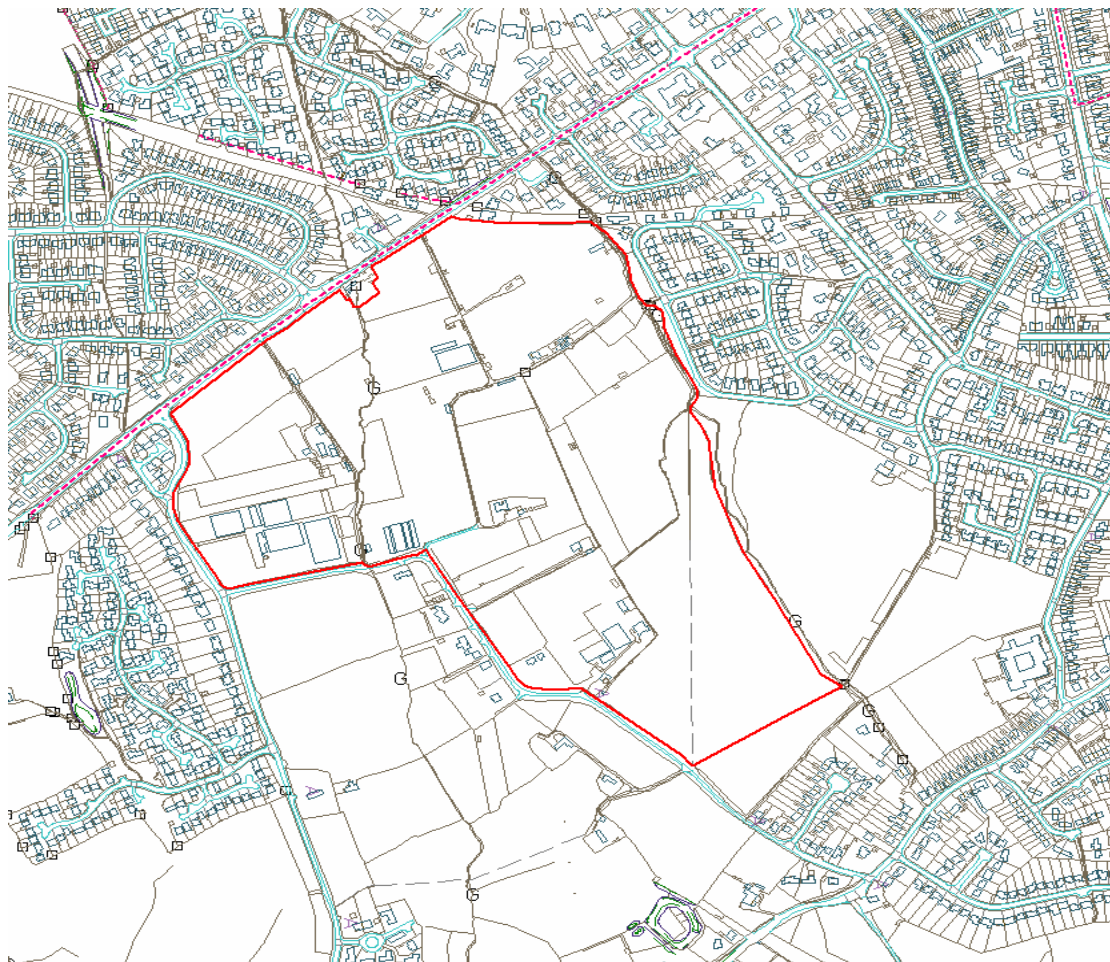


APPLICATION NO: 13/01605/OUT	OFFICER: Mr Craig Hemphill
DATE REGISTERED: 17th September 2013	DATE OF EXPIRY: 7th January 2014
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Bovis Homes Limited & Miller Homes Limited
AGENT:	RPS Planning & Development
LOCATION:	Land At Leckhampton, Shurdington Road, Cheltenham
PROPOSAL:	Residential development of up to 650 dwellings; mixed use local centre of up to 1.94ha comprising a local convenience retail unit Class A1 Use (400sqm), additional retail unit Class A1 Use for a potential pharmacy (100sqm), Class D1 Use GP surgery (1,200sqm,) and up to 4,500sqm of additional floorspace to comprise one or more of the following uses, namely Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses including a potential dentist practice, childrens nursery and/or cottage hospital; a primary school of up to 1.72ha; strategic open space including allotments; access roads, cycleways, footpaths, open space/landscaping and associated works; details of the principal means of access; with all other matters to be reserved.

RECOMMENDATION: Permit Subject to S106



1.0 Introduction

1.1 Structure of the report

1.1.1 The report within the introduction section 1 sets out the context of the site and surroundings, the detail of the application, relevant planning history, a summary of the comments that have been received from Statutory Consultees on the application, together with a summary of the concerns made from the public. Full details of the comments made can be read in full at appendix 1 for Statutory Consultees and at appendix 2 for public comments. The last part of section 1 picks up Community Infrastructure Levy requirements.

1.1.2 The following sections will deal with main considerations for the application as follows:

- Section 2 – Principle of the Development
- Section 3 – Landscape and Visual Impact
- Section 4 – Design and Layout
- Section 5 – Sustainable Transport and Highway Safety
- Section 6 – Affordable Housing
- Section 7 – Flood Risk and Drainage
- Section 8 – Community facilities, open space, outdoor recreation
- Section 9 – Education and Library Provision
- Section 10 – Archaeological and Cultural History
- Section 11 – Ecology and Nature Conservation
- Section 12 – Air Quality
- Section 13 – Other Material Considerations
- Section 14 – Balanced Conclusions and Recommendation

1.2 The site and its surroundings

1.2.1 The application site is situated adjacent to the Cheltenham Urban Area as shown on the location plan. The site is located near to the administrative boundary with Tewkesbury Borough Council, land beyond The Lanes residential area and Farm Lane.

1.2.2 The site comprises a number of parcels of land north and east of Kidnappers Lane which are largely in agricultural use. The site area measures 33.44ha.

1.2.3 The Hatherly brook runs through the middle of the site from south to north with a watercourse also running along the western and eastern boundaries from north to south. There are a number of mature trees and hedges on the site and along field boundaries. Public footpaths cross the site within Lotts Meadow running from the Burrows Playing fields to Kidnappers Lane (CHL/13) and from Kidnappers Lane towards Merlin Way (CHL/11). There is also a public right of way to the northern part of the site linking Kidnappers Lane and Merlin Way (CHL/6).

1.2.4 To the north of the site is Shurdington Road, the A46 with residential properties on the opposite side of the A46. To the east, the site boundary meets further residential properties on Merlin Way and existing sports

pitches. The southern boundary facing the rear gardens of Vineries Close. The western boundary of the site runs along Kidnappers Lane with an established hedgerow along the majority of the boundary.

- 1.2.5 Further to the south of the site, beyond Church Road lies the escarpment of the Cotswolds Area of Outstanding Natural Beauty and the Green Belt, land to the west beyond The Lanes and Brizen Lane residential area is the Green Belt. The application site is located outside both of these constraints and has been historically been referred to as white land, defined by the Cheltenham Borough Local Plan (2006) as unallocated land.

1.3 Current application

- 1.3.1 The current application seeks outline permission for:
- Residential development of up to 650 dwellings;
 - Mixed use local centre of up to 1.94ha comprising a local convenience retail unit Class A1 Use (400sqm),
 - Additional retail unit Class A1 Use for a potential pharmacy (100sqm),
 - Class D1 Use GP surgery (1,200sqm,)
 - Up to 4,500sqm of additional floor space to comprise one or more of the following uses, namely Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses including a potential dentist practice, children's nursery and/or cottage hospital;
 - A primary school of up to 1.72ha;
 - Strategic open space including allotments; access roads, cycleways, footpaths, open space/landscaping and associated works;
 - Details of the principal means of access.
- 1.3.2 The application seeks to determine the principal means of access at this stage; however, appearance, landscaping, layout and scale are reserved for future consideration.
- 1.3.3 Whilst the above matters are reserved, the applicant has provided an indicative layout, which indicates how the development could be implemented which includes setting the context of the application site within a wider comprehensive scheme. Parameter plans and other illustrative plans have also been provided which elaborate on the indicative layout in respect of land uses, house density, building heights, access and movement, green infrastructure and phasing. These plans will all be displayed at the Planning Committee.
- 1.3.4 Further details about the development concept and design of the proposal are contained in the accompanying design and access statement.
- 1.3.5 In addition to these plans the following information which was originally submitted in October 2013, has been provided.
- Affordable housing delivery plan
 - Agricultural resources assessment
 - Flood risk assessment and drainage strategy
 - Green infrastructure strategy
 - Non-residential and residential travel plan framework

- Outline management plan
- Report on ground investigations
- Statement of community involvement
- Planning Statement
- Sustainability statement
- Transport assessment
- Utilities infrastructure report
- Utilities statement

1.3.6 The proposal represents EIA development in the context of the Town and Country Planning (Environmental Assessment) Regulations 2011 and therefore the application is also accompanied by an Environmental Statement (ES) and a non technical summary. The ES includes assessment of the following issues:

- Socio economic factors;
- Landscape and visual amenity;
- Archaeology and cultural heritage;
- Ecology and nature conservation;
- Movement;
- Noise;
- Air Quality;
- Alternative sites and options; and
- Cumulative effects.

1.3.7 In addition to the above documents the following information/addendums have been submitted up until April 2014:

- **January 2014**
Supplementary traffic note
Supplementary ES movement section
Addendum to transport assessment
- **March 2014**
Transport note 21- Highways Agency paramics modelling
Environmental statement addendum relating to air quality
Ground conditions evaluations
Drawings
Secondary access and bus/cycle access
Western connection to Kidnappers Lane
Eastern connection to Kidnappers Lane
Southern connection to Kidnappers Lane
Church Road improvements
Leckhampton Lane traffic calming
Farm Lane junction visibility splay improvements
Revised illustrative masterplan
Revised illustrative design for local centre on Shurdington Road
Proposed northern connection to Kidnappers Lane - Realignment and priority junction
- **April 2014**
Additional design and access statement
Transport note 23-GCC/Atkins Saturn modelling
JCS update on green infrastructure

Drawings:
Revised character areas plan
Revised maximum building heights parameter plan
Main access drawing

- 1.3.8 All details submitted have been available to view on the Councils web-page, public access and at the Planning reception area.
- 1.3.9 Each of these plans and documents will be considered in the relevant sections of the report.
- 1.3.10 The Council has been in pre application discussions with the applicant since 2012. Up until the summer of 2013 the pre application discussions had been done cross boundary with Tewkesbury Borough Council, at that time the consortium of developers included the Farm Lane land located in Tewkesbury Borough Council. The application has also been informed by a public forum which has been led by the application. This forum included 9 meetings which took place between April 2011 and August 2013.
- 1.3.11 Local Planning Authorities are, through Legislation, required to determine planning applications within identified timescales. Should applications not be determined within that time period, or within an agreed longer period with the applicant, the applicant has the right to submit a non-determination appeal. Concerns have been made regarding the timing of the application made by both members and the local community is acknowledged, however the Council has no discretion on this point and control the submission of development schemes for determination.

1.4 Relevant planning history

- 1.4.1 The potential of the site to accommodate development principally for housing has historically been the subject of much scrutiny. However the site has not been the subject of an application of this scale. The most significant and relevant recent planning decisions relate to land adjacent determined by Tewkesbury Borough Council. These include:
- 1.4.2 **2007:** Outline application at land adjacent to Farm Lane for up to 365 dwellings. The application was the subject of a non-determination appeal against Tewkesbury Borough Council. This application/appeal which Tewkesbury resolved that it would be minded to refuse was dismissed on the recommendation of an Inspector by the Secretary of State on two principal reasons; allowing the appeal would be likely to prejudice the development of the urban extension and especially the delivery of infrastructure necessary to achieve a high quality development and that insufficient open space was proposed.
- 1.4.3 **2008:** Outline application for a mixed use scheme comprising residential development to a maximum of 350 dwellings on land around Brizen Farm and part of the Farm Lane site. This application was also the subject of a non-determination appeal against Tewkesbury Borough Council. This application which Tewkesbury was also minded to refuse for the principal reasons; inappropriate development in the green belt; impact on the character and appearance locality and the Area of Outstanding Natural Beauty and that the granting of permission in advance of the consideration

of a wider comprehensive development in the locality, as recommended by the then emerging RSS, would prejudice the comprehensive planning of the urban extension. The appeal was later withdrawn.

- 1.4.4 **2013:** Outline application at Brizen Farm for a development of up to 175 dwellings. This application was refused for the principal reason of being inappropriate development in the green belt and impact on the rural landscape.

1.5 Summary of Statutory consultee comments

- 1.5.1 The following provides a summary of the comments received; the full responses should be read in full at Appendix 1.

- 1.5.2 **The Parish Council of Leckhampton with Warden Hill** – Objects very strongly on the following grounds:

- Conflict with the current Cheltenham local plan.
- Pre-emption of JCS.
- Conflict with Neighbourhood Plan and Local Green Space application.
- Harm to the setting of the AONB
- Strong public opposition
- Insufficient provision of schooling
- Flood risk
- Traffic Congestion
- Damage to the Local Economy
- Traffic pollution

- 1.5.3 **Shurdington Parish Council** – Objects to the application:

- Not comprehensive
- Coalescence between Cheltenham and Shurdington village;
- Impact on the setting of the immediate and surrounding area including AONB
- Traffic congestion and highway safety
- Pre-emption of the JCS
- Flooding
- Aggravate the present issues in the village.

- 1.5.4 **Tewkesbury Borough Council** – Supports, in principle the location of this site as a strategic location for development. Cheltenham Borough Council should ensure that the appropriate mechanisms are put in place to ensure that the proper planning of the area through the comprehensive development of this site is not prejudiced.

- 1.5.5 **Highways Agency** – Based on revised information the HA removed its holding order and provided no objection to the application. Regard needs to be given to the JCS.

- 1.5.6 **Highways Authority** – The development is considered to be acceptable subject to a number of planning conditions and planning obligations.

- 1.5.7 **Gloucestershire County Council Planning** – No objection subject to on site provision of pre-school a new primary school provision and suitable S106 for contributions to secondary education and libraries.

- 1.5.8 **County Archaeologist** – Requests that a larger area of the site should be surveyed to allow further Archaeological consideration.
- 1.5.9 **Environment Agency** – No objection to the principle of the development subject to conditions.
- 1.5.10 **Natural England** – is not able to comment fully as insufficient information has been provided on landscape and ecological impacts of all the development proposals for this area. Natural England is particularly concerned about the scale of the combined developments and the impact this will have on the setting and the Special Qualities of the AONB. The impact of all the proposals needs to be considered as a whole and not as individual developments. The development therefore has the potential to impact negatively on views towards the Escarpment and from the Escarpment, particularly from important public viewpoints.
- 1.5.11 **Campaign to Protect Rural England** – Has 3 three principal concerns namely; 1- the effect that this scale of development would have in worsening traffic congestion along the A46 with consequential implications for existing employment in Cheltenham and elsewhere; 2 - the impact that the development would have on the setting of the Cotswolds AONB and the loss of high quality agricultural land. The site is highly visible from the escarpment to the south and in turn the view of the escarpment from the site is a highly-valued feature of this part of Cheltenham, and 3- the principles on which the design and layout have been based. CPRE has also provided a list of JCS policies with key policy requirements.
- 1.5.12 **Cotswold Conservation Board** – The Board supports the contention of Natural England, together with those shown on the indicative masterplan, are likely to have significant adverse effects on the special qualities of the AONB and the users of the Cotswold Way National Trail.
- 1.5.13 **Crime Prevention Design Advisor** – General comments provided on secure by design principles.
- 1.5.14 **Severn Trent Water** – No objection subject to conditions.
- 1.5.15 **Sport England** – No response
- 1.5.16 **English Heritage** – No objection
- 1.5.17 **NHS England** – No response
- 1.5.18 **Gloucestershire Bat Group** - our records are forwarded to the Gloucestershire Centre for Environmental Records.
- 1.5.19 **National Planning Casework Unit** - We acknowledge receipt.
- 1.5.20 **Cheltenham Civic Society** - We appreciate the need for more houses in Cheltenham, and we do accept that this is a suitable site for new housing. Highway matters need to be looked at.

1.6 Public comments on the Planning Application

- 1.6.1 Notification of the application included letters being sent to neighbouring properties, site notices being displayed around the site, together with an advert being in the Gloucestershire Echo. Members of the public have been referred to the Councils web page, and the dedicated page in the planning section which has provided updates on the application since its receipt in October 2013. On receipt of additional information additional site notices have been displayed at the site with the web page being updated to provide links to the additional information. Officers supported a public meeting held on 27th November 2013 which provided the opportunity for members of the public to gain information on the application and set out their concerns.
- 1.6.2 There has been a significant amount of comments from the public on this application. Over 603 comments have been received, of the comments received 6 are in support, 10 provide observations the remaining 587 providing objection.
- 1.6.3 Of the objections received, 301 comments have been received on a standard return form produced by Leckhampton with Warden Hill Parish Council. The standard forms objections relate to: The JCS may have greatly over-estimated how many new homes are needed and the application is premature and must not be permitted until the JCS is finalised; Traffic Queue on A46; Traffic Congestion in Church Road; Traffic pollution from the A46 traffic queue and Church Road, Risk of Flooding, Lack of sufficient school places; strong public opposition to development and loss of the open green space.
- 1.6.4 Leckhampton Green Land Action Group (LEGLAG) have provided objection to the application. Entran on behalf of LEGLAG submitted a report in objection to highways and transport matters with Lufton and Associates Chartered Planning Consultants submitting their planning objection. These documents can be read in full in appendix 2 along with all of the public comments received.
- 1.6.5 The objections received to this application were analysed in order to ascertain the key concerns and points made in each comment received which are as follows:
- 602 Traffic Congestion
 - 501 Loss of Green fields
 - 447 Pollution
 - 430 Lack of school places
 - 425 Prematurity/issues with JCS
 - 369 Question need for housing
 - 367 Highway Danger
 - 356 Impact on Wildlife
 - 353 Visual and Landscape impact on AONB
 - 338 Traffic – Rat running
 - 333 Amenity
 - 321 Conflict with the Parish Plan
 - 284 Lack of infrastructure
 - 108 Flooding
 - 37 Lack of Medical Facilities

- 24 Not enough Jobs
- 12 Overdevelopment/density too High
- 6 Impact on tourism
- 5 Lack of Sewage
- 4 inadequate local parking facilities supermarket parking
- 3 Impact on Public Transport
- 3 impact on Sports Pitches
- 3 Issue with Landscaping scheme
- 2 Increase in Crime
- 1 no provision for gypsy traveller accommodation

1.7 JCS Comments on the allocation of the site as part of a Strategic Allocation

1.7.1 There has been long standing public engagement in regards to the policy direction that has led to the identification of land at South Cheltenham as a strategic allocation within the Joint Core Strategy (JCS). A total of 284 representations commenting on the allocation of Leckhampton as a strategic allocation within the JCS were received during the most recent public consultation on the draft Plan. Considerable numbers of representations have been received during consultation on earlier JCS documents.

1.7.2 The comments raised reflect those submitted to the planning application.

1.8 The Community Infrastructure Levy Regulations

1.8.1 The Community Infrastructure Levy (CIL) allows local authorities to raise funds from developers undertaking new building projects in their area. The levy is intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms. Whilst Cheltenham Borough Council has not yet developed a CIL Charging Schedule the regulations place statutory limitations on the use of planning obligations under s.106 in that they must comply with the tests set out in regulation 122. Planning obligations must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

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

2.0 Policy Context and the Principle of the development

2.1 Policy and Material Considerations

2.1.1 The substantive focus here is on the principle of development of the application site. Planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The saved policies of the Cheltenham Borough Local Plan Second Review (2006) comprise the adopted development plan, analysis is provided in section 2.2 below.

2.1.2 Material considerations relevant to the application relate to:

- strategic constraints/designations;
- the Tewkesbury Borough Local Plan to 2011 (adopted 2006);
- the emerging JCS and its evidence base;
- the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)

Consideration needs to be given to each of these considerations and the weight that may be attached to them. This is provided below.

2.1.3 Before consideration is given to each of the above points it is relevant for the purpose of background context to note the draft Regional Spatial Strategy for the South West (RSS). The RSS is not a material planning consideration because it was abolished in 2013. However, because the strategy allocated land at Leckhampton as an Area of Search for an urban extension to Cheltenham, it is part of the development planning history of the site. It is also worth noting that the role of the JCS at its inception in 2008 was to implement the RSS at the local level. The RSS Examination Panel who considered objections to this allocation in 2007 observed that:

The low-lying land at issue was originally excluded from the Green Belt in recognition of its development potential, and safeguarded from development at least partly in order to ensure its availability as an option to accommodate future growth of the urban area.

The Inspector who held the Inquiry into objections to the Cheltenham Local Plan declined to recommend that the Leckhampton part of the land be given Green Belt status. He recommended instead that it should not be released for housing pending strategic review of development needs, effectively through this RSS process, with interim (and depending on the outcome, more permanent) protection being given by local landscape policy.

There is in the Panel's view ample scope to provide for high standards of public amenity and high quality development including family homes, and to provide improved community facilities and public transport. In our estimation, it should be possible to accommodate about 1,300 dwellings in total in the Cheltenham and Tewkesbury Councils' areas while meeting these objectives, and we recommend accordingly. Necessary joint working in this respect is provided for by our recommended Policy J.

2.1.4 The Panel went on to recommend that the land at Leckhampton be identified in the RSS as an Area of Search. The Secretary of State's proposed changes to the RSS (July 2008) upheld the Panel's recommendations in this respect.

2.2 Cheltenham Borough Local Plan Second Review (2006)

2.2.1 Chapter 4 of the Cheltenham Borough Local Plan 2006 contains Core Policies and Proposals including land allocations. Land at Leckhampton is not allocated. Whilst the plan consists now only of saved policies without their supporting text, the plan as adopted contained a statement at page 62 which set out the Council's position in relation to this unallocated land. In the statement, which reflected the views of the Inspector presiding at the Local Plan Inquiry, the council recognised the intrinsic value of the land as a resource for its recreational, landscape, wildlife and archaeological interest, but said that the land would be reassessed through cross-boundary working as a potential development site within the context of the RSS.

2.2.2 Saved policies in the Local Plan relevant to consideration of the principle of development include those relating to:

- Sustainable Development (CP1, CP3);
- Housing Development (PR1, PR2, HS1);
- Mix of Uses (CP6);
- Landscape Protection and Design (CP3, CO1, CO2, CO7, CO14);
- Flood Risk (CP3, UI1, UI2, UI3);
- Travel Transport and Accessibility (CP5, CP7);
- Infrastructure (CP8).

2.2.3 In considering the application of these policies to the proposal it is important to have regard to section 215 of the NPPF. This says that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

2.2.4 Whilst some of the policies in the adopted Cheltenham Local Plan remain of relevance to evaluation of the proposal now being considered, application of them needs to be mindful of two other considerations.

- Firstly, the evidence base underpinning the Cheltenham Local Plan (which has an end-date of 2011), particularly in respect of meeting identified levels of housing need, is out of date and based on superseded data. The evidence base for the JCS now takes precedence. This means that the adopted local plan is not addressing the Objectively Assessed Need (OAN) for growth, a requirement of paragraph 14 the NPPF. In consequence the land allocations in the plan inevitably are inadequate and due to the end-date of the plan (mid 2011) they do not plan for current or future housing needs of the Borough.
- The Council is required to demonstrate a 5 year housing land supply incorporating a 5% buffer. Based on development within the Cheltenham boundary alone, the Council cannot demonstrate an

ongoing 5 year housing land supply, however by working together with Gloucester and Tewkesbury councils through the JCS, we have agreed to a shared housing supply to seek to achieve this. The JCS housing background paper July 2014 is the most recently published indication of Cheltenham's shared ongoing 5 year housing land supply. The housing background paper takes into account the JCS' strategic allocations as a source of housing supply. The paper's trajectory, (which requires updating) predicts that we currently have 5.1 years of housing land supply; parts of the Leckhampton allocation making up 0.2 years of this supply.

2.3 Material planning considerations

Strategic constraints/designations

2.3.1 In allocating land for development regard must be had to:

- the NPPF requirement to meet the Objectively Assessed Need for housing as set out in Policy SP1 of the JCS (see below);
- the sustainable spatial distribution strategy set out in the Pre Submission JCS (Policy SP2); and
- the JCS evidence base which demonstrates that it is not possible to meet all of the identified need by developing land within existing urban or brownfield areas.

2.3.2 In this context, development of land peripheral to the urban areas that is outside the Green Belt is in principle preferable to development of similarly situated land that is within the Green Belt. This is because the Green Belt, as a means of preventing urban sprawl by keeping land permanently open, should be protected for its own sake. Its boundary, once established, should only be altered in exceptional circumstances (through preparation or review of the Local Plan). The sequential approach to the location of development is an important tool in the development which is identified in the NPPF. For example, to locate new built development in the Green Belt, or to release land from the Green Belt requires a local authority or an applicant for planning permission to demonstrate that there are very special circumstances for this decision. In effect, this creates the need to apply a sequential test, to demonstrate that there is no more suitable location for the development which would lie outside the Green Belt. So, if land is to be released from the Green Belt for housing, it would need to be concluded that the housing could not be provided on land within urban areas. The application site is not within the Green Belt. Moreover, there is insufficient developable land within the existing urban area of Cheltenham to meet the objectively assessed need for growth set out in the JCS and as apportioned to each constituent authority.

2.3.3 Whilst the application site is not within the Cotswolds Area of Outstanding Natural Beauty it is in reasonable proximity and its impact upon the landscape is therefore a significant consideration. There will in any event be landscape impacts associated with a development on open land at the edge of the urban area. The application appears to respond well to the

strategic landscape context. The extent of the proposed built form corresponds with areas of low or medium landscape sensitivity. The majority of proposed new build is also located within areas of low or medium visual sensitivity.

- 2.3.4 The Level 2 Strategic Flood Risk Assessment commissioned by the JCS authorities identified land to the north east of the site as in flood zone 2/3. A later Flood Risk Assessment submitted by the applicant indicates that there are areas to the east and west of the application site associated with water courses that fall within Flood Zones 2, 3a and 3b (functional flood plain). This assessment shows that the flood risk could be mitigated. The Environment Agency agrees with this assessment. In general the outline proposals appear to respond well to the strategic flood risk context, with green corridors retained around the main watercourses.

Tewkesbury Borough Local Plan (2006)

- 2.3.5 This plan, adopted in 2006 covering a plan period to 2011 includes an allocation for housing development of 360 dwellings on land in close proximity to the application site and included in the JCS strategic allocation (Plan A6) and the RPS Illustrative Masterplan for the wider potential development area. Provisions relating to this land allocation are included in policies HOU1, HOU2 and SD2 of the Tewkesbury plan. The policies require a number of criteria to be satisfied in order to allow development of the land:

- that the wider area has been identified as a sustainable urban extension (specifically by the RSS, although this is now superseded by the JCS);
- that the proposal represents a comprehensive scheme (this is interpreted as meaning comprehensive in relation to other urban extension land in Cheltenham Borough); and
- that the proposal demonstrates satisfactory integration with Cheltenham urban area.

- 2.3.6 These criteria led to refusal of a scheme proposed on the Tewkesbury Borough land which was upheld at the appeal referred to in the relevant planning history.

- 2.3.7 While it is recognised that the policies of Tewkesbury Borough Local Plan do not apply to the application site within Cheltenham Borough, the sites are linked by proposals in the Pre-Submission JCS.

- 2.3.8 If the application is assessed as being likely to prejudice development of a comprehensive strategic allocation then it may prejudice the effective delivery of Pre-Submission JCS Policy SA1. It would also, by association, prejudice delivery of policies in the adopted Tewkesbury Borough Local Plan.

The Joint Core Strategy Pre-Submission

- 2.3.9 It is important to note that in resolving to consult on the Pre-Submission JCS the council has agreed the principle of development of a strategic

allocation at South Cheltenham, comprised, in part, of land subject of the current application. Having passed through three consultation phases the JCS has now reached an advanced stage in its development (regulation 19). Paragraph 216 of the NPPF says decision-takers may “give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

2.3.10 It is the view of the JCS authorities that the Pre-Submission version of the plan should be accorded weight in the determination of this proposal.

2.3.11 The JCS sets out, in policy SP1, the scale of development based upon the OAN for growth over the plan period up to 2031. The spatial strategy is contained in policy SP2 “Distribution of New Development”. This policy incorporates the objective of focusing development at Gloucester and Cheltenham including through the allocation of urban extensions.

2.3.12 The Pre-Submission JCS contains a substantial range of policies relevant to consideration of the proposal, several of which effectively update and supplant their counterparts in the adopted Cheltenham Local Plan.

2.3.13 Policy SA1 of the JCS is key to consideration of the proposal. The policy says:

New development will be provided within strategic allocations in order to deliver the scale and distribution of development set out in policies SP1 and SP2.

The strategic allocations are listed in Table SA1 and delineated on Plans A1 to A9 below and are marked on the proposed submission policies map. The red lines on Plans A1 – A9 (not including A7) mark the boundaries of the allocations and are separately and collectively part of this policy.

Proposals must be accompanied by a comprehensive master plan for the strategic allocation. This should demonstrate how new development will integrate with and complement its surroundings in an appropriate manner, in accordance with policy SD5.

Proposals will be required to demonstrate how the provision of new Gypsy, Traveller and Travelling Showpeople sites will be incorporated into development proposals for strategic allocations.

Strategic Allocations which include residential development should seek in all cases to retain and enhance areas of local green space within the boundary of the allocation which meet the criteria in NPPF paragraph 77,

whilst delivering the scale and distribution of development required by this policy. This is in addition to the requirements of policy INF 4.

Development proposals should enable a comprehensive scheme to be delivered across the developable area within each strategic allocation. Developers must engage with the relevant infrastructure regulators and providers to ensure implementation of the Infrastructure Delivery Plan or provision of other necessary infrastructure, as appropriate, and in accordance with policies INF7 and INF8. Developers must ensure that strategic allocations provide an appropriate scale and mix of uses, in suitable locations, to create sustainable urban extensions that support and complement the role of existing settlements and communities.

2.3.14 Plan A6 refers to “South Cheltenham – Leckhampton”.

Key points to note from the policy are:

- emphasis on comprehensive development of the entire allocation;
- requirement for comprehensive masterplanning;
- provision of sites for the gypsy, traveller and travelling showpeople communities;
- appropriate scale and mix of uses;
- retention and enhancement of areas of local green space;
- provision of infrastructure and implementation of the Infrastructure Delivery Plan.

2.3.15 The proposal will be required to address all the above criteria together with any other relevant policy requirements in the plan. For the avoidance of doubt, comprehensive development of the allocation, which is within both the Tewkesbury and Cheltenham administrative areas, encompasses the provision of sites for the gypsy, traveller and travelling showpeople communities.

2.3.16 The requirement to retain and enhance areas of local green space must be considered within the permissive JCS policy context of comprehensive development of the area. Within this context and having regard to JCS policy INF4, the proposal appears on its face to make reasonable and proportionate provision, however this has not been tested within the context of a potential future designation of land as local green space as defined by the NPPF. Work is currently being commissioned to assist communities in this process- this will not be completed within the determination timescale of this application. It is not a matter for the developer to formally allocate or designate Local Green Space – this must be done by the Local Planning Authority through its development plan whilst having regard to paragraph 77 of the NPPF. The appropriate part of the development plan for this designation is the emerging Cheltenham Plan and, where necessary in the context of the entire strategic allocation, the emerging Tewkesbury Plan.

2.3.17 It should also be noted that two previous JCS public consultation documents (“Developing The Preferred Option” and the “Draft for Consultation”) referred to the area containing the application site as a potential strategic allocation. Policy SA1 of the Pre-Submission version of the JCS now allocates the strategic site.

2.3.18 Members are reminded of paragraph 1.611 regarding the timing of this application.

The National Planning Policy Framework

2.3.19 References are made throughout this advice to the NPPF. By way of a resume, key elements of the NPPF in relation to this proposal are contained within paragraphs 14, 17, 47, 49, 215 and 216.

2.3.20 For decisions on planning applications there is a presumption in favour of sustainable development in paragraph 14 of the NPPF. Unless material considerations indicate otherwise this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

2.4 Comprehensive development and prematurity

2.4.1 The applicant has through the submitted ES and submitted documents has not looked at its site in isolation, detailed regard has been given to the wider strategic allocation A6 as identified in the pre submission JCS at Policy SA1. The ES and supporting information includes consideration of the impact of the proposed development, requirements and mitigation required to bring the larger strategic allocation forward which includes highways, flooding, infrastructure provision, education, community facilities. Clearly there are elements of each individual scheme to provide for beyond this application site. However, matters of comprehensiveness and the need for each scheme to contribute fairly to the overall requirements of the strategic allocation are important to allow compliance with CIL requirements (see paragraph 1.8. It is possible for these requirements to be secured through suitable wording in the S106 agreement. Based on the submitted application together with the detailed negotiations between the applicant, Council and relevant infrastructure stakeholders there is no reason to doubt that a comprehensive development can be delivered.

2.4.2 Paragraph 14 of the NPPF confirms that decisions should be taken in accordance with up-to-date development plans and, in their absence, promotes generally granting permission. The nPPG provides that prematurity is unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. For this application the site area is within a Strategic Allocation Area as defined in the pre submission JCS, with the application seeking to ensure it provides for the comprehensive development of the Strategic Allocation.

2.5 Principle of Development – Conclusion

- 2.5.1 Despite their age, several policies in the adopted Cheltenham Borough Local Plan are not out of step with the NPPF or the emerging development plan and they remain relevant to consideration of the proposal. However, caution needs to be applied in considering the weight that can be attached to the adopted Plan given its age, nature and evidence base.
- 2.5.2 Following the Local Plan Inquiry in 2004 the Inspector recommended that whilst the land at Leckhampton should not be included within the Green Belt it should also not be released for housing pending strategic review of development needs. That assessment was undertaken through the RSS process and more recently through the JCS.
- 2.5.3 The housing needs evidence base underpinning the Local Plan is out of date, paragraph 49 of the NPPF applies requiring housing applications to be considered in the context of the presumption in favour of sustainable development. In this context what needs to be considered is (a) whether the adverse impacts of allowing the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole or (b) whether specific policies in the NPPF indicate development should be restricted.
- 2.5.4 Taking (b) first, the restrictions relevant to this planning application are Green Belt and AONB. The site is not in the Green Belt and there is no recommendation to extend the designation to include it, detailed analysis of the Green Belt Boundary has taken place though the preparation of the JCS. In relation to the AONB, the NPPF focuses on restricting development *in* the AONB not outside of it. As previously noted however, the proximity of the site to the AONB means that matters of design, layout and landscaping are very important factors to be considered in assessing the acceptability of the proposal. Policy SD8 of the Pre-Submission JCS is of particular relevance here as are SD5 and SA1 for example together with CO2 of the adopted Local Plan.
- 2.5.5 In assessing (a), the JCS is required to be in conformity with the NPPF. The land subject of the planning proposal is part of a strategic allocation in the Pre-Submission JCS as set out in policy SA1. In relation to the assessment of the proposal against the policies of the NPPF as a whole, it may be argued that provided it accords with JCS policies it accords by default with the NPPF.

2.6 Conclusion

- 2.6.1 The JCS is at an advanced stage of preparation, the pre submission document has been approved by three authorities separately. And the site allocations within it are there to serve a strategic as well as local purpose. Weight should be attached to it in decision-taking. The application site forms part of an urban extension allocated in the JCS. Getting to that stage has entailed the assessment and evaluation of a significant amount of evidence over a number of years, including landscape and visual impact assessment, review of the Green Belt, assessment of flood risk and Sustainability Appraisal together with public consultation and analysis of

issues raised. In resolving to submit the plan for examination the council has agreed the principle of development in this area. On balance, having regard to the material considerations outlined above no objection in planning policy terms is made to the principle of development in this area.

3.0 Landscape and visual Impact

3.1 Introduction

- 3.1.1 One of the planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy CO1 of the Local Plan sets out that in considering landscape character, development will only be permitted where it would not harm; (a) the attributes and features which make a significant contribution to the character, distinctiveness, quality and amenity value of the and landscape; and; (b) the visual amenity of the landscape. It is considered that policy CO1 is consistent with the NPPF. Policy CO2 seeks to resist development which would harm the natural beauty of the landscape within the AONB
- 3.1.2 Policy SA 1 of the Pre Submission document of the JCS provides its Strategic Allocations Policy; SA1 includes allocation A6 which identifies South Cheltenham to provide a development of 1,124 houses. To note, policy SD8 seeks to ensure that where developments are proposed nearby or adjacent to the AONB that proposals will be required to conserve, and where appropriate, enhance its landscape, scenic beauty, wildlife, cultural history of other special qualities.
- 3.1.3 The NPPF focuses on restricting development in the AONB not outside of it. As previously noted however, the proximity of the site to the AONB means that matters of design, layout and landscaping are very important factors to be considered in assessing the acceptability of the proposal.
- 3.1.4 The application has been supported (within the ES) with a Landscape and Visual Impact Assessment (LVIA) which considers the effects of the development on the landscape and visual resources of the site and the surrounding area. The content of this assessment was discussed at length by officers and the applicant prior to the submission of the application and it is advised that the methodology and criteria adopted within the assessment follows nationally recognised guidelines.
- 3.1.5 There are strong public concerns on the impact the proposed development may have on the setting of the AONB along with objections received from Natural England, CPRE, Cotswold Conservation Board, and Parish Councils.

3.2 Consideration

- 3.2.1 The Councils Landscape Officer has considered the application. The layout of the proposed development generally accords with the recommendations

for developable areas shown in the JCS '*Landscape & Visual Sensitivity and Urban Design Report*' which form part of the evidence of the JCS. The developable areas are derived from a Landscape and Visual Sensitivity Appraisal, described in the same report.

- 3.2.2 The LVIA deals with a wider Masterplan Area, but only those parcels of land which are the subject of the current planning application are considered here.
- 3.2.3 A LVIA is concerned with the impact of a proposed development on both the *landscape character* of an area and the *visual amenity and appearance* of the area. The LVIA submitted with this planning application mostly addresses these impacts at the localised level of the proposed development. The sensitivity of the landscape at a broader scale is considered in documents produced for the evidence base of the Joint Core Strategy including the Landscape & Visual Sensitivity and Urban Design Report (*pp 14-17*), Landscape Characterisation Assessment and Sensitivity Analysis (*p ii-iv; p 50; p 61*) and Strategic Allocations Report (*pp 74-75*).

Landscape Impact Assessment

- 3.2.4 The Landscape Impact Assessment addresses direct and indirect impacts on both landscape features (e.g. trees, hedgerows) and local landscape character. The application site contains a number of landscape features, the most significant trees and hedgerows of which it is proposed to retain and enhance to form the basis of the structural landscape of the proposed development. Should planning permission be granted, this approach to the design of a landscape scheme is to be welcomed.

Landscape Character

- 3.2.5 The application site is located in character area SV 6B, Settled Unwooded Vale, as described in the *Gloucestershire Landscape Character Assessment (Ref. 3)*. Although the site does not lie within the boundary of the Cotswold AONB, it forms part of the setting of the AONB.
- 3.2.6 In order to assess the impact on landscape character, the LVIA divides the application site into two local character areas (CA1, land to the front of the site at Shurdington Road stretching south to the middle, and CA2, stretching from the middle of the site to southern site boundary). The current boundary between CA1 and Shurdington Road is a hedge of varying height. Where the hedge is lower, expansive views are afforded of the Cotswold escarpment, with its setting of Settled Unwooded Vale in the foreground.
- 3.2.7 The ES states that development in the north of the application site (CA1 and part of CA2) would have a negligible impact on the character of the wider setting of the AONB. However, the Impact Assessment concentrates on landscape features i.e. impacts on landscape *character only within the application site*. When this land is considered as the setting to the escarpment, itself a special quality of the Cotswold AONB, it will have a more than negligible impact. Mitigation proposals have been incorporated within the scheme to reduce the impact the development would have on the setting of the AONB.

- 3.2.8 The mitigation includes retaining Lott's Meadow, in CA2, as strategic open space and a landscape buffer to the AONB. Along Shurdington Road it is proposed to set back the buildings from the footway and to create vistas through the development to the Cotswold escarpment. An area of green space, incorporating balancing ponds, has also been allocated, comprising about one third of the frontage along this section of the road. A number of existing landscape features within the application site are being retained which will help lend local character to the proposed development.

Visual Impact Assessment

- 3.2.9 The Visual Impact Assessment describes views of the site from each viewpoint and assesses the impact of development on each view. It concentrates on views of the site. It would have been helpful if it had given greater consideration to the impact of the proposed development on views of the Cotswold AONB. View Point 5 is located on the Shurdington Road, at a point where the boundary hedge is low, so there are open views of the site with the Cotswold escarpment in the background. A development would therefore alter the view of hedgerows and pasture to built development. Any development will therefore have an impact and therefore it is important to ensure this impact is acceptable.
- 3.2.10 In order to mitigate for this loss of view, a gap has been created in the built development edge along Shurdington Road. As mentioned above, it is about a third of the length of this section of road and should create an accessible viewpoint towards the escarpment. To soften the street scene, tree planting and other landscaping is planned and the buildings have been set back from the footway. These mitigation measures, together with other proposed landscaping, will help to integrate the built development into its landscape.

3.3 Conclusion

- 3.3.1 The site has been allocated within the Pre Submission JCS as part of the South Cheltenham Strategic Allocation through which there has been significant landscape and visual impact assessment carried out. The proposal would be visible from public vantage points within and outside the AONB, therefore the main consideration relates to if the proposal submitted achieves the requirements to minimise and mitigate its impact when viewed from public vantage points within and outside the AONB.
- 3.3.2 Development by its nature will impact upon the setting of the AONB. The main view through the site towards the escarpment of the AONB is where the site bounds the A46 Shurdington road. To help mitigate the effect of the development on views at this point, it is proposed to set the buildings back from the footway, and to create green space and vistas through the development using the green corridors. Views from the AONB will be minimised through the creation of strategic open space and Lott's Meadow and a landscape buffer to the AONB along with Green Infrastructure within the development site which will help to minimise impact.
- 3.3.3 The Landscape Officer concludes that the landscape mitigation measures proposed in the Masterplan and Green Infrastructure Parameter Plan will help to integrate the proposed development into the surrounding landscape

and reduce its impact on the setting of the Cotswold AONB. Should planning permission be granted, vigilance will be required during the development management process to ensure that these mitigation measures are not compromised as detailed plans emerge. The proposal will therefore ensure that the development will have an acceptable impact on the AONB, and therefore complies with the NPPF, pre submission JCS and Local Plan Policies.

4.0 Design and Layout

4.1 Introduction

- 4.1.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people and creating a sense of place. The NPPF also advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Major applications for new housing are required to include a design and access statement explaining the design rationale. Policy CP7 of the local plan seeks to achieve good design, with policy CP4 requiring no harm to the amenity of adjacent land users. Both these policies are in accordance with the NPPF.
- 4.1.2 Policy SA 1 of the JCS Pre submission requires that proposals must be accompanied by a comprehensive master plan for the strategic allocation. This should demonstrate how new development will integrate with and complement its surroundings in an appropriate manner, in accordance with policy SD5 Design requirements. Strategic Allocations which include residential development should seek in all cases to retain and enhance areas of local green space within the boundary of the allocation which meet the criteria in NPPF paragraph 77, whilst delivering the scale and distribution of development required by this policy. This is in addition to the requirements of policy INF 4 Green Infrastructure.
- 4.1.3 Primary access points are proposed to be determined in this current application; matters relating to appearance, landscaping, layout and scale are reserved for future consideration. The application has been supported with a Design and Access Statement (DAS), an illustrative master plan and parameter plans, other illustrative plans have also been provided which elaborate on the indicative layout in respect of land uses, house density, building heights, access and movement, green infrastructure and phasing. These plans provide an indication as to how the site could be developed. These documents would be used to inform the submission of any subsequent reserved matters applications.
- 4.1.4 Urban designers and landscape architects from both Cheltenham and Tewkesbury Borough Councils have been in discussion with the developer's urban design team throughout the pre application process and ongoing engagement post receipt of the application. The discussions were initially based on a masterplan for the whole of the JCS Strategic Allocation area around Kidnappers Land and Farm Lane, which includes land beyond the boundary of this application site. Nevertheless the negotiations hold good for this application and over recent months have focussed in on it. This

section of the report includes discussion of landscape and transport in so far as they impact on urban design considerations, wider considerations are dealt with as sections 3 and 5

- 4.1.5 The aim of urban design intervention here is related to place-making, with a view to helping create:
- a pleasant and sustainable place to live;
 - a place that links well with and respects its immediate neighbours and wider setting
 - a place that makes a positive contribution to the quality of south Cheltenham
- 4.1.6 This is a sensitive site on the edge of the built up area, below the Cotswold scarp (which is part of the AONB and of which there are expansive views into and out of). If the site is to be developed, contextually it is important that the development proposals mitigate impact. This landscape and visual impact is considered in more detail in section 3 of this report.
- 4.1.7 The built context is mixed. Immediately to the north, west and east is residential development (frequently estate development) from the 1960s-80s. The JCS strategic allocation itself contains a scattering of development, some commercial (nurseries etc.) some residential and undeveloped land in a variety of low impact uses (recreation, small-holding etc.) Beyond the immediate area – along Church Road to the south and south east and Shurdington Road/Bath Road to the north and northeast – start elements of historic development – including village outliers and Victorian development; Victorian suburbs and outliers of Regency estates. The built form varies from villas and larger detached through semi-detached to humbler terraces. Materials include red brick, stone and render.
- 4.1.8 Uses are typical of residential estate development, predominantly residential, with community uses, play space, allotments; retail is catered for in the Bath Road and on a number of local and neighbourhood centres.
- 4.1.9 The outline proposal as set out in the DAS (September 2013, plus Addendum April 2014) broadly reflects discussions to date on Urban Design issues.

4.2 Consideration

General layout

- 4.2.1 The arrangement of built-up areas and green-infrastructure is logical; concentrating building on less visually sensitive land; minimising incursions into more sensitive areas; and establishing green fingers running through the site along watercourses. Whilst the expansive view of the scarp from the Shurdington Road frontage will be reduced as set out in section 3 of this report, the mitigation strategies are considered in paragraph will help to retain, albeit less expansive, views. The mitigation strategy is set out in paragraph 3.2.8 and 3.2.10.

- 4.2.2 The general distribution of uses seems appropriate. The “local centre” with retail, employment, school etc is adjacent to Shurdington Road – an accessible location which is a focus for much of the movement in this part of the site. It is also sensible to shift these uses to the western most part of the Shurdington Road frontage in order to give some balance to the community hub formed by Bath Road. The current proposed arrangement which places housing on the Kidnappers Lane/Farm Lane frontage is an improvement on previous iterations, which showed various community uses on this edge. The community hub is now shown as a landscaped square with parking – an improvement on earlier suggestions which had a fairly anonymous entry along a road lined with community uses.

Design Principles

- 4.2.3 The application is in outline, but the DAS offers an understanding of how the detail might be realised through a set of design principles and a series of layout drawings and precedent images. These suggest that streets and squares will be well landscaped, attractive places and that built form will follow traditional vernacular styles.
- 4.2.4 The layout diagrams, read with the written design principles, offer a reasonable understanding of the design intentions for the scheme. They suggest a degree of quality in the finished product. However, they are not developed to a detailed level, and there is a need to be cautious about the deliverability. It would be helpful to have a series of “typology” drawings which demonstrate, for example, typical street cross-sections and plans, but should members resolve to grant planning permission a condition can be attached to require this information to be provided at reserved matters. These plans can then be used to demonstrate the ability to deliver avenue planting, ease of cycle and pedestrian movement and other elements which make a well-designed and comfortable street. There is a written description of acceptable parking typologies (on-plot, on-street or in street-based courts or squares; not in rear courtyards); again, typology drawings can be secured though conditions to demonstrate how these strategies will work in areas of varying density at reserved matters. Conditions on any outline permission need to be used to protect the intent of the DAS and to guard against the potential for a gradual diminution of green infrastructure and public realm - a common occurrence in moving from masterplan to detailed application.
- 4.2.5 The DAS does set out a series of principles which follow good urban design practice – a set of principles which reflect Cheltenham’s historic urban design parameters – covering topics including:
- Neighbourhood identity and character
 - Continuity and enclosure of streets by built form
 - Quality public realm
 - Ease of movement for pedestrians and cyclists
 - Legibility

Development layout

- 4.2.6 Development layout is proposed in a series of perimeter blocks and design principles establish back-to-back distances between housing, how buildings

will front streets, treatment of corners. The general approach and the design principles set out are acceptable. There are a number of distinct benefits in this approach to urban form:

- ease of movement around the site – particularly for pedestrians and cyclists;
- clear definition of private and public spaces - a benefit in terms of amenity;
- passive surveillance of streets and public open space – a benefit in terms of security;
- efficient use of space;
- efficient provision of parking;
- a reflection of Cheltenham's historic Regency and Victorian layout.

4.2.7 The alignment of the blocks (with a predominantly north to south axis and one main east-west cross street) relates well to the alignment of linear green spaces (following watercourses) and the alignment of view corridors to the scarp.

Housing densities

4.2.8 Housing densities vary across the site; they are acceptable in principle and are not untypical of the range of nearby historic densities:

- 40-55dph fronting Shurdington Road;
- 33-40dph in the centre;
- 25-33dph on the western, southern and eastern edges.

Building heights

4.2.9 Building heights are acceptable and, again, not dissimilar to historic development nearby:

- southern, eastern and western edges are restricted to a maximum of 2-storeys;
- central areas are restricted to a maximum of 2.5 storeys, with a stipulation that no more than 20% of these should be at the maximum height (i.e. 80% will be no more than 2-storey);
- the local centre can reach 3-storeys.

Sustainable transport

4.2.10 Transport options are accommodated by the provision for bus access into the site. Walking and cycling to facilities at Bath Road and Leckhampton (both a comfortable cycle distance) are available via Shurdington Road; Church Road offers a rural cycle route towards Leckhampton and the wider network; there are pedestrian-only links to Merlin Way and Burrow's Field – though these aren't available to cyclists. Internally, the block structure creates a permeable layout which is suited to easy walking and cycling.

House types and building design

4.2.11 Housing types and building design is addressed through a series of precedent images which are included in the DAS. Through pre application discussion and ongoing officer engagement the suggested housing types have been amended. The suggested house types still need considerable

work undertaken to ensure that the building styles suggested deliver a high quality finished design. These matters would be resolved through reserved matters applications.

Local centre

- 4.2.12 The local centre is laid out around a landscaped parking square and accommodates the main entrance to the site from the south west. Uses enclosing the square include retail, office and surgery; the primary school is just off the square on the main access road. The arrangement appears to work well. There has been on-going discussion regarding the suitability of rear-servicing the larger retail unit on the west of the square from the stopped up route of Kidnappers Lane. Whilst the proposed arrangement may be capable of being delivered acceptably, officers continue to consider that an improved arrangement using front servicing (from the square) and applying a landscaped treatment to the stopped up road would be an improvement in terms of neighbour amenity.

Green infrastructure

- 4.2.13 Having regard to JCS policy INF4, the proposal appears on its face to make reasonable and proportionate provision, however this has not been tested within the context of a potential future designation of land as local green space as defined by the NPPF. Work is currently being commissioned to assist communities in this process- this will not be completed within the determination timescale of this application. It is not a matter for the developer to formally allocate or designate Local Green Space – this must be done by the Local Planning Authority through its development plan whilst having regard to paragraph 77 of the NPPF. The appropriate part of the development plan for this designation is the emerging Cheltenham Plan and, where necessary in the context of the entire strategic allocation, the emerging Tewkesbury Plan.
- 4.2.14 The application has been submitted with a detailed Green Infrastructure strategy which sets out that of the site area of 33.44ha, 14.9ha will be retained or incorporated as green space, approximately 44% of the site, with the majority of proposed new build is also located within areas of low or medium visual sensitivity.

4.3 Conclusion

- 4.3.1 There has been extensive discussion between officers and the applicant on both this outline scheme and the masterplan within which it fits. These outline proposals suggest that there is the basis of a successful development here. There is a strong set of urban design principles supported by written and drawn information which should deliver a comfortable place to live. The disposition of uses and use of a perimeter block approach and permeable street layout suggests that the site itself should work well. There are areas which require further work which is typical of an outline application in which appearance, landscaping layout and scale are reserved. The DAS does however suggest that the intent is to deliver a high quality place. Therefore, if approved, suitable conditions should be put in place to ensure a quality scheme is delivered though any future reserved matters applications.

5.0 Sustainable Transport and Highway Safety

5.1 Introduction

- 5.1.1 Traffic matters are one of the issues which have caused the highest level of concerns from local residents. This section sets out Gloucestershire County Council Local Highways Authority (GCCLHA) comments on the application. Their comments are set out in full in the Statutory Consultee comments in Appendix 1 at the rear of this report.
- 5.1.2 It is important to note that the proposed development cannot be expected to mitigate for existing traffic problems.
- 5.1.3 Following initial discussion with the GCCLHA, Officers requested that in providing their comments consideration should be given not only to the impact of this application for 650 dwellings but also the cumulative impact of the remainder of the strategic allocation, along with the other strategic allocations identified in Policy SA1 of the pre submission JCS. The following paragraphs provide GCCLHA summary comments and conclusion on the application therefore the comments below should be read in conjunction with the full comments at Appendix 1.

5.2 Gloucestershire County Council Comments:

- 5.2.1 Gloucestershire County Council as the local highway authority has assessed this application in light of the NPPF, the CBC local Plan, and the emerging JCS, and other material considerations. In determining the type of recommendation the highway authority needs to assess if;
- the residual cumulative impact from the application is severe
 - safe and suitable access for all can be achieved
 - the opportunities for sustainable transport modes have been taken up
 - any adverse impacts do not significantly and demonstrably outweigh the benefits of allowing the proposal
- 5.2.2 The applicant has used the SATURN strategic model as described earlier and local junction modelling techniques to understand the wider impact and the local capacity issues.
- 5.2.3 **Wider Strategic Impact** - The SATURN traffic modelling shows what happens if traffic travels along corridors of least resistance, and plots which routes that may be taken to avoid delays. The results shown that the best scenario is not to restrict flows on Leckhampton Lane, but allow traffic flow to balance along the corridors in Shurdington, Up Hatherley and Leckhampton.
- 5.2.4 **Local impact** - It is inevitable that this development will increase the number of vehicle trips onto the network. Primarily during the am and pm peak. The developer has sought to use containment and travel pattern plans to either reduce peak hour travel, or amend daily travel patterns to maximise the capacity of the highway corridors. The A46 is an important route from the A417 to the A46, and is busy during predominately 2 distinct

weekday periods, nominally 7am – 8 am and 4pm – 6 pm (GCC survey data April 2013).

5.2.5 Using this traffic data we can see that the A46 is relatively free flowing for 19 hours a day. During these remaining 5 hours, the A46 experiences queuing, of varying degrees.

5.2.6 It is perhaps worth understanding queuing and congestion. Congestion can be defined as an increase in the level of traffic flow, causing the average speed of vehicles to reduce. There are several types of congestion.

Recurrent congestion; this is a regular occurrence such as peak hour congestion or regular events.

Non-recurrent congestion—this is unexpected occurrences such as accidents or vehicle break-down.

Pre-congestion or borderline congestion—this is where vehicles have slowed, but are not actually affected by the congestion, such as before and after peak times, or approaching a congested area.

This report looks at recurrent congestion.

5.2.7 The A46 experiences recurrent congestion. Congestion leads to delays in journeys and unreliability in journey times. Slow and stationary traffic can have an effect on air quality. Therefore congestion can affect the economy, quality of life and the environment. However we need to measure the existing queuing and congestion, and determine what the impact of this development, and whether that impact is severe.

5.2.8 Two junctions (Moorend signals and A46/Leckhampton Lane) are noted to currently have capacity issues and this development will add to the performance of these junctions. However the development is only required to mitigate its own impact, and not any existing capacity issues.

5.2.9 From the traffic survey data these situations of congestion are relatively short lived and unlikely to translate into severe congestion, in terms of the NPPF.

5.2.10 Once again, this is not to say that there would be no queuing, but delays should be of relatively short duration and certainly not of such significance as to amount to a severe delay. In the off-peak no particular problems are predicted under normal conditions.

5.2.11 Some of the minor roads on to the A46 do experience queuing and this would be expected onto any Primary/Principal road. But the highway authority prioritised the A46 flows as unhindered as possible, especially to accommodate bus frequencies, and the sake of relatively small queue lengths on minor side roads.

5.2.12 Sever Impact - The NPPF states that; Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Obviously the use of the term severe has been to convey something very extreme, to ensure that authorities only prevent development on transport grounds in overwhelming conditions. To

try and understand how you might calibrate severe in transport terms might be to look at how government pinch point funding is allocated. Pinch point funding seeks to remove bottlenecks on the local highway network which are impeding growth. The fund reflects the government's commitment to supporting economic growth by tackling barriers on the local highway network that may be restricting the movement of goods and people. The fund is aimed at those schemes that can be delivered quickly with immediate impact. No Pinch Point funding was sought for Shurdington Road, due to its relatively low ranking, strategically in Gloucestershire.

- 5.2.13 The application has been considered in the context of JCS and on the basis of the strategic allocation A6. The applicant is therefore required to contribute fairly to the overall requirements to allow the strategic allocation to be brought forward which can be secured in the S106.

5.3 Conclusion

- 5.3.1 The highway authority is satisfied that subject to the recommended conditions and contributions a safe and suitable access for all can be achieved, the cumulative impacts of the development are not severe, and the development will actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, to be made more sustainable.

6.0 Affordable Housing

6.1 Introduction

- 6.1.1 Local Plan Policy HS4 provides that the Council will seek to negotiate with developers to provide 40% of the total number of dwellings proposed for affordable housing. It is considered that this policy is consistent with the objective of the NPPF which encourages local planning authorities to identify the size type, tenure and range of housing that is required in particular locations.
- 6.1.2 Pre-Submission JCS policy SD13 deals with affordable housing, and requires developments of sites with sites of 10 or more residential units to deliver 40% affordable housing.
- 6.1.3 The Affordable Housing Statement submitted with the application proposes that up to 40% of dwellings (up to 260 dwelling) would be provided with a tenure split of 70% as affordable rented and 30% as intermediate affordable housing. The proposed mix of dwellings proposed includes 13 one bedroom units; 130 two bedroom units; 104 three bedroom units; and 13 four bedroom units.

6.2 Consideration

- 6.2.1 Following discussions with the Housing Enabling Officer it was advised that provision of 40% affordable is consistent with the identified need along with the tenure split of 70/30. However it was also advised that the mixture of

properties to be provided to provide for identified local need should be amended to include the following mix; 13 one bed units; 122 two bedroom units; 91 three bedroom units and 21 four bedroom units.

- 6.2.2 At the time of writing this report discussion are ongoing on these requirements, however positive steps are taking place moving towards reaching an agreement.

6.3 Conclusion

- 6.3.1 The affordable housing provision is subject to discussions on the detail, however the principle agreement of 40% provision with a 70% as affordable rented and 30% as intermediate affordable housing. Once the detail is agreed with the Housing Enabling Officer it will be secured though the S106. The S106 will ensure that the affordable provision is provided at the appropriate time and to be located at appropriate positions though the development site. Subject to agreement being reached, the affordable provision will meet the provision requirements of both the local plan policy and the JCS

7.0 Flood Risk and Drainage

7.1 Introduction

- 7.1.1 The NPPF aims to direct development away from areas at highest risk of flooding. Development should be safe and should not increase flood risk elsewhere. Local Plan Policies CP3, UI1 and UI2 reflect this advice with Policy UI3 requiring that development proposals require the incorporation of Sustainable Drainage Systems (SUDS). These local plan policies are considered to be consistent with the objectives of the NPPF. Policy INF3 of the Pre Submission JCS also seeks to achieve the objectives of the NPPF.
- 7.1.2 There has been a significant level of objection to the application based on flooding concerns. It is stated that the site and the surrounding area frequently floods. Photographic evidence has been provided by some objectors. Reference is also made to the 2007 where flood water overtopped the A46 and flooded a number of residential properties. It is suggested that the proposed development would create an unacceptable risk of flooding and would also increase the risk of flooding beyond the site.
- 7.1.3 The application has been accompanied with a Flood Risk assessment (FRA) and drainage strategy. To note this document does not only consider the land within the red line of this application, it reviews the larger urban extension area and potential effects of tidal, fluvial, surface water, ground water and sources of flooding upon the proposed development and flood risk from the development to third parties.

7.2 Consideration

- 7.2.1 The Environment Agency (EA) maps indicate that the site is predominantly within Flood Zone 1 with small areas of Flood Zones 3 and 2. The Level 2

Strategic Flood Risk Assessment commissioned by the JCS authorities did identify land to the north east of the site as in flood zone 2/3. However the Flood Risk Assessment submitted by the applicant indicates that there are areas to the east and west of the application site associated with water courses that fall within Flood Zones 2, 3a and 3b (functional flood plain). This assessment shows that the flood risk could be mitigated. The Environment Agency has stated that their maps are indicative and that the applicants more detailed assessment and modelling shows that the flood risk can be mitigated. Consequently, the Sequential Test would be passed and the Exceptions Test would not be required.

- 7.2.2 The application site is on clay and is served by principal watercourses that flow northwards through it. Mitigation of the development surface water will be disposed of to these watercourses via 4 sets of attenuation ponds designed to the 100year standard, with extra storage allowed for to take into account increased rainfall resulting from climate change over the lifetime of the development at plus 20% for commercial development and plus 30% for residential. The four ponds are to be located to the north of the site adjacent to the A46 with 3 located centrally (ponds A, C and D) and one located to the east (pond B). Pond A would drain to Hatherley Brook and would serve the land area bounded by the brook, Shurdington Road, Farm Lane and Kidnappers Lane. Pond B would drain to existing brook running on the north east boundary of the application site and serve the land at the natural catchments divide of pond C and D and the strategic open space proposed to the south. Ponds C and D would drain to Hatherley Brook and serve the land bounded by the brook, Kidnappers Lane the south boundary of the site, the natural dividing line between pond B and Shurdington Road (to note pond C is drained in to pond D).
- 7.2.3 The submitted FRA in sections 9 and 12 set out in details how each of balancing pond attenuation measures will be design to achieve discharge at a controlled, low rate to the existing watercourse, which complies with the requirements of the NPPF on flooding. The new surface water drainage system will ensure that the development does not raise flood risk down stream, and that the quality of surface water discharge is high. The rate of run off from the site rainfall up to and including the worst climate changed 100 year event will be reduced as a result of the development, principally due to the large volume of surface water storage that will be installed between the developments surface water collection system and the watercourses.
- 7.2.4 The applicant has held discussions with Severn Trent Water who have agreed the maximum rate at which sewage from the development can be disposed of to local foul sewers. Severn Trent has been consulted and has raised no objection.
- 7.2.5 The FRA also sets out the importance of the regular upkeep and maintenance of the ponds and the overall drainage strategy. The applicant has agreed that this will be secured through a management strategy which will be required and controlled, in perpetuity or the lifetime of the development through the S106 agreement.
- 7.2.6 The Councils Engineer Officer has made comments on the application in reviewing the Flood Risk Assessment and Drainage Strategy submitted with this application concluding he is satisfied with its approach and concurs with

its recommendations and conclusions. I would also reiterate the comments made by the Environment Agency that all SuDS be designed in accordance with CIRIA guidance C697 - The SuDS Manual.

7.3 Conclusion

- 7.3.1 It is of note that the EA has fully considered the FRA and has not raised any objection to the principle of the proposed development. The EA does note that as this is an outline application additional work is still required, however these are not principal matters and can be agreed at reserved matters stage and controlled through conditions which they have recommended. The Borough Land Drainage Officer has also considered the application and is in agreement with the EA conclusions.

8.0 Community facilities, Open Space, Outdoor Recreation and Sports Facilities

8.1 Introduction

- 8.1.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities. Policy CP8 of the Local Plan seeks to ensure that developments provide for the necessary infrastructure and facilities required which is consistent with the NPPF.
- 8.1.2 Local Plan Policies RC5, RC6 and RC7 relate to development on amenity space, and the provision of public play space and amenity space in new developments. Policy RC1 sets the overall minimum local standard for outdoor playing space at 2.65 per 1000 population of which 1.75ha should be sports pitches. New outdoor facilities should be generally subdivided as follows: 1.85-1.96ha youth and adult outdoor playing space for sport and 0.6 – 0.8ha children's outdoor playing space.
- 8.1.3 The JCS at Policy INF5 requires social and community infrastructure to be provided. Policy SA1 in identifying the Strategic Allocations sets out that development should implement the Infrastructure Delivery Plan or provision of other infrastructure set out in policies INF7 and INF8.

8.2 Consideration

- 8.2.1 Based on the local plan policy a proposal for 650 dwellings would require a minimum of 2.77ha of youth adult playing space and 0.898ha of children's outdoor playing space. The illustrative layout shows provision is to be made for 7.48ha of strategic open space and 6.38 of other open space within the development. Children's play provision is proposed within the application site comprising a Neighbourhood Equipped Area for Play (NEAP) and 3 Local Equipped Areas for Play (LEAP) and an area for kick about. Youth and Adult provision is to be though the use of the primary school field (0.85ha) and the proposed Multi Use Games Area (MUGA) which would

have an all weather surface which triggers a multiplier of 3 as it would provide mutable usage and availability compared to grass. Further provision has been identified at Lotts Meadow. Allotments are also proposed for the site which are shown located at the back of Vineries Close. A community orchard is also located adjacent to the allotments, The Parks Officer has however provided justifications to request that land be utilised for additional allotments. The applicant has agreed to make this change.

- 8.2.2 Of the overall site area of 33.44ha, 14.9ha will remain as open space/green infrastructure, 44% of the application site. In considering the breakdown of the open space, outdoor recreation and sports facilities the Parks Officer has provided no objection to the application. The Parks Officer has stated that, based on demand, that there is a no need for additional adult pitch, however as a way of managing the existing pitches at Burrow's field to the east, a pitch could be provided on the Lott's Meadow land once every 3 years at the Lott's Meadow to help maintain the existing pitches at Burrow's field.
- 8.2.3 The Illustrative Master Plan also provides for a local centre which would include a site for GP surgery, Dental Practice, Local Store and employment provision. This area is located to the front of the site on the west side. The allocation of these uses is sufficient to provide for the larger Strategic Allocation area, should or when other sites come forward. This would be controlled through the S106 agreements to ensure that the application is CIL compliant.
- 8.2.4 As the Council no longer adopts public open space and therefore a management strategy will be secured through a S106 agreement to ensure all public land within the application site is maintained to a satisfactory standard.
- 8.2.5 Policy SA1 of the pre submission JCS sets out that development should implement the Infrastructure Delivery Plan (IDP). The IDP which is a supporting document in the JCS was not advanced significantly via a Cheltenham CIL to inform this application, including prioritisation of infrastructure. However, in looking at the base information of the IDP compared to the provision levels provided in the application they are at a similar level, where there are differences the application is providing slightly higher provision than the IDP requirements and acts upon some of the issues of concerns raised by local residents in respect of infrastructure provision.

8.3 Conclusion

- 8.3.1 The application is considered to satisfy policies RC1, RC5, RC6 and RC7 of the Local Plan and the NPPF objectives, and therefore the illustrative masterplan for the application site demonstrates that sufficient provision of community facilities, open space, outdoor recreation and sports facilities can be provided within the site.

9.0 Education and Library Provision

9.1 Introduction

- 9.1.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Policy CP8 of the Local Plan seeks to ensure that development will only be permitted where adequate provision is made for necessary infrastructure and facilities.
- 9.1.2 Policy INF 5 of the JCS requires Social and Community Infrastructure provision to be provided in new development. Essential social and community infrastructure includes schools, health services, community and spiritual centres, libraries, sports pitches, open space and children's crèche and play provision. Members should note that open space and recreation is covered in the previous section of this report. Also relevant is the potential requirements of the Infrastructure Delivery Plan as referred to in Policy SA1.
- 9.1.3 Gloucestershire County Council (GCC) is the relevant authority for education and libraries. GCC have commented on the application stating that while this application is for 650 dwellings it is important to consider the implications on education provision based on the wider JCS allocation area of 1,124 units, therefore their comments have regard to the higher number. GCC has reviewed and analysed pupil numbers at different development/dwelling types across the county and uses this research to forecast the likely number of places a development will generate.
- 9.1.4 Education provision is a key issue raised by both Members and the Local community. Concerns regarding provision have informed the S106 negotiations between the Council, GCC and the applicant.

9.2 GCC Requirements

- 9.2.1 **Pre School:** GCC calculations identify that 46 early year children are expected to arise from the proposal. Current demand is matched closely by supply in the area. A development of this size will increase demand significantly requiring additional provision. The increased demand resulting from the additional 2yr olds who will have a legal entitlement to free early education from 2014 should also be taken into account. The needs of pre school children generated by this proposal will be best met by provision incorporated within a new primary school. One early year's playroom and one play space for 2 year olds with associated office space, and toilets will be required. The provision of the identified provision would be secured and delivered through the S106 if the application is supported.
- 9.2.2 **Primary Education:** GCC calculations identify that 163 pupils are expected to arise from the proposal of 650 units, 1,124 units would generate 275 pupils. The primary schools closest to the development are Leckhampton and Warden Hill. Current forecasts indicate that Leckhampton is to remain over capacity to 2016/17 whilst Warden Hill is forecast to have only 21 surplus places in 2016/17. There is a need for this proposal to make primary education provision for the 163 children and for GCC to have regard for the additional 112 children from future development in the area. A one form entry school (1FE) provides 210 places and requires a site area of

- 1.1ha. a one and half form entry school provides 315 places and requires a site of 1.57ha.
- 9.2.3 A stand alone development of 650 dwelling would require the provision of a new primary school providing 1 form entry to accommodate the 163 pupils. A development to the size of the strategic allocation as set out in policy SA1 of the JCS for 1,124 dwellings would however require a school at one and a half form entry.
- 9.2.4 To ensure that an individual application is Community Infrastructure Levy (CIL) compliant it needs to provide planning obligations to make a development acceptable in planning terms and that directly relate the development proposed and relate to the scale and kind of development proposed. To this regard whilst the applicant is proposing the provision of a site area of up to 1.72 ha which is sufficient in size to provide a 1 and a half form entry school, however the applicant is only proposing to contribute to the provision of a one form entry up to 210 places. This would provide for the 163 pupils this development is likely to generate, and therefore CIL compliant. The balance of an additional 112 pupils which would be generated from the remaining land in the strategic allocation will need to be provided for. To resolve this, the developers who bring those sites forward would be required to provide the necessary contributions to GCC which would allow the new school to be erected or extended to provide a one and half form entry to provide the overall provision. The mechanism to achieve this would be through the S106 agreement between GCC and the Applicants and any future developers of the remaining land in the JCS strategic allocations.
- 9.2.5 The S106 agreement would also include an agreement on the timing of the delivery of the primary school with negotiations seeking to ensure it delivery in the early phases of development. It is anticipated that the primary school will be managed and maintained by the Diocese.
- 9.2.6 **Secondary Education:** The closest secondary school is Cheltenham Bournside and Sixth Form Centre (aprox 2.3km). The latest forecast indicates that from 2018/19 there will be no surplus places at Bournside. From 2019 there are forecast to be no surplus places within Cheltenham secondary school planning area. The other schools outside Cheltenham which could offer capacity is Chosen Hill.
- 9.2.7 GCC calculations identify that the proposed development would give rise to 97.5 secondary pupils and therefore a contribution of £1,738.620 will be required from the development to provide capital works to extend, remodel, upgrade and improve the capacity and suitability at Cheltenham Secondary Schools and/or Chosen Hill.
- 9.2.8 The S106 agreements will ensure this contribution is provided and paid in a timely manner.
- 9.2.9 As per the primary education GCC will seek contributions at the same level from the other parts of the strategic allocation at the time of considering applications. The strategic allocation would provide and overall total of 168 additional pupil places, therefore the contribution for the urban extension as a whole would raise to a total of £3,006,700. It should be noted that a

development at 1,124 is too small to trigger the requirement for a new secondary school.

- 9.2.10 **Libraries:** GCC has identified a need for contributions towards public libraries. Based on the scale of the development and the requirements necessary to serve the new population there is a requirement to provide an extension to the local service to meet the new demand and maintain the welfare of the new community. In order to meet this requirement, a contribution of £127,400 is required which will be used towards improving the local library at Up Hatherley and will include computers, stock, furniture, extended opening hours or capital works.
- 9.2.11 Consistent with education GCC will also seek this contribution from the other parts of the strategic allocation. The overall contribution will rise to a total of £220,304.
- 9.2.12 Policy SA1 of the pre submission JCS sets out that development should implement the Infrastructure Delivery Plan (IDP). The IDP which is a supporting document in the JCS was not advanced significantly through a CIL charging schedule for Cheltenham to inform this application. However in looking at the base information of the IDP compared to the education requirements to be provided by this application and the overall strategic allocation are similar, where there are some differences the application is again providing slightly higher provision than the IDP requirements.

9.3 Conclusion

- 9.3.1 With regards to CIL regulations, the contributions are considered necessary to make the development acceptable in planning terms as they would ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. The contributions are directly related to the development and are fairly and reasonably relate to the scale and kind of development. The applicants have agreed to pay the requested contributions towards education and libraries which would be secured through a Section 106 agreement.

10.0 Archaeology and Cultural History

10.1 Introduction

- 10.1.1 The NPPF at paragraph 128 sets out that great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Also that local planning authorities should require developers to submit an appropriate desk based assessment, where necessary field evaluation.

10.2 Consideration

- 10.2.1 The ES includes an assessment of the potential impact on Archaeological and Cultural History. A significant amount of the site (approximately 80%) has been subject to archaeological evaluation in the form of geophysical

survey followed by targeted trial trenching. The geophysical survey found several linear anomalies that could possibly represent archaeological features. This was followed up with trial trenching though the site where built development is proposed and found evidence for activity during the prehistoric, roman, medieval and post medieval periods.

10.2.2 The effects on buried archaeological remains within the proposed site would result from loss of, or damage to, such remains during construction. The effect would be permanent and irreversible. Evidence suggests that buried archaeological remains are present with the site that could be affected by construction. The remains are not protected in themselves however could have the potential to contribute towards research and any unnecessary loss would have adverse impact. To avoid this impact a program of archaeological investigation ahead of any construction work would be required by a planning condition being attached.

10.2.3 The County Archaeologist has made comment on the application and has requested additional work to be done, which would include survey work to be undertaken on the remaining parts of the application site. There are two areas which have not been subject to the geophysical survey which are both located adjacent to the A46 Shurdington Road one area to the East of the site with the other to the West of the site. What is understood from the survey works that has been undertaken on the majority of the site there is evidence to suggest there is a protection for archaeological remains to be found though the entire application site. It is therefore considered reasonable that the recommended condition above will require the appropriate programme of mitigation to be undertaken to investigate and record any archaeological remains which would be adversely affected by any construction works for the entire site.

10.2.4 In considering built heritage, both the Councils Conservation Officer and English Heritage have provided no objection to the application. There are no listed buildings located on the application site, however there are a number of Listed Buildings nearby the site near which includes Grade II* Church of St Peter and Leckhampton Court, Grade II The Rectory; Church Farm House; Olde England and Moat Cottage. The master plan ensures there is suitable distance between the listed buildings and the built form of the proposal to the satisfaction of English Heritage.

10.3 Conclusion

10.3.1 Given the comments provided and subject to conditions being attached to ensure that a suitable program of archaeological investigation ahead of any construction work taking place, which is to be agreed by the County Archaeologist the proposal should not have a harmful impact.

11.0 Ecology and Nature Conservation

11.1 Introduction

11.1.1 The NPPF sets out that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity by

encouraging opportunities to incorporate biodiversity in and around developments. Furthermore planning permission should be refused for development resulting in loss of deterioration of irreplaceable habitats. Local Plan Policy GE 7 of the local plan seeks to accommodate and protect natural features; NE1 NE2 and NE3 seeks to protect habitats of legally protected species, designated conservation sites and to resist development which would harm biodiversity and geodiversity of local importance. Policy SD10 of the pre submission document of the JCS also picks up the need to protect and enhance biodiversity and geodiversity.

11.2 Consideration

- 11.2.1 The ES contains an assessment of the potential ecological effects of the proposed development on the existing ecological features within the site at chapter 8. Within the EA is detailed consideration and contains Extended Phase 1 Habitat Survey, Hedgerow and Orchard Surveys, Bats, Badger Dormouse, Otter and Water Vole, Breeding birds, reptiles, Great Crested Newts and Invertebrates Surveys. The ecological report confirms that the site and surrounding 1km area does not hold any form of statutory or non statutory nature conservation designation. However local records indicate the presence of a variety of species in and around the surrounding area.
- 11.2.2 The ES identifies that there are protected species on the site, albeit at a low level, and sets out detailed mitigation measure to ensure there protection. The key to ensuring biodiversity retention and enhancements will be in the production of a ecological management plan which incorporates all the areas identified and uses, planting of native species of emergent vegetation, shrubs, trees and wildflower mixes to ensure that the maximum biodiversity enhancements are gained. If all of the features identified cannot be established then there will be a loss to biodiversity in the long term. It is therefore recommended that an ecological management plan is produced before works take place on site to identify how all the inherent mitigation will be achieved as outlined in Chapter 8 of the ES, this can be secured though condition.
- 11.2.3 English Nature has not objected the application on Ecology and Biodiversity, however has provide comment on Protective Species, commenting that the main impact on European protected species will be foraging and commuting bats, nine species were identified using the site including rare bats such and Lesser Horseshoe. The hedgerows, streams and trees that provide foraging and commuting routes for bats should be retained with lighting being designed to minimise impact on bats. Chapter 8 sets out mitigation for bats, which can be included within the overall ecological management plan. Regarding other protected species English Nature has referred to their standard advice, the ecological management plan should achieve these standards which would be delivered though any reserved matters applications.

11.3 Conclusion

- 11.3.1 The application has been supported with extensive background and mitigation measures to respond to the existing Ecology and Biodiversity to demonstrate that the site could be brought and provide for the necessary

requirements to satisfy to objectives of the NPPF, Local Plan policies and the Pre Submission JCS subject to conditions being attached.

12.0 Air Quality

12.1 Introduction

12.1.1 The NPPF states that the planning system should enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution.

12.1.2 A number of comments have been received raising concerns regarding air pollution, stating that Cheltenham has been declared an Air Quality Management Area (AQMA) and that air quality already breaks EU limits in the Area. It is therefore suggested that the additional traffic generated from this proposal would further contribute to air pollution.

12.2 Consideration

12.2.1 Chapter 11 of the ES presents the results of the likely significant effects of the proposed development in terms of air quality. The additional housing that is part of the strategic allocation is included as part of the wider Masterplan. Further traffic modelling has been undertaken to reflect the changes and demonstrate the impact of the proposal in terms of air quality. The air quality assessment work has been updated using the revised traffic flows associated with the development proposal and the model verification includes the most recent monitored annual-mean nitrogen dioxide (NO₂) concentrations for 2013.

12.2.2 The submitted Air Quality Assessment recognises that Cheltenham has been declared an AQMA. The assessment of air pollutions during the construction phase suggests that the impacts are likely to be in the high risk category with absence of mitigation or control; impacts during construction would include dust generation and plant vehicle emissions. However, with the implementation of recommended measures of mitigation, as set out in the ES which would include dust management plan, site management and monitoring to deal with site practices, this can be overcome.

12.2.3 With regards to air pollution from traffic associated with the proposed development, an assessment was undertaken using the Design Manual for Road and Bridges Localised Air Quality Assessment tool. This predicted the effect of the proposed development on air quality at a number of sensitive receptors. Additionally, as two new passive roadside monitors have been installed at Kidnapper's Lane and 97 Shurdington Road, the Council's Environment Protection Officer requested that data for these monitors are included in the model verification. Further modelling has been undertaken to reflect the 2013 data, included in the draft Progress Report 2014, and the two additional passive roadside monitors. The assessment predicted negligible effect at all of the receptors.

12.2.4 Members may be aware that as part on the evidence base of the Pre Submission JCS, Atkins were commissioned to assess the cumulative

impacts on air quality of the development proposals identified in the Draft JCS. This report presents a strategic level of assessment of air quality for the JCS, proportionate to the stage of development of the strategy using the current traffic model scenarios already available. The assessment of local air quality effects using illustrative air quality 'headroom' calculations indicated at the 12 locations selected for assessment (which includes Leckhampton) there would be no exceedance of annual mean NO₂ UK AQS objectives and EU limit value thresholds in 2031 at human health receptors. There would also be compliance with EU limit value threshold for the protection of vegetation at designated ecological sites within 200 metres of the locations assessed.

Conclusion

- 12.2.5 The Councils Environment Protection Officer in considering Chapter 11 of the ES and the updated information has confirmed that the air quality impact of the proposed development will be minimal. Officers concur with the reports conclusions that the air quality effects associated with the operation of the proposed development are deemed to be of negligible significance (in terms of predicted air quality concentrations at existing receptors) and the operation of the proposed development does not conflict with any regional or local air quality policies.

13.0 Other Considerations

13.1 Neighbourhood Planning NPPF Concept Plan and Local Green Space Application

- 13.1.1 The Parish Council of Leckhampton with Warden Hill submitted to the Council in August 2013 their "Neighbourhood Planning NPPF Concept Plan and Local Green Space Application" for the purposes of "*making* a positive input into the JCS on the current strategic site allocation and to contribute to the process of updating the Cheltenham Borough Council and Tewkesbury Borough Council local plans to be NPPF-compliant" (pg. 7).
- 13.1.2 The document is not a Neighbourhood Plan in accordance with The Neighbourhood Planning (General) Regulations 2012 and The Parish Council of Leckhampton with Warden Hill has not sought designation as a 'neighbourhood area' which is a requirement in beginning the neighbourhood planning process. The document does not have status as a Parish Plan developed with the local authority, as such the document, in its present form cannot be considered as a supplementary planning document. The document therefore does not form part of the development plan for Cheltenham.
- 13.1.3 It is unclear whether the Concept Plan itself has been subject to widespread and effective community involvement. However, the document references public support for limiting development in the Leckhampton area and the formal response to this planning application (13/01605/OUT) from The Parish Council of Leckhampton with Warden Hill cites the document as a ground for objection.

- 13.1.4 The “Neighbourhood Planning NPPF Concept Plan and Local Green Space Application” seeks to make the case for the designation of a large part of the emerging Leckhampton strategic allocation as Local Green Space and sets out what the authors consider material reasons for avoiding large scale development in Leckhampton. The document was accepted as a representation to the Draft JCS consultation and was taken into account and evaluated during the production of the JCS’s current stage.
- 13.1.5 The Pre Submission JCS considered that whilst there was clearly strong need for strategic green infrastructure and effective and useful green and amenity space as part of the development, these requirements did not outweigh the value of a sustainable urban extension to this part of the town.
- 13.1.6 Cheltenham Borough Council met on the 9th of April 2014 and approved the Pre Submission JCS for publication and submission to the Secretary of State. This revision of the JCS included the application site as part of a larger strategic allocation at South Cheltenham.
- 13.1.7 At the Council meeting of the 9th of April 2014 the following recommendation of the Leader was also agreed: The Council resolved to: “Designate Local Green Spaces where appropriate as part of the Cheltenham Local Plan. We would particularly wish to evaluate the potential for Local Green Space designation in Leckhampton and North West Cheltenham, where green areas of particular local significance are known to exist. We further resolve that, with immediate effect, any planning application to be determined on strategic sites in Cheltenham will comply with the requirements of the JCS including policies SA1 and INF4 in regards to the identification of Local Green Space.”
- 13.1.8 As a result of this resolution work has begun on creating a consultation framework to begin engagement with local community groups and parish councils etc. to listen to their views on which areas of green space they deem special and could benefit from Local Greenspace protection. This protection would come as part of the Cheltenham Plan and will need to be balanced with the need to provide sufficient opportunities for development and assessed through the criteria set out in the JCS, NPPF and nPPG.
- 13.1.9 The timing of this application means that any outputs that would feed into the Cheltenham Plan on Local Green Space Designation cannot be taken into account in the Council’s determination of the scheme presented. However, the applicants have set out areas of the proposal which they consider meet the criteria for Strategic and Local Green Infrastructure as part of this application. It is the view of the Planning Policy team that these meet the broad requirements for Green Infrastructure set out in JCS policy INF4 and that the applicant has reasonably gone about discharging their duty under JCS policy SA1 to “seek in all cases to retain and enhance areas of local green space within the boundary of the allocation, which meet the criteria in NPPF Paragraph 77 whilst delivering the scale and distribution of development required by this policy”
- 13.1.10 However it is for the decision taker to be satisfied in his or her own mind that this is the case. The application must be considered on its own merits and according to the Development Plan and the weight given to emerging development plan documents such as the JCS.

13.2 Neighbourhood Planning NPPF Concept Plan and Local Green Space Application Traffic Considerations

- 13.2.1 Gloucestershire County Council as the local highway authority has in their comments provided technical commentary this document as follows in the next paragraphs.
- 13.2.2 The Parish has used mathematical formulae for traffic modelling, unfortunately I have no way of assessing how accurate, robust or credible the evidence base is, and whether the correct trip rates, distribution and growth patterns have been used, and what discount has been used for travel planning and trip banking.
- 13.2.3 Traffic models are primarily used to assess junction capacity in the morning peaks but this formulae appears to be measuring queue lengths, and does not appear to follow the DfT guidance on transport assessments.
- 13.2.4 In the conclusion at 6.11 it suggests that the LTP3 describes the A46 as the worst congested hot spot in the Cheltenham - Gloucester area, and refers to a plan, which shows the 30 most congested junctions in 2026. Unfortunately this plan has been totally misinterpreted, as the 2 junctions on the A46, refer to the side roads at Bentham and Whitelands Lane. These are very narrow width side roads and when assessed with their ratio of flow to capacity (RFC), the side roads will be over capacity by some margin, with queues of only 4 or 5. Not only is this a gross exaggeration of the facts, (albeit the plan is not particularly clear), minor queuing on to the A46 is not considered an issue in the determination of this application.
- 13.2.5 However I do agree with the statement regarding funding for infrastructure, and funding depends a lot on money from developers, however the NPPF only requires improvements to the transport network that cost effectively limit the significant impacts of the development.
- 13.2.6 The DfT approved SATURN modelling and isolated junction modelling has identified junctions currently without spare capacity, and this development will add to those junctions. Notwithstanding this the SATURN modelling does show that drivers will take alternative routes, modes, and choices and therefore with the package of capacity improvements, and travel planning, mitigation the view of the highway authority is that the development would not have a serve residual cumulative impact, in the context of the NPPF.

14.0 Conclusion and Recommendation

14.1 Conclusion

- 14.1.1 The strong views provided in objection to the application are understood and a summary of the objections is set out in section 1 of this report with the letters of objection being detailed at appendix 2. These views set out a number of material considerations and throughout this report, these have been fully considered.
- 14.1.2 The NPPF at paragraph 14 sets out a presumption in favour of sustainable development, unless material considerations indicate otherwise. The NPPF

identifies at paragraph 7, three dimensions to sustainable development which are economic, social and environmental. In considering the application the following is provided for:

- **Economic dimensions** – It is recognised that housing development is an important economic driver. The proposal also includes office provision and a local centre. The proposed development would contribute to local jobs, both directly and indirectly.
- **Social dimensions** – The proposal would deliver needed housing, including 40% affordable housing. The submitted DAS statement and illustrative masterplan demonstrates that the site could be designed to a good standard. The proposal would also have an acceptable impact upon the safety and satisfactory operation of the highway network. Furthermore, the site, through a S106 agreement, would deliver on site pre-school and a primary school with contributions to secondary education and public libraries. The site will provide for an on site doctors surgery and deliver the necessary outdoor and recreation play space.
- **Environmental dimensions** – The proposal would not be at an unacceptable risk of flooding and would not exasperate flooding problems for third party properties. Mitigation has been proposed to ensure that the development would not have a harmful impact on ecology or nature conservation. The development will be visible from vantage points looking into and out of the AONB, however the illustrative layout has been designed to help to minimise the impact.

14.1.3 The application site is not located in the Green Belt or the AONB and therefore the NPPF does not exclude consideration to be given to the development of this land.

14.1.4 The NPPF requires the Council to demonstrate an ongoing 5 year incorporating a 5% buffer of deliverable site. This site forms part of the existing 5 year supply of housing, it is therefore necessary to ensure that the site is brought forward to ensure this delivery of the 5 year housing supply.

14.1.5 The site forms part of the allocated site A6 within Policy SA1 Strategic Allocation of the pre submission JCS. The larger strategic allocation has, through the advancement of the JCS evidence base, already been subject to detailed analysis to support its inclusion within Policy SA1.

14.1.6 Officers accept that it would be preferable for one application to be submitted for the pre submission JCS allocation. The Local Planning Authority however, has no control over the timing or format that a planning application is submitted. The submitted application has had regard to the wider strategic allocation. It has, in its assessment, included Highway matters of the larger strategic allocation and the provision of education facilities by allocating land for a primary along with land for local community facilities amongst other matters set out in the report. The application site will deliver its own infrastructure requirements and will allow this part of the allocation to be brought forward, without compromising the delivery of the larger strategic allocation of 1,124 dwellings.

14.1.7 Legislation requires that planning applications are determined in a timely manner, with each application being considered with regard to the development plan unless material considerations indicate otherwise.

14.2 Recommendation

14.2.1 The proposal requires a balance to be struck between the competing interests of the detailed objections to the application and having regard to the guidance provided in the NPPF, the emerging JCS and the relevant policies in the Local Plan. Officers conclude that the evidence provided demonstrate that this part of the JCS strategic allocation can be brought without compromising the wider allocation.

14.2.2 Officers considered that the proposal will provide for sustainable development as identified in the NPPF and that there are no overriding reasons to warrant the refusal of the application.

15.0 Conditions / Informatives

15.1 To follow.