

Cheltenham Borough Council Planning Committee

Meeting date: 23 January 2025

Meeting time: 6.00 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

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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 19th December 2024.

5 Public Questions

6 Planning Applications

6a 24/00725/OUT - Land at North Road West and Grovefield Way (Pages 19 - 102)

[Planning Application Documents](#)

7 Appeal Update (Pages 103 - 144)

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

9 Briefing Note - Changes to the 5 Year Housing Land Supply Position following publication of the NPPF (December 2024) and related changes in the Planning Practice Guidance (PPG) (Pages 145 - 146)

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Cheltenham Borough Council Planning Committee Minutes

Meeting date: 19 December 2024

Meeting time: 5.00 pm - 7.10 pm

In attendance:

Councillors:

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

Also in attendance:

Claire Donnelly (Planning Officer), Chris Gomm (Head of Development Management, Enforcement and Compliance), Michelle Payne (Senior Planning Officer), Michael Ronan (Lawyer), Ben Warren (Senior Planning Officer), Amy McArthur (Environmental Health Officer) and Nicole Golland (Principal Planning Officer)

1 Apologies

No apologies were received.

2 Declarations of Interest

Councillor Baker declared that he was pre-determined on item 6c and would leave the meeting for this item after speaking in his capacity as a Ward Councillor.

3 Declarations of independent site visits

Councillor Baker declared an independent site visit to 70 Sandy Lane when the application was originally validated to determine whether there were grounds for a committee referral. He confirmed that he had taken legal advice and was not pre-determined on this application.

Councillor Andrews declared an independent visit to 6a and noted that he was familiar with most locations.

4 Minutes of the last meeting

The minutes of the meeting held on 17 October were approved and signed as a correct record.

5 Public Questions

There were none.

6 Planning Applications

7 24/01730/FUL - 1 Coltham Fields, GL52 6SP

The principal planning officer introduced the report as published.

The applicant submitted a later representation which was accepted by the Chair and read to the Committee by the Legal officer. The applicant's letter explained they had been priced out of Cheltenham and saw this as an opportunity to return. Their new design would provide better living space than the existing unviable permission. They noted neighbour support and plans to make the home eco-friendly

There were two public speakers on the item: the applicant's representative and a Ward Member.

The applicant's representative addressed the committee and made the following points:

- Refusal was partially recommended on the basis that the previous permission granted in 2022 may still be taken forward. The scheme approved has proved to not be viable financially for the purposes of speculative development. Attempts to market the site on the basis of this permission have received no interest and this permission will expire in 2025. Other permissions granted at Coltham Fields 4 years ago have also not been built due to similar financial pressures.
- The new scheme proposed is only viable due to this being self-builders who are intending to build a home for their own use. They are investing in the land and building rather than developing for profit. The Council has a duty to meet self-build demand on a 3 year rolling basis.
- Whilst concern has been raised that the design fills the plot, this is also true of both historic and more recent dwellings on Coltham Fields.
- The newly submitted application is very different in scale, mass, height and design that the one rejected by the previous inspector. It provides double the parking and more than double the amenity space than the previously permitted design.
- No objections have been received from statutory consultees.

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- Seven letters of support have been received from those local to the area who have praised the design, the use of a brownfield site and the positive benefits it will bring to the area.
- The two objections received relate to highways and the loss of privacy but the officer's report has concluded the proposal does not cause harm in these respects.

Councillor Day as Ward Member addressed the committee and made the following points:

- The revised National Planning Policy Framework 125 states that: "Planning policies and decisions should... c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused."
- The lack of mitigation of impact on the Cotswold Beechwoods Special Area of Conservation (SAC) should be dealt with as a condition of approval rather than a reason for refusal.
- Additional reasons for refusal are subjective judgements.
- The proposal would represent a substantial improvement on the current site which includes a high wall topped with wire and abandoned cars.
- Coltham Field residents who have responded to the consultation have been overwhelmingly positive, with 15 letters of support and only 2 in objection. Responses have praised the design, use of space, improvements to the local aesthetic and positive contribution to the community by making better use of existing land.
- The main objection raised concerns a property being overlooked but the officer's report has concluded that the separation distances largely accord with the recommended distances.
- Rejecting approval on brownfield sites increases the pressure to build on greenfield sites, even within Areas of Outstanding Natural Beauty (AONB). Brownfield site development should only be refused when they are clearly in breach of planning regulations, which is not the case with the current application.

In response to Members' questions, officers confirmed that:

- The two objections came from Hales Road and Rosehill Street.
- It could be a condition that a contribution to the Cotswold Beechwoods SAC be agreed with the applicant via a Section 106 agreement.

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

- It is positive that the scheme takes up the whole plot to make the best use of a small site. The design is attractive with good facilities that overcome a lot of the issues identified by the previous inspector.
- It is remarkable to see so many letters of support from local residents who will be the most impacted by the design.
- Due to the size of the plot creating any more meaningful design will be difficult.

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

For: 0
Against: 11
Abstentions: 0

Voted against recommendation UNANIMOUSLY.

Councillor Baker proposed a motion that permission be granted contrary to the recommendation as the Committee believe the design to be acceptable and in compliance with policies D1, SD4 and relevant SPD guidance, and that the building won't be incongruous to the street scene. This permission be subject to an agreed S106 contribution to the Beechwoods SAC and delegation of conditions to be imposed by the Officer in agreement with the Chair and Vice Chair. This motion was seconded by Councillor Wheeler.

The matter then went to the vote on Councillor Baker's motion to permit subject to stated conditions:

For: 11
Against: 0
Abstentions: 0

Voted UNANIMOUSLY for permit subject to conditions.

8 24/01859/FUL - 9 Welch Road, GL51 0EA

The senior planning officer introduced the report as published.

There were no public speakers on the item.

In debate, a Member made the point that it would be good to offer privately- owned properties in the same locality an opportunity to have work carried out at the same time for a preferential price.

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

For: 11
Against: 0
Abstentions: 0

Voted UNANIMOUSLY for permit subject to conditions.

9 24/01435/FUL - East Gloucestershire Club, Old Bath Road, GL53 7DF

The senior planning officer introduced the report as published.

There were four public speakers on the item; two objectors, a supporter and a Ward Member.

The objectors addressed the committee and made the following points:

- On visiting Bicester Padel Club they were horrified by the scale and imposition on the landscape of these very large courts.
- The council has a stated duty to ensure all developments respect the important views within, into and from the College Character Area. The proposed structures are higher than a two storey house and will have a significant impact of the view over the Cotswold escarpment.
- In a public meeting the East Glos club said that they will discontinue the pay and play scheme as soon as contractual obligations allow, and operate as a private members club in an affluent area. This will reduce the impact of the benefits claimed for sport participation, health and wellbeing.
- The public consultation was carried out as a public announcement activity with little opportunity to impact the decisions that had already been made.
- In a public meeting it was suggested that both East Glos and the Planning Department believed it would be problematic to cover the courts in the centre of the club and in site of the club house. Shifting the covered courts to the perimeter shifts the issues raised to neighbouring properties instead.
- The technical noise report does not match the lived experience of the club's neighbours who find that they can't sit with doors or windows open on a summer evening due to the low frequencies involved. On the 16 November the Financial Times described the "cacophonous wallop" of Padel being played. There have also been significant discussions online about the ineffectiveness of acoustic padels.
- It is a prime responsibility of Planning that developments do not cause unacceptable harm to adjoining land owners or to living conditions in the locality.
- The Croquet Club and East Glos Club have occupied their respective sites for over 100 years as amicable neighbours.
- The proposed structures are 8.5m high and 24m long with no architectural merit and will sit on the boundary of the two clubs, obscuring the view from the Croquet Club towards the Cotswold escarpment.
- The Cheltenham Local Development Framework (July 2008) and Cheltenham Plan (July 2020) set out the measures that Planning must take into account, when considering planning applications within the Central Conservation Area – and in particular the College Character Area – within which both the East Glos and the Croquet Club reside. These both emphasise the importance to Cheltenham of preventing erosion of visual amenity within the Conservation Area. One particular emphasis being on the views out of the area towards the Cotswolds. These are called "Key Views, or Vistas". One of these, shown in the 2008 document, is "View of the Cotswold escarpment over Cox's Meadow with Croquet Club in the foreground". This is the same view as that currently enjoyed from the Croquet Club's club house. This view would be obscured by the erection of the proposed Padel court covers.
- The computer-generated image included within the East Glos application underplays the height of the structure, by taking an elevated viewpoint from the far end of the croquet club's land, looking towards the East Glos club

house. This is in the opposite direction to the Key View in the Local Development Framework. The Croquet Club has prepared an image taken from the club house towards the Cotswolds which illustrates the visual impact of the proposal. This image can be found near the very end of the document "Representations".

The supporter addressed the committee and made the following points:

- The East Glos Club has been in existence since 1883 and has always played a prominent part in the sporting life of Cheltenham. It hosts major racket sports at a county, regional and national level. The Club has over 2,100 members aged between 3 years and 91 years. It is open 362 days a year.
- The club is non-profit making and makes significant contributions to local communities, including outreach work with local primary schools, hosting disability sports, providing coaching on behalf of Tennis in the Park and assisting them with fundraising.
- The club offers discounted membership for those on low incomes and non-members can pay and play any sport and take part in all coaching activities. The pay to play offer is not being reduced or removed.
- Padel was introduced in 2021 and provides an easy introduction to racket sports whilst being very sociable and suitable for all ages and abilities. It is particularly well suited for families. No other courts in Gloucestershire offer an affordable offer to play Padel.
- Whilst Padel can be played outside in all weathers virtually all new courts include some element of cover and this is essential for high level competition.
- The East Glos club tries to be a good neighbour and supports the Croquet Club with car parking and catering at major events, grounds maintenance and allows members to be honorary members of East Glos.
- Two consultation events were carried out with the Croquet Club and two were carried out with local resident associations before the first application was submitted. Designs were adjusted in this application to address the concerns raised around noise and the height of the canopy. Further adjustments were made to reorient the canopy and reduce the height of the structure following objections to the first application.
- The canopy is now at the minimum height required by the sport's governing body.
- Since the introduction of Padel one noise complaint has been received by the club after members began playing before the 8am start time, this has now been resolved. Environmental Health Officers' have received no complaints about the noise. The canopy will reduce noise from existing courts, new courts in the centre of the site are further away from neighbours and acoustic barriers have been added. The Environmental Health Officer's assessment say there will be no increase in current noise levels for the Croquet Club or other neighbours.
- The Conservation Officer and Architect Panel feel the design, shape and height of proposals are in keeping with a sports complex in an urban area and feel it will have little impact on the surrounding area.
- There are benefits for participants of playing sport in a social environment for both physical health and mental wellbeing. It will not just be club members that enjoy this benefit but anyone who plays Padel in Cheltenham.

Councillor Baker as Ward Member addressed the committee and made the following points:

- Both the East Glos Club and Croquet Club are much respected and have a significant history in Cheltenham. It is a shame that a proposal could not be developed working together that would satisfy both.
- I accept the applicant did carry out some engagement and that as result some material mitigations have been incorporated to their credit, in particular the reduction of the height of the canopy from 10.8m to 8.5m.
- The proposed construction can only be described as obtrusive and out of keeping with the conservation area, which is afforded additional protections. It will significantly impact the setting, ambience and enjoyment of the Croquet Club users and impact views into and out of the Cotswold escarpment.
- This is in conflict with a number of policies including:
 - L1 Landscape and Setting – ‘the council is mindful of the need to protect views into or out of areas of acknowledged importance such as conservation areas’.
 - D1 Design – “development will only be permitted where it complements and respects neighbouring development and the character of the locality and/or landscape”.
 - SD4 – “new development should respond positively to, and respect the character of the site and its surrounding”.
 - NPPF, paragraph 130 – “developments should be visually attractive and add to the overall quality of the area”.
 - SL1 – “development not causing unacceptable harm to the amenity of adjoining landowners”.
 - SD14 – says development must not cause unacceptable harm to local amenity including the amenity of neighbouring occupants.
 - SD8 Historic Environment – “new developments should complement and relate to its surrounding, not only in terms of its appearance”.
- Accept the need for the club to diversify its offer and respond to modern sporting demands but it is a shame that this development could not be accommodated well within the site reducing the impact on its neighbours.
- Padel is a far more intrusive sport than tennis generating a greater level of noise due to the hard bats and pressurised balls. The replacement of one grass tennis court with 4 Padel courts is a considerable intensification of the current site use. On average during a game a ball is struck every 2 seconds and the Dutch Lawn Tennis Association estimates that typical noise levels reach 91db (the World Health Organisation recommends up to 50db of noise to avoid moderate annoyance).
- This development is likely to have a detrimental impact upon local residents ability to enjoy their homes and gardens. Whilst I respect the Environmental Health’s judgement it will be impossible to understand the true impact until the scheme is built. I suggest that if permitted a condition is applied to reduce the operating hours of the 4 new courts to ensure neighbours can enjoy their gardens in peace.

Councillor Baker left the meeting.

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

- Private views and long distance views aren't protected. Public views have been identified as a concern in the character area appraisal. The primary view affected in this instance is from the Croquet Club which is not considered a public view.
- East Glos Club commissioned a noise report to be undertaken which involved the assessment of an hour long Padel game. This found that the LA Equivalent Continuous Level averaged at 54db, with the LA Max peak level reaching 80db. There is significant variation in noise in any sport depending on the intensity of the game and the level of the people playing, so it is difficult to provide a general picture. Environmental Health were satisfied that the data in the report was sufficient to calculate the noise that would be heard from the nearby noise sensitive receptors. The World Health Organisation (WHO) guideline of 50db relates to a 1m distance from the façade of the nearest noise sensitive premises. The distance between the new courts and residents is around 70m which has been accounted for in the modelling, in addition to mitigation and acoustic barriers being put in place.
- No discussion of alternative locations for the canopied courts was discussed with the Planning Team.
- As no objection has been raised by the Environmental Health Team it would be difficult to justify reducing the hours for the new courts to a different level than those of the existing courts.

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

- Both the Croquet Club and East Glos Club make a significant contribution to the community and to the mental and physical wellbeing of residents. Padel, as a sport that is more interactive and family friendly, brings a significant opportunity to boost mental health through continual physical exercise and by introducing groups who may not have initially been interested in racket sports.
- The nature of the sport means that it would be impractical and dangerous to lower the canopy further.
- Amendments made to the scheme seem reasoned and necessary to continue playing and growing the sport, increasing amenity to members in Cheltenham, and improving residents wellbeing.
- The noise experienced by Members whilst visiting the East Glos Club were not significant whilst stood directly next to the court.
- The designs are not particularly beautiful but this needs to be weighed against the benefit provided to the public in general.
- Members felt it would have been possible to come up with a better proposal for the location of the covered courts.
- Concern was raised that this could lead to additional applications in future years for the addition of more covered courts.

Officers offered the following responses to the Member's debate:

- The Environmental Health Officer reported that noise levels from padel games averaged 54 decibels, with peaks up to 80 decibels. She clarified that WHO guidelines refer to noise levels 1 metre from nearby buildings, not at the source, and that the 70 metre distance to residents was accounted for in modelling

- The materials used are fairly standard for all Padel courts and include similar noise attenuation mesh and canopy cover. It would not be appropriate to specify a condition on the materials without confirmation of alternative options.
- There is not sufficient space to require significant landscaping on the boundary of the Croquet Club and courts.
- Whilst an initial preference was stated by Planning for the canopy to be green this was not possible as it would prevent daylight reaching the courts and require a reliance on flood lighting during the daytime. The eye-level side and end panels will be green to mitigate the impact.
- It is important that the decision made by the Committee is on the proposal submitted and should not be impacted on potential alternatives or concern over future proposals.

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

For: 5

Against: 4

Abstentions: 1

Voted to permit subject to conditions.

Councillor Baker re-joined the meeting. Councillor Allen left the meeting.

10 24/01670/FUL - 68 Sandy Lane, GL53 9DH

The senior planning officer introduced the report as published.

There were two public speakers on the item; the objector and the applicant's representative.

The objector addressed the committee and made the following points:

- They are representing the concerns of 70 Sandy Lane and 1 Hartley Close due to concerns about the disproportionate size of the roof and the adverse impact of the enlarged reoriented balcony.
- Previous planning applications for the addition of a hipped roof on the property were rejected due to issues with subservience and harm caused to the street scene and character of the area. This led to a contemporary design with a 400mm height increase which was also rejected by the Committee during a retrospective application submitted during construction. These decisions robustly tested and set the acceptable extent of development.
- The current proposal will add 3.4m to the height of the roof, increasing the dominance and bulk close to the boundary with 70 Sandy Lane.
- The proposed design will be far larger and more dominant than other properties in the area and will be out of character with its surroundings and in conflict with policy D1.
- The report states that subservience is no longer a consideration as it deems the proposals to be a replacement dwelling rather than an extension or

alteration. However, the footprint, layout and windows remain the same and the application described the proposal as an alteration. This does not meet the requirements of policy H1. Allowing amendments to be considered as new dwellings to avoid policy requirements on subservience risks setting a harmful precedent for future large extensions.

- The proposed balcony will double in size, projecting outwards and reorienting towards Leckhampton Hill. Unlike the existing Juliet balcony this would provide 10m² of space to accommodate a table, chairs and a sofa. Enabling the space to be used for socialising will dramatically increase overlooking with direct sightlines into neighbouring gardens. Case law fully supports the principle that if some overlooking exists, reorienting and intensification must be assessed for additional harm. With increased balcony use becoming more frequent, the use of our private patio space will be negatively impacted, which should be protected by policy S1.
- The report misapplies the window to boundary standards to a balcony, which does not align with established planning principles. Case law establishes that balconies cause greater harm than windows, particularly to private amenity spaces. SPD requires a minimum distance of 21m, with a minimum of 10.5m to boundary.
- Whilst we oppose the scheme in the current form we believe it is possible to reach a compromise by reducing the scale of the roof and adding screening methods to the balcony. This would alleviate the harm caused to the character of the area, the conflicts with policies D1 and S1, as well as protecting the privacy and enjoyment of neighbouring properties.

The applicant's representative addressed the committee and made the following points:

- The property was extended in the recent past by the previous owners. Unfortunately this extension was not well constructed leading to the roof and other elements failing, including leaks, the cladding on the parapets coming away and the render on the chimney being blown. The application seeks to resolve these problems by introducing a pitched roof and overhanging eaves.
- The design arguably will improve the appearance of the property and the overall street. Some neighbours have welcomed the proposed design as shown in the representations.
- The footprint of the building has not been changed and whilst the roof height will increase, the slope of the street will keep it in line with the stepped rooflines.
- The hipped roof design means it does not appear bulky and by sloping the roof away from 70 Sandy Lane it will create more visual space for that property. 70 Sandy Lane was itself recently generously extended to within 1m of its other neighbour. The window facing 70 Sandy Lane will be obscured as it is for a bathroom.
- Sandy Lane and other local streets have significant variety in designs and sizes of properties, with many extended or rebuilt. The scheme will unify the design of the existing house and the range of designs locally will mean the proposal is not out of place.
- The existing balcony to the rear of the property is not a Juliet balcony and whilst the proposal increases the depth of the balcony it will also reduce the

width, increasing the distance from 70 Sandy Lane. In that context the amended boundary has no greater impact from the existing and there is no conflict with policy or separation distances as confirmed in the report.

- Whilst Officer's did not require the change, measures to address neighbours' concerns through landscaping are a matter of ongoing communication.
- The report confirms the design is not harmful and complies with relevant planning policies.

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

- The balcony is increasing in depth by 1m but reducing in width and moving further from the boundary with 70 Sandy Lane. Given a balcony is already in place the Officer considered this to be a reasonably modest change.
- At the highest point of the hipped roof the increase will be 3.4m, the increase in the main ridge line running across the property is 0.8m.
- The report does not say that the application is being considered as a replacement dwelling, but replacement dwellings are referenced within the design section to offer the Committee alternative ways that alterations can be considered when remodelling is taking place rather than a more typical extension. Within the design guidance and SPD, subservience is used to consider extensions added to existing buildings, but where the property's appearance is being changed fully it is considered within the street scene instead.
- The Committee will be approving the application as it stands before them so it would not be possible to reject individual elements such as the balcony. If any element is considered unacceptable the whole application would need to be rejected.

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

- The balcony does not add to the visual quality of the design and may be detrimental to the neighbours due to increased use of the balcony space. However, as a balcony already exists the difference to neighbours would not be as extreme as the addition of an entirely new balcony.
- The Committee were frustrated that the applicant had not made greater efforts to resolve neighbours' concerns through the inclusion of a screen at the end of the balcony. The inclusion of a 2.8m fence panel and some proposed landscaping was noted but due to the inability to condition these elements Members felt this was not guaranteed to be to the sufficient benefit of the neighbour.
- The addition of a pitched roof makes sense due to the current roof leaking and would look more in place within the street scene. Overall the design was felt to be acceptable. However, the scale of the roof was felt to be out of proportion with the street and the smaller neighbouring property. Particularly due to the prominence of the site on the corner of the road.
- Committee Members expressed concerns about the balcony changes, noting it would become a usable living space. There was debate about whether the balcony could be considered separately from the rest of the application, though it was clarified the application had to be considered as a whole.

Councillor Baker proposed a motion to defer the application to allow further discussions to take place on the design of the balcony due to the loss of amenity for neighbouring properties. This was seconded by Councillor Clark. Officers noted that they did not feel this would lead to additional amendments from the applicants.

The matter then went to the vote on Councillor Baker's motion:

For: 4
Against: 4
Abstentions: 2

The Chair's additional vote went against the motion and the motion was rejected.

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

For: 5
Against: 1
Abstentions: 4

Voted to permit subject to conditions.

11 24/01650/FUL - Sandford Park, College Road, GL53 7HX

The planning officer introduced the report as published.

There were no public speakers on the item.

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

- The flagpole will be used to fly the Green Flag awarded to the park.
- The location of the flag is not on the site previously being used by the NHS to land air ambulances.

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

For: 10
Against: 0
Abstentions: 0

Voted UNANIMOUSLY to permit.

12 24/01697/FUL - 12 Chelt Road, GL52 5QR

The planning officer introduced the report as published.

There were no public speakers on the item.

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

For: 10

Against: 0

Abstentions: 0

Voted UNANIMOUSLY to permit.

13 24/00667/LBC - Cheltenham Town Hall, Imperial Square, GL50 1QA

The Head of Development Management, Enforcement and Compliance introduced the report as published.

There were no public speakers on the item.

In response to a Member's question, the officer confirmed that the other two doors at the back of the Town Hall do not require replacement as their condition is acceptable.

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

For: 10

Against: 0

Abstentions: 0

Voted UNANIMOUSLY to approve.

14 Appeal Update

These were noted for information.

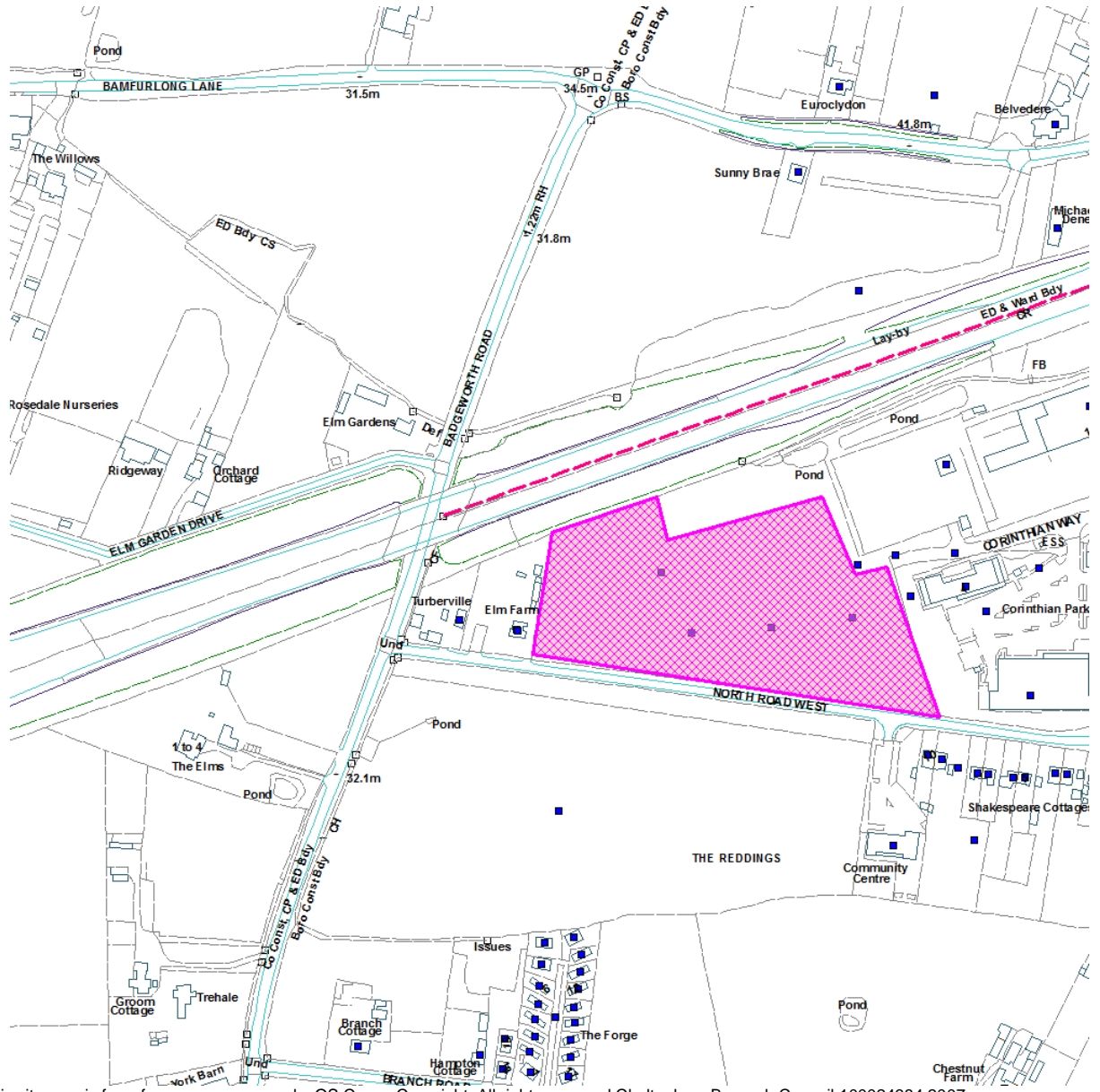
15 Any other items the Chairman determines urgent and requires a decision

There were none.

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APPLICATION NO: 24/00725/OUT		OFFICER: Mrs Lucy White
DATE REGISTERED: 1st May 2024		DATE OF EXPIRY: 31st July 2024/Agreed Extension of Time until 21 st November 2024
DATE VALIDATED: 1st May 2024		DATE OF SITE VISIT:
WARD: Benhall/The Reddings/Fiddlers Green		PARISH:
APPLICANT:	Revival Developers	
AGENT:	Morgan Elliot Planning	
LOCATION:	Land At North Road West And Grovefield Way Cheltenham	
PROPOSAL:	Outline application for the erection of up to 60 dwellings (including 40% affordable housing), up to 550 sq. metres of flexible commercial use (Use Class E), provision of new vehicular and pedestrian access with associated landscaping, drainage and other works. Approval sought for means of access. Appearance, landscaping, layout and scale are matters reserved for future consideration.	

RECOMMENDATION: Permit subject to a 106 Obligation



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site occupies a flat parcel of land approximately 5.5 hectares in area, located to the north-west of Grovefield Way on the western periphery of Cheltenham. The BMW car dealership complex lies adjacent to the site to the north east and an Aldi supermarket, children's day nursery and Costa Coffee outlet are located on adjoining land to the east. The site is connected to the local and strategic highway network (A40 and junction 11 of the M5) via Corinthian Way and Grovefield Way. A local community centre and residential properties are located on the south side of North Road West, with residential properties also located adjacent to the west site boundary. Other than the commercial uses to the north and east of the application site, the character of the area is otherwise predominantly residential and two storeys in height.
- 1.2 The site is currently undeveloped, consisting of scrub and other hard and soft landscaping. A substantial, and largely continuous, mature hedgerow interspersed with trees, runs along the south, west and north site boundaries.
- 1.3 The site is located in Flood Zone 1 (lowest flood risk potential) and within the PUA. The Green Belt boundary runs along the southern site boundary, adjacent to North Road West.
- 1.4 The application site forms part of an allocated site for employment use in the Cheltenham Plan (2020). Policy EM1 identifies the wider site area as a location for new employment development (delineated as E3 on the local plan proposals map); the site having been originally allocated for employment purposes following an appeal in 2007 and the subsequent approval of reserved matters details (reference 05/00799/OUT & 09/00720/REM).
- 1.5 The application seeks outline planning permission for the erection of up to 60 dwellings (including 40% affordable housing), up to 550 sq. metres of flexible commercial use (Class E), provision of a new vehicular and pedestrian access with associated landscaping, drainage and other works. Approval is sought at outline stage for the means of access to the site. Matters relating to design, appearance, landscaping, layout and scale are all reserved for future consideration.
- 1.6 The proposals and some accompanying documents have been amended during the course of the application, in response to concerns raised by the local highway authority, local lead flood authority and the Council's Ecologist. The revisions include alterations to access design, off-site pedestrian crossing works, boundary treatment and additional ecological surveys. At the request of officers, a set of Parameter Plans were also submitted. The various scheme revisions are discussed in more detail at the relevant section of the report.
- 1.7 This application is being determined by the Planning Committee because the proposed development is contrary to the relevant policies of the development plan. A Committee determination request was also made by Councillor Mike Collins. The planning reason given for the referral is the potential level of local interest generated by this application.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m

Relevant Planning History:

24/00272/PREAPP 23rd February 2024 WDN

For the erection of up to 62 units (with 40% affordable housing), up to 2,500 sq. metres of flexible commercial use (Use Class E), new accesses, landscaping, drainage and other associated works

05/00799/OUT 29th March 2006 REF

Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and ride facility

09/00720/REM 18th December 2009 APREM

Application for the approval of reserved matters following the grant of Outline Permission ref 05/00799/OUT dated 01.05.07:

1. The landscape master plan for the whole site along with a landscape management plan and schedule of landscape maintenance;
2. A design handbook prepared to provide guidance against which the design and external appearance of future phases of the development will be assessed;
3. Details of boundary treatment;
4. The design, external appearance of the buildings to be constructed in Phase 1;
5. Details of hard and soft landscape design for Phase 1.
6. The car parking provision for all phases of the development.

10/00468/TIME 22nd June 2012 PER

Extension of the time limit for implementation of planning permission reference 05/00799/OUT. (Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and Ride facility)

12/01086/REM 21st August 2013 APREM

Reserved matters in connection with permission 10/00468/TIME. Details of the access, siting, design, external appearance of the buildings and the landscaping of the site. In addition details required by conditions 4, 6, 7, 8, 11, 12,13, 15 and 16 (full details of both hard and soft landscape works including proposed finished levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures proposed; and existing functional services above and below ground; retained landscape features; surface water drainage works, incorporating sustainable drainage systems; the positions, design, materials and type of boundary treatment to be erected; landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; schedule of landscape maintenance for a minimum period of 5 years; detailed waste management strategy for the treatment, recycling, and re-use of waste arising from the construction of the development; renewable energy plan to provide sufficient on site renewable energy to reduce carbon dioxide emissions by at least 10%; Car parking levels on the site overall and for each completed building; secure covered cycle parking).

14/01323/OUT 12th December 2014 PER

Outline application for up to 16,800 sq.m. of B1 Employment Use (on part of site already having the benefit of an extant planning permission for 22,000 sq.m. of B1 Employment Use, granted permission under applications 05/00799/OUT and 10/00468/TIME)

19/01132/FUL 23rd July 2019 PER

Use of land for temporary car parking for BMW car dealership. Eastern car park to provide 82 car parking spaces for a temporary period of up to 2 months. Following cessation of use of eastern car park, western car park to provide 161 car parking spaces for a temporary period of up to 2 years.

21/00870/ADV 13th May 2021 GRANT

Erection of 1no. internally illuminated fascia entrance sign, 2 no. wall mounted signs, 1 no. sign on north elevation and 1no. panel sign to existing double sided totem sign (Pioneers Nursery)

21/02029/FUL 22nd December 2021 PER

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Continued use of land for car parking for BMW car dealership to provide 161 car parking spaces for a temporary period of up to 2 years

16/02208/FUL 17th January 2018 REF (allowed on appeal)

Hybrid application seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).

18/01004/FUL 19th October 2018 REF (allowed on appeal)

Hybrid application seeking detailed planning permission for 5,914 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m food retail unit (Use Class A1), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved - except access (resubmission).

19/01191/CLPUD 19th December 2019 CERTPU

The Certificate of Lawfulness of Proposed Use or Development is sought to establish that the two temporary car parks granted permission by application ref. 19/01132/FUL] do not relinquish the ability to lawfully implement extant permission [LPA Ref.: 18/01004/FUL] on land to the west of Grovefield Way, Cheltenham.

The eastern car park will be established on existing hardstanding, the western car park will require the construction of a new hardstanding.

Primary access to the eastern car park will be from Corinthian Way. The western car park will be accessed through Cotswold BMW's existing car park. This will be made available through the removal of two car parking spaces on the existing car park.

19/01793/CONDIT 14th January 2020 PER

Removal of condition 24 (phasing of development) on planning permission ref. 18/01004/FUL (appeal decision APP/B1605/W/18/3214761)

20/00331/AMEND 3rd March 2020 PAMEND

Non material amendment to planning permission ref. 16/02208/FUL - minor alterations to design and layout of Aldi, Costa Coffee and Happy Days Nursery (as set out in correspondence dated 2nd March 2020)

20/00515/DISCON 15th June 2020 DISCHA

Discharge of conditions 7, 9, 13, 17, 18, 19, 20 of 16/02208/FUL (appeal decision ref APP/B1605/W/18/3200395)

20/00741/DISCON 26th June 2020 DISCHA

Discharge of conditions 6 and 15 of 16/02208/FUL (appeal decision ref APP/B1605/W/18/3200395) - Construction Traffic Management Plan and Plant Noise Assessment

20/01123/DISCON 4th August 2020 DISCHA

Discharge of condition 8 (site investigation report) of 16/02208/FUL (appeal decision ref APP/B1605/W/18/3200395)

0/01407/ADV 25th September 2020 GRANT

Erection of signage (Aldi)

20/01588/DISCON 14th May 2021 DISCHA

Discharge of condition 6 (construction method statement), 7 (detailed design , implementation, maintenance and management of foul and surface water drainage system), 8 (contamination remediation strategy), 17 (hard and soft landscape proposal), 18 (windows and external doors, roof overhang/coping detail, roof plant, lift overrun and other enclosures, roof plant louvers, covered and secure refuse and cycle store), 19 (external facing and roofing materials), 20 (external lighting), 23 (car parking management plan and landscape management plan) on planning permission ref. 20/01988/CONDIT.

20/01988/CONDIT 3rd March 2021 PER

Variation of conditions 6, 7, 12, 15, 16, 17, 18, 19, 20 and 23 of planning permission 16/02208/FUL (Appeal Decision APP/B1605/W/18/3200395) - to allow for a phased construction programme in relation to the outline and full parts of the proposed development.

21/00870/ADV 13th May 2021 GRANT

Erection of 1no. internally illuminated fascia entrance sign, 2 no. wall mounted signs, 1 no. sign on north elevation and 1no. panel sign to existing double sided totem sign (Pioneers Nursery)

21/01046/DISCON 7th June 2021 DISCHA

Discharge of Conditions 8 (part 2 - verification certificates and certificates of conformity for gas membranes installed), 11 (Aldi delivery management plan, Costa delivery management plan) and 12 (fire hydrants) of planning permission 20/01988/CONDIT.

21/01404/ADV 31st August 2021 GRANT

Erection of 1no. non-illuminated north elevation tray sign, 1no. non-illuminated west elevation sign and 1no. non-illuminated double sided monument sign (Pioneers day nursery)

21/01426/DISCON 27th July 2021 DISCHA

Discharge of condition 11 of planning permission 20/01988/CONDIT - revised Delivery Management Plan for Costa

21/01574/ADV 8th September 2021 GRANT

Erection of various illuminated and non-illuminated signage including 1no. 6m pole sign, roof letters, menu and directional signs and 3no. fascia signs.

3. POLICIES AND GUIDANCE

National Planning Policy Framework (2024)

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 (2020)

EM1 Employment Land and Buildings

D1 Design

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

CI1 Securing community infrastructure benefits

Adopted Joint Core Strategy Policies (2017)

- SP1 The Need for New Development
- SP2 Distribution of New Development
- 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

- Development on garden land and infill sites in Cheltenham (2009)
- Cheltenham Climate Change (2022)

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	40
Total comments received	8
Number of objections	6
Number of supporting	0
General comment	2

5.1 Letters were sent to 40 neighbouring residential properties and businesses. This exercise was repeated upon receipt of the revised scheme layout. In addition, site notices were posted at various points within the vicinity of the site and an advert published in the Gloucestershire Echo. A total of 8 representations were received and the comments and concerns raised, in summary, are as follows:-

- History of localised flooding in area. Potential of flooding to neighbouring dwellings in North Road West
- Impact on the capacity and viability of the local Community centre in North Road West
- Proposed apartment blocks located closest to neighbouring dwellings and community centre on North Road West
- Loss of hedgerow to accommodate the proposed vehicular access.
- Loss of habitat and impact on local wildlife. Need to reinstate hedge and retain all trees along whole of south site boundary
- Potential for proposed North Road West pedestrian crossing to obstruct access to residential properties, impede traffic flow and cause a noise nuisance if electronically controlled
- Increase in vehicular traffic and congestion on local roads
- North Road West in a bad state of repair
- North Road West currently has both a 30 and 50mph speed limit
- Vehicular access should be via Corinthian Way

- Pedestrian visibility poor when exiting the site onto North Road West
- Proposals should include pavements on both sides of North Road West
- Loss of views/outlook and overlooking from apartment blocks into houses opposite the site
- Site was previously allocated for offices and taken out of the Green Belt
- Impact on local infrastructure – roads, schools etc. Dwelling numbers should be reduced.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The scale and nature of the proposals, the link with other planning permissions and potential conflict with development plan policy has resulted in wide ranging issues for consideration.

6.3 The key issues for consideration (in no particular order of importance) are therefore:-

- The Policy Framework and Principle of Development/Loss of Employment Land
- Policy EM1 of the Cheltenham Plan
- Affordable Housing and Housing Mix generally
- Access, Parking, Traffic, Highway Safety and Off-Site Highway Works
- Design and Layout (indicative only)
- Potential Impact on the Amenity of Neighbouring Land Users
- Sustainability and Climate Change
- Drainage and Flood Risk
- Ecology/Biodiversity, Green Infrastructure and Biodiversity Net Gain
- Trees and Landscaping
- Community Infrastructure Provision - Education and Libraries
- Section 106 Obligations
- Links/conflict with planning permission 16/02208/FUL
- Other considerations – Waste Minimisation, Noise Impacts

6.4 Policy Framework and Principle of Development

6.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated in NPPF paragraph 48.

- 6.6** The development plan comprises of the saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP), adopted policies of the Cheltenham Plan 2020 (CP) and the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the National Planning Policy Framework 2024 (NPPF), and Planning Practice Guidance (nPPG).
- 6.7** Policies EM1, EM2, H2, D1, SL1, GI1, GI2, CI1 and CI2 of the Cheltenham Plan and policies SP1, SP2, INF1, INF2, INF6, INF7, SD3, SD4, SD10, SD11, SD12 and SD14 of the JCS are most relevant.
- 6.8** Policy SP1 sets out the need for JCS the authorities to provide a minimum of 192 hectares of B-Class employment land to support approximately 39,500 new jobs. SP1 sets out the housing requirements for each authority. This provision will be delivered within existing urban areas through District Plans, existing commitments and urban extensions. Policy SP2 sets out the anticipated distribution of this provision.
- 6.9** Policy EM1 of Cheltenham Plan identifies 4 sites as locations for new employment development. The application site forms part of the 'Land north-west of Grovfield Way (E3)' EM1 allocated site.
- 6.10** JCS policy SD10 advises that housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. On sites that are not allocated, housing development will be permitted on previously developed land within the Principal Urban Area of Cheltenham except where otherwise restricted by policies within the District Plans.
- 6.11** The application site is located within the PUA and in a sustainable location. Although not previously developed land, and as discussed above, the site forms part of an allocated site for employment use. As such, and despite the proposals including an element of commercial use, the general principle of residential development on this site must be considered unacceptable.
- 6.12** 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.
- 6.13** Footnote 7 of NPPF paragraph 11 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.
- 6.14** Cheltenham Borough Council is currently unable to demonstrate a five-year supply of housing land. The latest published housing supply figure is 2.52 years. As such, the contribution of up to 60 dwellings towards alleviating the housing land supply shortfall carries significant weight and is a material consideration in the determination of this planning application.
- 6.15** Notwithstanding the above, the objectives of CP Policy EM1, the site specific issues and merits of the proposed development all require careful consideration in order to determine whether the proposals are acceptable overall. This will include consideration of the wider implications of retaining the entire site for future employment development, the proposed

(indicative) tenure mix, design, layout and scale of the proposed development and their impacts upon the character and appearance of the wider locality, highway safety, biodiversity and any potential impact upon the amenities of neighbouring land users.

6.16 Planning History

6.17 This site has a long and checkered planning history, the majority relating to the use of the land for employment purposes and the wider site's subsequent removal from the Green Belt. The full relevant planning history is set out in section 2 above.

6.18 Of most relevance is the (extant) planning permission granted on appeal in 2018 for a (hybrid) detailed scheme comprising of 5,034 sqm of commercial office space (Use Class B1), a 502 sqm day nursery (Use Class D1), a 1,742 sqm supermarket food retail unit (Class A1), a 204 sqm (Costa) coffee shop retail unit and drive-thru (Use Classes A1 and A3/E), with associated parking, landscaping and infrastructure works. As part of the same application, outline planning permission was granted for the erection of 8,034 sqm of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works. All matters for the outline proposals were reserved (except access) - Planning reference 16/02208/FUL (Appeal Decision APP/B1605/W/18/3200395).

6.19 There have been subsequent (S73) applications to vary conditions attached to the above planning permission. In summary, the revisions allowed for a phased construction programme for both the outline and full elements of the proposed development and removed the occupation/delivery triggers for some of the office buildings. In all other respects the 2018 approved outline scheme remained unaltered; there were no proposed material alterations to the overall quantum and indicative layout of the development.

6.20 Development relating to the above detailed (FUL) planning permission (i.e. the Aldi supermarket, day nursery and Costa Coffee outlet with drive-through) is fully constructed and the businesses have been operating for a number of years. The office element of the FUL permission has not been implemented.

6.21 The current application relates to the majority of the land that was subject to the 2018 outline planning permission for the 8,034 sqm. of commercial office space. It also includes the remaining part of the FUL planning permission that was reserved for (B1/Class E) commercial office buildings. Members should note that the application site excludes a parcel of land to the north and to the rear of the BMW dealership car park which forms part of the 2018 outline planning permission.

6.22 Loss of Employment Land/Policy EM1 and SP1

6.23 As discussed, the application site forms part of a site allocated for new employment development in the Cheltenham Plan (Policy EM1); 'Land north-west of Grovefield Way, The Reddings (E3)'. The application site, although covering a slightly smaller area, must be considered an allocated employment site and therefore consideration of Policy EM1 is necessary.

6.24 Policy EM1 identifies 4 locations for new employment development and states that proposals for traditional B class employment uses or Sui Generis uses that exhibit the characteristics of traditional B Class (Class E, B2 & B8) employment will be supported in these locations subject to being in accord with other relevant policies of the Cheltenham Plan.

6.25 The proposed development includes the erection of up to 60 dwellings covering the majority of the site area, plus up to 550 sq. metres of flexible commercial floorspace. As such, there is no doubt that the proposals conflict with Policy EM1 as the proposals fall far short of the circa 8,000 sqm of employment land planned for.

- 6.26** In seeking justification for the loss of employment land and the apparent conflict with EM1, the application details include a (John Ryde) surveyor's report of marketing activities at Corinthian Park since Autumn 2022 and a discussion of the planning and land ownership history of the site. Its findings state that commercial interest in the site since 2022 has been limited, with no enquires received for office buildings over 5,000 sq. ft. Despite some interest in the site for office use, none has resulted in office development coming forward. The report also cites the recent changes in the office market generally which leads there to be little prospect of office development above 5,000 sq. ft. coming forward in the near future. Therefore, the report concludes that retaining this site for employment purposes would be inappropriate and alternatives uses should be sought.
- 6.27** In general terms, officers agree with the conclusions of the marketing report. A reduction in market demand for new and existing office space is evident across the Borough; as demonstrated recently in planning permission being granted for the residential redevelopment of the northern part of the Lansdown Industrial Estate.
- 6.28** In seeking to address the policy requirements of EM1, officers have also been mindful of the range of commercial uses that exist on the adjoining site at Corinthian Park, which forms the remaining EM1 employment land allocation. Although employment generating, these uses are not restricted to traditional B Class uses and consist predominantly of retail uses (supermarket and coffee shop).
- 6.29** Whilst the retention of the site for employment purposes would be desirable in terms of delivering the employment land requirements of JCS Policy SP1, the long term feasibility of doing so (as demonstrated above) is highly doubtful. This is based on the evidence provided, the current characteristics of the economic and office market generally and the manner in which the site has been developed to date. These matters weigh in the planning balance and must also be considered in the context of the lack of a 5 year housing land supply. The proposed 60 market and affordable dwellings would be a significant contribution towards alleviating that housing land shortfall, and meeting local housing needs requirements.
- 6.30** Conclusion
- 6.31** Clearly, the objectives of Policy EM1 are not met in full, in that this policy seeks employment development across the entire allocated site area. However, officers consider that, on balance, given the small commercial/office element of the proposed development and the characteristics of the adjoining site to the east, the overall policy objectives of EM1 have been partially addressed and in this instance, the principle of new residential development on this site and a departure from the development plan are acceptable.
- 6.32** **Design and layout**
- 6.33** 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.
- 6.34** Although not an infill plot, the general principles and guidance set out within Cheltenham's Supplementary Planning Document, 'Development on Garden Land and Infill Sites', is relevant in so far as officers have carried out a broad assessment of the submitted Illustrative Masterplan. This document sets out the various elements that are considered

to create the character of an area and includes grain, type of building, location of buildings, plot widths and building lines.

- 6.35** The Illustrative Masterplan (IM) demonstrates that the site could accommodate up to 60 dwellings with associated road infrastructure and suitable open space, recreational facilities and landscaping. The dwellings are shown distributed across the site in the form of 3no. apartment buildings and a range of 2, 3 and 4 bedroom terraced and semi-detached houses. The street pattern is fairly linear and the majority of houses are shown with off-road parking and back-to-back gardens. Vehicular access to all dwellings would be via a new access constructed off North Road West. The proposed commercial unit would be accessed via Corinthian Way but not via the Aldi and nursery school car park areas. Access through the retail park would be prohibited by structural landscaping and car parking. There would be pedestrian access only from the application site to the adjoining retail park.
- 6.36** The IM indicates that the main estate road through the site would be tree lined with secondary, cul-de-sac spur roads leading off. Street and on plot planting is shown in other areas. In addition, an area of public open space, including a SUDs pond, children's natural play area and community growing area/garden, are located within the west areas of the site. There is footpath linkage to North Road West and Corinthian Park to the north east. The IM also shows the retention of boundary hedgerow, trees and shrub plus a new native tree and shrub belt fronting the A40 adjacent to the northern site boundary.
- 6.37** In broad terms, the illustrative layout is considered acceptable, albeit the apparent lack of on-plot parking for some of the proposed dwellings is of concern and may result in the need to reduce the number of dwellings or significantly alter the layout.
- 6.38** Another area of concern is the proximity of the proposed apartment buildings adjacent to North Road West and closest to the nearest neighbouring residential properties. Anticipating buildings above two storey height to accommodate the number of units proposed overall, this element of the proposals would be more suitably located centrally within the site adjacent to the proposed commercial buildings and/or the BMW dealership.
- 6.39** In light of the above, a set of Parameter Plans were submitted late in the course of the application but at the request of officers. It was felt that the application details should provide more clarity and certainty over the future development of this site in terms of the distribution and location of land uses and green infrastructure, access and connectivity and building heights/massing.
- 6.40** The Building Heights/Massing Parameter Plan indicates that, to maintain the more semi-rural character of the area and protect neighbour amenity, 2 storey buildings only would be located adjacent to North Road West. Any required three storey buildings would be located more centrally within the site, closest to existing commercial buildings.
- 6.41** A condition is suggested which requires the reserved matters scheme to be broadly consistent with the submitted Parameter Plans and Landscape Illustrative Masterplan in respect of certain listed elements of the proposed development. These include, the alignment of the main internal estate road, the location of the residential, commercial and structural green infrastructure elements and pedestrian and cycle route connectivity. For the avoidance of doubt, a condition is also considered necessary to restrict building heights along the southern site boundary to 2 storeys and 3 storeys elsewhere.
- 6.42** Architects Panel
- 6.43** In summary, the Architects Panel question whether this is a site for residential development given the proximity of existing commercial uses and the main road and are not convinced by the new access point on North Road West. The Panel also felt that the

schematic layouts within the Design and Access Statement were better than that show within the IM and the density of the scheme could potentially be increased. Nor does the site link well with the surrounding highways infrastructure. As such, the Panel are unable to support the application.

6.44 The comments of the Panel are noted but since this is an outline application, with design and layout reserved for future consideration, the concerns raised are matters relating more to the principle of development, planning policy and highway safety considerations, which largely fall outside of the Panel's remit.

6.45 Conclusion

6.46 Despite some reservations over the quantum of residential units and associated parking provision, the IM demonstrates that the site could reasonably accommodate in the region of 60 dwellings. The proposed development therefore adheres broadly with adopted Policy D1 of the Local Plan and adopted Policy SD4 of the JCS and the guidance set out within the relevant SPD.

6.47 **Impact on neighbouring property**

6.48 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.

6.49 The nearest residential properties are located to the south and west on North Road West. The majority of other surrounding development is in commercial use. All the concerns raised by local residents are duly noted. These concerns include the traffic, flooding and amenity impacts associated with the proposed development and these matters are discussed in the relevant sections of the report.

6.50 This is an outline planning application which includes an indicative only site layout. As such, any adverse impacts on neighbouring land users in terms of noise and disturbance, overlooking, loss of privacy, light or outlook, overbearing appearance and light spill, would be considered further at REM stage when the details of the design and layout of the scheme are known.

6.51 The living conditions of future occupiers of the proposed dwellings would also be considered at REM stage. The layout of the proposed development, plot and garden sizes, distances between property boundaries and facing windows and potential noise impact from adjacent commercial units would all be considered at a later stage. A condition has been added requiring the submission and approval of a noise impact assessment.

6.52 The submitted Building Heights Parameter Plan indicates that proposed buildings located closest to and fronting North Road West would be limited to two storey height. The final layout of the scheme is unknown, therefore, to remove any uncertainty at REM stage and to protect the future amenity of neighbouring residential properties, officers consider it reasonable to include conditions at this outline stage that impose building height restrictions adjacent to North Road West and cover external lighting matters.

6.53 For the above reasons, the proposals are considered to align with the objectives and policy guidance of section 8 of the NPPF (2024), Policy SL1 of the Cheltenham plan and Policy SD14 of the JCS.

6.54 Access and highway issues

- 6.55** Paragraph 116 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.
- 6.56** 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.
- 6.57** The application is accompanied by a comprehensive Transport Assessment. Gloucestershire County Council, acting as Local Highway Authority (HA), has reviewed the proposals alongside the submitted transport related documents, the relevant planning history and extant permissions and the revised scheme proposals. The HA's comments are set out in full in the Consultations section of the report.
- 6.58** For background purposes, Grovefield Way is a C classified road that acts as a distributor route for the western side of Cheltenham and is subject to a 30mph speed restriction. Corinthian Way is a private road that provides vehicular access to the BMW dealership and the retail park (Aldi, Costa and children's day nursery). North Road West is subject to a 30mph speed restriction at its junction with Grovefield Way and has limited footway provision or crossing points. A hedgerow/grass verge forms almost the entire length of the northern side of the carriageway and a tarmac footway provides access to residential properties and the community centre on the southern side, extending for approximately 150m from the junction with Grovefield Way. The speed limit changes from 30 to 50mph at approximately 200m from this junction until the junction with Badgeworth Road.
- 6.59** The HA raise no objection to the proposed commercial/office use(s), which would have a negligible impact on the Corinthian Way junction capacity, since that junction was originally designed to accommodate multiple employment/office use to the rear of the existing retail park. Similarly, the proposed residential use is not considered to result in a severe highway impact on the local road network.
- 6.60** However, some initial concerns were raised over the creation of a new access onto North Road West to serve the residential element of the proposals. The HA points out that the west and rear of the site was originally to be accessed via Corinthian Way, which was designed to accommodate a high volume of vehicular movements. As such, the HA (and officers) were disappointed that the proposed access arrangements could introduce potential highway conflict on North Road West, and in particular would locate the new access point within the current 50 mph road section. Consequently, revisions to estate road width, speed limits and MfS compliant visibility splays were requested by the HA.
- 6.61** Concerns were also raised in relation to the location of the proposed pedestrian access point onto North Road West and the design and location of the pedestrian crossing; the application proposing the segregation of pedestrian and vehicular access. The proposed pedestrian access point, emerging between boundary hedgerow, could result in significant pedestrian visibility issues. A new 3m wide shared use footway/cycleway from this point to the junction with Grovefield Way to provide suitable access to the supermarket and bus stop locations was also considered necessary by the HA.
- 6.62** Queries were also raised over the future adoption of the proposed pedestrian access linking the application site to Corinthian Way within the northern part of the site.
- 6.63** Given that layout and road design are reserved matters, the HA does not provide detailed comments on the Illustrative Masterplan.
- 6.64** In response to the above concerns and to justify the need for a vehicular access via North Road West, a revised access layout was submitted, including an addendum to the

applicant's Transport Note. Although the revised details did not address the HA's concerns in relation to lowering the approach speed limit, an increased carriageway width and improved visibility at the pedestrian access point, the applicant provided satisfactory justification for the proposed unaltered access arrangements based on highest recorded speed data travelling towards and away from the site to the west. Despite this, the HA recommended an adjustment to the design of the main site access and its visibility splays to accommodate the worst case scenario should drivers take advantage of the upper limits of the 50 mph speed restriction.

- 6.65** However, the August revised scheme did not address the pedestrian access concerns and thereafter the applicant entered positively into discussions with the HA over alternative solutions. These discussions also considered the concerns raised by some residents that would be directly affected by the location of the proposed pedestrian crossing and carriageway narrowing and the resultant potential obstruction of driveways/difficulties with vehicular access/egress onto North Road West.
- 6.66** The above discussions culminated in the pedestrian crossing being relocated to the west of the community hall with suitable tactile paving and footway construction included, as shown in Drawing No 2387/10.Rev.C received on 24th October 2024.
- 6.67** In light of the above, the HA concludes that the (revised) provision of a new vehicular and pedestrian access onto North Road West and new pedestrian crossing would not result in an unacceptable impact on highway safety or severe impact on congestion. This is subject to a number of HA recommended conditions which seek to secure the timely implementation of the proposed on and off-site highway and access works, street lighting improvements, junction design and visibility splays adjustments, suitable parking and cycle storage for future residents, a residential Travel Plan and a Construction Management Plan. These conditions (and HA suggested informatives) have been included in the schedule of conditions at the end of the report and are re-worded where necessary.

6.68 Sustainability

- 6.69** NPPF paragraph 161 states that:

'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks 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'

- 6.70** NPPF paragraph 164 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'*.
- 6.71** Policy SD3 of the JCS requires all new development to be designed to contribute to the aims of sustainability by increasing energy efficiency and minimising waste and air pollution. Development proposals are also required to be adaptable to climate change in respect of the design, layout, siting, orientation and function of buildings. Similarly, Policy INF5 of the JCS sets out that proposals for the generation of energy from renewable resources or low carbon energy development will be supported.
- 6.72** 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.

6.73 This application details include an Energy Strategy and Sustainability Statement which, in addition to (Parts L, O and F) building regulations requirements and the government's Future Homes Standard initiative, provides a comprehensive overview of the applicant's proposed approach to sustainable design and measures to reduce carbon emissions, as follows:-

- The dwellings would be constructed to zero-carbon standards as defined by The London Energy Transformation Initiative (LETI)
- Passive design principles would be utilized to maximise solar gain and natural daylighting and ventilation/air tightness, minimise overheating, incorporate shading and appropriate smart energy and embodied carbon use. Building form, orientation and footprint will be optimised accordingly with most properties orientated south.
- Fabric first approach to building design through use of building materials with high insulation values
- Fossil fuel free development i.e. non-gas heating strategy proposed for space and water heating with likely low carbon air source heat pumps (ASHPs) installed throughout
- Priority for water efficiency measures to be incorporated into building fixtures and fittings. 100% water metering proposed.
- Residential Travel Plan submitted – encourages shared mobility and home office provision plus new cycle and pedestrian routes
- EV charging points provided for all new buildings
- Potential significant biodiversity net gains (BNG) from new hedgerow planting, site landscaping and SUDS features.
- Measures to minimise waste and encourage re-use

6.74 Because this is an outline planning application, the applicant comments that as the design progresses, further energy (SAP) modelling/calculations would help scale renewable systems to get as close to net zero as is feasible, taking into account the site location and other planning considerations. For example, detailed embodied carbon minimisation and renewables feasibility assessments have not yet been completed. Exact specifications on renewables, generation capacity and percentage of offsets of predicted total energy consumption have also not been finalised.

6.75 The proposed strategy and the commitments of the applicant at this stage are welcomed, which overall, should reduce energy demand and CO₂ emissions beyond Building Regulations Part L. In this respect, the applicant has utilised the SPD effectively to seek enhancements to the sustainability and low carbon approach to this development.

6.76 In light of the above and given that this is an outline planning application, officers consider it reasonable to add a condition to ensure that the development is carried out in accordance with measures set out in an updated Sustainability and Energy Statement which shall be submitted to and agreed in writing by the local planning authority as part of the first reserved matters application. A condition requiring that there shall be no gas supply connection to any part of the proposed development is also included, along with

the need to submit for approval a (construction and post development) Waste Minimisation Strategy and details of any air or ground source heat pumps (or alternative non fossil fuel heating system) and solar panels.

6.77 S106 Obligations/Heads of Terms

6.78 Affordable Housing Provision

6.79 Policy SD12 of the JCS seeks a minimum provision of 40% affordable housing for all non-strategic allocation sites. In addition, Policy SD11 requires housing development to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced market, having regard to local housing needs, as evidenced by the latest evidence bases on housing need.

6.80 The application as submitted, includes a 40% affordable housing provision (AH). The Council's Housing Enabling officer (HEO) has reviewed the submitted housing statement and their comments are set out in full in the Consultations section of the report.

6.81 In summary, the HEO is broadly satisfied with the applicant's proposed AH provision which is a delivery of 70% social rented and 30% shared ownership units. Dwelling type/sizes have also been agreed in broad terms. The HEO's comments are set out in full in the Consultation section at the end of the report.

6.82 The 40% AH delivery will be secured through s106 obligations. At the time of writing, s106 Heads of Terms are agreed and a draft agreement will shortly be in circulation. This will include clauses covering the tenure mix, dwelling category/size, the proposed distribution of AH across the site, an REM review mechanism and triggers for the phased delivery of affordable units; specifically requiring that the owner/developer shall not permit or cause the occupation of more than 50% of the open market homes before 50% of the affordable housing units have been made available for occupation and have been transferred to an Affordable Housing Provider.

6.83 Additionally, the s106 is likely to include a trigger which prevents the occupation of more than 90% of the open market homes until all (100%) of the affordable housing units have been completed and made available for occupation.

6.84 Community and Highways Infrastructure

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

6.86 JCS policy INF7 advises that financial contributions will be sought through the s106 and CIL mechanisms as appropriate; in this case, the s106 mechanism being used to secure site-specific obligations.

6.87 The County Council (GCC) has assessed the impact of the proposed development on various community infrastructure, in accordance with the Local Development Guide (LDG) and with regard to CIL regulations. GCC in its capacity as education and libraries authority, requests financial contributions towards secondary school (7.5) places provision at Bournside and Chosen Hill Schools and/or in the Cheltenham secondary school

catchment area for pupils aged 11-16. GCC has concluded that there is sufficient capacity within the local primary schools and secondary schools (for pupils aged 16-18) to accommodate the expected increase in population arising from the proposed development.

6.88 The development would generate a need for additional library resources (through refurbishment of the building, stock and IT improvements) at Hesters Way and Up Hatherley libraries. GCC therefore requests a libraries contribution; costed on the basis of the 60 proposed dwellings.

6.89 Conclusion

6.90 The applicant has agreed to enter into a s106 Agreement to secure the above education and libraries provision and the affordable housing delivery.

6.91 Additional obligations to be secured via the S106 agreement include the submission, approval and implementation of a Residential Travel Plan, the provision and future management/maintenance of public open space and children's play area and appropriate Beechwood SAC recreational pressure mitigation (discussed at paragraphs 6.115-124 and 6.130 below).

6.92 Discussions are ongoing in respect of the s106 obligations, but all parties are in broad agreement over the s106 Heads of Terms.

6.93 Other Considerations

6.94 Drainage/Flood Risk

6.95 The application has been assessed in accordance with JCS Policies INF2 and section 14 of the NPPF; paragraph 181 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.

6.96 The application site is located in Flood Zone 1 and therefore at low risk of fluvial flooding from nearby watercourses. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which were updated to acknowledge that the site is located within close proximity to areas that are at a low and medium risk of surface water flooding, as informed by the Council's Drainage officer and subsequently by the Local Lead Flood Authority (LLFA).

6.97 Both the LLFA and Council's Drainage officer have reviewed the FRAs and proposed drainage strategy, including all revised schemes submitted. Severn Trent (ST) were also consulted as the proposed drainage scheme may require ST asset connection approval.

6.98 In summary, the LLFA confirms that the latest revised FRA/Drainage Strategy (dated 25th November 2024) accurately models the watercourse that flows under the A40 to the north east, the estimated volume of water anticipated to flow through the northern part of the site of the site, details of ditch widening and an amended surface water discharge point. The LLFA considers the revised drainage strategy (and accompanying FRA) acceptable and no further objection is raised, subject to conditions requiring the submission and approval of a detailed sustainable drainage strategy and management/maintenance plan prior to the commencement of development.

6.99 The Council's Drainage Officer has also confirmed their approval of the revised drainage details.

- 6.100** The LLFA and DO comments are set out in full in the Consultations section below.
- 6.101** The Environment Agency were consulted but provided no comment on the application. Severn Trent raise no objection subject to the subsequent approval of a foul water drainage strategy.
- 6.102** In light of the above consultee responses, conditions are recommended which require the submission of a detailed drainage strategy for the disposal of foul and surface water flows and associated drainage maintenance strategies.
- 6.103** Ecology/Biodiversity and Green Infrastructure
- 6.104** Policy SD9 of the JCS seeks the protection and enhancement of ecological networks and across the JCS area, improved community access and for new development to contribute positively to biodiversity and geodiversity whilst linking with wider networks of green infrastructure.
- 6.105** NPPF paragraph 187 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. Paragraphs 188 and 192 set out a mitigation hierarchy in terms of retained and enhanced environmental features that can be incorporated into a development proposal. Paragraph 193 states that when determining planning applications, if the significant harm to biodiversity cannot be adequately mitigated then planning permission should be refused.
- 6.106** The site is currently almost entirely covered by unmanaged soft landscaping, with significant mature boundary hedgerow and trees. Therefore, the ability to improve on the biodiversity credentials of the site following development, needs to be demonstrated. There is also potential for protected species to be present on the land.
- 6.107** A detailed landscaping scheme would be dealt with at REM stage. That said, the (revised) Illustrative Masterplan, Illustrative Landscaping Masterplan and Green Infrastructure Parameter Plan show areas of structural landscaping, public and semi-private open space/landscaping within the scheme layout, including street trees, new hedgerow, shrub and tree planting, a community garden and SUDS pond feature, all of which have the potential to offer significant biodiversity enhancement.
- 6.108** The application details also include a Preliminary Ecological Site Assessment (PEA), additional (GCN, invertebrates and bat activity) ecological site survey reports, a shadow Habitats Regulations Assessment (sHRA) and a biodiversity net gain (BNG) metric calculation to demonstrate that the required 10% BNG could be achieved. The ecological features of the site and all mitigation requirements, including the ecological impacts on the Gloucestershire Local Nature Partnership Nature Recovery Network, are set out within the various documents submitted.
- 6.109** The above information and subsequent revised and additional documents have been reviewed by both Natural England and the Council's ecologist (EO).
- 6.110** The EO welcomes and supports the estimated 34.19% positive gain in area habitat units and a 55.1 net gain in hedgerow habitat units, subject to securing a 30-year Habitat and Monitoring and Management Plan and an Overall and Phased Biodiversity Plan for the site. The statutory 10% minimum BNG requirement is therefore achieved and its appropriate delivery would be secured by s106 obligations.
- 6.111** Pre-construction surveys for nesting birds and bats in trees, changes to/new badger setts, and the presence of other protected species (including otter and GCN) should also be undertaken and the findings submitted for the LPA's approval prior to the commencement of development/REM stage.

- 6.112** All other recommended mitigation and enhancement measures as outlined within the submitted ecology report and subsequent LPA reviewed ecological survey reports would need to be expanded upon in the form of an Ecological Mitigation and Enhancement Strategy (EMES). This would include the provision of bird/bat and hedgehog boxes etc.
- 6.113** A Habitat Management and Monitoring Plan (HMMP), in accordance with the approved Biodiversity Gain Plan, should also be submitted for approval. In summary, this document would set out the planned habitat creation and enhancement works necessary to create or improve habitat to achieve biodiversity net gain in accordance with the approved Biodiversity Gain Plan and the management measures and monitoring methodology necessary to maintain habitat for a period of 30 years from the completion of development.
- 6.114** Reserved matters details should also include updated protected species ecological surveys and the hard and soft landscaping proposals should demonstrate that the proposed development will achieve a 10% minimum net gain in biodiversity, again in accordance with the Overall Biodiversity Gain Plan.
- 6.115** Conditions are added accordingly, including a condition requiring approval of an external lighting design strategy for biodiversity for the boundary features and any native planting.
- 6.116** The standard BNG informative would also be added to the decision notice should consent be granted.
- 6.117** In addition, GCER records also show that important species or habitats have been sighted on or near the application site in the past. These have been considered as part of the supporting Ecological Appraisals discussed above.
- 6.118** **Habitats Regulations Assessment/Cotswold Beechwoods Special Area of Conservation (SAC)**
- 6.119** The application site falls within the 'zone of influence' of a European designated site - the Cotswold Beechwoods Special Area of Conservation (SAC). 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.
- 6.120** Therefore, in order to retain the integrity of the Cotswold Beechwoods SAC all development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.
- 6.121** Natural England (NE) were consulted on the proposals. NE advised that the application could, in combination with other new residential development in the authority area, have potential significant effects on the Cotswold Beechwoods SAC. An appropriate assessment in recognition of the application site's location relative to the SAC should therefore be undertaken.
- 6.122** In response to NE's advice, the applicant subsequently provided a shadow Habitats Regulations Assessment (sHRA) of the site's location relative to the above SAC in accordance with the Conservation of Habitats and Species Regulations 2017.
- 6.123** The sHRA concludes that no risk of adverse effects on the integrity of the Cotswold Beechwoods SAC is expected to arise as a result of the proposed development of the site in isolation. However, the risk of a potential cumulative effect as a result of increased recreational pressure was identified and it is recommended that further mitigation is secured.

- 6.124** The proposed development does not include sufficient greenspace to provide opportunities for casual recreation/short walks, although could include a children's play area. Appropriate mitigation in this instance is therefore considered to be the identification of alternative greenspaces, located outside of the Cotswold Beechwoods SAC and closer to the proposed development, that would offer suitable alternative recreational opportunities for future residents.
- 6.125** The sHRA and its mitigation proposals have been reviewed by NE and the Council's Ecologist. NE advises that the specific measures (including financial contributions) of the Council's adopted strategic solution (Cotswold Beechwoods SAC Recreation Mitigation Strategy May 2022) should prevent harmful effects from increased recreational pressure on the SAC. As such, NE concur with the conclusions of the appropriate assessment/sHRA, provided all mitigation measures are appropriately secured.
- 6.126** On this basis, the sHRA (ref: RSE_8687_R1_V1), dated September 2024, is considered acceptable and Cheltenham Borough Council as the Competent Authority has adopted the sHRA as the Council's Appropriate Assessment under the Habitats Regulations.
- 6.127** The applicant has agreed to enter into a legal agreement to secure the appropriate SAC mitigation (financial contributions).
- 6.128** Officers also consider that the mitigation measures could be enhanced by all first occupiers of the dwellings being provided with a homeowner pack/information leaflet. This would both educate and raise awareness of the SAC and list other recreation opportunities locally and further afield; broadly as set out within the sHRA. A condition has been attached accordingly.
- 6.129** Trees and Landscaping
- 6.130** There are large number of trees and mature shrubs and hedgerow located within and adjacent to the south and west site boundaries, some of which have the potential to be impacted by the proposed vehicular and pedestrian access points, footpath construction and on-site building works. In addition, the semi-mature ash and sycamore tree belt along, but outside of the northern site boundary, acts as a screen on the motorway embankment.
- 6.131** Given the amount of tree/hedge boundary coverage, the Council's Trees Officer (TO) has undertaken a thorough review of the submitted Arboricultural Statement and the proposed (indicative) tree and soft landscaping proposals. His comments are set out in full in the consultation section of this report.
- 6.132** The Arboricultural Statement states that the illustrative site layout has been designed to result in no impact on the existing tree population. Similarly, the proposed soft landscaping is shown as creating a green buffer around the residential and access infrastructure elements of the proposed development, plus a SUDS feature, play area and community garden within the western areas of the site. There are also large areas of native shrub and tree planting proposed along the north boundary and additional/infill hedge planting along the southern boundary. The only section of hedge removal would be along the southern boundary to facilitate the site access construction. There could also be some cutting back/lowering of hedgerow and/or pruning of trees to facilitate the required access visibility splays. These works would be considered in detail at REM stage, and alongside a detailed soft landscaping scheme, but should not involve tree removal or significant hedge loss.
- 6.133** The TO raises no objection to the proposals, albeit further details would be needed at REM stage, as described in the submitted Arboricultural Statement. These details should include tree protection measures, a method statement for works within the RPAs of

retained trees (including surfacing / footpaths), and detailed hard and soft landscaping proposals (tree species, size, location and pit details).

6.134 Conditions that secure the submission of the above further details with the first reserved matters applications are therefore added.

6.135 Noise Impact

6.136 Parts of the application site are located adjacent to or in close proximity to existing commercial units at Corinthian Park, including the BMW repair workshop and showroom. As such, there is potential for noise to impact upon the amenities of future occupiers of the proposed dwellings.

6.137 The application does not include a noise impact assessment. The Council's Environmental Protection team raise no overall objection to the proposed development but requests that a detailed noise report be submitted to understand the impact of the nearby commercial units on any affected residential units. The submitted noise report and any required mitigation measures would need to include details of façade/fenestration specifications and potentially, bespoke boundary treatment. A condition requiring the submission of a noise report is added accordingly.

6.138 Restricted/Flexible Commercial Use

6.139 The application proposes up to 550sq metres of flexible commercial use and an area within the site is demarcated for such uses/buildings. There is no objection in principle to the commercial element of the proposals or its location, access or potential building height/massing, which would be in close proximity to existing commercial units at Corinthian Park. The proposed commercial element would, in part, deliver the employment land that relates to this allocated site.

6.140 However, the application details are largely silent as to the types of commercial uses anticipated. Class E is wide ranging in types of use and could include for example, hot food/restaurant outlets, shops, creche/day nursery, indoor sport, fitness gyms and health care facilities. Not all Class E uses fall within the (old Class B1) employment/office use intended through the original allocation of the wider site area and not all Class E uses may be considered acceptable in this location and/or adjacent to the proposed dwellings. As such, and whilst still affording a degree of flexibility, officers consider it necessary to impose a condition which restricts the proposed Class E commercial floorspace to Class E(c)(e) and (g) – financial and professional services, medical or health services, offices, research and development and industrial process which can be carried out in a residential area.

6.141 In order to meet the objectives of Policy EM1 as far as possible, a condition requiring the delivery of at least 550 sqm of commercial floorspace is also suggested.

6.142 Section 106 Obligations

6.143 During the course of the application officers have considered the consultation responses received and the likely impacts that would arise as a result of the development, having regard to the relevant policy framework and other material planning considerations.

6.144 The Community Infrastructure Levy Regulations came into effect in 2010 and Regulation 122 sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms;

- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

6.145 Regard has been given to the CIL Regulations in making a recommendation. The following matters, that are discussed in preceding sections of the report, are considered to represent obligations that are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

1. Affordable Housing

The scheme needs to deliver Affordable Housing for Local Needs. It is therefore necessary to ensure the delivery of 40 affordable units with a tenure mix of social rented and shared ownership houses. This should equate to a housing mix of 70% social rented and 30% affordable home ownership. Affordable housing would be delivered in an agreed phased programme of works with various trigger points set.

2. Education provision

The proposed development would generate demand for additional school places within the relevant school catchment area. Financial contributions are therefore sought towards secondary school education provision for pupils aged 11-16. Payment would be sought at various trigger points of occupation.

3. Libraries provision

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

4. Travel Plan Implementation and Monitoring

Submission and approval of Residential and Commercial Travel Plans. Appointment of a Travel Coordinator. Financial contribution towards the monitoring of Travel Plans.

5. Public Open Space

Agreement of Green Infrastructure delivery, a Management and Maintenance Plan for Public Open Space including details of BNG, outdoor play space and equipment for children's play area/LAP/LEAPS(s). For example, no more than 95% of the dwellings to be occupied until all Green Infrastructure has been laid out in accordance with an approved Green Infrastructure Phasing Plan and Management and Maintenance Plan.

6. Beechwoods SAC Mitigation

Financial contributions would be sought in accordance with the Strategic Mitigation Strategy.

7. Statutory 10% Biodiversity Net Gain Requirements

Agreement of delivery of a minimum 10% biodiversity net gain. An overall Biodiversity Gain Plan and a Phase Biodiversity Gain Plan for each phase of the development must be submitted to and approved in writing by the local planning authority prior to the commencement of development. The overall Biodiversity Gain Plan, alongside an updated BNG metric must be submitted at REM stage and should set out how the development will achieve a minimum on-site 10% Biodiversity Net Gain.

6.146 Public Sector Equality Duty (PSED)

6.147 As set out in the Equality 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.

6.148 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.

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

7. CONCLUSION AND RECOMMENDATION

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

7.2 The relevant policies of the development plan are the starting point when considering this application. However, the policies which are most important for determining this application are out of date due to a shortfall in the Council’s five-year supply of housing land. The proposal has therefore been assessed against the guidance contained within the NPPF. Paragraph 11(d) of the NPPF applies a presumption in favour of sustainable development unless:-

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

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

7.3 In carrying out an objective assessment of the proposals (in line with NPPF paragraph 11d), officers have had to balance any potential adverse impacts of the proposals on the character of the site and wider locality, any implications associated with conflicts with Policy EM1/loss of employment land, the amenities of neighbouring land users and highway safety implications, against the positive contribution the proposal would make towards the Council’s five-year supply of housing land and any wider economic or social benefits that the scheme might bring. In this regard, the contribution of up to 60 market and affordable dwellings towards meeting the Council’s identified housing needs weighs heavily in favour of the proposals.

7.4 The proposals are contrary to Policy EM1 of the Cheltenham Plan in that this policy seeks employment development across the entire application site and wider allocated site area. However, officers consider that, on balance, given the commercial element of the proposed development and characteristics of the adjoining site to the east, the overall

policy objectives of EM1 have been partially addressed. Having also taken into account the Council's current 5 year housing land supply shortfall, the principle of new residential development on this site and a departure from the development plan is, on balance, acceptable in this instance.

- 7.5** Despite some reservations about the potential lack of on plot or easy access off road parking for some dwellings, the indicative layout demonstrates that the site could potentially accommodate up to 60 dwellings and is therefore considered broadly acceptable. The illustrative layout incorporates appropriate green infrastructure/public open space and suitable pedestrian and cycle routes with connectivity to surrounding areas. The submitted parameter plans adequately demonstrate the principles of the proposed green infrastructure and built form layouts, access and movement within and from the site and building heights/massing.
- 7.6** The applicant has demonstrated that a minimum 10% biodiversity net gain is achievable for this development; the illustrative layout and soft landscaping scheme indicating a 34% (habitats) and 51% (hedgerow) BNG. The indicative green infrastructure and landscaping proposals are also considered broadly acceptable.
- 7.7** In response to changes in Building Regulations and the adoption of the Council's Climate Change SPD, the various commitments set out in the submitted sustainability statement are considered acceptable and proportionate to this outline development proposal. All new buildings would be provided with ASHPs, or an alternative non fossil fuel heating system, and EV charging points. Overall, the proposed development should achieve a significant reduction in CO2 emissions over that required by Part L of current Building Regulations.
- 7.8** The (revised) proposed vehicular and pedestrian access arrangements, including the pedestrian crossing on North Road West, and the overall traffic impacts of the proposed development have been fully scrutinised by the Highway Authority and no objection is raised, subject to conditions. Similarly, there are no overarching amenity concerns associated with the outline proposals, subject to the subsequent consideration of the detailed layout and design of the development, and conditions imposed at outline stage relating to building height restrictions and a noise impact assessment.
- 7.9** Officers have taken account of any other social, economic and environmental benefits of the proposals and having assessed the proposals in accordance with NPPF paragraph 11(d), the 'tilted balance' in favour of sustainable development is engaged in this case and there are no other adverse impacts arising from the proposals that would significantly outweigh the benefits of the scheme and substantiate a refusal.
- 7.10** Recommendation
- 7.11** The officer recommendation is to grant outline planning permission subject to the conditions set out below and the applicant entering into a Section 106 Agreement(s) to deliver the following obligations:
- Affordable Housing (40 on-site units), including a viability review mechanism
 - Education (11-16) provision
 - Libraries provision
 - Public Open Space delivery, management and maintenance
 - Minimum 10% BNG delivery and management
 - Beechwoods SAC Mitigation

- Implementation and monitoring of a Residential and Commercial Travel Plan

- 7.12** A full list of suggested planning conditions and informatives, are set out below. The applicant's agreement to the pre-commencement will be sought prior to the Committee meeting.
- 7.13** Both parties are in general agreement over the above Heads of Terms for s106 obligations and, at the time of writing, an initial draft s106 agreement is being prepared by the applicant and will shortly be circulated.
- 7.14** The Planning Committee should therefore resolve to either grant or refuse outline planning permission.

8. CONDITIONS / INFORMATIVES

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place (including demolition works) and the development shall be carried out as approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application(s) for approval of the reserved matters must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 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 Parameter Plans (drawing references ES090 R(0)002C, ES090 P(0)003B, ES090 P(0)004A) and the Illustrative Landscape Masterplan (Drawing No L 08 S03) in respect of the following:

1. The location/distribution of the residential and commercial elements of the proposed development
2. Building heights/massing
3. The alignment of the main/central internal estate road serving the residential and commercial elements
4. Retained existing trees/hedgerow along the southern site boundary (adjacent North Road West)
5. Proposed native tree, shrub and hedge planting and open space/green buffers adjacent to the east, west, south and north site boundaries
6. SUDS pond/attenuation and associated soft landscaping features
7. Circular footpaths around SUDS feature and cycle and footpath links into the adjoining site to the east and onto North Road West

8. Provision of children's play area and community Growing Area/Garden

Reason: In the interests of the character and appearance and of the area, the amenities of neighbouring land users and to ensure the development accords with the required principles and standards of urban design, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 5 The development hereby permitted shall provide no more than 60 dwellings and no less than 550 sq. metres of commercial (Class E) floorspace.

Reason: To limit the terms of the permission in the interests of the protection of the character and appearance of the area, neighbour amenity, and to ensure the delivery of employment land, having regard to the objectives of adopted policies D1, EM1 and SL1 of the Cheltenham Plan (2020), adopted policies SD1, SD4, and SD14 of the Joint Core Strategy (2017) and section 12 of the NPPF (2024).

- 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 application, 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 shall 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 in accordance with adopted policies of the Joint Core Strategy (2017).

- 8 The reserved matters required to be submitted and approved under Condition 1 shall include:

1. details of the design, form and architectural features of the dwellings and commercial (Class E) building(s)
2. details of external facing or roofing materials (including physical samples of materials where requested and garage door materials/finishes)
3. details of windows and external doors (including garage doors)
4. details (to include elevation drawings) of the position, design, materials and type of boundary walls, fences and any other means of boundary enclosure
5. details of cycle storage facilities for each dwelling and commercial building
6. details of refuse and recycling storage for each dwelling and commercial building
7. details of any solar PV panels (location, design/specification)

The development shall be carried out in complete accordance with the details approved.

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 and 12, of the NPPF (2024).

- 9 The proposed buildings adjacent to North Road West (facing the southern site boundary) shall be no more than 2 storeys in height. Buildings located elsewhere within the site shall accord with the proposed building heights/massing details shown on the Building Mass Parameter Plan (drawing reference ES090 P(0)002C) and shall not exceed 3 storeys in height.

Reason: In the interests of the character and appearance of the area; having regard to adopted policy D1 of the Cheltenham Plan (2020), adopted policies SD4 of the Joint Core Strategy (2017), and sections 12 of the NPPF (2024).

- 10 The details to be submitted for approval as part of the Reserved Matters application(s) pursuant to condition 1, shall include an updated 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 the Reserved Matters application(s) submission and shall include (but shall not be restricted 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).
- c. details of non fossil fuel/renewable heating solutions
- d. details of solar PV panels

The development shall be carried out in accordance with the details approved.

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

- 11 Prior to the commencement of development (excluding site clearance works), a detailed Sustainable Drainage System (SuDS) Strategy shall be submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the proposals set out in the (Glanville) Outline Drainage Scheme; 8230393-106-P1; April 2024 and Northern Ditch Sections and Drainage Strategy Updates; 2400377-ENV-S1-SW-DR-C-0001; Rev 1.4; 03/10/2024. The SuDS Strategy must include a detailed design, an exceedance flow route plan, a timetable for implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The surface water drainage scheme shall be implemented strictly in accordance with approved details and prior to first occupation of the development.

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

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

Reason: To ensure 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.

- 13 No part of the development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the local planning authority. The SUDS Maintenance 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 approved Plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 14 Prior to the commencement of development and as part of the Reserved Matters application(s) submitted pursuant to condition 1, plans showing (i) the existing and proposed ground levels of the site and existing ground levels of adjacent land, (ii) details of the slab levels of the proposed buildings and (iii) ridge heights of the proposed buildings and ridge heights of existing buildings on land adjacent to the site (including dwellings located opposite the site on North Road West), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

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

- 15 Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
 - human health
 - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
 - adjoining land
 - ecological systems
 - groundwaters and surface water
 - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by

the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

The site investigation, risk assessment report, and proposed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

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

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

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

- 17 Notwithstanding the submitted details shown on Drawing No 2387 10 C, prior to the commencement of development (excluding site clearance works) full design details of the following off-site works and site access works shall be submitted and approved in writing by the local planning authority:-

Works Description A - Construction Details for the initial 10m site access to be adopted.
Works Description B - Construction Details for pedestrian access footway link on North Road West linking to the existing footway.
Works Description C - Street lighting upgrade for the full extent of North Road West within the existing 30mph speed limit.

No part of the development shall be occupied until those works have been carried out and constructed in full and in accordance with the approved details.

Reason: To ensure a safe and suitable access to the development is provided for all users, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and section 9 of the NPPF (2024).

- 18 The development hereby approved shall not be occupied/brought into use until the proposed vehicular access via North Road West is laid out and constructed in accordance with the approved details and until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured

perpendicularly), for a distance of 75 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

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) and section 9 of the NPPF (2024).

- 19 No building shall be occupied until:
- (i) the carriageway(s) providing access from the public highway to that building has been completed to at least binder course level and the footway(s) to surface course level and in accordance with the approved plans; and
 - (ii) the car/vehicle parking area, visitor parking and turning space associated with that building (including garages and car ports where proposed) have been completed in accordance with the approved plans.

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

Reason: To ensure that safe and suitable access is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and Section 9 of the National Planning Policy Framework (2024).

- 20 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) and Section 9 of the National Planning Policy Framework (2024).

- 21 All proposed dwellings shall be provided with at least one electric vehicle charging point. Within any car courts/parking areas associated with flats/apartments and the commercial units, provision shall be made for 1 active electric vehicle charging point for every 10 parking spaces and passive provision provided to the equivalent of 1 electric vehicle charging point per dwelling served by any car court. The details of the appearance, location and type of electric vehicle charging point(s) shall have been submitted to and approved in writing by the local planning authority prior to the commencement of any above ground development. The electric vehicle charging points shall be installed prior to the first occupation of the building(s) to which it relates and shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: In the interests of sustainable development and the reduction of carbon emissions, having regard to Section 9 of the NPPF (2024) and the Council's Climate Change SPD (adopted 2022).

- 22 No building shall be occupied until secure covered cycle storage for that building has been provided and in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall

thereafter be retained available at all times for such use in accordance with the approved details.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017) and section 9 of the NPPF (2024).

- 23 Prior to their installation, a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and agreed in writing by the Local Planning Authority. No building shall be occupied until the fire hydrant serving that property has been provided in accordance with the agreed scheme.

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

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

- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Types, size and numbers of construction related vehicles anticipated daily including arrangements to receive abnormal loads or unusually large vehicles;
- Any temporary access into the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Measures for the control of noise, dust and other air borne pollutants during works of demolition and construction;
- Wheel washing facilities;
- Arrangements for turning vehicles;
- Measures for the control of site lighting (required for safe working or for security purposes);
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the CTEMP to staff, visitors and neighbouring residents and businesses.

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

Monday to Friday - 8am to 6pm

Saturday - 8am to 1pm

There shall be no working on Sundays or Public or Bank Holidays. Deliveries to, and removal of plant, equipment, machinery and waste from, the site shall only take place within the permitted hours detailed above.

Reason: In the interests of highway safety and to safeguard the amenity of occupiers of neighbouring properties, having regard to adopted policy 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 impact during construction.

- 25 Prior to the commencement of development, a Site Waste Management Plan (SWMP) shall be 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; and
 - Details of the measures for ensuring the delivery of waste minimisation during the construction phase.
-
- 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. Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 26 As part of the Reserved Matters application(s) submitted pursuant to condition 1, a Waste Minimisation Statement (WMS) shall be submitted to and agreed in writing by the Local Planning Authority. The WMS shall include provision within the residential and commercial development of on-site storage receptacles for recycling a range of materials as specified by the Waste Collection Authority, at identified locations and appropriate to the number of residential and commercial units proposed; and suitable accessing arrangements for recycling/waste collection vehicles.

No building shall be occupied until the provisions set out in the approved WMS that are relevant to that dwelling have been implemented in full. 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.

- 27 No piling activities shall be carried out at this site until a full pile 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 property, 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).

- 28 As part of the first Reserved Matters application(s) submitted pursuant to condition 1 and prior to the commencement of development, an updated ecological survey, carried out by a suitably qualified ecological consultant, shall be submitted to and approved in writing by the local planning authority. The Survey Report shall include updated protected species surveys. The development shall be carried out in accordance with any approved mitigation and enhancement measures and/or licensing requirements following the updated surveys.

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 policy SD9 of the Joint Core Strategy (2017).

- 29 Prior to the commencement of the development hereby approved, an Ecological Mitigation & Enhancement Strategy (EMES) shall be submitted to and approved in writing by the local planning authority. The EMES shall include details of the provision of 10no. bird, 10no. bat, 6no. insect and 5no. hedgehog boxes suitably located across the site. The bird boxes must include bricks or tiles for swift and house sparrow. The location, specification, height and orientation of these features shall be shown on a site plan.

The development hereby approved shall be carried out at all times (including during all ground and vegetation clearance works) in accordance with the approved EMES.

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

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 30 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

Notice in writing shall be given to the Council when the:

- (f) [HMMP] has been implemented; and
- (g) habitat creation and enhancement works as set out in the [HMMP] have been completed.

No part of the development shall be occupied until:

- (h) the habitat creation and enhancement works set out in the approved [HMMP] have been completed; and
- (i) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

- 31 The first Reserved Matters application(s) submitted pursuant to condition 1 shall include full details of a hard and soft landscaping and a boundary treatment scheme for both the residential, commercial and open space elements of the proposed development. The scheme shall include (but shall not be limited to) the following:
1. A written specification of all tree, shrub, hedgerow and other planting categories; describing the location, species, sizes, spacing, densities, planting numbers and tree pit details;
 2. Details of all retained trees, hedgerow and other ecological features;
 3. Details of hard surfacing materials;
 4. Details of the phasing of implementation of all proposed hard and soft landscaping;
 5. Details of any proposed aquatic planting for any SuDS features proposed;
 6. Details of hard and soft boundary treatments (including details of materials and elevation drawings where relevant and details of residential plot boundary treatment);
 7. Details of biodiversity net gain (BNG), in accordance with Defra's Biodiversity Metric 4.0 and the submitted Biodiversity Gain Plan;
 8. A detailed Landscape and Tree Management and Maintenance Scheme (LTMMS) (for the short, medium and long term - 5, 10 and 30 years), based on the principles set out in the approved Biodiversity Gain Plan and Biodiversity Management and Monitoring Methodology.

All hard and soft landscaping and boundary treatments shall be implemented and maintained in accordance with the details approved in writing by the local planning authority (including the approved Biodiversity Gain Plan), and in accordance with a timetable to be agreed with the local planning authority. Any trees, hedgerows or other plants which, within a period of 10 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 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).

- 32 Prior to the commencement of development (excluding site clearance and utilities works), full details of the external lighting scheme, 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 and other lighting fixed externally to buildings);
 - 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;
 - e. measures to minimise the effects of lighting on protected wildlife species (notably bats);
 - f. the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

The external lighting scheme shall include a lux level contour plan, and shall seek to ensure no light spill outside of the site boundaries or on to habitat suitable for nocturnal protected species. The lux contour plan shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g. visors.

The development hereby approved shall be carried out at all times in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring land users and the character of the area; having regard to adopted policies D1 and sSL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). 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 policy SD9 of the Joint Core Strategy (2017) and the requirements of the 1981 Wildlife & Countryside Act (as amended).

- 33 Prior to first occupation of the development, details of a Homeowner's Information Pack resource providing information on recreation resources in the locality shall be submitted to and approved in writing by the Local Planning Authority. The pack should reference (off site) local and regional recreation opportunities.

Each household shall be provided with an approved Homeowner Information Pack on first 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 (2024).

- 34 As part of the Reserved Matters application(s) submitted pursuant to condition 1, an Environmental Noise Impact Assessment shall be submitted to and approved in writing by the local planning authority. The noise impact assessment shall consider the following:-

1. The noise and environmental impacts of the proposed Class E and adjacent commercial unit(s) on the future occupiers of the proposed residential units
2. Details of façade/fenestration and boundary treatment specifications/mitigation.

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

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

- 35 Details of the type/model, location and predicted noise levels of any proposed air source heat pumps (ASHPs), ground source heat pumps (GSHPs) or any alternative proposed non fossil fuel heating system, shall be submitted to and approved in writing by the local Planning authority. The ASHPs/GSHPs or alternative proposed non fossil fuel heating system shall be installed prior to first occupation of each dwelling or building hereby approved and in accordance with the details approved. The

ASHPs/GSHPs/alternative proposed non fossil fuel heating system 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.

- 36 No building hereby permitted shall be connected to mains gas supplies for the purposes of 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).

- 37 Notwithstanding the submitted details and the Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the flexible commercial element of the proposed development shall not be used other than for Classes E(c)(e) and (g); and shall not be used for any other purpose falling within Use Class E; without express planning permission.

Reason: Any alternative use requires further consideration by the Local Planning Authority, having regard to the policies and provisions of the Cheltenham Plan (2020) and the Joint Core Strategy (2017).

- 38 Prior to the commencement of development (including demolition and site clearance), and included as part of the first reserved matters application, a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and/or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

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

- 39 Prior to the commencement of development, and included as part of the first reserved matters application, full details of the proposed tree and hedgerow works (both on and off-site), no-dig method for works within the tree Root Protection Area(s) and footpath construction and hard surfacing materials within the Root Protection Area(s) of retained trees/shrubs, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be submitted in the form of Arboricultural Method Statement. The development shall be implemented strictly in accordance with the approved details.

All paths, parking areas and other forms of hard landscaping that fall within the tree Root Protection Area(s) shall be constructed using a no-dig method.

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

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 scheme in the interests of the character and appearance of the area, neighbour amenity, ecology and biodiversity and highway safety.

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 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 secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 3 The applicant/developer is 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 the applicant/developer agrees to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.
- 4 The applicant/developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

- 5 Sustainable drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area(s) 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.
- 6 External lighting scheme guidance - Natural habitats potentially used by nocturnal species such as bats and badgers, not previously exposed to increased light levels, will receive approximate lux levels of between 0.1 (typical moonlight/cloudy sky) and 10 (sunset) lux. The 'Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust, sets out that "increasing lux levels in these natural habitats is likely to cause disturbance, therefore the implementation of visors etc. as mitigation is strongly advised."
- 7 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cheltenham Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

8 All new streets must be tree lined 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.

9 This planning permission is subject to a Section 106 legal agreements which provide (in summary) for the following:

- Affordable housing
- Green Infrastructure/play and amenity space provision and future management and maintenance
- Education and Library provision/contributions
- Travel Plan implementation/monitoring
- Beechwoods SAC Mitigation
- Statutory minimum 10% Biodiversity Net Gain

The planning permission should be read in conjunction with the s106 legal agreements.

Consultations Appendix

Minerals And Waste Policy Gloucestershire 1

6th June 2024 – due to table format, full response available to view in documents tab

Summary – The Sustainability and Energy Statement (including Waste Management Strategy) provides an overview of Waste Minimisation matters. It states ‘a Waste Management Plan will be developed and implemented for the development’ One would be encouraged as part of any Reserved Matters application.

Minerals And Waste Policy Gloucestershire 2

26th June 2024 – due to table format, full response available to view in documents tab

Summary - Thank you for the further correspondence. The proposed conditions are to ensure that the Waste Management Plan (as referred to in the Sustainability Statement) is produced as part of any Reserved Matters and/or commencement of any development.

Ideally, we would encourage such a document to include details of any waste tonnages generated from the construction of the site, and the percentage of recyclable content used in the development, for example. Guidance is provided in our GCC Waste Minimisation SPD. For occupation of the development, we encourage applicants to state whether advice has been sought from the local district council for example. Further guidance is stated in the SPD.

Minerals And Waste Policy Gloucestershire 3

11th July 2024 –

I have taken a look at the statement and acknowledge reference to recycled material. We do not have any further specific comments to make. However, if you are minded to approve the application, we would be looking for the waste minimisation conditions on our first consultation response to be included.

GCC Highways Planning Liaison Officer 1

21st June 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.

Background

The proposed application site is located to the western side of Cheltenham with an extant approval for multiple commercial development units. This proposal introduces segregation of the remaining site area with a single commercial unit accessed via the existing internal road (Corinthian Way) and seeks a new highway access from the existing southern boundary highway (North Road West) for the new residential estate. The closest bus stops are located on Grovefield Way to east plus a terminus for the Arle Court Park and Ride within 500m and a budget supermarket now operating within the extant application approval.

- Grovefield Way

This public highway is a C-classified road that forms a key local distributor route for the western side of Cheltenham from the A40. It is subject to a 30mph speed limit with sections of both verge & footway to one or both sides at various locations along its length. In this vicinity it has a footway to the west and verge/footway to the eastern side with pedestrian links to the modern housing estate further to the east. The road serves as both a key collector & distributor for public transport options with links to Arle Court terminus.

- Corinthian Way

The use of Corinthian Way (Private Road) to access the new commercial development unit is considered acceptable but it is noted that this road is currently privately maintained and has raised/lower security barriers set within the site to discourage unauthorised vehicular access. At the time of this review, no evidence has been provided to indicate that this road will be offered to the HA for future adoption (and have the security barriers removed) to allow the general public direct access to Grovefield Way from the rear of the site.

- North Road West

The public highway at its junction with Grovefield Way is subject to a 30mph speed limit with 17m of footway provided for visibility purposes to a tactile paved drop kerb facility. After this short length the hedgerow / grass verge extends along the whole remaining site frontage on the northern edge of the carriageway. A macadam footway serves the southern side of the road allowing access to existing residential properties and The Reddings District Community Centre approximately 150m from the junction. The southern side then also becomes verge and its appearance is distinctly rural. At approximately 200m from Grovefield Way the speed limit changes to 50mph and this extends to the end of the junction at Badgeworth Road.

Highway Impact

Policy INF1 of the Joint Core Strategy sets out transport related requirements and expectations for developments in the Borough. Of particular note is Part One of INF1 which ensures that all proposals improve and encourage access to more sustainable modes of travel. JCS Policy SD4 also requires new development to prioritise sustainable movement through design.

A TRICS review has been carried out to ascertain likely number of resulting trips from the proposed development. TRICS is the industry standard tool in predicting the vehicular generations of new developments, and its use here is accepted. The potential change of the commercial unit to a ground floor veterinary surgery with office space above, both now Class E use, will have a negligible impact on the existing capacity of the Corinthian Way junction because that was originally designed to accommodate the rear of the site as multiple office developments. The residential use has been calculated to have a trip generation figure of 0.52 trips during the AM and PM peak hours and this is in line with the expected generation for this use. The Highway Authority has reviewed the selection criteria chosen for the assessment and are satisfied that an appropriate selection has been completed.

The NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The resulting level of impact from the development proposal has not shown to result in a severe impact on the local road network.

Primary Vehicular Access

The west or rear of the site was originally only to be accessed via Corinthian Way that was designed to meet a high volume turning movements. Whilst it is appreciated that both existing users and potential residents may not wish to share an industrial style access, it is always preferable to have a junction safely operate within its designed capacity rather than create additional potential highway conflicts at other locations. It is therefore extremely disappointing to observe that the initial proposal places the new access within the 50mph speed limit section of carriageway given the availability of a lower speed limit section on the southern boundary line. I would have expected an initial assessment matching DMRB standards at the 50mph speed limit (85A = 160m), acknowledgement of the measured speeds <40mph (70A = 120m) and then justified mitigation such as topography to request any further reduction. National assessment of the effectiveness of speed limits has provided

the best practice guidance to graduate speed limit reduction in advance of changes in environment and therefore in this location I can only recommend that the current posted speed limit is reduced from 50mph to 40mph at the developer's expense and then MfS compliant desirable splay of 'x' 2.4m by 'y' 93m be provided in both directions to match the recorded traffic speeds of 37.4mph.

The proposal indicates an estate road width of 6m with a 6m corner radius. It is accepted that this may be appropriate within an urban environment, however this site is within a 50mph speed limit and therefore it is required that a carriageway width of 7.3m is provided for the initial 10m and then appropriate tapers should reduce the carriageway width within the site to 5.5m to satisfy Manual for Gloucestershire Streets requirements.

Primary Pedestrian Access

This application segregates pedestrian movements from vehicular access and directs potential residents to cross North Road West within the 30mph speed limit at historical field access that has been gated as part of the development. Even with prudent and regular future maintenance of the hedgerow, this convenient position is invisible to approaching drivers and considered wholly unsuitable. It will be necessary to provide a new 3m wide shared use footway/cycleway from this point to the junction of Grovefield Way to allow direct access to the local budget supermarket and bus stop locations.

Other Pedestrian Access

It is noted that an alternative pedestrian access is shown linking to the adjacent to private road Corinthians Way. The Highway Authority will not retain for perpetuity any control of the existing commercial use to facilitate this benefit for future residents and therefore the developer must, provide within the existing public highway or put forward for adoption appropriate facilities.

Internal Layout observations

The development's internal highways, parking and plot layouts are indicative only. The HA response & recommendation and any conditions or informative notices can only be to determine those items requested and submitted. However, the following observations on various issues should be reviewed by the applicant to avoid abortive works if the scheme is to be viable at a future date. Any matters omitted from these points do not include or imply that no objection will come forward for items submitted at reserved matters, for example; waste servicing, parking design, materials etc that must comply with Manual for Gloucestershire Streets and the technical approval process.

- Carriageway width after 10m to be a minimum 5.5m with 2m footway and appropriate provision for highway trees,
- Pedestrian and Cycle route connectivity, shared or segregated to LTN1/20 standards to encourage modal shift,
- Private driveways restricted to six dwellings and to include visitor parking provision,
- All residential parking should be within 15m of the primary doorway with a direct access route, excessively remote parking will be rejected especially in relation to EV connectivity unless specified for communal use.
- Shared space within primary / secondary access roads is discouraged unless within a cul-de-sac situation.

At the present time I am unable to support this outline application for access and believe that amendments can be achieved that can significantly improve the proposal for future occupants, therefore at the present time the Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

GCC Highways Planning Liaison Officer 2

16th August 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.

The applicant has responded to the initial comments made on the proposed development and included the third party road safety audit assessment of concerns regarding the pedestrian access. It is still considered that the proposal as currently presented does not adequately provide for partially sighted pedestrians with an uncontrolled drop kerb & tactile paving crossing point.

Primary vehicular access

The original commercial site approval provided a junction design for Corinthian Way appropriate to manage the significantly higher trip generation associated with multiple offices blocks. The capacity of this junction to accommodate the lower residential use remains preferable rather than introducing an additional hazard on the highway network. The addendum transport note (ATN) dismisses this request because it is considered appropriate for the applicant to have a segregated residential access. The Highway Authority does not accept this consideration is a materially sufficient to necessitate a new access from North Road West with the proposal being desirable rather than essential for the introduction of residential units.

However, in the spirit of the NPPF development guidelines, the principle of the segregation of planning uses may be recognised as a potential well being benefit for future residents if this can be achieved without introducing new conflicts on the highway network. It was therefore requested that the visibility splays be increased and/or a speed limit reduction be introduced as mitigation to reduce potential risk.

The ATN has dismissed the request to lower the approach speed limit from 50mph as only desirable rather than essential on the grounds that pedestrians will be segregated within the site over the extent of the higher speed limit and the use of the highest recorded 85thile speed at 37.4mph because it is to the west of the proposed access and travelling away from the site. It also rejected a request to enhance the prominence of the new junction by increasing the initial carriageway width within the estate and did not proposed any entry treatments to enhance the conspicuity within the mature hedgerow. It is the HA considered position that the data indicates that to the east (away from Grovefield Way approaching the access) speeds are recorded increasing from 35.1mph across the frontage to 37.4mph therefore the use is entirely appropriate because driver behaviour is clearly demonstrated. To comply with this percentile worst case value and MfS2 calculations, a splay of 'x' 2.4m by 'y' 75m will be accepted to protect future residents on occasions because the applicant does not offer any mitigation against behaviour where drivers travel within the posted limit. This visibility splay is achievable by the minor amendment of the proposed site access approximately 6.0m to the east, still maintaining both T19 and T20 as shown.

Primary pedestrian access

No location plan has been provided for the traffic surveys positions but it is considered that the two will have been undertaken towards the outer limits of the site frontage. The referencing of a lower the speed limit as desirable rather than essential on the grounds that pedestrians will be segregated within the site over the extent of the 50mph speed limit would

only be accepted on the premise given the same survey indicates vehicles are travelling at 34.6mph at the point pedestrians are set to emerge from the hedgerow and attempt to cross. The independent road safety audit notes a potential pedestrian / vehicle conflict and suggests a localised narrowing to enhance visibility. This recommendation was rejected and the alternative signing and road markings shown on plan HTp/2387/05/A are not considered sufficient to mitigate the HA's concerns at this location. If the idea had been developed and signed as a priority give way feature (TSRGD 615/811) this may have been considered more appropriate due to the straight road alignment on approach and beyond the feature towards the junction.

To increase the visibility of any pedestrian crossing point it is considered that this could be achieved by the introduction of a more obvious vehicular access serving the indicative apartments to the east of the site closest to the local supermarket. This would permit a contained number of dwellings to be accessed with a potential maximum visibility splay appropriate to a lower surveyed speed of 28mph = 39m MfS and noting T17 although this may be higher subject to detail design consideration.

It is requested that the applicant seriously consider the benefit of this arrangement, however the addendum note has provided another acceptable solution to the concerns regarding pedestrian access to and from the site and other access concerns can be mitigated subject to reasonable conditions.

The ATN document does reiterate that North Road West is currently a designated as a national cycle route (no.41) and therefore the initial request for a widened shared use path is unnecessary. The dimensioned extent of highway plan does clearly show that a new 2.0m pedestrian footway can be provided to link directly to the Grovefield Way so residents are not forced to cross until traffic is virtually stationary at the existing tactile paving. The proposed crossing point would then only serve residents if attending an event at the Community Hall and be desirable and not essential use.

Subject to the applicants acceptance of the revisions above, the Highway Authority concludes that potentially there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. A revised plan without the internal layout is requested prior to determination and it should include;

- the revised access position and the minimum 'x' 2.4m by 'y' 75m visibility splay appropriate to the proposed primary vehicle access
- the wider extent of construction required for the essential footway link within the site's red line boundary up to the existing construction
- the secondary access and best visibility splay achievable subject to maintaining T17, if considered beneficial to the applicant.

The Highway Authority therefore submits a further response of deferral to allow the applicant time to present the updated information and plans for consideration.

GCC Highways Planning Liaison Officer 3

12th November 2024 -

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.

The applicant has positively entered into discussions to resolve the residents concerns about a proposed carriageway narrowing restricting access to properties. The pedestrian link has now been relocated to the west of the community hall with tactile paving and footway

construction as detailed by plan 2387/10.Rev.C and this proposal is considered acceptable. Additional details of the street lighting improvements to highlight the crossing point and change in environment for the 30mph area will be conditioned to be required as part of the future reserve matters application together with appropriate construction due to the existing mature trees.

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 by the provision of a new access from North Road West. There are no justifiable grounds on which an objection could be maintained.

Conditions

Provision of Vehicular Visibility Splays

The development hereby approved shall not be [occupied/brought into use] until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 75 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

REASON: In the interests of highway safety for pedestrians and all other users.

Highway improvements / offsite works / site access (Details not provided)

The Development hereby approved shall not commence until drawings of the offsite works and site access works comprising:

Works Description A - Construction Details for the initial 10m Site Access to be adopted.

Works Description B - Construction Details for Pedestrian Access footway link on North Road West linking to existing footway.

Works Description C - Street Lighting upgrade for the full extent of North Road West within the existing 30mph speed limit.

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

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

Combined Parking Details

Vehicle and cycle parking shall be provided prior to first occupation of each dwelling in accordance with details to be contained within the approval of any reserved matters permission. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. Parking and charging points shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities

Residential Travel Plan

The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated.

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 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.

Private Road

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.

Private Signage Indicating a Private Road

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

No Drainage to Discharge to Highway

Sustainable 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

Nature Space

21st May 2024 – full comments and accompanying tables are available to view via the documents tab

These comments are valid for 12 months (in line with CIEEM guidelines for ecological survey lifespan) and if any additional or revised ecological information is submitted, we request that we be re-consulted.

Recommendations:

In line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:

- Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Cheltenham Borough Council's District Licence; or
- Provide further information in the form of an outline mitigation strategy which demonstrates how the applicant will carry out the development in a way that avoids, reduces or compensates for impacts on great crested newts, including long term management and monitoring*.

Thank you for your consultation. Newt Officers provide impartial advice to the council on great crested newts as the Council's delivery partner in the Great Crested Newt District Licensing Scheme.

Response: More information required

*Please be aware that, as part of this, additional population assessments may need to be undertaken by a suitable qualified and experienced ecologist in accordance with the Great Crested Newt Mitigation Guidelines (English Nature, 2001), particularly if a reserved matters application is delayed by more than 2 years. If great crested newts are identified, then a Natural England site-based mitigation licence may be required. Some of the surveys are seasonally constrained.

More details on the district licensing scheme operated by the council can be found at www.naturespaceuk.com

In response to the information provided in the Preliminary Ecological Appraisal we recommend that more information is needed, either in the form of an outline mitigation strategy or evidence of entry into the District License Scheme to demonstrate that impacts to great crested newts and/or their habitat as a result of the development being approved can be adequately dealt with. Currently, the applicant has not made an enquiry with NatureSpace.

If the applicant does not wish to pay to join the district licensing scheme at this outline

planning stage, then they must submit an outline great crested newt mitigation strategy, which keeps their licensing options open, and the implementation of this can be secured as a condition of planning consent. The licensing route can then be confirmed as part of the ecological information submitted with a subsequent reserved matters application.

However, the applicant must consider whether any site access works or other enabling works that would impact great crested newts or their habitats will be taking place before they submit a reserved matters application, and therefore would need to be licensed at an earlier stage. If this is the case, a detailed mitigation strategy should be submitted for these works specifically as part of the current outline planning application or they must pay to join the district licensing scheme to ensure that they are licensed before the reserved matters application is submitted.

Summary:

- The development falls within the amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a likelihood of great crested newt presence.
- There are 9 ponds within 500m of the development proposal.
- There is connectivity between the development and surrounding features in the landscape.
- There is suitable habitat on site.
- Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.

Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.

The applicant has provided an ecological report; An Updated Preliminary Ecological Assessment Report for Land at Corinthian Park, Wilder Ecology, 11/04/2023. Within this report it states that:

The semi-improved grassland area as shown in figure two below is comprised of areas of bare ground between some of the early colonizers as shown below in figure three & large spoil heaps on site that have become covered in tall ruderal vegetation as shown below in figure two & over the page in figure four.

The fact that the ponds three, four & five are divided by main roads & unconnected by habitats from the proposed site & as the main roads are considered as a physical barrier to newts means these three ponds can be discounted.

As ponds one & two were found to be absent for GCN's & Ponds three, four & five are all divided by main roads & unconnected by habitats & out side of the key newts foraging zone the likelihood of GCN being present on site is considered to be negligible.

The applicant has not surveyed the 4 other ponds south of the M40 within 500m of the site (see figure above), so the status of these ponds is currently unknown. Should GCN be present in these nearby ponds they may well use the site during their terrestrial dispersal phase. There is suitable habitat on site, including the spoil heaps, grassland, hedgerows and tall ruderal vegetation.

Ponds 3,4, and 5 to the south of the site, should not be ruled out due to the road as a dispersal barrier. The road directly south of the site and Badgeworth road would not be considered barriers to great created newts because it is a minor road with no raised curbs to inhibit GCN movement. The potential for newts to cross roads successfully depends largely on traffic volume and the presence of any barriers, such as kerbs. Small roads and tracks with low vehicle numbers appear to present no major problems for newts, whilst larger,

busier ones can limit dispersal and result in high mortality. (Great Crested Newt Mitigation Guidelines, page 45, English Nature, 2001)

The ponds to the north of the site are separated by the A40 road, multiple lanes and fast flowing traffic, and would constitute a barrier to GCN. These ponds can be ruled out for this site.

Ecologist 1

30th May 2024 -

I have reviewed the Preliminary Ecological Assessment (PEA) and accompanying Biodiversity Metric calculation, prepared by Willder Ecology. I have also reviewed the Planning Statement, the Illustrative Landscape Masterplan and the proposed Site Masterplan. My response regarding ecology is provided below.

Baseline Information and Assessment

A desk study was carried out, but the PEA does not state when. I note the desk study did not include a request for data from the local records centre (Gloucestershire Centre for Environmental Records (GCER)). I refer the applicant to page 15 of the CIEEM Guidelines for Preliminary Ecological Appraisal (Second Edition, December 2017). The decision not to obtain data from GCER should be justified in the PEA or else GCER data should be obtained and used to update the report.

An extended Phase 1 habitat survey was carried out on 20th June 2023, with an updated visit on 28th March 2024. It appears that the Phase 1 habitat survey data was translated into the UK Habitat Classification (UKHab) system in order to enable a Biodiversity Net Gain (BNG) calculation, however this is not explained in the PEA.

The application site comprises mainly species-poor semi-improved grassland which is cut annually. It is described as waste ground with a sparse sward, areas of bare ground and spoil heaps overgrown with tall ruderals and bramble. The boundaries comprise species-poor hedgerows and trees, with dense scrub also on the western boundary. Five ponds were identified within 500m of the site. eDNA surveys were conducted of Ponds 1 and 2, and the results were negative for great crested newt (GCN). Ponds 3, 4 and 5 were ruled out for GCN survey. The PEA states that they are separated from the site by main roads and so lack connectivity to the site. However, they are only separated from the site by a single lane, minor road, so this is not correct. This minor road would not be a barrier to the movement of GCN from Ponds 3, 4 and 5 to the site. The site supports suitable terrestrial habitat for GCN. Further survey and assessment of GCN is therefore required of Ponds 3, 4 and 5.

The boundary habitats are likely to support nesting birds and foraging / commuting bats. The PEA states that a bat activity survey of the southern boundary only is planned for 30th May 2024. Bat activity surveys of the site should follow the new updated bat survey guidelines and should be of all suitable boundaries, not only the southern one. There is no assessment of the potential of the site to support invertebrates. The habitats described may meet the description of 'open mosaic habitat on previously developed land', which is known to be valuable for invertebrates. There is also no mention of the potential of the site to support other protected or notable species, such as dormice in the boundary hedgerows and scrub, and hedgehogs. Desk study information would be useful in order to fully assess this.

Impacts, Mitigation and Enhancements

The development would result in the loss of the grassland, tall ruderals and scrub to housing. The boundary habitats would be retained apart from small sections of the southern boundary hedgerow, which would be removed for access. All trees would be retained.

The mitigation proposed during site clearance and construction comprises precautionary measures to protect amphibians, reptiles and nesting birds.

There would be compensation planting for the loss of the sections of hedgerow, with new hedge, shrub and tree planting. Wildflower grassland with fruit trees would be created as part

of community green spaces and play areas. A SuDS pond would be included as part of the development, which would be designed for wildlife and planted up with native aquatic plants.

Bat and bird boxes would be installed on the new buildings, but there is no indication of the type, number and location of these. Additional features for wildlife should be considered, such as insect houses and hedgehog highways.

A statement is made that light spill onto the boundaries would be avoided. This should be further addressed following the results of the bat activity surveys.

The BNG calculation shows that the habitat enhancements proposed would result in a net gain in biodiversity of approximately 60% for habitats and 13% for hedgerows. The development as indicated in the Illustrative Landscape Masterplan would therefore meet the BNG requirements. However, it is not possible to check the BNG calculation because a BNG assessment has not been provided. This should show how the Phase 1 habitats were converted to UKHab, the detail of the habitat condition assessments, and plans showing the areas of pre- and post-development habitats, i.e. where the numbers entered into the Metric came from.

Designated Sites

The PEA states that the development site is located 8km from the Cotswold Beechwoods Special Area of Conservation (SAC). It is therefore within the 15.4km zone of influence of the SAC. Since there is potential for impacts on Cotswold Beechwoods SAC due to increased recreational pressure from residents of the new housing, the applicant should prepare a shadow Habitats Regulations Assessment (HRA) to address the potential impacts and propose site-specific mitigation. The alternative would be for the applicant to make a financial contribution in line with the Cotswold Beechwoods SAC Recreation Mitigation Strategy. This would need to be agreed with the LPA and Natural England.

Requirements prior to determination:

1. The decision not to obtain data from GCER should be justified in the PEA or else GCER data should be obtained and used to update the report.
2. A BNG assessment should be provided which should show how the Phase 1 habitats were converted to UKHab, the detail of the habitat condition assessments, and plans showing the areas of pre- and post-development habitats, i.e. where the numbers entered into the Metric came from.
3. Further assessment of the site for GCN is required, in particular the potential for Ponds 3, 4 and 5 to be breeding sites, and therefore the potential of GCN from these ponds to be present in terrestrial habitats on site.
4. The results of the bat activity surveys should be provided and used to fully assess the use of the site by bats and inform mitigation and enhancements (including lighting considerations).
5. Consideration of the potential of the site to support invertebrates and other protected / notable species should be provided.
6. The applicant's consultant should prepare a shadow HRA to assess whether the proposals would impact on Cotswold Beechwoods SAC. Alternatively, a financial contribution to address potential recreational impacts to Cotswold Beechwoods SAC should be agreed in writing with the LPA and Natural England.

Requirements prior to commencement/conditions to be attached to planning consent:

1. The mitigation measures in the updated PEA / additional submissions that apply to the site clearance and construction phase of the development should be included in a Construction Environmental Management Plan (CEMP) for the site, with detailed Method Statements.
2. The enhancement measures outlined in the PEA / additional submissions should be further expanded on in a Landscape and Ecology Management Plan (LEMP). Management should be applicable for a minimum period of five years, though in

relation to BNG this should be for 30 years and include a monitoring regime to ensure habitats establish well and that wildlife features remain in good condition. The LEMP should include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation needs to be stated and the method by which the protection of retained, enhanced and created habitats will be secured. The extent and location of removed, retained and newly created habitats presented in the LEMP should match that set out in the BNG assessment. The LEMP should demonstrate that the BNG proposed in the BNG assessment would be achieved.

3. Prior to commencement, details of external lighting should be submitted to and approved in writing by the Council. The details should clearly demonstrate that lighting will not cause excessive light pollution of the retained boundary habitats and the proposed bat roosts and bird boxes. The details should include, but not be limited to, the following:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii) A description of the luminosity of lights and their light colour including a lux contour map;
- iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings; and
- v) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting should be installed in accordance with the specifications and locations set out in the approved details. These should be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed unless agreed with the LPA.

4. Any mitigation and compensation measures needed to protect Cotswold Beechwoods SAC (as presented in the HRA document) should be undertaken if required.

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

- NPPF Para 170 – 182 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework
- SD9 Biodiversity and Geobiodiversity
- INF3 Green Infrastructure

In England, biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. For significant on-site gains, and all off-site gains, the BNG must be maintained for at least 30 years. Responsibilities should be set out in a legal agreement. Further guidance can be found at <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

1 The NPPF Paragraph 179 states: “To protect and enhance biodiversity and geodiversity plans should: b) ... identify and pursue opportunities for securing measurable net gains for biodiversity.”

Cheltenham Plan, Adopted 2020.

- Policy BG1: Cotswold Beechwoods Special Area of Conservation Recreation Pressure
- Policy BG2: Cotswold Beechwoods Special Area of Conservation Air Quality Wildlife legislation context:
- Wildlife and Countryside Act 1981 (as amended)
- Conservation of Habitats and Species Regulations 2017
- Natural Environment and Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992

Ecologist 2

24th July 2024 -

I have reviewed the submitted plans, previous ecology comments, additional ecological information (Willder Ecology, July 2024), and BNG technical note (unnamed, undated).

The additional ecological information is a satisfactory response to the previous ecology comments, bar the following:

- On the GCER records provision, can we have the species at points 45, 43, 90 and 203?

- I have no objection to the Homeowner Information Pack (HIP) condition suggested, however the previous ecology comments regarding the Cotswolds Beechwoods SAC still apply; a shadow Habitats Regulations Assessment will be required.

Biodiversity Net Gain

This application is subject to the mandatory Biodiversity Net Gain requirements because it was submitted after February 12th, 2024. The submissions made for BNG for this proposal therefore need revision.

An old version of the biodiversity metric has been used (metric 4.0). The following revisions need to be made in the statutory metric for this proposal:

- Some user comments from a previous project look like they have been retained in the metric submitted on the A-1 tab. These need to be amended to reflect this proposal.

- The delay in habitat creation column in tabs A-2 and B-2 have not been completed. This is the number of years between the habitat being cleared and the landscaping commencing. This is usually at least one year. This needs to be updated.

- 125 small trees in poor condition have been calculated in the tree helper on the Main Menu tab in the metric. We can assume these are part of the landscaping proposals because this number roughly aligns with the Illustrative Landscape Masterplan (dwg number: DLA-2206-DR-L-08-S03) but they have not been input to tab A-2. The trees outside of private gardens (i.e those accessible for long-term management) should be input to the metric.

- 0.75ha of other neutral grassland (wildflower meadow) is included in the habitat creation tab of the metric, this is approximately three times the area of vegetated garden. Can we have some more information on what this figure is based on because the Illustrative Landscape Masterplan doesn't necessarily reflect this figure.

- Only the 2m of hedgerow removal required for public access has been included in the metric. The 15m hedgerow removal required for vehicular access from North Road West and the second access from Corinthian Way shown on the Illustrative Landscape Masterplan need to be included in the metric.

- Areas where the hedgerow has become overgrown at boundary 2 (as identified in the Updated Preliminary Ecological Assessment Report, Willder Ecology 2024) should be included in the metric as additional scrub unless it can be justified why this habitat is not distinct from the hedgerow.

- 100m of hedgerow creation is included in the metric which appears to be in the north-east of the site around car parking spaces, and double stacked parallel to the existing hedge along North Road West. Can we have some clarification on whether the hedgerow is going in both these locations, and what the justification for the double stacking would be along the North Road West boundary.

As this proposal is subject to the mandatory BNG requirements, the BNG technical note submitted needs to be updated to a BNG report. As this is an outline application, the CIEEM BNG Feasibility Report (CIEEM-BNG-Report-and-Audit-templates2.pdf) could be used. Completed condition assessment sheets and a UKhab plan of the site pre-development is required within this report.

CBC Ecologist 3

11th September 2024 –

I have reviewed the Additional Ecological information note, the Biodiversity Net Gain Feasibility Report, and the statutory Biodiversity metric (all Wilder Ecology, Augst 2024). Most of my comments have been addressed apart from the following one:

"100m of hedgerow creation is included in the metric which appears to be in the north-east of the site around car parking spaces, and double stacked parallel to the existing hedge along North Road West. Can we have some clarification on whether the hedgerow is going in both these locations, and what the justification for the double stacking would be along the North Road West boundary."

I also read the note about wildflower planting across the site in the additional ecological information note, and I'd like to advise that the statutory metric is revised to split the wildflower areas (other neutral grassland) up in to other neutral grassland in moderate condition (not good as these areas will be publicly accessible at all times), and a suitable alternative habitat classification for the children's play area as currently it looks like this takes up a large portion of what is being classified as future wildflower area.

Finally, the illustrative masterplan appended to the BNG feasibility report shows woodland creation around the site, but this is not included in the statutory metric submitted. If woodland creation is proposed, not hedgerow, this needs to be included in the metric.

Ecologist 4

11th November 2024 –

The site is located in an urbanised area and is not within or directly adjacent to any designated wildlife sites. The site is partially within the Low Priority Open Habitats and Medium Priority Woodland nature opportunity areas within the Gloucestershire Local Nature Partnership (GLNP) Nature Recovery Network (NRN).

The Preliminary Ecological Appraisal (PEA) (Wilder Ecology, April 2023) and subsequent Additional Ecological Information reports appropriately describe the ecological features of the site and mitigation required. The proposal is also set to achieve a net gain in biodiversity according to the statutory biodiversity metric. Ecological impacts to the GLNP NRN are therefore deemed to be mitigated appropriately.

The Biodiversity Net Gain (BNG) Assessment (author, date) calculates a 34.19% gain in area habitat units and a 55.1% net gain in hedgerow habitat units. This is supported and a 30-year Habitat Monitoring and Management Plan (HHMP) is conditioned.

The BNG informative must be added to the decision notice of this planning application if it is deemed approved.

The applicant has committed to delivering 10% Biodiversity Net Gain. This is supported. The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 modifies the general biodiversity condition for planning permissions which are phased development. Instead of the standard approach for the Biodiversity Gain Plan:

- an Overall Biodiversity Gain Plan must be submitted to and approved by the planning authority before any development can begin; and
- a Phase Biodiversity Gain Plan for each phase must be submitted to and approved by the planning authority before the development of that phase can begin.

Pre-construction surveys for nesting birds (to include owls) and bats in trees and buildings, changes to/new badger setts, and the presence of other protected species such as GCN or Otter will be required. The results of these surveys must be reported in an updated ecology report submitted with every reserved matters application. This is conditioned below. NatureSpace have submitted comments (May 2024) regarding the development proposals

potential to impact legally protected Great Crested Newts. Their comments must be addressed pre-determination.

If this application is approved, the following conditions should apply:

Ecological Mitigation & Enhancement Strategy (EMES)

Prior to the commencement of the development hereby approved the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES). This shall include details of the provision of 10No bird, 10No bat, 6No insect and 5No hedgehog boxes suitably located across the site. The bird boxes must include bricks or tiles for swift and house sparrow. The location, specification, height and orientation of these features shall be shown on a site plan. The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by Cheltenham Borough Council.

Reason: (1) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA '... in exercising its functions, [to] have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2023) which states (in paragraph 180) that 'Planning policies and decisions should contribute to and enhance the natural and local environment...'. And (3) Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) which encourages new development to: "contribute positively to biodiversity and geodiversity whilst linking with wider networks of green infrastructure. For example, by incorporating habitat features into the design to assist in the creation and enhancement of wildlife corridors and ecological steppingstones between sites".

Lighting Plan

Reserved Matters applications shall show the details for any proposed external lighting. Development shall be undertaken in accordance with the approved details. This shall include a lux level contour plan, and shall seek to ensure no light spill outside of the site boundaries or on to habitat suitable for nocturnal protected species. The lux contour plan shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g visors.

Advice note: Lux Levels on natural habitats potentially used by nocturnal species such as bats and badgers, not previously exposed to increased light levels, will receive approximate lux levels of between 0.1 (typical moonlight/cloudy sky) and 10 (sunset) lux 'Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust Increasing lux levels in these natural habitats is likely to cause disturbance, therefore the implementation of visors etc as mitigation is strongly advised.

Guidance: According to paragraph 191 of the National Planning Policy Framework (2023), 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Reason: To conserve legally protected bats and other nocturnal wildlife complying with the 1981 Wildlife & Countryside Act (as amended).

Soft Landscape Plan

Reserved Matters shall contain a soft Landscape Plan including a planting schedule, which will demonstrate that the proposal will achieve a minimum 10% net gain in biodiversity in line with the proposals set out in the Biodiversity Gain Plan.

The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: to comply with the revised National Planning Policy Framework (NPPF, 2023). The NPPF states in paragraph 180 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity..." and in paragraph 185 (b) "To protect and enhance biodiversity and geodiversity, plans should...identify and pursue opportunities for securing measurable net gains for biodiversity".

Ecology Report

Reserved Matters shall contain an updated ecological survey carried out by a suitably qualified ecological consultant submitted to and approved in writing by the Local Planning Authority. The Survey Report shall include updated protected species surveys.

Reason: To ensure legal and policy compliance with regard to valued ecological species and habitats as well as to invasive plant species.

Habitat Management and Monitoring Plan (HMMP)

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Notice in writing shall be given to the Council when the:
 - (f) [HMMP] has been implemented; and
 - (g) habitat creation and enhancement works as set out in the [HMMP] have been completed.

No occupation shall take place until:

- (h) the habitat creation and enhancement works set out in the approved [HMMP] have been completed; and
- (i) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990

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

Flood Risk

The Flood Risk Assessment and Drainage Strategy (Ref: 004-8230393_CS_Flood_Risk_Assessment; Issue 2; 17 April 2024) The site is in flood zone 1 but there is an area at risk of surface water flooding along the northern boundary of the site according to the Risk of Flooding from Surface Water maps. It's been shown that this area will remain open space and no houses will be built in the area at risk.

Surface Water Management

Discharge strategy

The geology of the site means that infiltration is unlikely to be possible. Instead, it is proposed to discharge the western part of the site into the ordinary watercourse to the north of the site and the eastern part to the attenuation basin built as part of the wider development in the area. This was part of the 16/02208/FUL application that formed this wider development so it appears the basin will be able to accommodate this surface water.

The construction of the headwall may require consent under S.23 of the Land Drainage Act 1991. This is a separate process to the planning process and is issued by Cheltenham Borough Council.

Discharge rates

The discharge rates will be limited to 1.2 l/s for the eastern site and 1.7 l/s for the western site, which are both approximately equal to the greenfield runoff rate for QBar. This forms the development's surface water volume control.

Drainage strategy and indicative plan

For the eastern site, surface water will be stored in an underground geocellular crate and permeable paving. It has been shown that these can accommodate rainfall events up to and including the 1 in 100 year event plus 40% for climate change and the permeable paving will offer some management of water quality. However, it will not provide any amenity or biodiversity benefits.

Surface water in the western site will be stored in a balancing pond and drained through the site through swales and permeable paving. The strategy has been shown to accommodate the 1 in 100 year rainfall event plus 40% and will manage water quality as well as provide amenity and biodiversity benefits to the development. The outfall for the western site appears to be discharging into the watercourse against the flow, which could adversely impact the flow in the receiving watercourse. Further detail would need to be provided in order to get S.23 consent, however, it should also be provided with a detailed design and shown that this will not be the case.

Climate change

The value of 40% used to simulate climate change is in line with the latest estimates from the Environment Agency.

Exceedance flow plan

Routes that surface water will flow when the design of the drainage has been exceeded have been provided. This will ultimately depend on the final topography of the site and further detail can be provided with a detailed design. This should also include the exceedance route for the balancing pond to ensure it does not flow towards the neighbouring properties if it overtops.

LLFA Recommendation

The LLFA has no objections to the proposal subject to the following conditions:

Condition: No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Outline Drainage Scheme; 8230393-106-P1; April 2024). The SuDS Strategy must include a detailed design, a timetable for implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied.

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

Condition: No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

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

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

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

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

GCC Local Flood Authority (LLFA) 2

21st August 2024 –

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

Following a discussion with the Cheltenham Borough Council (CBC) drainage engineer who provided anecdotal evidence from a CBC investigation into flooding to a property downstream of the site that showed flood water could have come from the direction of the site. I therefore concur with CBC that further information should be provided to demonstrate the development will not increase flood risk here or that any changes in the risk is mitigated against.

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

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

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

GCC Local Flood Authority (LLFA) 3

1st November 2024 –

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

A new Flood Risk Assessment (2400377-ENV-S1-SW-TR-C-0001; 03/10/2024) has been submitted in which a model of the watercourse that flows under the A40 to the northeast of the site and a proposal to mitigate potential increases in flood risk as a result of the development have been included. The point that surface water will be discharged from the site also appears to be changed.

The model of the watercourse shows that in a 1 in 100 year rainfall event plus 40% for climate change, the culvert under the A40 could be overwhelmed and could cause flooding along the northern portion of the site. However, the mitigation, which aims to deal with the displacement of flood water caused by raising the level of the land by storing it in underground crates, appears to be based on the Risk of Flooding from Surface Water (RoFfSW) maps rather than this watercourse model. This is OK, however, it is felt that more information needs to be provided to show that the mitigation will be sufficient to ensure flood risk is not increased elsewhere. This can be done in two ways, either by showing there is level for level compensation being provided (if using the RoFfSW maps) or that the discharge from the watercourse predicted by the model can be accommodated within this area.

There also appears to be a change in the discharge strategy so that surface water is being discharged to the area of land northwest of the site rather than to the watercourse to the northeast, as originally proposed. There isn't a mapped watercourse to the northwest of the site so, if the discharge strategy has changed, more information should be provided to show that this will be suitable. There needs to be a continuous ditch/channel that water can take between the site and the ordinary watercourse at Badgeworth Road to ensure surface water doesn't cause a nuisance to neighbouring properties and that this area can be kept clear, via the Land Drainage Act, through the lifetime of the development.

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

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

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

GCC Local Flood Authority (LLFA) 4

4th November 2024 –

An additional flood risk assessment (FRA) has been provided (Ref: 2400377-ENV-S1-SW-TR-C-0001) with analysis of the surface water/ordinary watercourse flood risk at the site and proposed mitigation. The FRA has identified the capacity of the existing A40 culvert is exceeded in the pre-development 1 in 100 + climate change event and 325l/s excess is estimated to leave the watercourse and flow towards the site, similar to the flooding represented by the national surface water flood risk map. This part of the FRA analysis is considered appropriate.

In the pre-development scenario, the surface water flood map indicates that some of this 325l/s hydrograph would be stored on the "floodplain" east of the site (between the culvert and the proposed development) and there is further storage within/on the boundary of the proposed development, before the flood flow continues west to neighbouring property. The pre-development peak flow and volume exiting the site to the west has not been quantified.

In the post-development scenario it is expected that some of the flood storage currently provided will be displaced and a mitigation option has been proposed. Further analysis is required to prove that this mitigation option works effectively. The timing at which flood storage comes into effect is impacted by the proposed flow control and weir structures and it has not been demonstrated that the hydrograph leaving the site to the west will be either bettered or comparable with the pre-development scenario.

Alternatively a level-for-level floodplain compensatory storage analysis as per Environment Agency FRA guidance would be acceptable, but the current mitigation would not provide this without further hydraulic analysis, due to the inclusion of control structures which impact the timing at which each level of floodplain storage comes into operation.

The FRA also shows discrepancies with the April 2024 drainage strategy for the proposed site and potentially with the landscape masterplan. Commentary and figures in the FRA imply that the drainage strategy for the site is to discharge to the west but the April 2024 FRA had an outfall near the A40 culvert. Although an identified flood flow, it is not clear if there is a continuous drainage ditch (an ordinary watercourse) connecting the site to Badgeworth Road for regular discharge. The application also needs to confirm how the proposed placement of attenuation storage tanks for flood mitigation will be coordinated with the proposed tree and scrub belt identified in the same location in the landscape strategy and how issues such as root ingress, maintenance access etc. will be managed.

GCC Local Flood Authority (LLFA) 5

6th December –

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

The latest Risk of Flooding from Surface Water Flood Risk Assessment document (2400377-ENV-S1-SW-TR-C-0001; 25/11/2024) provides further modelling of the watercourse and an estimate of the volume of flood water anticipated to flow through the northern portion of the site in a 1 in 100 year plus climate change scenario. It also states that "the proposed regrading and widening of the base of the existing ditch will in fact increase the storage capacity at the base of the proposed slope". This widening of the ditch should ensure that there is no increase in the rate of water passing through this area and should remain in the designs through the process of the development. It should be included in the exceedance flow routes plan for the detailed design of the drainage strategy.

The point of discharge from this pond has been changed again to a culverted watercourse in North Road West, nearby to the point where water naturally draining from the site would end up.

The LLFA has no further objections to the proposal subject to the following conditions:
Condition: No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Outline Drainage Scheme; 8230393-106-P1; April 2024 and Northern Ditch Sections and Drainage Strategy Updates; 2400377-ENV-S1-SW-DR-C-0001; Rev 1.4; 03/10/2024). The SuDS Strategy must include a detailed design, an exceedance flow route plan, a timetable for implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks.

The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied.

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

Condition: No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

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

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

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

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

CBC Drainage And Flooding

21st May 2024 –

The current Flood Risk Assessment (FRA, dated 17/04/2024) has not demonstrated that flood risk will not be increased off-site by the development. The area of concern being the displacement of flood volume on the northern boundary by proposed landscaping without an appropriate accompanying effects assessment.

Cross sections in Appendix G show that existing predicted flood volumes will be displaced by the proposed landscaping (particularly at section A-A) and it has not been demonstrated how this loss of volume will be compensated. Section 5.10 of the FRA claims that the flowpath channel has been made more efficient, but essentially this just means that more flow is being passed west to neighbouring properties. Property to the west of the site has recorded flood history and is in an area of high surface water flood risk.

The FRA mentions uncertainties with the broad-scale national surface water flood risk map in section 4.18 and concludes in 4.19 that it likely overpredicts flood risk. Whilst this may be a possibility there is no evidence to support the assumptions made. The model used to create the surface water flood risk maps may actually over-estimate the capacity of the culvert under the A40 or under estimate inflows from upstream urban drainage. The surface water map appears to pre-date the existing topography of the wider development as the flowpath does not follow the re-routed watercourse downstream of Grovefield Way. The assumption in 4.18 that attenuation basins in the wider development intercept this overland flowpath (the watercourse) is therefore not considered valid.

Given the above uncertainties a more thorough hydraulic and hydrological modelling analysis should be provided to show that effects off-site are managed. This analysis will also give further confidence to proposed floor levels to manage flood risk on-site. Whilst the surface water strategy for the site has reduced runoff to greenfield values, it has diverted these flows towards the A40 culvert which is not the existing flow regime for the majority of the site which drains west. The requested analysis should therefore include this diversion of runoff in the post-development scenario in addition to proposed topographical changes.

CBC Drainage and Flooding 2

11th December 2024 –

I am now satisfied that matters relating to flood risk are managed by the proposed drainage strategy and ditch widening, subject to a condition for the sustainable drainage design to be reviewed and approved by the local planning authority at a later design stage if planning permission is granted. It is noted for consideration of the planning officers that the drainage strategy now proposes a new surface water pipeline along the North Road West Highway which is outside of the application boundary.

An updated flood risk assessment has been provided (2400377-ENV-S1-SW-TR-C-0001, Issue 1.4, dated 25/11/2024). Whilst the requested assessment of the flood volume/hydrograph and potential displacement through the site has not really been included within this FRA, the FRA has shown that flood volumes of up to 215m³ are anticipated to overtop the channel at the A40 culvert in a 1 in 100 +40%CC event (pre and post development scenario) which would enter the northern boundary flowpath. This is before runoff volume from the site itself is taken into consideration, which would be greater than 215m³ in the pre-development scenario (1 in 100+40%CC event).

In the post-development scenario, the site runoff is proposed to be released at a controlled greenfield QBAR rate (for both flow and volume control purposes) across the range of rainfall events up to and including the 1 in 100+40% CC. This controlled QBAR discharge for the western side of the site is also now proposed to be diverted around the neighbouring properties on North Road West, further reducing the flow and volume on the northern boundary flowpath. The FRA also proposes regrading and widening at the base of the flowpath/ditch on the northern boundary through the site.

If planning permission is granted, please request the following conditions:

Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Drainage System (SUDS) principles and appropriate flood risk management, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall adhere to best practice SUDS principles, with above ground devices / flowpaths that incorporate water quality, biodiversity, and amenity benefits prioritised over below ground attenuation / pipe networks. The surface water drainage off the site should mimic existing natural flowpaths and watercourse hydrology and the interception of the first 5mm of rainfall should be provided. The scheme should include the management of exceedance flow routes (including managing any flows that enter the site) to minimise risk to people and property. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure flood risk management and sustainable drainage of the development, having regard to adopted policies INF2, INF3, SD6, and SD9 of the Joint Core Strategy (2017).

Prior to the commencement of development, a construction phase surface water management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall outline what measures will be used throughout the construction

period of the development to ensure that surface water does not leave the site in an uncontrolled manner and put properties elsewhere at increased risk of flooding. The plan shall also outline how risks to downstream water quality will be mitigated during the construction phase. The construction phase shall be implemented in strict accordance with the approved plans until the agreed sustainable drainage system strategy is fully operational.

Reason: To ensure flood risk management and water quality mitigation during construction of the development, having regard to adopted policies INF2 and SD14 of the Joint Core Strategy (2017).

Severn Trent Water Ltd

24th May 2024 –

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

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- o Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason

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

Severn Trent Water advise that there is a public foul water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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

NO BUILD ZONES:

100mm to 299mm diameter - 3m either side of the pipe, measured from the centreline of the sewer.

The applicant is advised to visit: www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/diversion-of-waste-assets-application/

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

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

Cheltenham Chamber Of Commerce

31st May 2024 - On behalf of Cheltenham Chamber of Commerce I am writing in support of the above application. We understand the change of direction in view of the need for residential accommodation in the region but we are concerned about the loss of employment land and feel that it is important for an alternative suitable site to be identified to compensate for the loss of opportunity that will result from this application.

Natural England 1

10th May 2024 - Response available to view in documents tab.

Natural England 2

29th October 2024 -

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

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as The Cotswold Beechwoods SAC. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment. Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure. Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

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

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Annex A –Natural England general advice

Protected Landscapes Paragraph 182 of the National Planning Policy Framework - GOV.UK (www.gov.uk) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the Levelling-up and Regeneration Act 2023 (legislation.gov.uk) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 187 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and

enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Guidelines for Landscape and Visual

Impact Assessment (GLVIA3) - Landscape Institute for further guidance.

Biodiversity duty Section 40 of the Natural Environment and Rural Communities Act 2006 (legislation.gov.uk) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making.

We refer you to the Complying with the biodiversity duty - GOV.UK (www.gov.uk) for further information.

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)). Both the direct and indirect impacts of the development should be considered.

A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see Habitats regulations assessments: protecting a European site - GOV.UK (www.gov.uk) and Natural England must be consulted on 'appropriate assessments' (see Appropriate assessment - GOV.UK (www.gov.uk) for more information for planning authorities).

Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the SSSI Impact Risk Zones (England) (arcgis.com) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified (Sites of special scientific interest: public body responsibilities - GOV.UK (www.gov.uk)).

Protected Species

Natural England has produced Protected species and development: advice for local planning authorities (gov.uk) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to Wildlife licences: when you need to apply - GOV.UK (www.gov.uk) for more information.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 187, 188 and 192 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geo conservation groups or recording societies. Emerging Local nature recovery strategies - GOV.UK (www.gov.uk) may also provide further useful information. Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be

mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to Habitats and species of principal importance in England - GOV.UK (www.gov.uk) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making. Natural England does not routinely hold priority species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the Brownfield Hub - Buglife for more information and Natural England's Open Mosaic Habitat (Draft) - data.gov.uk (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 187(d), 192 and 193. Major development (defined in the National Planning Policy Framework (publishing.service.gov.uk) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to Biodiversity Net Gain moves step closer with timetable set out - GOV.UK (www.gov.uk). Biodiversity net gain - GOV.UK (www.gov.uk) provides more information on biodiversity net gain and includes a link to the draft Biodiversity net gain - GOV.UK (www.gov.uk) Planning

Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to Calculate biodiversity value with the statutory biodiversity metric - GOV.UK (www.gov.uk) for more information. For small development sites, The Small Sites Metric - JP040 (naturalengland.org.uk) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met. The mitigation hierarchy as set out in paragraph 193 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England.

More information is available on Sites of Special Scientific Interest: managing your land

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife. The Environmental Benefits from Nature Tool - Beta Test Version - JP038 (naturalengland.org.uk) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric. Natural environment - GOV.UK (www.gov.uk) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 193 of the NPPF. The Natural England Access to Evidence - Ancient woodlands Map can help to identify ancient woodland. Natural England and the Forestry Commission have produced Ancient woodland, ancient trees and veteran trees: advice for making planning decisions

- GOV.UK (www.gov.uk) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 187 and 188). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the Guide to assessing development proposals on agricultural land - GOV.UK (www.gov.uk). Find open data - data.gov.uk on Agricultural Land Classification or use the information available on MAGIC (defra.gov.uk).

The Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (publishing.service.gov.uk) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to Reclaim minerals extraction and landfill sites to agriculture - GOV.UK (www.gov.uk), which provides guidance on soil protection for site restoration and aftercare. The Soils Guidance (quarrying.org) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to Green Infrastructure Home (naturalengland.org.uk) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well_managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 GI How Principles (naturalengland.org.uk). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate. The Green Infrastructure Map (naturalengland.org.uk) and GI Mapping Analysis (naturalengland.org.uk) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation:

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

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

Paragraphs 105 and 187 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on any nearby National Trails. We refer you to Find your perfect trail, and discover the land of myths and legend - National Trails for information

including contact details for the National Trail Officer.

The King Charles III England Coast Path (KCIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails. Further information is set out in the Planning Practice Guidance on the Natural environment - GOV.UK (www.gov.uk)

Environmental Health 1

28th May 2024 –

The application includes a submitted noise impact assessment (ref: 10/15111). At this stage, further information would be required to satisfy noise concerns for this site. The report states that 'a strategy for ventilation and management of overheating is to be developed', however the report does not detail what ventilation is needed to adhere to BS8233 internal noise levels. Please could this clarification be provided in order for EH to appropriately assess the noise impact assessment and condition/ comments accordingly. Additionally, the noise impact assessment report demonstrates how the front garden areas exceeds the BS8233 outdoor external limit.

The noise impact assessment report also details that 'Building services plant will also likely be required for the commercial unit', and therefore a BS4142 noise assessment would be required to assess the suitability of use for the commercial site. This assessment will account for the entirety of BS4142 scope, where applicable. This assessment will be undertaken prior to the occupation of the premises and preferably as soon as the developer knows the occupier/the activities to take place. The assessment will be submitted in writing to the LPA for EH approval prior to occupation.

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

- 24 hour emergency contact number
- hours of operation
- 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)
- routes for construction traffic
- locations for loading / unloading and storage of plant, waste and construction materials
- method of prevention of mud being carried onto highway - measures to protect vulnerable road users (cyclists and pedestrians)
- any necessary temporary traffic management measures - arrangements for turning vehicles
- arrangements to receive abnormal loads or unusually large vehicles - methods of communicating the construction management plan to staff, visitors and neighbouring residents and businesses
- waste and material storage
- noise controls and mitigation
- details of demolition and controls for this
- control measures for dust and other air-borne pollutants
- measures for controlling the use of site lighting whether required for safe working or for security purposes.

The application notes that an Air Source Heat Pump is being considered. If the applicant decides to install an ASHP - the Environmental Health department will require further acoustic information relating to the operation of the pump prior to any works taking place. If the applicant indicates that they will be installing an ASHP, please can we request that we are further consulted by the Planning team.

For the construction phase to be kept within the times 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.

Environmental Health 2

5th July 2024 –

Please could the below condition be added to my initial consultation response.

No development shall begin until a sound insulation scheme has been submitted to and approved by the Local Planning Authority. The scheme should incorporate how to protect the habitable rooms in the residential units of the proposed development from road traffic as well as the commercial noise from the proposed commercial use unit.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 "Guidance on sound insulation and noise reduction for buildings", any acoustic attenuation scheme designed for this property shall achieve at least the 'reasonable' design range for living rooms and bedrooms from the British Standard referenced. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Contaminated Land Officer

28th May 2024 –

The application submitted a Contaminated Land Report (ref: 729381R2) and please could a compliance condition be attached to ensure the recommendations of the report are fulfilled during the development. Following this appropriate validation works will need to be undertaken and the verification documents will need to be provided.

GCC Community Infrastructure Team (Education and Libraries)

15th August 2024 – Due to table format, full comments are available to view in documents tab.

Summary

Financial contributions will be required to make the development acceptable in planning terms. The County Council would have concerns if provision of and funding for the necessary infrastructure requirements could not adequately be addressed by planning obligation.

A contribution to GCC of £11,760.00 is required (based on 60 dwellings), and which would be used at Hesters Way Library or Up Hatherley Library to improve customer access to services through refurbishment and upgrades to the library building, improvements to stock, IT and digital technology, and increased services

The proposal is for 60 dwellings, the Design and Access Statement describes it as including 9 x 1-bed dwellings. The number of qualifying dwellings would generate an additional demand for 15.3 primary places. There is adequate spare capacity available, therefore the County Council is not currently seeking a contribution towards these additional places. (See Tab.3 of the Education Analysis Workbook

The proposal is for 60 dwellings, the Design and Access Statement describes it as including 9 x 1-bed dwellings. The number of qualifying dwellings would generate an additional

demand for 7.97 secondary (11-16) places. The Secondary education data indicates there will not be adequate spare capacity to accommodate numbers arising from this development; therefore, the County Council is requesting a secondary (11-16) a contribution of £208,165.00 towards the provision of additional places. (See Tab.5 of the Education Analysis Workbook)

The proposal is for 60 dwellings, the Design and Access Statement describes it as including 9 x 1-bed dwellings. The number of qualifying dwellings would generate an additional demand for 2.550 secondary (16-18) places. The Secondary education data indicates there will be adequate spare capacity to accommodate numbers arising from this development; therefore, the County Council is not currently requesting a secondary (16-18) a contribution towards the provision of additional places. (See Tab.5 of the Education Analysis Workbook)

Clean Green Team

10th May 2024 - Response available to view in documents tab.

Architects Panel

4th June 2024 -

Design Concept:

The panel questioned whether this is a site for residential development given the proximity to the commercial uses and the main road.

Detail Design:

Due to the proximity of the road there are concerns over the noise and air pollution that will generate for any future residents. The application is simply for the access but the panel were not convinced that the scheme was resolved enough for them to make an informed decision over whether the revised access point was acceptable or not. Within the Design and Access Statement there were some schematic layouts that showed more promise in terms of the sites potential for development than the presented scheme. If we accept that this is a site for residential development the panel questioned whether the density could be increased to make better use of the site. The proposed layout doesn't appear to link very well to the surrounding highways infrastructure.

Recommendation:

Not supported

Cheltenham Civic Society

23rd May 2024 -

Outline application for the erection of up to 60 dwellings (including 40% affordable housing), up to 550 sq. metres of flexible commercial use (Use Class E), provision of new vehicular and pedestrian access with associated landscaping, drainage and other works. Approval sought for means of access. Appearance, landscaping, layout and scale are matters reserved for future consideration. | Land At North Road West and Grovefield Way Cheltenham Gloucestershire

SUPPORT WITH COMMENTS

We support the principle of using this land for housing. However, in developing a Full Planning Application, we hope the applicants (and the Council) will pay attention to these points:

Noise: The noise issue from the A40 should be properly addressed as traffic noise has been demonstrated to be harmful to people's health and life expectancy. A hard barrier should be erected between the road and the residential area and concealed within the roadside vegetation, see: <https://nationalhighways.co.uk/our-work/environment/air-quality-and-noise/noise/>

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Hard surfacing: The amount of hard surfacing in the estate should be reduced to minimise the flood risk.

Street trees: these should be a feature of every street in accordance with government guidance (para. 136 of the NPPF).

Net biodiversity: we are unimpressed by the BNG calculation, which is complicated and hard to understand: and omits completely any reference to the one feature - the pond - that is likely to increase biodiversity.

A more user-friendly presentation is needed, albeit incorporating the BNG calculation.

Sustainability: needs to be built into the design of the new homes from the start, not retro-fitted.

Play area: this should be more centrally located and not next to the pond.

Affordable housing: this should be integrated throughout the scheme and largely indistinguishable from other housing.

Tree Officer

10th May 2024 –

Further details should be provided at reserved matters stage, as described in the arb statement. This should include tree protection measures, method statement for works within RPAs of reserved trees (including surfacing / footpaths), detailed landscape proposals (tree species, size and location, pit details). Where applicable, these documents should reference BS5837:2012.

Reason: to protect the amenity value of trees in the borough as per Policies GI2 and GI3 of the Cheltenham Plan and to secure the planting of appropriate trees as per Para 136 of the NPPF.

Social Housing

21st May 2024 – Due to format of comments, full response available to view in documents tab.

Summary

This officer is broadly satisfied with the proposals outlined by the applicant within this application, with the proposed delivery of a 70% social rented and 30% shared ownership affordable scheme being particularly welcome. This officer would request that the applicant submit further details regarding the affordable housing distribution, and exact proposed tenure mix at the soonest possible opportunity to assist this officer in gauging policy compliance. This officer would welcome conversations with the applicant to better understand the affordable housing proposals for this scheme in due course.

Gloucestershire Centre For Environmental Records

15th May 2024 - Report available to view in documents tab.

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APPLICATION NO: 24/00725/OUT	OFFICER: Mrs Lucy White
DATE REGISTERED: 1st May 2024	DATE OF EXPIRY : 31st July 2024
WARD: Benhall/The Reddings/Fiddlers Green	PARISH:
APPLICANT:	Revival Developers
LOCATION:	Land At North Road West And Grovefield Way Cheltenham
PROPOSAL:	Outline application for the erection of up to 60 dwellings (including 40% affordable housing), up to 550 sq. metres of flexible commercial use (Use Class E), provision of new vehicular and pedestrian access with associated landscaping, drainage and other works. Approval sought for means of access. Appearance, landscaping, layout and scale are matters reserved for future consideration.

REPRESENTATIONS

Number of contributors	8
Number of objections	6
Number of representations	2
Number of supporting	0

Field View
North Road East
The Reddings Cheltenham
Gloucestershire
GL51 6RD

Comments: 27th November 2024

[This is the text of a response from The Reddings & District Community Association of which I am a committee member. A copy of the response will also be emailed to the planning officer].

The Reddings & District Community Association is a not-for-profit organisation and registered charity run by volunteers providing a community venue for local activities, private children's parties and organised events. Sole funding for the Community Centre comes from hiring out the hall for community activities and it is used by at least 30 local regular user groups, including the NHS and the County Council for local and general elections.

The committee of trustees for the Centre has examined the planning application and has the following comments. Whilst we welcome additional housing and the prospect of a growing community in The Reddings, we believe the proposed development also presents risks to the long-term viability of the Community Centre.

Our key concerns are:

Flooding

Since the Aldi was built on the site adjacent to the proposed development, we have suffered a number of flooding events in the car park and on the road by the entrance. The most serious of these events was on September 20th 2024 when heavy rain run-off from the site opposite the Centre flooded the car park. This event was compounded by water pressure in the drain forcing a manhole cover up, depositing raw sewage into the already flooded car park.

The flood waters disrupted the Community Centre at the time and, as has happened with the Aldi development, we fear the extra run-off from additional building together with changes in the water table will exacerbate the situation increasing the risk of more serious flooding events that may cause damage to the building and result in the Centre having to close, perhaps permanently.

Any further development of the site shouldn't be agreed until the effect of ground water disturbance and surface water flows have been fully assessed and any risks mitigated. This assessment must take into account the increased incidence of flooding down the length of North Road West since the development of the wider site.

Proximity of large buildings and the removal of the boundary hedge at key points

We note that the current layout details three blocks (labelled A, B and C) that are directly opposite the entrance to the Community Centre. Although not stated explicitly in the revised layout details, we assume these are apartment blocks which may be three story in height. This is a problem for us since the Community Centre viability is wholly dependent on user groups and private parties providing revenue through hall hires. Feedback we have received from our user base is that the semi-rural setting of the Community Centre is a key reason we are selected for hires.

We fear that the current layout will result in these apartment blocks looming over the Community Centre, spoiling the rural views and privacy which will impact our ability to attract future hires, especially where private events are concerned. Additionally, the development requires removal of sections of the site boundary hedge which will compound the problem. The original Aldi application promoted a condition whereby the hedge was to receive additional planting to reinforce the barrier between Shakespeare Cottages, the Community Centre and the commercial site. We do not believe this was carried out.

We request a revised layout whereby any apartment blocks are located away from the Community Centre and the hedge is reinforced in proximity to the Centre to maintain and strengthen the barrier.

We hope that you will give due consideration to these concerns when assessing the planning application.

Yours sincerely,

On behalf of the Trustees of the Reddings & District Community Association

10 North Road West
The Reddings
Cheltenham
Gloucestershire
GL51 6RF

Comments: 13th May 2024

I am writing with regards the residential development 24/00725/OUT.

The comments from me would be:

- o Pedestrian crossing opposite my house - I am not against this as such so long as it does not contain electronic components (e.g. flashing beacons, beeping traffic lights, etc.) that would disrupt the enjoyment of my home. Indeed, if the crossing were raised it would benefit in slowing traffic - as traffic tends to be at 50mph (or accelerating to / decelerating from) as it reaches the end of, but is still within, the 30mph portion.
- o I have a preference for the high-density accommodation blocks to be located away from my house, due to the overlook/privacy aspects. However, if re-locating is not possible is it possible to ensure the trees grown between the buildings and my property are sufficient to block viewing into my bedroom windows.
- o I have a preference to keep the tree/hedge line between the development and North Road West - to maintain the character of the area.
- o I would prefer if the estate did not exit onto North Road West. However if it does - would it be a good idea to reduce the speed down from 50mph? In addition, given the increase in traffic expected, the North Road West / Grovefield Way junction should be improved for visibility. When crossing from the Aldi side onto the residences side there is no way to look down the road, nor for cars to see the pedestrians until there are only a few meters between them.
- o I am concerned that given the amount of flooding the road is under and repairs that removing the natural field and replacing it with a build-up development would increase the flooding. This would primarily affect those at the bottom of North Road West, less so my house, but mentioning for your considerations.

Hope these make sense, let me know if I can provide any clarifications.

Thanks in advance for your consideration,

(#10 North Road West)

7 Chalford Avenue
The Reddings
Cheltenham
Gloucestershire
GL51 6UF

Comments: 22nd May 2024

I object to this because the original planning application was for offices when this land was taken out of the green belt and at that time houses would not have been allowed. I feel that this is a speculative application by a business who wants to get some return for their money without any regard for the local community. Can the land be returned to green belt?

I feel that the application is incorrect about flooding: the meadow has always flooded since I have lived here (from 1996). The flooding has been worse at the western end. During building of the BMW garage and ALDI it was especially worse at those times. So I feel the application needs further review and survey regarding flooding before any application might be approved.

In the event that this application is approved then I strongly believe the developer should upgrade North Road West so that it is wider and has a pavement on both sides of the road along its full length including street lighting. A part of this work should also be the upgrading of the drainage of the road itself. This will offer protection to all pedestrians as the amount of footfall and car traffic will invariably increase if 60 houses are built. I would also like to suggest that double yellow no parking lines are considered for North Road West as I am not convinced that there is adequate parking provision allowed for within the plans.

If this application goes ahead I would also like to see that the hedge will be reinstated along the full length of North Road West except for the road junction: when BMW and ALDI were built it is shame that this was not a requirement because there has been a significant net loss of habitat in the local area.

If the comments above are challenging to consider then perhaps an alternative plane with fewer dwellings, ie larger dwellings, is an alternative to mitigate footfall and vehicle movements including parking.

4 Shakespeare Cottages
North Road West
The Reddings
Cheltenham
Gloucestershire
GL51 6RF

Comments: 24th May 2024

This land was taken out of green belt as it was supposedly desperately needed for 'employment' use. This was then diluted into a retail/mixed use with relatively low levels of employment and high levels of generated traffic. This latest application just seems to be way of using the lack of 5 year housing supply numbers to get a new access into the site approved so that the land can be used for whatever purpose the developer's interpretation of the current market supports their actual proposals.

As usual there is no attempt to properly connect into or improve the existing active travel network - proposed pedestrian routes are only considered in one direction. Cycle route connections are vague at best given that Corinthian Park is already not properly connected into the local network. No attempt is made to improve North Road West which is part of the National Cycle Network Route 41. North Road West is in a poor state and not able to sustain this level of development. Pedestrian routes at both ends are already particularly difficult with limited visibility and high vehicle speeds.

The new site access would surely require a speed reduction on the whole of North Road West.

There are ongoing issues along North Road West with permanently flowing water and localised flooding issues which will only be exacerbated by this development.

5 Shakespeare Cottages
North Road West
The Reddings
Cheltenham
Gloucestershire
GL51 6RF

Comments: 24th May 2024

We are writing regarding the development 24/00725/OUT.

Our concerns are as follows:

Although the new development will be obscured behind hedging/trees, and therefore will not be an eyesore for us personally, we are very concerned about the amount of additional traffic the development will create along this country road, and the further deterioration of the road surface. North Road West is in a constant state of disrepair, with leaking underground pipework which runs from the top of the road all the way down; and an additional 120+ cars going up and down the road will not help. We are also concerned that developing the field will increase the risk of further localised flooding. With regards the access road into/out of the estate, could Corinthian Way not be further developed to continue into the estate, rather than using NRW for this? We would also like you to consider the affect on local wildlife if NRW is used for access. We hope you will take our concerns into consideration.

Carabela
8A Shakespeare Cottages
North Road West
The Reddings
Cheltenham
Gloucestershire
GL51 6RF

Comments: 11th December 2024

Whilst we agree with the number of concerns have been raised by other people around flood risk, traffic / safety on North Road West, road surface deterioration our 2 extra concerns are as follows:

1 = Location of pedestrian crossing on North Road West.

However, the revised location further down the road to the western side of the community centre alleviates our main concerns about safety and access into existing driveways, so as long any crossing is in the revised position we would have less concern.

2 = The location of the "Apartment Blocks". Whilst we know the piece of land was removed from the greenbelt a few years ago to cater for industrial use, we must still protect the area of the countryside whilst looking for areas for houses to be built. We must stick to the rules for development to be "In Keeping" with the local area. 3 apartment blocks in the suggested location would stick out like a sore thumb whilst driving

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down (or up) North Road West even with the existing hedgerow. Does this development NEED apartment blocks? And if so, please could it be considered to move them to the other side of the site towards the A40. The apartment blocks would not only be an eye sore, they would take away potential business from the community centre as they have mentioned in their comments as it would lose the countryside feel which is a large factor as to why people use their facility.

Please take our concerns into consideration - thank you in advance.

9 Shakespeare Cottages
North Road West
The Reddings
Cheltenham
Gloucestershire
GL51 6RF

Comments: 10th November 2024

We remain very concerned with the potential pedestrian crossing directly opposite our property and adjacent to our driveway. We believe this will cause difficulty entering and exiting our property, especially with our larger vehicles, ie our caravan and work van. This will potentially be unsafe for pedestrians and cause traffic problems, especially with the increased flow of traffic which this development will bring.

We therefore support the latest 24 October 2024 Revised North Road West Pedestrian Crossing Details which locate the pedestrian crossing adjacent to the entrance to the Reddings Community Centre. This new proposed situation will enable pedestrians to more easily see all potential traffic hazards from both directions on North Road West as they cross the road. Visibility will be better for vehicles entering and leaving the Reddings Community Centre, making this a much safer crossing point.

Comments: 18th September 2024

We have just seen white markings on the road outside our house where the proposed North Road West pedestrian crossing is planned. We strongly object to this on the basis that leaving our driveway in either our car, van or towing our caravan (which we keep on our driveway) and turning left will be either impossible or very difficult and therefore potentially dangerous. We would therefore suggest that a pedestrian crossing be placed further down the road nearer the proposed vehicle access point to the new development. Alternatively a new pavement could be created on the development side of North Road West with railings to help protect pedestrians and prevent children from having to cross the road.

Comments: 30th May 2024

Our concerns to this proposed development include the following:

A substantial increase in traffic on a road not designed for this, increasing safety for local residents and vehicle drivers. The road will need upgrading with more signage or an alternative access point would need consideration.

We are concerned about the noise from a possible electronic pedestrian beeping sound opposite our home and would prefer this crossing point to be in an area where there are no immediate houses. We would propose a pedestrian access directly into the existing business area rather than along North Road West.

We would like a new evergreen tree line boarder for the new estate especially where there are existing homes., for privacy reasons, noise and visual impact.

Kind regards.

Elm Farm, North Road West
The Reddings
Cheltenham
GL51 6RG

Comments: 23rd May 2024

We are writing regarding the outline application for the building of up to 60 dwellings and a 550sq.m of class E flexible commercial building with associated building of new roads, additional access and drainage (24/00725/OUT)

** Appearance, landscaping, layout and scale to be reserved for future consideration.**

We object to the proposed planning application for a number of reasons including concern that this proposal will negatively impact on an already struggling infrastructure. We are also very concerned that the developer may greatly change the plans ** at a future date.

- Draining & Flooding

The original Greenbelt fields were divided by hedgerow and established large trees, gently sloping towards Badgeworth Road which assisted with drainage and absorption of rainfall. Following the development of the site and the building of BMW & Aldi all internal trees & hedgerow were removed and the poor draining clay soil was brought to the surface. Much of the excavated soil was not removed from site and huge mounds were created, which remain to this day. The land running adjacent to our property remains approximately 2-4 metres higher than pre development, with very poor drainage due to clay. The runoff from flood water has greatly increased and further development and insertion of paths and roadways will increase flooding risk to our property. We request that the land on this proposed development be returned to its former height to protect our property and that of our neighbour (we have photographs of pre & post development land heights).

Since development, even during periods of hot weather and no rainfall there is constant water running off onto North Road West(NRW) starting from Aldi. The water has been tested and it is not chlorinated therefore it is from rainwater that is not draining. From our cottage window there are pools of water on the site that are never draining. The water runoff gushes from Aldi / BMW site onto NRW during heavy rain and as it hits

Badgeworth Road, a backwash returns the flood water back into NRW. There have been at least 2 occasions of a serious flooding to a nearby property since the initial development of this site in 2015/16

The water has contributed to the deterioration of the condition of the road on NRW, with increase in pot holes and a constant programme of repair impacting on the GCC Highways budget and the public purse, public safety and vehicle damage.

The Flood Risk Survey requisitioned by Revival Developments clearly states that the site currently has a medium risk of flooding, although it does not consider any impact of additional development and loss of drainage land.

Neither does the survey take into consideration the impact of further development on flood risk or the impact to existing properties.

It does not take into consideration the loss of drainage due to the recent development of the Arle Transport Hub, and the additional risk of flooding to the Arle Roundabout.

- Highways

NRW at present is narrow, with 2 standard vehicles just barely able to pass each other; at various places along the road 1 vehicle will have to stop to allow another to pass. The verges are not edged and are constantly being eroded where vehicles have to mount the verge to safely pass. Constant surface water and verge erosion has created deterioration of the tarmac and increased risk to public safety. In particular, pedestrians and car users are most frequently being put at risk. The request for additional access points on North West will increase traffic and create further risk to the public. It is not suitable for heavy machinery, plant and new residents to access from a country lane with established verges hedges, protected trees and wildlife. We recommend that the access to the proposed development remains via the established entrance of roads and paths off Grovefield Way. At present there is a 30MPH speed limit on NRW from Grovefield Way to just past the Reddings community centre where it changes to 50MPH. NRW needs to become a one way system, a no through road, and change its speed limits to 20mph. There will be an increased risk to pedestrians from increased traffic from the proposed development and the Arle Transport Hub, and we would recommend the installation of street lighting towards the bottom of the road to further safeguard pedestrians. To remove the existing verges would only reduce rain water drainage which would increase flood risk; therefore we recommend the installation of double yellow lines to assist with traffic flow. Vehicles are often mounted on the pavement by the cottages with pedestrians having to walk on the roads. We suggest that Highways place a ban on parking on the pavements and verges on NRW and issue parking permits to residents, for public safety.

The blind spot at the top of Grovefield Way into NRW needs to be addressed as a matter of urgency if approval of this application is given.

- Wildlife

The local wildlife had already been impacted by the existing development and further development and light pollution will impact them further.

Bats are observed nightly along the length of NRW using the hedges and trees.

Deer, owls, woodpecker's pheasants, sparrow hawks and kestrels amongst other wildlife exist along NRW and the impact of further development on the wildlife needs to be considered.

- Noise & Privacy & Security

The proposed plan shows a path around a pond by the side of our house and cottage. This along with increase in traffic will impact on noise, privacy, security of our property and water fall drainage. Many of the trees bordering our property are in poor condition and we would request that if the development is accepted the developers commit to replace the trees and hedging to reduce noise pollution, traffic pollution, light pollution,

and improve drainage, maintain our privacy and security and also improve the visual impact that the development will have on us.

- Housing

The local infrastructure is already overloaded to support 60 dwellings on this site. The roads are already congested, and NRW is too narrow. Schools are full and there is not enough available local health provision.

The development needs a reduction in the number of properties built, as the area cannot support a development of this size.

A pond on a development with a high water table would increase the risk of flooding.

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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

December/January 2025

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Little Duncroft Evesham Road Cheltenham Gloucestershire GL52 3JN	Unauthorised building and use	n/a	Written representation Enforcement Appeal	n/a	24/00103/DCBPC
3 Pittville Crescent Lane Cheltenham Gloucestershire GL52 2RA	Proposed wooden garden shed, and retention of new boundary fence (part retrospective)	Committee Decision	Written representations	n/a	24/00631/FUL
Holly Blue House London Road Charlton Kings Cheltenham Gloucestershire GL54 4HG	Proposed first-floor extension.	Delegated Decision	Written representations (Householder)	n/a	24/01692/FUL

Appeals being processed

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
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
8 Imperial Square Cheltenham	Installation of moveable planters.	Delegated Decision	Written representations	Not decided	Planning ref: 23/02152/CLPUD Appeal ref: 24/00012/PP1
14 Suffolk Parade Cheltenham Gloucestershire GL50 2AB	Proposed demolition of existing stores and officing at rear of 14 Suffolk Parade, and construction of detached 2 bedroom coach house dwelling (with pedestrian access off Daffodil Street)	Delegated Decision	Written representations	Not decided	Planning ref: 24/00079/FUL Appeal Ref: 24/00016/PP1

Little Duncroft Evesham Road Cheltenham Gloucestershire GL52 3JN	Change of use of garage building as a standalone residential property. Retention of external cladding, easterly facing window, roof lights and boundary fencing (part retrospective), (Resubmission of planning application 23/01739/FUL).	Committee Decision	Written Representation	Not Decided	Planning ref: 24/00471/FUL Appeal Ref: 24/00019/PP1
60 Severn Road Cheltenham Gloucestershire GL52 5PX	Two storey side extension, loft conversion, and front porch (revised scheme following refusal of application ref. 24/00909/FUL)	n/a	Written representation (Householder)	n/a	Planning ref: 24/01502/FUL Appeal Ref: 24/00020/PP1
Flat 3 6 Jenner Walk Cheltenham Gloucestershire GL50 3LD	Proposed replacement of existing timber windows with UPVC windows	n/a	Written representation	n/a	Planning ref: 24/00895/FUL Appeal Ref: 24/00021/PP1

70 Promenade Cheltenham Gloucestershire GL50 1LY	Erection of various signage (3no. logos, 1no. clock sign, 1no. door handle sign and 1no. projecting sign).	n/a	Written representations	n/a	23/01325/ADV and 23/01325/LBC Planning ref: 24/00022/LISTB1 24/00023/ADV1
9 Pumphreys Road Charlton Kings Cheltenham Gloucestershire GL53 8DD	Proposed two storey and single storey rear extension	n/a	Written representations (Householder)	n/a	Planning Ref: 24/01667/FUL Appeal Ref: 25/00001/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 th July 2023 (rescheduled for 12th July 2023))	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 (New procedure Change now a hearing date is 4th July 2023)	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
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<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>

<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>Appeal Dismissed Costs Application Dismissed</p>	<p>Planning ref: 23/01137/FUL Appeal ref: 24/00007/PP1</p>
<p>278 Old Bath Road</p>	<p>Dropped kerb to provide access from Kenneth Close, and hard standing to facilitate off street parking (Resubmission of planning ref: 23/00481/FUL)</p>	<p>Delegated Decision</p>	<p>Written Representation</p>	<p>Appeal Dismissed</p>	<p>Planning ref: 23/02056/FUL Appeal ref: 24/00009/PP1</p>

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 Representation	Appeal Dismissed	Planning ref: 23/02033/FUL Appeal ref: 24/00011/PP1
3 Rotunda Tavern Montpellier Street	Retention of temporary canopy structure for two years	Delegated Decision	Written Representation	Appeal Dismissed	Planning Ref: 22/01681/FUL Appeal Ref: 24/00002/PP1
1 Coltham Fields Cheltenham Gloucestershire GL52 6SP	Erection of 1no. two storey dwelling on land adjacent 1 Coltham Fields	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/00596/FUL appeal ref: 24/00006/PP1
22 Dinas Road Cheltenham Gloucestershire GL51 3EW	Proposed installation of a static home at rear of property.	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 24/00637/FUL Appeal Ref: 24/00015/PP1
Stansby House The Reddings Cheltenham Gloucestershire GL51 6RS	Erection of 2no. detached dwellings following demolition of existing buildings	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 23/01538/FUL Appeal Ref: 24/00013/PP1

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	Appeal Allowed Costs Appeal Allowed	Planning ref: 23/01678/CLEUD appeal ref: 24/00001/PP1
3 Regent Street Cheltenham Gloucestershire GL50 1HE	Retain existing exterior facade paint colour. (Retrospective)	Delegated Decision	Written Representation	Appeal Dismissed	Planning ref: 24/00271/LBC appeal ref: 24/00014/PP1
78 Hewlett Road Cheltenham Gloucestershire GL52 6AR	Steps to be built from basement level to current garden level, change rear sash window for french doors.	Delegated Decision	Written representation	Appeal A and B Dismissed	Planning Ref: 24/00440FUL and LBC Appeal Ref: 24/00017/PP1 and 24/00018/LISTB1

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 14th January 2025

Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Deci	Hearing Date	Costs awarded
23/01678/CLEUD	24/00001/PP1	The Forge Branch Road	Written	03.01.2024	17.01.2024	06.02.2024		Allowed	19.12.2024	Allowed		
22/01681/FUL	24/00002/PP1	Rotunda Tavern 3 Montpellie	Written	05.02.2024	12.02.2024	11.03.2024	25.03.2024	Dismissed	11.07.2024	n/a		
	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	Dismissed	19.07.2024			
23/01137/FUL	24/00007/PP1	Hilltop Stores, Hilltop Road	Written	13.03.2024	20.03.2024	17.04.2024	01.05.2024	dismissed	10.06.2024	Refused		
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			dismissed	18.06.2024			
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			dismissed	19.06.2024			
23/02152/CLPUD	24/00012/PP1	8 Imperial Square, Cheltenham	Written	07.05.2024	21.05.2024	18.06.2024	09.07.2024					
23/01538/FUL	24/00013/PP1	Stansby House, The Redding	Written	12.06.2024	19.06.2024	17.07.2024	31.07.2024	Dismissed	26.09.2024			
24/00271/LBC	24/00014/PP1	3 Regent Street, Cheltenham	Written	19.06.2024	26.06.2024	24.07.2024	07.08.2024	Dismissed	20.12.2024			
23/00637/FUL	24/00015/PP1	22 Dinas Road, Cheltenham,	Householder	08/07/2024	15/07/2024			Dismissed	25.09.2024			
24/00079/FUL	24/00016/PP1	14 Suffolk Parade	Written	21.08.2024	28.08.2024	25.09.2024	09.10.2024					
24/00440/FUL	24/00017/PP1	78 Hewlett Road	Written	19.09.2024	26.09.2024	24.10.2024	07.11.2024	Dismissed	20.12.2024			
24/00440/LBC	24/00018/LISTB1	78 Hewlett Road	written	19.09.2024	26.09.2024	24.10.2024	07.11.2024	Dismissed	20.12.2024			
24/00471/FUL	24/00019/PP1	Little Duncroft, Evesham Roæ	Written	26.09.2024	03.10.2024	31.10.2024	14.11.2024					
24/01502/FUL	24/00020/PP1	60 Severn Road, Cheltenham	HAS	20.11.2024	27.11.2024							
24/00895/FUL	24/00021/PP1	Flat 3, 6 Jenner Court	Written	26.11.2024	03.12.2024	03.01.2024	17.01.2024					
23/01325/LBC	24/00022/LISTB1	70 Promenade Cheltenham	Written	04.12.2024	11.12.2024	08.01.2025	22.01.2025					
23/01325/ADV	24/00023/ADV1	70 Promenade Cheltenham	Written	04.12.2024	11.12.2024	08.01.2025	22.01.2025					

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Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision
24/01667/FUL	25/00001/PP1	9 Pumphreys Road	Written	07.01.2025	14.01.2025	n/a		n/a

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Appeal Decision

Site visit made on 26 November 2024

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/B1605/Y/24/3343363

3 Regent Street, Cheltenham, Gloucestershire GL50 1HE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Haribor Rahman against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00271/LBC.
 - The works are described as Retain existing exterior façade paint colour.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The works concerned have already been carried out, which I saw to be the case.
3. As the works relate to a listed building and are in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. Since the appeal was made, a new version of the National Planning Policy Framework has been published dated December 2024 (the Framework). However, the relevant elements of the Framework to this appeal have remained unchanged, other than the paragraph numbering, and so no parties would be prejudiced by this.

Main Issues

5. The appeal property forms one of six properties comprising the Grade II listed building known as Numbers 1 to 6 and attached area railings to number 6 (the LB). The works concerned are on the front elevation of No 3. In that context, the main issues are the effect of the works, that have already been completed, on the special architectural and historic interest of the LB and whether they preserve or enhance the character or appearance of the Central Conservation Area (the CA).

Reasons

6. The LB derives its significance in representing a good example of what was originally a terrace of six 3-storey Regency houses. They have now been converted to commercial uses with associated alterations including to their ground floor frontages. However, they still retain a high degree of significance, with characteristic features including the stucco over brick front elevations with

- bands at first and second floor level, 12 pane sash windows where original, and arched entrance doorways.
7. The CA covers the central area of Cheltenham which contains a high number of historic buildings, including terraces of the Regency period. A general significant characteristic of those Regency buildings in the CA is their pale, generally white or light buff coloured frontages, as is seen on the LB at No 2 and the upper floors of Nos 4-6, and also further along the road at the Grade II listed Nos 11-16. The large retail store on the opposite side of the road also has a predominantly pale front elevation.
 8. The appeal property has been painted in a very dark colour, described as black in the submissions. It is also the case that No 1 has been painted in a mid-grey colour, albeit noticeably paler than No 3. However, along with those works relating to this appeal, I have no substantive evidence to indicate that listed building consent has been granted for that colour paint to No 1. As such, it is not a feature that necessarily provides a clearly established change of context, particularly given the extent to which the remaining properties in the terrace retain the paler colours, notwithstanding the darker finishes to the ground floors of Nos 4-6. Despite that difference in colour between the ground and first floors of those properties, and some degree of wearing to the finishes, the pale colours predominate, having regard to the significance of the LB in itself and as part of the CA.
 9. The appeal site is on the edge of Cheltenham's central shopping area, where there are varying darker coloured frontages, albeit mainly relating to the ground floor shopfronts. However, the paler colours still predominate on the building frontages, providing a high degree of continuity in this respect, despite a relatively small number with darker painted whole façades, such as those highlighted by the Appellant. I do not know the planning circumstances of those examples of other buildings with their whole front facades painted in different colours to the pale palette. However, I saw that they are very much in the minority in relation to their surrounding context.
 10. I also noted the presence of shopfronts between the site and High Street with features not reflective of the Regency characteristics and colour palette generally seen in the CA, including those referred to in the submissions comprising "The Beefy Boys" and the party shop next to it. Again, I do not know the planning circumstances relating to those specific cases, but nevertheless, their upper floors still predominantly retain the characteristic pale coloured finish.
 11. There are historic buildings in the vicinity of the site of distinctly different designs, including the Grade II listed Everyman Theatre at one end of the LB terrace and the Grade II listed County Court opposite. However, those particular two buildings have distinctly individual appearances which do not diminish the significance of the neighbouring Regency terrace buildings, including the LB and Nos 11-16.
 12. I acknowledge that Regent Street now has a more commercial and vibrant character than some of the more distinctly residential areas within the CA, given the presence of the theatre, cafes, restaurants and bars together with some associated street furniture. Also, the street is relatively enclosed by the narrow approaches from High Street and along County Court Road, and to the south by the walkway over the road, compared to locations such as Promenade

or Imperial Square. However, notwithstanding those examples of different coloured facades, mainly relating to the ground floors of the buildings concerned, and the distinct individual historic buildings, the characteristic pale front elevations still predominate. Furthermore, there is no substantive evidence to indicate that different coloured frontages within the streetscene are a key factor to the vitality and general character of the street, notwithstanding the proximity to High Street and any historically more colourful appearance associated with it.

13. In that existing context, both in respect of the LB terrace and the wider streetscene within that part of the CA, the dark coloured whole front elevation of No 3, despite the constancy in colour and well-maintained façade, stands out as a dominant and incongruous feature.
14. The Appellant highlights that the existing colour has been in place without any objections in the last two and a half years and that none were received when the application was submitted for the works concerned. Nevertheless, I have determined the appeal on its merits based on all of the evidence provided and my observations.
15. For the above reasons, the works fail to preserve the special architectural and historic interest of the LB and the character and appearance of the CA. The works therefore fail to satisfy the requirements of sections 16(2) and 72(1) of the Act. Furthermore, for the same reasons, they are contrary to policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 which states, amongst other things, that designated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
16. The works are also contrary to paragraph 210 of the Framework which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets. For the purposes of the planning balance, which I shall come on to, this harm carries considerable importance and weight.
17. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
18. Given the nature of the works in relation to the LB as a whole and the CA, the harm caused is less than substantial in this case. Having regard to paragraph 215 of the Framework, as I have found there to be less than substantial harm to the significance of the designated heritage assets, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. I have found that there is no substantive evidence to indicate that different coloured frontages within the streetscene are a key factor to the vitality and general character of the street. Furthermore, although it is claimed that the works concerned make a better contribution to the streetscene than others in the terrace in terms of the constancy of colour and well-maintained façade of

No 3, as I have found above, these factors do not prevent the over-riding harm caused to the LB and CA.

20. For the above reasons, the public benefits are insufficient to outweigh my findings that the works fail to preserve the special architectural and historic interest of the LB and the character and appearance of the CA.

Conclusion

21. For the reasons given above the appeal should be dismissed.

A Dawe

INSPECTOR



Appeal Decisions

Site visit made on 26 November 2024

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal A Ref: APP/B1605/W/24/3349500

78 Hewlett Road, Cheltenham, Gloucestershire GL52 6AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Bowden against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00440/FUL.
 - The development proposed is described as: to excavate the earth to the rear of the basement to allow for steps to be built from basement level to current ground level of garden. This will be built in place of the existing lightwell to the basement. This will also require the removal of around 12 courses of brickwork beneath the existing window. The existing brick arch above will remain along with the existing width of the original Sash opening. We then propose to change the rear sash window for a small French doors the same width as the original sash window. The door will be made to imitate the look of the current 4 pane sash window by having a solid timber bottom painted and glass in top half to imitate current sash window look.
-

Appeal B Ref: APP/B1605/Y/24/3349498

78 Hewlett Road, Cheltenham, Gloucestershire GL52 6AR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Gary Bowden against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00440/LBC.
 - The works proposed are described as the same as for Appeal A.
-

Decision

1. Appeals A and B are both dismissed.

Preliminary Matters

2. I saw that the window concerned had already been removed with the opening boarded up, and with that boarding extending down to the lightwell ground level externally. The lightwell was also retained with temporary boarding. Internally, I saw that the room concerned, labelled as a snug on the submitted plans, had been refurbished, including with new boarded sides and cill to the window opening. I also saw, via gaps, that below that cill level there was a void area, although due to very restricted viewing, I was unable to ascertain its extent and therefore the degree, if any, of any related removal of brickwork.
3. Since the appeal was made, a new version of the National Planning Policy Framework has been published dated December 2024 (the Framework). However, the relevant elements of the Framework to this appeal have

remained unchanged, other than the paragraph numbering, and so no parties would be prejudiced by this.

Main Issue

4. The main issue is whether the proposals would preserve the significance of the Grade II listed building known as Numbers 68 to 92 and attached railings, Hewlett Road (Ref: 1245593) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

5. The LB, comprising 13 dwellings and including No 78, derives its significance from being a good example of a terrace of circa 1820-1850 houses, with basements, including their characteristic and distinct stucco over brick frontages, front first floor band, timber sash windows, and front railings. Those windows at ground and first floor levels, including at No 78, comprising 12 panes are referred to as original in the list description. Basement level windows also have timber sash designs.
6. It is claimed that the rear basement window relating to No 78 was in a poor condition, including rotting, with no damp protection, and a broken mechanism, making it non-functional and non-repairable. However, notwithstanding the limited photographic evidence provided, I do not have full details relating to the window's condition and, due to its removal, I was unable to see this for myself. In the absence of such information, I cannot be certain that the window was not capable of repair and refurbishment and being brought back to full working order, notwithstanding any existing absence of damp protection.
7. From the Appellant's submissions it is considered that the window concerned was a replacement of an original. This is on the basis that it consisted of a total of 4 panes, not the specific numbers referred to in the statutory listing description or reflecting other windows at the property, and not of the same small pane style as others in the terrace, but possibly of a later Victorian style seen in nearby streets; and the belief that the original window would have deteriorated relatively rapidly.
8. However, even if, as claimed, the window was not of an original design to the house, I have no substantive evidence to indicate that it was still not of historic and architectural value, particularly given its timber horned sash form. This is also on the basis that consideration of the significance and special interest of the LB is not confined to the listing description, including in terms of the extent to which the rear of the property is mentioned. Furthermore, the feature comprising a window opening of the size indicated in the submissions remains of historic and architectural significance in itself.
9. In the absence of sufficient evidence to the contrary, the removal of the window frame and glazing would therefore in itself represent a loss of historic fabric. I note the intention to retain the existing lintel height and associated brick arch, and other existing features of the opening, including structural elements, without reinforcement. Nevertheless, the effect of the proposed change from a window opening to that relating to French doors would be to remove a feature of historical and architectural significance, with an extension vertically downwards of the existing opening. Notwithstanding the intention only to remove brickwork from directly beneath the window concerned as

opposed to expanding outwards either side, that nevertheless also represents some loss of historic fabric.

10. It is claimed that the majority of mid-terrace properties within the LB terrace with a basement and rear garden have had similar works carried out to create stepped access from the rear basement to the garden, and that this is typical of the architecture for similar properties of the period concerned. However, I have no details of the circumstances in respect of those other properties, or any substantive evidence of their designs or the basis for this being a typical feature of the particular properties comprising the LB, even if it is reflected elsewhere. I was also unable to see any of those other rear basement features in the terrace, due to intervening screening boundary treatment. Nevertheless, I have therefore determined the appeal on its own merits, and in any case, even if others have been altered in this way, that heightens the evidential value of retaining that at No 78.
11. The Appellant highlights that the basement has been returned to its original 1830s purpose, including a kitchen for the whole dwelling. Furthermore, it is stated that the proposals would enable fire escape to the rear without having to use the window; increased natural light; and improved amenity due to direct access to the rear garden; and thereby lead to the long-term retention of the property in its historic configuration.
12. I acknowledge that such factors would be likely to provide added safety and an improved living environment. However, I have no substantive evidence to indicate that the proposals would be necessary, including in relation to modern safety and living standards, to allow that basement space to continue to be utilised for the existing habitable purposes, and to maintain the property's viable use as a dwelling and the LB's integrity and longevity as a heritage asset.
13. It is claimed that the proposals could easily be reversed without further harm, particularly given the retention of existing opening design and structural features. However, the proposals before me involve the loss of actual historic fabric, and for the reasons given would harm the LB's integrity indefinitely, with no substantive basis to consider they would be reversed in the future, even if they could be.
14. All of the above factors relate to the integrity of the LB in its own right, regardless of the circumstances whereby the proposals would not be visible from public vantage points or from neighbouring properties.
15. The Appellant highlights that the Council's Conservation Officer did not consider this specific application and that there are aspects not taken into account by the Council in determining the applications concerned. However, I have determined the appeal on its merits based on all of the submitted evidence and my observations.
16. For the above reasons, the proposals would fail to preserve the significance of the LB and features of special architectural or historic interest that it possesses. The proposals would therefore fail to satisfy the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, for the same reasons they would be contrary to policies D1 of the Cheltenham Plan (2020) and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (the JCS) which together state,

amongst other things, that alterations of existing buildings will be required to avoid causing harm to the architectural integrity of the building or group of buildings; and that designated heritage assets will be conserved and enhanced as appropriate to their significance.

17. The proposals would also be contrary to paragraph 210 of the Framework which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets. For the purposes of the planning balance, which I shall come on to, this harm carries considerable importance and weight.
18. The Council, in its planning decision notice, also refers to policy SD4 of the JCS. However, that policy relates to design requirements for development generally and not to specific considerations relating to heritage assets.
19. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
20. Given the nature of the proposals in relation to the LB as a whole, the harm caused to the heritage asset would be less than substantial in this case. Having regard to paragraph 215 of the Framework, as I have found there would be less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposals including, where appropriate, securing its optimum viable use.
21. I have previously found there to be no substantive evidence, having regard to factors relating to the historic configuration of the building's rooms, safety and living conditions, to indicate that the proposals would be necessary in these respects. I have noted that such factors would be likely to provide added safety and an improved living environment for residents of the property. However, there is no substantive evidence that this would amount to a significant public benefit, such that I afford it limited weight.
22. For the above reasons, the public benefits would be insufficient to outweigh the harm and my findings that the proposals would fail to preserve the significance of the LB and features of special architectural or historic interest that it possesses.

Conclusion

23. For the reasons given above both appeals should be dismissed.

A Dawe

INSPECTOR



Appeal Decision

Site visit made on 12 November 2024

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 19 DECEMBER 2024

Appeal Ref: APP/B1605/X/23/3331569

The Forge, Branch Road, The Reddings, CHELTENHAM, GL51 6RH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by The Forge Residential Park Ltd against the decision of Cheltenham Borough Council.
 - The application ref 23/01678/CLEUD, dated 29 September 2023, was refused by notice dated 16 October 2023.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is Use of land as a caravan site without restriction as to layout or numbers of caravans.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is found to be lawful.

Applications for costs

2. An application for costs has been made by the appellant against the Council. This is the subject of a separate decision.

Preliminary Matters

3. The Council has queried whether the application should have been submitted under s192 of the Town and Country Planning Act 1990 ('1990 Act') on the basis that the development described is a proposed use rather than a current use. In my view, had the development description specified a number of caravans in excess of those presently on site, that plainly would be a proposed use. However, the description 'use of land as a caravan site without restriction as to layout or numbers of caravans' is plainly capable in principle of describing an existing use in the circumstances, regardless of whether the appellant's intentions for the site may have played a role in the formulation of the description.
4. The appellant did not include copies of case law judgments relied upon with their representations. Copies were therefore obtained and sent to the Council for comment.

Main Issue

5. The main issue is whether or not the Council's refusal was well-founded. This will turn upon whether the development as described above was lawful as at the date of the lawful development certificate ('LDC') application.

6. In a LDC application, planning merits are not relevant. My decision rests solely upon the application of the law and relevant judicial authorities. The onus is on the appellant to make their case on the balance of probability.

Reasons

7. The Council granted a LDC¹ in respect of the appeal site for development described as '*Use of land as a caravan site including ancillary areas for amenity and car parking functions*'. The reasons given for the grant of the LDC are that '*The application is accompanied by information/evidence which is sufficient to establish that, on the balance of probability, the site has been used as a caravan site including ancillary areas for storage, maintenance, amenity and car parking functions since March 16 2013*'.
8. As the appellant outlines, the use which was certified as lawful by the 2023 LDC did not: contain limits as to the number or type of caravans; control the layout of the site; or require that ancillary areas are retained. It is clear and unambiguous on its face and so per the *Breckland*² judgment, extrinsic evidence is irrelevant to its interpretation.
9. The 2023 LDC sets the baseline for the permitted use and does not contain a limit on the number of caravans that can be sited – the existing number of caravans could be higher or lower and the use would still fall within the 2023 LDC. However, whilst use of land as a 'caravan site' as described in the appeal application would form a part of a use described as '*use of land as a caravan site including ancillary areas for amenity and car parking functions*', that is not the same as saying that these two uses are the same; that a 'caravan site' use could properly be said to describe a 'caravan site including [my emphasis] ancillary areas for amenity and car parking functions' use. These descriptions are not, in my view, interchangeable since the baseline use described in the 2023 LDC specifically included ancillary areas as a descriptive component of the then lawful use.
10. Since the application relies upon the use certified as being lawful, and that is the baseline against which the materiality of any use must be assessed, I consider it appropriate to amend the description of what is applied for to "*use of land as a caravan site including ancillary areas for amenity and car parking functions, without restriction as to layout or numbers of caravans.*"
11. The appellant makes reference to a 2016 planning permission³ for change of use of an area of land within the caravan site for the siting of two residential park homes. The appellant submits that the 2016 Permission was unnecessary pursuant to the *Newbury*⁴ principle on the basis that the 2023 LDC indicates that the land was being used as a caravan site and that 'considering the issues of intensification and a material change of use the 2016 permission would not have been necessary'. The appellant similarly submits that even if the 2016 Permission were necessary, it does not contain any conditions that would prevent the grant of the LDC sought in this appeal.
12. However, it is not necessary to explore whether or not the 2016 Permission was necessary or contained conditions that would preclude the grant of the

¹ Ref: 23/00443/CLEUD ('2023 LDC')

² *Breckland DC v SSHLG & Plum Tree Country Park* [2020] EWHC 292 (Admin)

³ Ref: 16/01661/FUL ('2016 Permission')

⁴ *Newbury District Council v Secretary of State for the Environment* [1981] AC 578

LDC sought in this appeal. Section 191(6) is clear that the lawfulness of the use stated in a certificate shall be 'conclusively presumed' and the reason for the grant of the 2023 LDC confirms that this was granted on the basis of immunity from enforcement action, rather than by reference to the 2016 Permission. The Council does not dispute this fact, the 2023 LDC itself is precise and unambiguous in this regard and there is no substantive evidence before me such as to displace the s191(6) presumption.

13. The Council's reasons for refusal include a statement that '*The application fails to specify the future number of caravans and consequently on the balance of probability it cannot be determined if a change of use is occurring*'. However, in this case, it is only the existing use that I am concerned with, along with the question of whether there are restrictions on caravan numbers and layout (which I have taken to mean the arrangement of the various components of the use)
14. Whilst the Council has not submitted a statement in respect of this appeal, in its representations on the appellant's costs application, the Council submits that the purpose of a LDC application is not to seek legal advice on the meaning of a previous LDC issued. However, in my view, the LDC application that is the subject of this appeal plainly does not represent a request for legal advice but rather a decision on whether the 2023 LDC restricts layout and caravan numbers. I find that it does not.
15. Accordingly, it is appropriate that I use my powers under s191(4) in this instance to grant a certificate on the basis of the use of the land as a caravan site including ancillary areas for amenity and car parking functions but without restriction as to layout or numbers of caravans. This use falls within the ambit of the 2023 LDC and so is lawful.

Other Matters

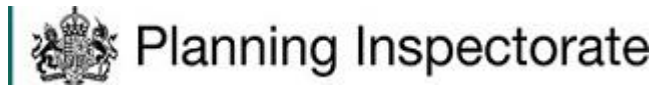
16. As outlined above, planning merits (such as highway safety or parking concerns) are not relevant to the determination of a LDC application. Legal issues related to the ownership of Branch Road also are not relevant to my determination of the lawfulness of the existing use.

Conclusion

17. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of Use of land as a caravan site without restriction as to layout or numbers of caravans was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act (as amended).

V Bond

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 29 September 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use described in the First Schedule falls within the lawful use certified by the 2023 Lawful Development Certificate ref 23/00443/CLEUD and so was lawful at the date of the application.

Signed

V Bond

Inspector

Date: 19 DECEMBER 2024

Reference: APP/B1605/X/23/3331569

First Schedule

Use of land as a caravan site including ancillary areas for amenity and car parking functions without restriction as to layout or numbers of caravans.

Second Schedule

Land at The Forge, Branch Road, The Reddings, CHELTENHAM, GL51 6RH

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

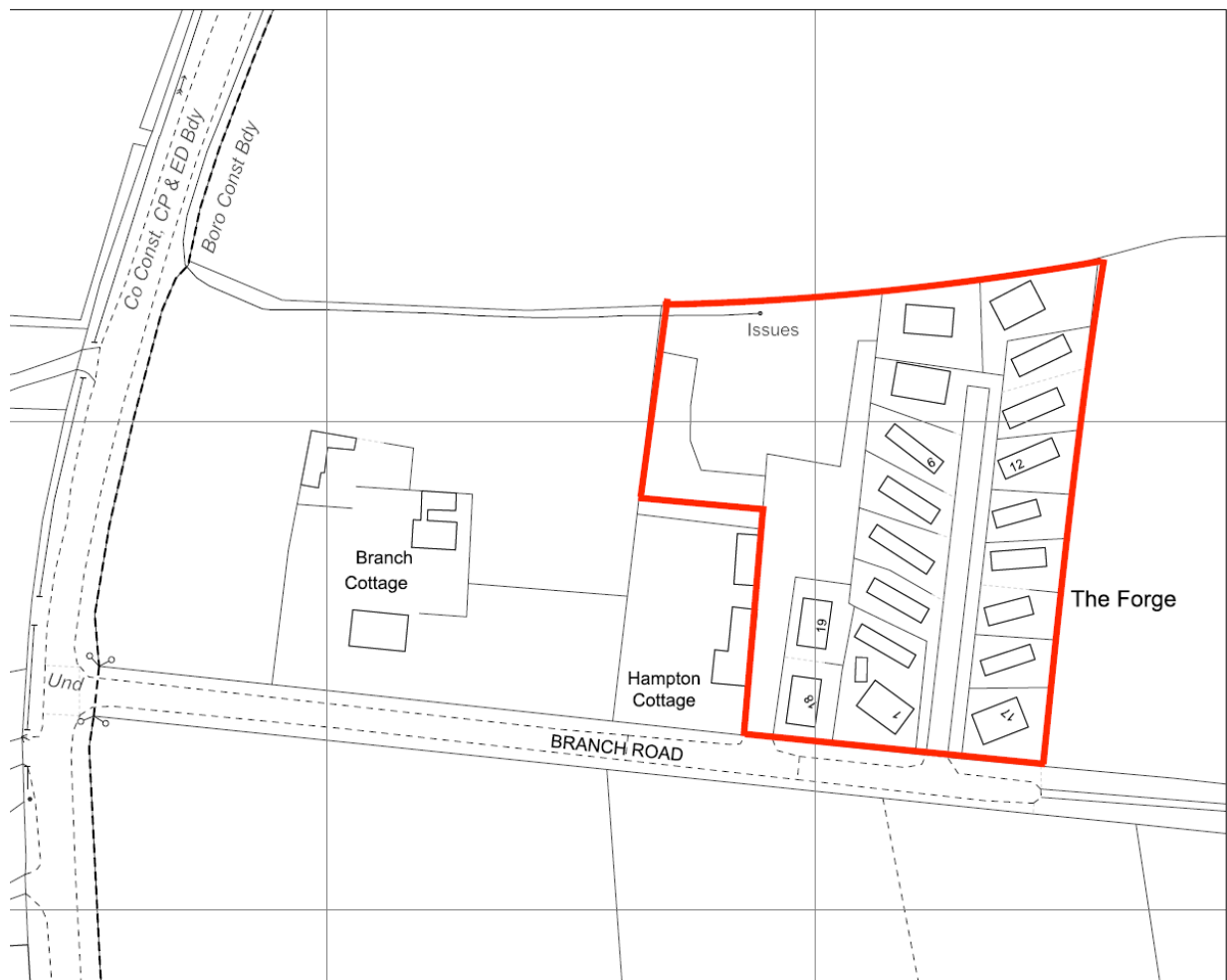
This is the plan referred to in the Lawful Development Certificate dated: 19 DECEMBER 2024

by **V Bond**

Land at: The Forge, Branch Road, The Reddings, CHELTENHAM, GL51 6RH

Reference: APP/B1605/X/23/3331569

Scale: Not to Scale





Costs Decision

Site visit made on 12 November 2024

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 19 DECEMBER 2024

Costs application in relation to Appeal Ref: APP/B1605/X/23/3331569 The Forge, Branch Road, The Reddings, CHELTENHAM, GL51 6RH

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by The Forge Residential Park Ltd for a full award of costs against Cheltenham Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development for Use of land as a caravan site without restriction as to layout or numbers of caravans.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant alleges that the Council has: (i) Not provided a substantive explanation for its refusal; (ii) acted contrary to established case law; (iii) relied upon unreasonable refusal reasons; and (iv) acted unreasonably in not considering use of its powers under s191(4) of the 1990 Act¹ to vary the description of the existing lawful use sought and grant a certificate on a modified basis.
4. As to the first allegation, the Council refers to the fact that the lawful development certificate (LDC) application which was the subject of this appeal was a resubmission of a previous LDC application for the same use which was refused and that the appellant did not take the opportunity to revise the application/provide additional details of the use such as to enable the grant of a certificate. In my view, whilst the appellant did not revise the wording of the current use or provide additional details, the appellant explained very clearly, with reference to the 2023 LDC² and relevant case law as to why this was not necessary.
5. As outlined in my appeal decision, the appellant has not used the LDC application procedure to seek legal advice on the effect of the 2023 LDC but rather to seek confirmation as to whether the current use as described in the application was lawful in the context of the 2023 LDC and case law cited.

¹ Town and Country Planning Act 1990

² Ref: 23/00443/CLEUD

6. The Council has not substantively addressed these submissions or case law, relying on the assertion that the LDC application was invalidly made under s191 (and should instead have been made under s192 as a proposed use) as a basis for deeming these matters to be irrelevant. Whilst the Government's Planning Practice Guidance ('PPG') indicates that '*Without sufficient or precise information, a local planning authority may be justified in refusing a certificate*', this does not prescribe the amount of detail or information that will be required in any given situation.
7. The appellant outlined in detail in this case by reference to the 2023 LDC and relevant case law why no further information was necessary in describing the existing use but the Council has not properly engaged with these points. Plainly it is not unreasonable of itself for an appeal party to not submit a statement but in this case the Officer Report has not dealt with numerous submissions made by the appellant.
8. As regards the Council's approach to established case law, this appears to have been both inconsistent and lacking in detailed analysis. The Officer Report in respect of the previously refused LDC application³ appeared to be seeking to rely on the *Childs*⁴ case whereas the Council appears in costs representations to indicate that this is irrelevant, whilst also not engaging with the appellant's submissions related to why this case is distinguishable from the circumstances in this case in any event.
9. The Council deemed all other case law referenced by the appellant to be irrelevant on the basis that the LDC application was invalidly made under s191. Whilst I would not expect an appeal party to need to engage with case law that is irrelevant, bearing in mind that the Council failed to properly deal with the appellant's submissions that the LDC application was properly made under s191, it was unreasonable for the Council to invoke this reason as a basis to not deal with case law submissions which were otherwise relevant.
10. The PPG acknowledges that '*where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs*' and the fact that I have not agreed with the Council's approach to either the procedural or substantive positions on the appeal does not render the Council's behaviour unreasonable of itself. However, the Council has not made a full response to the appellant's submissions as to the validity of the application being made under s191 and simultaneously has used the allegation of invalidity as a basis for not responding to case law submissions made.
11. The Council has therefore acted unreasonably in failing to properly substantiate its reasons for refusal on appeal, failing to follow established case law and relying upon unreasonable reasons for refusal. Whilst the appellant has not specifically outlined how unnecessary expense has occurred as a result of these aspects of unreasonable behaviour, it is an obvious inference that the entire appeal could have been avoided. Given that I have found in favour of the appellant in respect of the validity of the application and the substantive merits of the appeal (albeit that I have granted a certificate on a modified basis), it follows that the appeal could have been avoided if the Council had acted reasonably in the respects outlined.

³ 23/00936/CLEUD

⁴ *R (oao) John Childs v First Secretary of State and Test Valley Borough Council* [2005] EWHC 2368

12. As regards the Council's powers under s191(4), the Council has again referenced the invalidity of the application being made under s191 as a basis for not considering the use of this power and as outlined above, the Council has acted unreasonably in not properly addressing the appellant's validity submissions. It is not clear though from the appellant's submissions as to how this omission specifically has led to wasted expense.
13. Unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has been demonstrated as detailed above and a full award of costs is justified.

Costs Order

14. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Cheltenham Borough Council shall pay to The Forge Residential Park Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Cheltenham Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

V Bond

INSPECTOR

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Changes to the 5 Year Housing Land Supply Position following publication of the NPPF (December 2024) and related changes in the Planning Practice Guidance (PPG). Note updated on 18 December 2024

1. The current position with respect to housing supply and delivery is crucial in determining whether policies for the provision of housing (i.e. in the Joint Core Strategy 2017 and Cheltenham Plan) are considered out of date and consequently whether Paragraph 11d of the NPPF (the so called 'tilted balance') is to be engaged in the determination of an application for additional housing.
2. Footnote 8 to Paragraph 11 of the NPPF (December 2024) is clear that where a Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing sites, or where the Housing Delivery Test (HDT) indicates that the delivery of housing has been substantially below (less than 75% of) the housing requirement over the previous three years, policies for the provision of housing are to be considered out of date.
3. With regards to the latest HDT results for Cheltenham Borough these were published by the Government on 12th December 2024 and showed that Cheltenham's delivery over the three-year period 1st April 2020 to 31st March 2023 was at 65%. This is therefore below the NPPF paragraph 79c threshold. The presumption in favour of sustainable development already applied as set out in footnote 8 of this Framework on the basis that the Council didn't have a 5-year housing land supply. Due to the publication of the HDT results, the Council now need to add a 20% buffer to their housing requirement and produce an action plan.
4. As the JCS is now more than five years old, the NPPF (December 2024) at Paragraph 78 requires the 5YHLS calculation to be based on the output of the 'Standard Method' calculation as opposed to the Council's adopted annual housing requirement in the JCS. The Standard Method itself has recently been updated in the Housing and Economic Needs Assessment section of the Planning Practice Guidance (PPG). The local housing need figure for Cheltenham was until recently 545 dwellings per annum but as a result of the changed approach in the PPG is now 824 per annum.
5. In terms of delivering a sufficient supply of homes, paragraph 61 of the updated NPPF (December 2024) states that "*...the overall aim should be to meet an area's identified housing, including with an appropriate mix of housing types for the local community.*" Previously this paragraph aimed to meet "*...as much need as possible.*"
6. NPPF (December 2024) paragraph 78 b. states that a 20% buffer should be used to ensure choice and competition in the market. The inclusion of this buffer has been factored in resulting in a change to the supply in years number below.

7. Cheltenham Borough Council's published 5 Year Housing Land Supply Statement for 2024 gave the position as of 31st March 2024. It was based on the process of annual monitoring for the monitoring year 2023/24; the 2023 NPPF, and the housing delivery test results published in December 2023. Given the very recent publication of the updated NPPF (December 2024) and the need to apply it to decision making, the 4.57 years figure is no longer up to date. The 5 Year Housing Land Supply Statement will be updated in the new year 2025.
8. Following the publication of the NPPF (December 2024) along with the PPG changes as well as the most recent HDT results, Cheltenham Borough's 5 Year Housing Land Supply figure is **2.52 years**. For the avoidance of doubt, the total deliverable housing supply (factoring the lapse rate for small sites) has not been altered. This updated figure of 2.52 years will therefore be used in determining planning applications.
9. This short note has been specifically produced for the purposes of an updated position about the housing land supply. A note covering other changes is being produced.