, to represent its constituents in the resolution of these reserved matters and ensure mitigation of its impact to protect the safety and well-being of the public, wildlife and green spaces to its maximum potential whilst enabling the development to proceed.

The local council and committee will also be more familiar, and therefore sensitive, to the real impact of the development on the local residents to take a decision which incorporates expert recommendations and objective feedback.

### 3.0 Consultation Process Not Reflective of All Parties or the Developers Professional Intent

Nexus' Statement of Engagement dated September 2023 on behalf of the developers confirms that, whilst engagement by the developers was not conditional, their intent was, and is, to conduct a transparent process which demonstrates a professional intent to engage in considered consultation with impacted parties to secure a consensus decision that will ease the development during its build process and through its subsequent ongoing life.

Unfortunately, the process of engagement has omitted important representation, particularly of the residents of Harp Hill and the process has not been fully transparent, particularly in relation to the rationale for moving the access road location.

Nexus reached out to the Friends of Oakley Farm Slopes (FOFS) to engage in a consultation on 09 August 2023 with residents impacted by the development. Those directly impacted on Harp Hill opposite the access zone, however, were not notified about, nor invited to the meeting, nor was notice of the meeting provided on the FOFS website, Facebook or signed up to Friends of Oakley. Furthermore, the minutes, attendees and presentation made The FOFS engagement were not provided in the

Statement of Engagement or its Action Tracker (Appendix 2) and, therefore, this FOFS meeting was not a representation of ourselves or fellow Harp Hill neighbours.

We are confident that the developer's professional intent to reasonably deliver the least impactful scheme has, therefore, not been achieved due to the above points. Consequently, this submission with the support of its neighbours, and the original considerations by the GCC Highways and independent Highways consultants as to the safest point on Harp Hill for the access road to be established are material in the final decision.

#### 4.0 Objection to the Revised Access Location

No information has been provided to justify the relocation of the access on Harp Hill within the Flexibility Zone. The access has been moved west to a point outside two properties that have only a single driveway entrance exit which often requires reversing of vehicles on to Harp Hill and would subsequently be into the access junction creating a hazard for all road users and the risks blocking access for emergency services along Harp Hill and onto the Oakley Farm development.

If the exit were to remain in the current proposed position, vehicles from either Haytor or Hill Covert, approaching the edge of their drive, will have raised headlights shining directly into their windshield, blinding both parties. Reversing into oncoming vehicles, will be even more hazardous.

The revised access now encroaches beyond the boundary of the A3 highest categorised and protected tree (T63). Whilst the submission shows the access is opposite the front garden of Haytor 65, Harp Hill, the mark up on site completed by the developer's contractor on 24 October 2023 shows the road and sweep are partially opposite the drive of Hill Covert and subsequently in the zone of the protected tree T63.

We, therefore, object to the proposed access point for the development and, notwithstanding that the access point as presented on 12 October 2022 (Alternative illustrative masterplan) remains preferable to the revised proposal, we propose there are better options for accessing the development.

#### 5.0 Alternative Option - Access to the Development from Harp Hill opposite Stanley Road

The current Highway Corridor Flexibility Zone overall retains a greater safety risk and environmental impact than is necessary and has been raised in the multiple objections of neighbouring homes which we support.

A more suitable location on Harp Hill, therefore, is opposite the Stanley Road junction providing for a safer access and also reducing the impact on the natural landscape.

This access point is at an existing junction and not directly opposite any properties and their subsequent driveways which ensure no vehicles are exiting their driveway onto the new Oakley Farm access road.

The access from Oakley Farm onto Harp Hill at the Stanley Road junction is effectively level thereby enabling a more direct, shorter access road, reducing the amount of green land converted to hard landscaping.

By accessing Harp Hill opposite an existing road rather than opposite existing homes, the issue of headlight pollution into homes is eliminated.



This junction also connects to a footpath down Harp Hill thereby increasing the safety of the intersection of vehicles and pedestrians.

Traffic flow will be further eased by reducing the impact on Battledown traffic entering Stanley Road from the East of Harp Hill.

We note that the junction comfortably satisfies the minimum 43m sight lines required for the 30mph speed limit on Harp Hill.

The consultations with and submissions from the GCC Highways authority in relation to the original submission (20/01069/OUT) support this, as do the independent professional highways consultant submission ('Helix transport consultants obo half acre and cleevesyde', dated 22 September 2020).

We also note that, the Design Panel, in its notes dated 10 September 2023 (Statement of Engagement, Appendix 3) has highlighted it's concern for 'scars in the landscape through the 'green' zone above the housing' thereby indicating support for alternative proposals which enable a reduction of the green zone impact.

5.0 Enhanced Option - One way access route with entrance at Harp Hill/ Stanley Road and exit to the North/ West onto Priors Road

Access safety and impact could be further enhanced by utilising the track access to Oakley Farm as a one-way access to split the traffic load across two separate entry and exit points; entering on Harp Hill and exiting onto Priors Road.

It is noted that, during the Developers consultation on 16 August 2023, Highways raised the question 'Review whether connections through the northern boundary are possible' confirming that Highways preference would be to utilise a Northern point to at least reduce or eliminate the traffic congestion on Harp Hill which suggests this proposal still retains wider support.

### Summary

Whilst the initial decision was taken at a national level, this is now a local decision for the Council to make on behalf of its constituents. The Council has the legal duty to ensure the safety of its constituents and we propose to assist this with the recommended adjustment to the access road being moved to a safer point opposite Stanley Road.

We accept that no solution will perfectly satisfy all parties, however, by applying flexibility to the already flexible HCFZ we are confident of a solution that enables all parties can accept whilst satisfying each parties own primary objectives, combining physical and mental safety, environment and economic factors.

This review process and decision is the opportunity to feasibly achieve this objective and create a plan that all parties can support, meeting the safety obligations of the Council and enabling the development to progress without further and ongoing challenge.

There is no risk free, impact free solution that is possible or expected; there is, however, the safest and least impactful solution that we have presented in this submission and we would be able to support.

The Villa  
10A Greenway Lane  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6LB

**Comments:** 2nd November 2023

We object to the development on the grounds of the additional traffic that will be generated on Greenway Lane and Harp Hill. The blind bend on Greenway Lane is already dangerous and there will be a significant increase in traffic due to the development and single access road via Harp Hill.

At peak times the traffic backs up towards the allotments on Greenway Lane and the additional traffic will create a gridlock snaking up the hill towards the development.

36 Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LB

**Comments:** 3rd November 2023

This scheme needs to consider the wider implications of the community along Greenway Lane, Ashley Manor Prep School as well as Harp Hill.

The additional traffic exiting Greenway Lane onto the A40 will cause significant delays unless a solution is found handle higher volumes. Currently delays of up to 15 minutes can occur around 0830 on a school day due to just a handful of additional cars leaving Ashley Manor. Large tailbacks can also occur when race-goers use Harp Hill to cut through from Prestbury to the A40 as well as during events at Ashley Manor.

[REDACTED]  
Hill Covert, Harp Hill  
Charlton Kings  
Cheltenham  
GL52 6PR

02 November 2023

Dear Mrs White & Planning Committee,

**Planning Application - 23/01691/REM**

Please find our submission in relation to the above planning application for the discharge of reserved matters in relation to the Oakley Farm development.

**1.0 Summary Objection, Outline Recommendations & Proposals**

We **object** to the access point to the Oakley Farm Development being within the current 'Highway Corridor Flexibility Zone' (HCFZ) on Harp Hill, in particular to the revised location of the access point, which will only serve to increase risk to safety, well-being and environmental impact, whilst we are proposing a solution that we, and our Harp Hill neighbours, can support.

We therefore object to the adjustments proposed to the location of the access road, whilst we provide alternatives which may be accommodated without significant change to the scheme.

This decision is the most material decision of the application; noting the permanent impact on the surrounding community, and therefore, consideration of the entry and exit to a site of up to 250 properties with 427 housing plus 54 guest parking spaces defined on the submission.

We believe that for a relatively small amendment to the proposed access, impacting the safety for all residents; new Oakley Farm and existing surrounding residents plus passing walkers, cyclists and vehicles, can be improved. Furthermore, the environmental impact and scarring on the green land can be reduced.

**2.0 Objectives of our Submission**

Strong objections have been raised by other concerned residents regarding the overall development, and impact on local facilities which are concerns we also share. Noting, however, that this submission is for discharge of the reserved matters, our response relates specifically to these reserved matters. Our objective is to ensure that the legacy of this development is as positive as it may be, given the generations that will live with the results of this development. Our priorities are therefore:

**a. Safety for all parties**

By considering the access point/s to the development, noting the increased traffic from the new homes, the impact on existing residents, hikers, cyclists, dog walkers and runners that pass daily along Harp Hill as part of a favoured countryside route.

Safety also does not only refer to physical safety, it refers to the mental health and wellbeing of all parties involved in this development.

### **b. Reduced scarring and impact on Green area of the development**

Once lost to hard landscaping, the green areas cannot be recovered and, therefore, the obligation is to retain as much of the natural environment (formally ANOB), as possible.

### **c. The final decision on reserved matters to be a local decision taken in consideration of the local community and environment and full representation of all parties**

Whilst the decision was made by central government to approve the development, the local council and committee now has the capability, and the duty, to represent its constituents in the resolution of these reserved matters and ensure mitigation of its impact to protect the safety and well-being of the public, wildlife and green spaces to its maximum potential whilst enabling the development to proceed.

The local council and committee will also be more familiar and therefore sensitive to the real impact of the development on the local residents to take a decision which incorporates expert recommendations and objective feedback.

### **3.0 Consultation Process Not Reflective of All Parties or the Developers Professional Intent**

Nexus' Statement of Engagement dated September 2023 on behalf of the developers confirms that, whilst engagement by the developers was not conditional, their intent was, and is, to conduct a transparent process which demonstrates a professional intent to engage in considered consultation with impacted parties to secure a consensus decision that will ease the development during its build process and through its subsequent ongoing life.

Unfortunately, the process of engagement has omitted important representation, particularly of the residents of Harp Hill and the process has not been fully transparent, particularly in relation to the rationale for moving the access road location.

Nexus reached out to the Friends of Oakley Farm Slopes (FOFS) to engage in a consultation on 09 August 2023 with residents impacted by the development. Those directly impacted on Harp Hill opposite the access zone, however, were not notified about, nor invited to the meeting, nor was notice of the meeting provided on the FOFS website, Facebook or signed up to Friends of Oakley. Furthermore, the minutes, attendees and presentation made The FOFS engagement were not provided in the Statement of Engagement or its Action Tracker (Appendix 2) and, therefore, this FOFS meeting was not a representation of ourselves or fellow Harp Hill neighbours.

We are confident that the developer's professional intent to reasonably deliver the least impactful scheme has, therefore, not been achieved due to the above points. Consequently, this submission with the support of its neighbours, and the original considerations by the GCC Highways and independent Highways consultants as to the safest point on Harp Hill for the access road to be established are material in the final decision.

#### **4.0 Objection to the Revised Access Location**

No information has been provided to justify the relocation of the access on Harp Hill. The access has been moved west to a point outside two properties that have only a single driveway entrance exit which often requires reversing of vehicles on to Harp Hill and would subsequently be into the access junction creating a hazard for all road users and the risks blocking access for emergency services along Harp Hill and onto the Oakley Farm development.

If the exit were to remain in the current proposed position, vehicles from either Haytor or Hill Covert, approaching the edge of their drive, will have raised headlights shining directly into their windshield, blinding both parties. Reversing into oncoming vehicles, will be even more hazardous.

The revised access now encroaches **beyond** the boundary of the A3 highest categorised and protected tree (T63). Whilst the submission shows the access is opposite the front garden of Haytor 65, Harp Hill, the mark up on site completed by the developer's contractor on 24 October 2023 shows the road and sweep are partially opposite the drive of Hill Covert and subsequently in the zone of the protected tree T63 (Appendix A).

We therefore object to the proposed access point for the development and, notwithstanding that the access point as presented on 12 October 2022 (Alternative illustrative masterplan) remains preferable to the revised proposal, we propose there are better options for accessing the development.

#### **5.0 Alternative Option – Access to the Development from Harp Hill opposite Stanley Road**

The current Highway Corridor Flexibility Zone overall retains a greater safety risk and environmental impact than is necessary and has been raised in the multiple objections of neighbouring homes which we support.

A more suitable location on Harp Hill, therefore, is **opposite the Stanley Road junction** providing for a safer access and also reducing the impact on the natural landscape.

This access point is at an existing junction and not directly opposite any properties and their subsequent driveways which ensure no vehicles are exiting their driveway onto the new Oakley Farm access road.

The access from Oakley Farm onto Harp Hill at the Stanley Road junction is effectively level thereby enabling a more direct, shorter access road, reducing the amount of green land converted to hard landscaping.

By accessing Harp Hill opposite an existing road rather than opposite existing homes, the issue of headlight pollution into homes is eliminated.

This junction also connects to a footpath down Harp Hill thereby increasing the safety of the intersection of vehicles and pedestrians.

Traffic flow will be further eased by reducing the impact on Battledown traffic entering Stanley Road from the East of Harp Hill.

We note that the junction comfortably satisfies the minimum 43m sight lines required for the 30mph speed limit on Harp Hill.

The consultations with and submissions from the GCC Highways authority in relation to the original submission (20/01069/OUT) support this, as do the independent professional highways consultant submission ('Helix transport consultants obo half acre and cleevesyde', dated 22 September 2020).

We also note that, the Design Panel, in its notes dated 10 September 2023 (Statement of Engagement, Appendix 3) has highlighted it's concern for 'scars in the landscape through the 'green' zone above the housing' thereby indicating support for alternative proposals which enable a reduction of the green zone impact.

### **5.0 Enhanced Option – One way access route with entrance at Harp Hill/ Stanley Road and exit to the North/ West onto Priors Road**

This could be further enhanced by utilising the track access to Oakley Farm as a one-way access to split the traffic load across two separate entry and exit points.

It is noted that, during the Developers consultation on 16 August 2023, Highways raised the question '*Review whether connections through the northern boundary are possible*' confirming that Highways preference would be to utilise a Northern point to at least reduce or eliminate the traffic congestion on Harp Hill which suggests this proposal still retains wider support.

#### **Summary**

Whilst the initial decision was taken at a national level, this is now a local decision for the Council to make on behalf of its residents. The Council has the legal duty to ensure the safety of its residents and we propose to assist this with the recommended adjustment to the access road being moved to a safer point opposite Stanley Road.

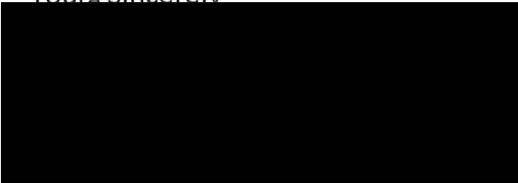
We accept that no solution will perfectly satisfy all parties, however, by applying flexibility to the already flexible HCFZ we are confident of a solution that enables all parties can agree whilst satisfying each parties own primary objectives, combing physical and mental safety, environment and economic factors.

This review process and decision is the opportunity to feasibly achieve this objective and create a plan that all parties can support, meeting the safety obligations of the Council and enabling the development to progress without further and ongoing challenge.

There is no risk free, impact free solution that is possible or expected; there is, however, the safest and least impactful solution that we have presented in this submission and we would be able to support.

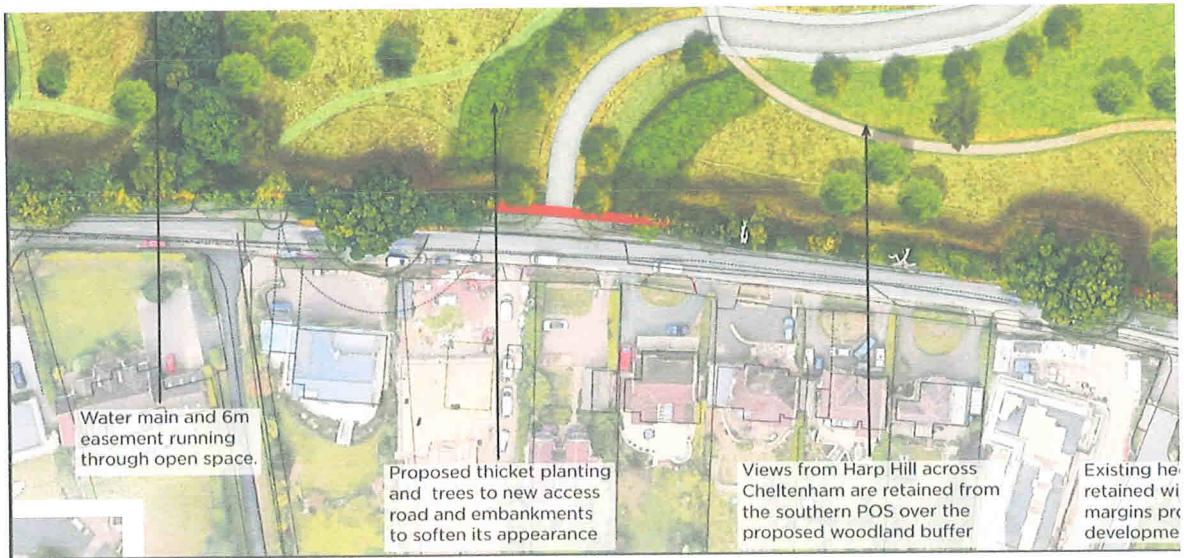
This document has been also been submitted on the online Planning portal.

Yours Sincerely

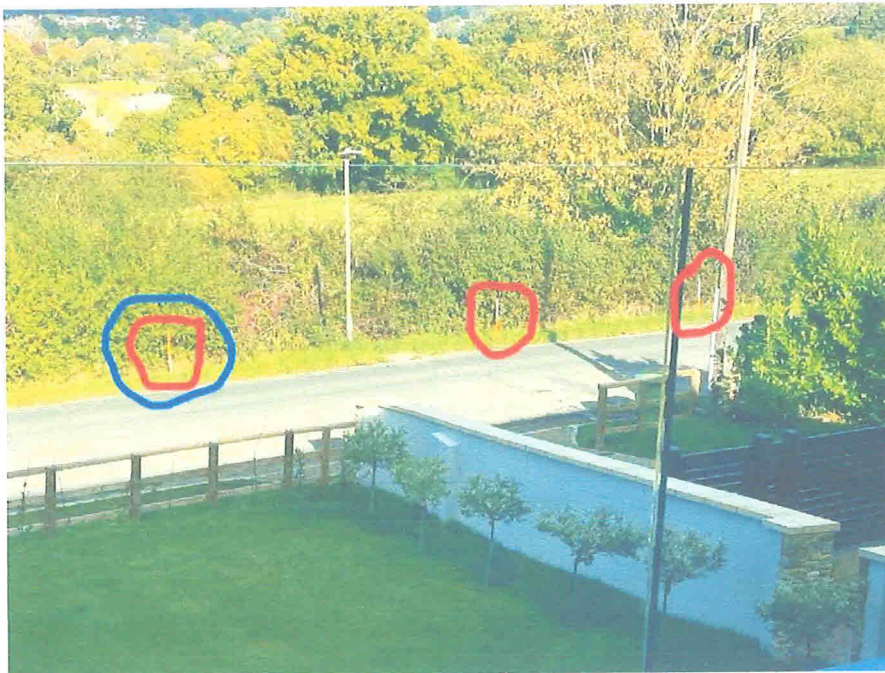


Appendix A

Submitted revised access and sweep suggesting opposite 65, Haytor, Harp Hill Garden.



Actual marking of access and sweep, further west towards the protected A3 tree T63. These markings were completed on 24 October 2023 by the developer's contractor.





Supporting photographs – 44 Priors Road





Following the recent revised documents' submission, I object to the development proposal 23/01691/REM in regard to the proposed houses set in proximity to the properties at Birdlip Road.

My home is at 43 Birdlip Road, it sits in an elevated position on the Eden Villas development and is designed so that our day to day living accommodation is on the upper floor, with bedrooms at ground floor level. Outdoor access from the upper floor leads to a balcony and terraced area which, in a conventionally designed home, would be used as the family's garden patio space. This terraced area faces to the west, and therefore to the proposed development; it is surrounded by clear glazing. Because of this configuration, any new development such as that proposed on plots 228/9, which hold my property in their field of view from windows at a similar elevation will have an uninterrupted and direct view into my indoor living area, from both their upper and middle floors, and on to the private area of my outdoor terrace. Unlike a conventional house I have no privacy screen, such as a garden fence protecting views into my day to day living space.

The inspector in his decision letter, conditioned that plans of the ridge heights of new and adjacent properties and plans of landform changes, cut and fill detail etc. should be provided. His aim being that they would aid in assessing how the new properties would relate to those adjacent and to their surroundings. Surprisingly, very little of this detail has been provided within the application plans submitted. Consequently, it is difficult to determine how the proposal integrates with its surroundings or conforms with the conditions set. Nevertheless, without building height detail, I have estimated that the ridge heights of plots 228/9 are at 124m elevation, that's about 10m above the existing ground level and a least 2m above the adjacent 45 Birdlip Road. In my opinion, these proposed houses will create a dominating and overbearing impact on this property, forming an unsatisfactory interrelationship with it, the surrounding area, and other nearby existing properties.

I have taken an image from the estimated elevation of what is likely to be the oblique outlook from the upper floor of plot 228's south facing window, towards the rear of 43 Birdlip Road. Notwithstanding the intervening space between the two properties, and the associated guidance in this regard, on any measure, I can see that the visual connection between the two is significant. The conflict between inverted living v standard design may not be a unique situation; however, I think it's unusual. In this respect, I believe that the customary proximity guidance is less relevant. To my mind, interrelationships such as this create an unacceptable loss of privacy by severe overlooking and

generate an overwhelming impact on residential amenity, significantly degrading living conditions. This is contrary to SL1 of the Cheltenham plan. I suggest that if this development proposal was in reverse, in other words, the proposed properties already existed, and the application was to build an “inverted living” house where my home is, there would be serious and severe restrictions imposed to mitigate overlooking, privacy, residential amenity etc. And doubt would be cast as to whether it was viable at all or whether it created a compatible interrelationship. Similar considerations should be given to the current proposal.

I don't relish the thought of any form of development in this designated area and I fought very hard against the original application and at the appeal. Nonetheless, I am a realist and accept that the fields will be developed. Whilst I strongly object to 3 storey properties built on raised ground for the reasons given, what I could perhaps find more palatable, is 2 storey houses in their place. These could be built at current or lower-level elevations with perhaps tiered rear gardens.

Moving on. The initial house type plans showed that the proposal on plot 237's eastern elevation was windowless, whilst that on plot 228 had windows. I now note that in the recently revised house type plans this has been reversed, in that 228 is now windowless and 237 has gained a window. Why is this? Why aren't both plot's eastern elevations windowless? This change was not identified in the revised covering letter. Further, I note that bungalows are described as being of low impact form. Can this be further enhanced by lowering plot 237's slab to match that of its neighbour plot 236 at 116.25m, or the slab at the adjacent 43 Birdlip Road at 116.275m.

I note that the applicant has gone somewhat in ameliorating the adverse influence of the proposed houses on the existing adjacent properties of Birdlip Road, and this is welcomed. However, I am not convinced that full regard has been given to the significant impact that the 3 storey houses will have on the residential amenity etc. of the occupants of the adjacent homes. The inspector was mindful that new development should ensure a satisfactory relationship with the surrounding area. It is my view that the 3 storey proposals identified, do not achieve this and would be more welcome in a subservient form.

Additionally, following the introduction of an extensive package of revised documents, I respectfully request that a further period of consultation should be made available. It has become evident that not all revisions in the proposal's documents and plans are listed in the revised covering letter. Therefore, further time should be given to allow interested parties an opportunity to scrutinize

the new package. I see no reason why the indicated determination deadline, published on CBC public access, of 24 Jan 2024, couldn't still be met.

Page 318

## Comments for Planning Application 23/01691/REM

### Application Summary

Application Number: 23/01691/REM

Address: Oakley Farm Priors Road Cheltenham Gloucestershire GL52 5AQ

Proposal: Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 20/01069/OUT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT.

Case Officer: Mrs Lucy White

### Customer Details

Name: Not Available

Address: 45 Birdlip Road, Cheltenham, Gloucestershire GL52 5AJ

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Good afternoon Lucy,

I have been made aware of the fact that there is a possibility of alternative access to the Oakley Farm development.

Vistry homes are aware of a strip of land bordering the lower Sainsbury development that could be used as vehicle access to the site thus allowing an "in/out" traffic scheme, but they calculate that it is too expensive, and they would rather not incur the cost. They call it a Ransom strip.

I know that the highways Authority believe that Harp Hill will deal with the extra traffic - probably 500 car movements per day but they do not live on Harp Hill - I do - and I see almost daily near misses - particularly at the tight corner adjacent to the Turnpike House at the junction of Harp Hill and Greenaway Lane.

There will be accidents on Harp Hill and there will be injuries - god forbid fatalities - and those responsible which I believe to include:-

Vistry homes

Highways Authority

Planning Committee  
The Planning Inspector  
Cheltenham Borough Council

Must consider this and should bear responsibility for their decisions and all incidents.

I would urge you to investigate the existence of this ransom strip, find out the cost of this piece of land and ask if the developers are ready to put this value on human life - and to consider the potential oncosts of their actions.

This should be put on public record,

45, Birdlip Road.

## Comments for Planning Application 23/01691/REM

### Application Summary

Application Number: 23/01691/REM

Address: Oakley Farm Priors Road Cheltenham Gloucestershire GL52 5AQ

Proposal: Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 20/01069/OUT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT.

Case Officer: Mrs Lucy White

### Customer Details

Name: Not Available

Address: 20 Mildenhall Way Kingsway, Quedgeley Gloucester GL2 2DH

### Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I make the observation that this reserved matters application has no allowance or reference to Self and Custom Build Housing in terms of scale and appearance.

Paragraph 62 of the NPPF states:

"Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies ... including but not limited to... people wishing to commission or build their own homes-28"

Footnote 28 states:

... local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

Reference to the JCS policy SD11 is made in the compliance statement in paragraph 4.11 which states that the housing mix has been set by the discharge of condition 7 of the outline permission -



this objection has been raised against the application to discharge that condition.

Policy SD11 states:

"Policy SD11 establishes that development should provide an appropriate mix of dwelling sizes, types, and tenures; meet appropriate minimum space standards; and provide specialist accommodation where appropriate."

ii. Self-build housing and other innovative housing delivery models will be encouraged as part of an appropriate mix;

Self and custom housing plots are an appropriate part of the mix of housing within this scheme and there is significant demand identified on both parts of all JCS Councils Self and Custom Build registers.

Therefore the scheme as currently proposed does not align to the NPPF or JCS as detailed above.

## Comments for Planning Application 23/01691/REM

### Application Summary

Application Number: 23/01691/REM

Address: Oakley Farm Priors Road Cheltenham Gloucestershire GL52 5AQ

Proposal: Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 20/01069/OUT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT.

Case Officer: Mrs Lucy White

### Customer Details

Name: Not Available

Address: 79 Wessex Drive Cheltenham Gloucestershire GL52 5AF

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear sir/madam,

We object to the permission to build up to 250 dwellings on the Oakley Farm site for the following reasons:

1. Appearance - Currently the residents in our area benefit from having some of the countryside on our doorsteps. Whether this be the view out of our windows or on walks down the footpath. This will sadly no longer be the case if this development takes place. Yet another part of Cheltenhams natural charm will be gone and replaced with another area of crowded, overpopulated housing. I use the footpath daily and enjoy the countryside and green fields/natural beauty. This will be greatly affected for myself and other residents. We are also agreeing with other residents that the styles of the proposed properties are not in the relation to ours or other surrounding areas.
2. Privacy - In the generated ariel images of the houses (NW and SW) it appears that due to the heightening suggested to ease gradients on the site, the houses will be overlooking ours and other residents. This is a massive invasion of privacy for our windows and gardens. Not only this, but increased foot traffic to reach the area via the foot paths will result in a busier environment and invade peoples personal space. The safe feel will be compromised.

3. Noise - Naturally, due to the huge increase of both people and cars in such close proximity, there will be an increase in noise. This is currently a very peaceful area with very little disturbance. This would no longer be the case. This would not only result in us losing the warming sounds of nature, but also affects those who work from home in the area, in which a member of our household comes under. Let alone the long, noisy construction period!

4. Water Runoff - We often see a large amount of water runoff in our garden, on the road and especially down the footpath. This development would make this even worse, maybe even putting people at risk of flooding during heavy rain falls. As mentioned previously, I use the footpath daily as part of my commute and it is more than often to the point of a flowing river itself!

5. Traffic - We often use Harp Hill to cut through to Charlton Kings, and it can be noted it is often busy at most times of the day. The road quickly becomes hard to navigate and becomes gridlocked between those coming down the hill and those going up. I have seen some close misses myself as people come down the hill and cars pull out of side roads due to poor visibility on the blind bends, imagine this multiplied by another side road and the potential of another 250 dwellings cars using this as an access route.

Not only this! But the current state of Harp Hills Road surface is appalling due to serious neglect! This would only be multiplied by this added traffic.

6. Environment - As mentioned previously, there is so much natural beauty in this area in the form of plants, trees, insects, birds, deer, rabbits, foxes, badgers, etc, etc. This would be greatly affect by this development and deeply missed by our community. This increase in population density will also greatly contribute to the pollution in the area. I see Deer almost daily on my commute in this field, they would be greatly affect by this change.

7. Property Value - When deciding to move to Wessex Drive, a big factor that attracted us was the natural surroundings in the form of the fields, this will be gone. Therefore, I strongly believe this will be reflected in the value of our property as it was such a big appeal to us when considering moving to the area.

8. Overpopulation - Many factors such as schools, healthcare, available jobs, etc will be also be affected. This housing estate will result in hundreds more people moving into this area. This will make it even harder to get doctors appointments etc due to the increase in people. This affects quality of life for not only us already living here, but those moving into the area.

I hope these points are considered.

## Comments for Planning Application 23/01691/REM

### Application Summary

Application Number: 23/01691/REM

Address: Oakley Farm Priors Road Cheltenham Gloucestershire GL52 5AQ

Proposal: Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 20/01069/OUT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT.

Case Officer: Mrs Lucy White

### Customer Details

Name: Not Available

Address: Glenview Harp Hill Charlton Kings Cheltenham Gloucestershire GL52 6PU

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: You only need to spend a few minutes in the morning on Harp Hill to know that this road and the surrounding local roads will not cope with the extra volume of traffic that will be generated by this development. It is already a dangerously fast and poorly maintained road with traffic weaving around parked cars and pedestrians and cyclists in amongst it all. I have no doubt that the increase in traffic will lead to accidents.

The location choice for this development is bad enough but to hear Harp Hill would be the only entrance/exit to the estate beggars belief. If the rumours are true that the cost is the reason behind the proposed road system, when there are other feasible options then this must be investigated and all options properly considered.

## Comments for Planning Application 23/01691/REM

### Application Summary

Application Number: 23/01691/REM

Address: Oakley Farm Priors Road Cheltenham Gloucestershire GL52 5AQ

Proposal: Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 20/01069/OUT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT.

Case Officer: Mrs Lucy White

### Customer Details

Name: Not Available

Address: 2 Harp Hill Villas Harp Hill Charlton Kings Cheltenham Gloucestershire GL52 6PX

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The revised plans detailing amendments to the original site plans seem difficult to understand given that the site landscape has not changed throughout this extensive planning process. As highlighted by those groups/specialists consulted, both the suggested options present disadvantages. One requires extensive excavation and all the associated additional disruption, the other requires amendments to previously agreed retained vegetation and trees and will raise the site to the detriment of those residents already concerned by the height of the buildings on the site.

The various interested parties developing this land must be aware of the long discussions regarding the site and the stipulations put in place by the inspector. Is this the start of change by constant amends? With the final site slowly but surely becoming a completely different proposition to that originally agreed, to the detriment of all those currently living on and around Harp Hill.

## Comments for Planning Application 23/01691/REM

### Application Summary

Application Number: 23/01691/REM

Address: Oakley Farm Priors Road Cheltenham Gloucestershire GL52 5AQ

Proposal: Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 20/01069/OUT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 25 (hard and soft landscaping and boundary treatment) of 20/01069/OUT.

Case Officer: Mrs Lucy White

### Customer Details

Name: Not Available

Address: Northern Lights Harp Hill Charlton Kings Cheltenham Gloucestershire GL52 6PT

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The planning inspector, CBC and developers have repeatedly ignored public comment relating to development of this sensitive site. However this has been approved and my specific comment here is with reference to access arrangements.

I concur with other comments relating to the unsuitability of Harp Hill to cope with additional traffic from the new development. The road and pedestrian access are not suitable for current volumes let alone additional demand. (Please refer to my previous objection and comments on transport and access relating to the EIA, which I do not repeat here.)

I do not understand how anyone who spends a small amount of time looking at pedestrian and vehicle usage on Harp Hill would not understand the risks and therefore the imperative to ensure additional vehicular access is provided to the new development.

It is not hyperbole to state that there will be increased accidents on this road, (residents regularly see "near misses"). The risk could be mitigated if planning and developers listened and collaborated with local residents, who intrinsically know the roads. More time and consultation needs to be invested in finding a more suitable traffic scheme.

Please note if CBC wish real public engagement and local voices to be heard, to support

"successful" development, they need to ensure that planning documentation, particularly for larger schemes, is easily understood and digestible by lay people. The way planning documentation is shared with the public on larger development schemes should be simplified so the plans, amendments and or changes to principles of design can be easily understood and impact assessed by the public. The current process for understanding planning documentation is not easily navigable, commenter response timeframes are narrow and when combined deters comment/reduces effective consultation, which I am sure is not the intended outcome.

This page is intentionally left blank



Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Dec	Hearing Date	Costs awarded
23/01678/CLEUD	24/00001/PP1	The Forge Branch Road	Written	03.01.2024	17.01.2024	06.02.2024						
22/01681/FUL	24/00002/PP1	Rotunda Tavern 3 Montpellie	Written	05.02.2024	12.02.2024	11.03.2024	25.03.2024					
	24/00003/ENFAPP	System Error	System Error									
	24/00004/ENFAPP	System Error	System Error									
23/00230/DCUA	24/00005/ENFAPP	125 - 133 Promenade	Written	22.02.2024	07.03.2024	04.04.2024	25.04.2024					
23/00596/FUL	24/00006/PP1	Land Adj to 1 Coltham Fields	Written	05.03.2024	12.03.2024	09.04.2024	23.04.2024					
23/01137/FUL	24/00007/PP1	Hilltop Stores, Hilltop Road	Written	13.03.2024	20.03.2024	17.04.2024	01.05.2024					
23/01566/FUL	24/00008/PP1	44 Springfield Close	Written	25.03.2024	01.04.2024			dismissed	13.05.2024			
23/02056/FUL	24/00009/PP1	278 Old Bath Road	Written	11.04.2024	18.04.2024							
23/00929/FUL	24/00010/PP1	Harwood House, 87 The Parl	Written	11.04.2024	18.04.2024			dismissed	08.05.2024	n/a		
23/02033/FUL	24/00011/PP1	21 Glebe Road, Cheltenham,	Written	12.04.2024	19.04.2024							
23/02152/CLPUD	24/00012/PP1	8 Imperial Square, Cheltenham	Written	07.05.2024	21.05.2024	18.06.2024	09.07.2024					

This page is intentionally left blank

## 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

#### April/May 2024

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Stansby House The Reddings Cheltenham Gloucestershire GL51 6RS	Erection of 2no. detached dwellings following demolition of existing buildings	Delegated Decision	Written Representation	n/a	23/01538/FUL
3 Regent Street Cheltenham Gloucestershire GL50 1HE	Retain existing exterior facade paint colour. (Retrospective)	Delegated Decision	Written representation	n/a	24/00271/LBC

### Appeals being processed

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
The Forge, Branch Road, The Reddings	Use of land as a caravan site without restriction as to layout or numbers of caravans. (Revised application to 23/00936/CLEUD)	Delegated Decision	Written Representation	Not Decided	Planning ref: 23/01678/CLEUD Appeal ref: 24/00001/PP1
3 Rotunda Tavern Montpellier Street	Retention of temporary canopy structure for two years	Delegated Decision	Written Representation	Not Decided	Planning Ref: 22/01681/FUL Appeal Ref: 24/00002/PP1
129 - 133 Promenade Cheltenham Gloucestershire	Marquees at 129 - 131 Promenade.	N/A	Written representation	Not Decided	Enforcement ref: 23/00230/DCUA Appeal Ref: 24/00005/ENFAPP

<p>1 Coltham Fields Cheltenham Gloucestershire GL52 6SP</p>	<p>Erection of 1no. two storey dwelling on land adjacent 1 Coltham Fields</p>	<p>Delegated Decision</p>	<p>Written representation</p>	<p>Not Decided</p>	<p>Planning ref: 23/00596/FUL Appeal ref: 24/00006/PP1</p>
<p>Hilltop Stores Hilltop Road Cheltenham</p>	<p>Demolition of existing retail unit and erection of 2no. dwellings (revised scheme following withdrawal of application ref. 22/01728/FUL)</p>	<p>Delegated Decision</p>	<p>Written representation</p>	<p>Not decided</p>	<p>Planning ref: 23/01137/FUL Appeal ref: 24/00007/PP1</p>

278 Old Bath Road	Dropped kerb to provide access from Kenneth Close, and hard standing to facilitate off street parking (Resubmission of planning ref: 23/00481/FUL)	Delegated Decision	Written representations (Householder)	Not decided	Planning ref: 23/02056/FUL Appeal ref: 24/00009/PP1
21 Glebe Road Prestbury Cheltenham Gloucestershire GL52 3DG	First floor side extension to provide additional bedroom and bathroom accommodation, and alterations to existing dormer (revised scheme following refusal of application ref: 23/01186/FUL)	Delegated Decision	Written representations (Householder)	Not decided	Planning ref: 23/02033/FUL Appeal ref: 24/00011/PP1
8 Imperial Square Cheltenham	Installation of moveable planters.	Delegated Decision	Written representations	Not decided	23/02152/CLPUD Appeal ref: 24/00012/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
The Hayloft The Reddings	Conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works	Committee Decision	Written Representation	Appeal Allowed	Planning ref: 22/00749/FUL Appeal Ref: 22/00028/PP1

159 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) on Pavement Of Winchcombe Street Side Of Hays Travel 159 High Street	Delegated Decision	Written Representation	Appeal A and Appeal B Dismissed	Planning ref: 22/00322/ADV and FUL Appeal ref:22/00021/PP1 and 22/00022/ADV1
3 Apple Close, Prestbury	Replacement of existing conservatory with single storey rear extension. Increase in ridge height to facilitate loft conversion with rear dormer.	Delegated Decision	Written Representation	Appeal Allowed	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 representations	Appeal Allowed Appeal Costs (Allowed)	Planning Ref: 22/00708/FUL Appeal Ref: 23/00004/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 (date 22/03/23)	Appeal Hearing Dismissed	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 representations	Appeal Allowed	Planning ref: 22/00839/FUL appeal ref: 23/00002/PP1

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 Representations Householder Appeal	Appeal Dismissed	Planning ref: 22/01340/FUL Appeal ref: 23/00011/PP1
101 Ryeworth Road	Erection of two storey and single storey rear extensions and single storey front extension.	Non-Determination	Written Representation	Appeal Dismissed	Planning ref: 22/01162/FUL Appeal Ref: 23/00006/PP2

o/s 195 High Street Cheltenham	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 Representation	Appeal A Dismissed Appeal B Dismissed	Planning Ref: 22/00328/ADV and FUL Appeal Ref: 23/00013/PP1 23/00014/ADV1
o/s 23 and 23 A Pittville Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens,	Delegated Decision	Written representation	Appeal A Dismissed Appeal B Dismissed	Planning ref: 22/00326/ADV and FUL Appeal Ref: 23/00015/PP1 23/00016/ADV1
St Edmunds, Sandy Lane Road	Conversion and extension of an existing coach house/garage to a single dwelling with new access off Sandy	Delegated Decision	Written Representation	Appeal Decision Dismissed Cost Decision Dismissed	Planning ref: 22/02064/FUL Appeal Ref: 23/00008/PP1

Telecommunications Mast And Cabinet CLM26321 Glenfall Way	Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 22/02190/PRIOR Appeal Ref: 23/00018/PP1
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)	Delegated Decision	Written representation (Householder)	Appeal Dismissed	Planning ref: 22/01075/FUL Appeal ref: 23/00019/PP1
28 Westdown Gardens	Erection of detached garage (revised scheme to ref: 21/01789/FUL)	Delegated Decision	Written Representations Householder Appeal	Appeal Dismissed	Planning ref: 22/01679/FUL Appeal ref: 23/00012/PP1
129 – 133 Promenade	Retention of existing temporary marquees at 125, 127, 129, 131 further two year period and 133 Promenade,	Committee Decision	Written representation	Appeal Dismissed	Planning ref: 22/01373/FUL Appeal Ref: 23/00007/PP1

4 Red Rower Close	Two storey and single storey extension to the front and loft extension and dormer	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 23/00361/FUL Appeal Ref: 23/00021/PP1
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,	Delegated Decision	Appeal Hearing (Date of hearing 18 <sup>th</sup> July 2023 ( <b>rescheduled for 12<sup>th</sup> July 2023</b> ))	Appeal Allowed	Planning Ref: 21/02750/FUL Appeal Ref: 23/00010/PP1
53 Alstone Lane	Erection of a single storey dwelling on land to rear of the existing property	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 22/02201/FUL Appeal ref: 23/00017/PP1

201 Gloucester Road	Installation of raised, split level patio area with boundary treatments (Retrospective).	Delegated Decision	Written representation	Appeal allowed	Planning Ref: 22/00022/PP1 Appeal ref: 23/00022/PP1
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 representation	Appeal allowed	Planning ref: 22/00334/COU Appeal ref: 23/00009/PP3
Land Adj Oakhurst Rise	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval	Committee Decision	Written representation	Appeal Dismissed	Planning ref: 22/00112/OUT Appeal Ref 23/00020/PP1
Telecommunications Mast And Cabinet CLM24981 Princess Elizabeth Way	Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 22/01937/PRIOR Appeal ref: 23/00026/PP1

6 Marsh Lane	Change of use from a single dwelling (Class C3) to a four bed House in Multiple Occupation (HMO) (Class C4)	Delegated Decision	Written Representation	Appeal Allowed Costs Decision Allowed	Planning Ref: 22/01864/COU Appeal Ref: 23/00027/PP1
Telecommunications Mast And Cabinet Prestbury Road Cheltenham Gloucestershire	Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets	Delegated Decision	Written representation	Appeal Dismissed	Planning Ref: 23/00431/PRIOR Appeal Ref: 23/00029/PP1
218 High Street	Change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works	Delegated Decision	Written representation	Appeal Allowed	23/00452/COU Appeal Ref: 23/00028/PP1
1 Michaelmas Lodge Lypiatt Terrace Cheltenham	Use of area of land for vehicle parking	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 23/00262/Cleud Appeal Ref: 23/00023/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 ( <b>New procedure Change now a hearing date is 4<sup>th</sup> July 2023</b> )	Appeal Allowed	Planning ref: 20/01788/FUL Appeal ref: 23/00005/PP1
10 Selkirk Street	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	Committee Decision	Written representation	Appeal Dismissed	Planning Ref 22/01441/FUL Appeal Ref: 23/00030/PP1



<p>Eagle Star Tower Montpellier Drive Cheltenham Gloucestershire</p>	<p>Application seeks confirmation that works undertaken in accordance with a previously approved change of use under Class J, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 ref: 15/01237/P3JPA enables the rest of the conversion to lawfully continue at any stage</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed</p>	<p>Planning Ref: 23/01347/CLPUD Appeal ref: 23/00031/PP1</p>
<p>12 Pilford Road Cheltenham</p>	<p>Erection of a Garden Room</p>	<p>n/a</p>	<p>Written Representation (Enforcement)</p>	<p>Appeal Dismissed</p>	<p>Planning ref: 23/00001/DCUA Appeal ref: 23/00025/ENFAPP</p>

<p>Harwood House 87 The Park Cheltenham Gloucestershire GL50 2RW</p>	<p>Proposed replacement of brick boundary wall with an overlap wooden feather-edge fence (retrospective)</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed</p>	<p>Planning ref:23/00929/FUL Appeal ref: 24/00010/PP1</p>
<p>44 Springfield Close The Reddings Cheltenham Gloucestershire GL51 6SF</p>	<p>A wooden 1 metre tall front fence with open slats around front garden with a post sheath on corner to prevent possible damage and reflectors put on posts to add awareness. (Retrospective) Resubmission of 23/01086/FUL</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed</p>	<p>Planning ref: 23/01566/FUL Appeal Ref: 24/00008/PP1</p>

**REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT, ENFORCEMENT AND COMPLIANCE ON PLANNING APPEALS AND LEGAL CHALLENGES**

LEGAL CHALLENGES

Address	Description	Reference	Reason
Telecommunications Mast Site CLM26627 Lansdown Road Cheltenham Gloucestershire	Installation of 15m pole inc. antennas, ground based apparatus and ancillary development	23/00551/PRIOR	Alleged lack of consideration of health grounds in granting Prior Approval

Authorised By: Chris Gomm 21<sup>st</sup> May 2024

This page is intentionally left blank



---

## Appeal Decision

Site visit made on 25 April 2024

**by G Roberts BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 May 2024**

---

**Appeal Ref: APP/B1605/D/24/3337583**

**Harwood House, 87 The Park, Cheltenham, Gloucestershire, GL20 2RW**

- 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 Mr Daniel Gubbins against the decision of Cheltenham Borough Council.
  - The application Ref. 23/00929/FUL, dated 31 May 2023, was refused by notice dated 3 November 2023.
  - The development proposed is replacement of brick boundary wall with an overlap wooden feather-edge fence.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have adopted the description of development as it appears on the decision notice as this is more concise but deleted the reference to 'retrospective' as this is superfluous and not an act of development.
3. Since planning permission was refused a revised version of the National Planning Policy Framework (Framework) was published in December 2023. However, the relevant design and heritage policies of the Framework largely remain unchanged, albeit some of the paragraph numbering has changed.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the appeal sites location within a conservation area.

### Reasons

5. The appeal site lies within The Park Character Area of Cheltenham's Central Conservation Area (CCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the Framework and in policies SD4 and SD8 of the Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (December 2017) (JCS) and policy D1 of the Cheltenham Plan (July 2020) (CP).
6. The appeal site also lies within the setting of a Grade II Listed Building, with listed gate piers, 85 The Park (No.85) and to the north of this a pair of Listed

- Buildings, which I believe are 59 and 61 St Stephen's Road, one with listed gate piers. Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 also requires, therefore, that special regard must be had to the desirability of preserving these buildings setting. Similar advice is again to be found in the Framework, JCS and CP.
7. The Park Character Area Appraisal & Management Plan (July 2008) (TPCAA) states that the special interest of the area derives from a number of key characteristics, including: the tear drop shaped plan form of The Park; the pattern and layout of well-established tree lined streets; the large number of Georgian and early Victorian formally laid out villas and terraces; the large number of surviving gate piers fronting the Georgian and Victorian villas; and the extensive green space within The Park and mature trees throughout.
  8. The TPCAA states that one of the problems of the area is poor boundary treatments and the impact of new development on the setting of buildings and key views/vistas. The Townscape Analysis Map identifies a key view being, in both directions, from the corner of The Park immediately south of No.85. The Map also identifies the appeal site, as well as the terrace it forms part of, as a 'Significant negative building/space'. Sections 4 and 5 of the TPCAA further emphasise the impact that poor quality fencing has had on the appearance of the CAA. Section 6 of Part 2, 'Development Control Proposals', also states that the increased use of railings or trees/hedgerows as a 'soft' boundary treatment would enhance the character and appearance of the area. Consequently, that the Council will seek, through 'Action TP6', to reinstate traditional and historic boundary treatments so as to enhance the special interest of the area. Section 7 continues by also stating that new development will be expected to respect important views from inappropriate development.
  9. Within the above context, the proposal involves replacing a brick boundary wall with an overlap wooden feather-edge fence. The fence, which is already in place, extends along the southern and western boundaries of the appeal site. As it is existing, planning permission is sought retrospectively for its retention. Part of the fence extends in front of the host property and it is also sited close to a Chestnut tree (west of the paved parking area) which is covered by a Tree Preservation Order (TPO).
  10. As I observed on site, the new fence occupies a visually prominent location on the corner of The Park and St Stephen's Road. I understand it replaced a low brick wall, albeit no images of the latter have been provided. The submitted plans indicate that the fence comprises slats of 1.65 metres high and posts of 1.9 metres high. The design and appearance of the fence is, in my view, poor and it has a negative impact on the character and appearance of the CCA. The poor quality of the fence also harms the setting of the Listed Buildings to the west and northwest of the appeal site, as well as a key view within the CAA. Overall, the proposal represents a discordant and visually dominant feature that accentuates the negative impact that the building/space has on the CAA, as identified on the Townscape Analysis Map to the TPCAA.
  11. The new fence results in a harsh boundary to the public footpath and its overall height and extent is excessive. I note that the Council contend that it has eroded the open character of the corner plot, but as I have not been provided with any images of the previous enclosure it's not possible for me to comment, other than to say that if the proposal has replaced a low brick wall, then the

- openness of this part of the site is likely to have been harmed. The fence also obscures views of part of the TPO tree, which is a tree that makes a significant contribution to the character of the area.
12. For the reasons set out above, I find that the proposed fence results in harm to the character and appearance of the CCA and as such it does not preserve or enhance its character or appearance. I also find that the new fencing results in harm to the setting of No.85, and to a lesser extent the setting of 59 and 61 St Stephens Road. The Framework requires considerable importance and weight to be attached to the harm to these heritage assets. The proposal leads, in my view, to less than substantial harm to the significance of these heritage assets which must be weighed against the public benefits of the development.
  13. The Appellants GOA contend that the new fence provides a screen to an unmaintained area used for dumping. There is no evidence before me to support that statement and on the understanding that all the land within the appeal site is owned by the Appellant, then the maintenance of that area is a matter that is entirely within their control. The Appellant also contends that the safety and concern of school children (one of which is vulnerable) should be a priority. However, there is no explanation as to what this statement means and neither is there any corroborating or substantive evidence that would allow me to reach an understanding or a finding on this specific issue.
  14. Based, therefore, on the evidence before me I find that there are no public benefits delivering either economic or social or environmental objectives sufficient to outweigh the harm, I have identified to the significance of the heritage assets.
  15. Reference has been made to other timber fencing in the area, albeit no specific examples have been drawn to my attention, nor have I been provided with any relevant planning background. As the TPCAA states a large amount of timber fencing in the area is of a poor quality and contrasts with the more traditional and historic boundary treatments that contribute positively to the special interest of the CAA. Even so, the existence of these other boundary treatments does not provide any justification for the appeal proposal.
  16. The Appellant has referred to an approval for a replacement brick wall on the appeal site, granted in January 2018. However, I have not been provided with any details of this proposal. I also note that the Delegated Report indicates that this approval related to a more appropriate design, was lower and did not wrap around the host building. For all the above reasons, the existence of this approval does not affect my findings on this issue.
  17. Accordingly, I find that the retention of the overlap wooden feather-edge fence is contrary to policies SD4 and SD8 of the JCS, policy D1 of the CP and paragraphs 195, 203, 205 - 206 and 208 of the Framework.

### **Conclusion**

18. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

*G Roberts*

INSPECTOR

This page is intentionally left blank





## Appeal Decision

Site visit made on 25 April 2024

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> May 2024

---

**Appeal Ref: APP/B1605/D/24/3338626**

**44 Springfield Close, The Reddings, Cheltenham, GL51 6SF**

- 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 Mrs Gina Newman against the decision of Cheltenham Borough Council.
  - The application Ref. 23/01566/FUL, dated 10 September 2023, was refused by notice dated 22 November 2023.
  - The development is in retrospect. A front fence, all around the front garden. Professionally fitted. Wooden. 1 metre tall with open slats. Cemented posts. Reflectors on posts. Willing to change fence colour if needed. But now take down front of the fence to hopefully be more favourable with the planning officer as no other gardens are completely enclosed by fencing. Some neighbours have added shrubs/hedging and plants. With this in mind I hope to maintain the open plan street scene of the cul de sac and its general amenity. Compliment and respect wider locality. With shrubs cause no harm to the architectural integrity of the general design of the area.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have adopted the description of development as set out in the Application Form as this describes more fully the revisions proposed by the Appellant to the new fence, which has already erected on the appeal site. A previous application for the new fence (ref. 23/01086/FUL) was withdrawn to allow for a resubmission showing an amendment to the fence as erected on site. That amendment involves the removal of the road fronting section of the fence and its replacement with planting. I have determined the appeal on that basis.
3. Since planning permission was refused a revised version of the National Planning Policy Framework (Framework) was published in December 2023. However, the relevant design policies of the Framework remain unchanged, albeit some of the paragraph numbering is different.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

5. The appeal site comprises a two storey end of terrace property which is located at the end of a cul-de-sac. The host property is set back from the road with a

- large front garden, and as shown on the submitted plans a good sized garden at the rear. Similar properties with similar front and rear garden layouts are located to the north, south and east of the appeal site. The front garden to the host property is laid to lawn with a single tree and a shared pedestrian access to its front door. The shared access leads to the front doors of the three other properties that form part of the same terrace and whose front gardens are also largely laid to lawn.
6. As I confirmed earlier, the proposed fence has already been erected on the appeal site and encloses the whole of the front garden (lawn) area. Planning permission is, therefore, sought retrospectively to retain most of the existing fence other than that fronting the road, which is shown on the submitted plans as being replaced by low level planting.
  7. The appeal site and cul-de-sac form part of an estate that I understand was permitted in 1982. The estate was designed with open frontages and with no physical boundaries to the front gardens. I understand that to maintain this open character permitted development rights were removed. Whilst I accept that a number of frontages are used for off-street parking and parking of boats and caravans, as I observed on site the open plan layout of the estate largely remains and is a particular characteristic of the area.
  8. The new fencing, even with the front element replaced by planting, will still enclose the front garden to the host property. Even though the fence itself is only 1 metre high, I agree with the Council that it is of a poor standard of design, which has a harsh visual impact on the character of the cul-de-sac. It is visually prominent given that there is no similar fencing on adjoining or nearby properties. As such, the new fence appears out of character and a harmful addition to the streetscene. The poor design of the fencing would not be mitigated by the Appellants offer to paint it a different colour or by the introduction of the new planting on the road frontage. Even with the latter the majority of the fence with its inappropriate design and appearance will remain.
  9. Where an estate comprises a broadly consistent style of houses and layout, as in this case, the original or a similar design of boundary treatment should, in my view, be maintained so as to preserve the character of the area. In this instance, the new fence results in a marked change in the appearance of the appeal site and this part of the estate. It has eroded its open character and the contribution the host garden makes, with the front gardens of adjoining properties, to the openness and spaciousness of the streetscene.
  10. The photographs that accompanied the Appellants Grounds of Appeal (GOA) show other timber fencing and boundary treatments in the area. However, whilst I viewed these examples on site they are not directly comparable to the appeal proposal in that they include either side boundary fencing and/or hedging that does not fully enclose the front gardens in question and are not of the same extent and design. Even so, I have not been provided with any planning background to these examples or any evidence of whether, in the case of the examples of fencing, they benefit from planning permission or are historic and thus lawful.
  11. Furthermore, the existence of these boundary treatments does not provide any justification for the appeal proposal and I do not regard some of them as good examples to follow. I do, however, agree with the Appellant that the Council's contention that the new fence would set a precedent should not be accorded

much weight. Each application should be considered on its individual merits having regard to the policies of the development plan that exist at the time and local circumstances. In relation to other works permitted on the estate, such as porches and rear extensions, again, they are not directly comparable. There is also no evidence before me to suggest that these alterations and extensions have compromised or harmed the open plan nature of the estate.

12. Turning to policy D1 of the Cheltenham Plan (July 2020) (CP) this seeks, amongst other matters, to ensure that new development complements and respects neighbouring development and the character of the locality, and avoids alterations that would harm a group of buildings or the erosion of open space. Policy SD4 of the Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (December 2017) (JCS) also requires new development to respond positively to and respect the character of a site and its surroundings, enhancing local distinctiveness and the existing pattern/grain of development. These policies remain broadly consistent with those in paragraph 135 of the Framework. As a consequence and for the reasons set out above, I find that the proposal conflicts with the aims and objectives of all of these policies.
13. The Appellant contends that as the development plan is being reviewed the policies of the JCS and CP are out of date. I do not agree. Both the CP and JCS remain part of the adopted development plan and planning law requires applications for planning permission to be determined in accordance with that plan unless material considerations indicate otherwise.
14. In relation to other material considerations, I have had regard to the Appellant's concerns over the safety and security of the front garden and that it is publicly accessible. However, the latter is a common feature of open plan estate layouts and a potential solution may be to introduce a less harsh and more softer boundary treatment in the form of planting/hedging. My attention has also been drawn to the fact that the Appellant is a carer for her husband and that the enclosure of the front garden assists with his care and well-being. Whilst I sympathise with the Appellant's personal circumstances, these are not, in my judgement, sufficient to outweigh the harm I have identified. I have also had regard to the considerations in the Equalities Act 2010, but again, based on the limited evidence before me of the husband's precise needs and requirements, they are also not sufficient to outweigh the harm that I have identified.
15. Accordingly, I find that the proposal, even as amended, results in harm to the character and appearance of the area contrary to policy D1 of the CP, policy SD4 of the JCS and paragraph 135 of the Framework.

### **Conclusions**

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*G Roberts*

INSPECTOR

This page is intentionally left blank