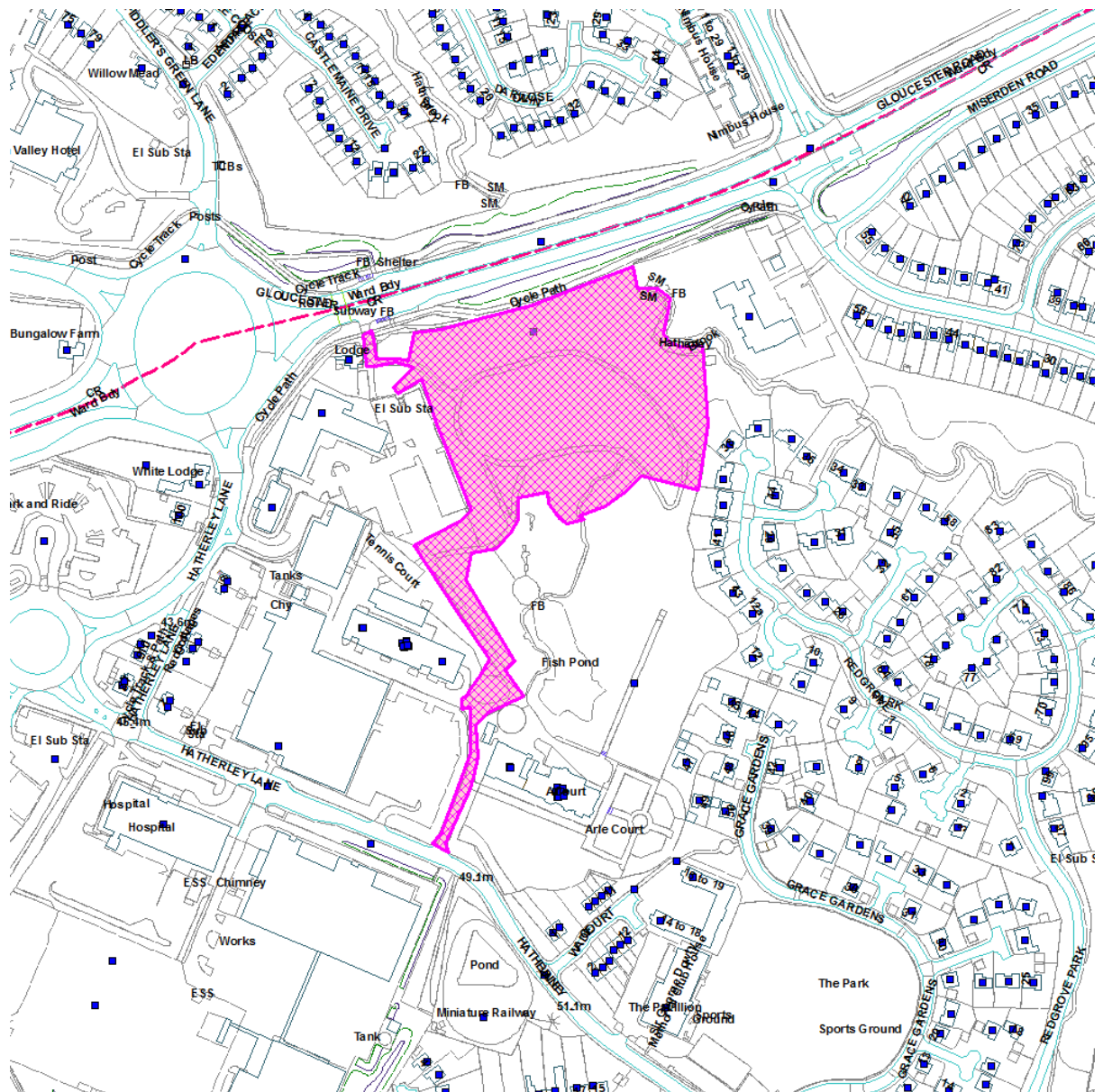


APPLICATION NO: 16/02302/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 4th January 2017	DATE OF EXPIRY: 5th April 2017
WARD: Benhall/The Reddings	PARISH:
APPLICANT:	Richmond Villages Care Holdings Limited
AGENT:	SF Planning Limited
LOCATION:	Land at Arle Court, Gloucester Road, Cheltenham
PROPOSAL:	Erection of Care Home with Nursing Care (60 beds) and Assisted Living (55 suites) - use class C2. Restoration and management of woodland, and provision of car park.

RECOMMENDATION: Permit subject to a 106 Obligation



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a parcel of land measuring 2.27 hectares in area, accessed off Hatherley Lane and bound to the north by the A40. The site is a TPO'd woodland and currently comprises unused land within the grounds of the Film Studios adjacent.
- 1.2 In addition to the TPO, other constraints include the presence of a Grade II listed building to the south, 'Manor by the Lake' (formerly known as Arle Court) which is a wedding venue whose grounds adjoin the application site. The lodge building to the north west of the site is also Grade II listed.

The most north-easterly point of the application site is within flood zone 2. The Hatherley Brook, which is a 'main river', runs along the boundary of the site.
- 1.3 There have been previous consents for development at the site comprising extensions to the studio/offices and associated addition car parking. However these are no longer extant.
- 1.4 The land is associated with the Film Studios building, which in addition to the studio use, also provides office space, much of which is used for 'start up' businesses.
- 1.5 Planning permission is sought for the erection of a new Care Home which would provide a combination of nursing care and assisted living suites. The total provision would be 60 beds within the Nursing Care section of the building and 55 Assisted living suites within a separate part of the building.
- 1.6 The proposed building is broadly 'L' shaped and located relatively centrally within the plot. The central part of the building would be 4 storeys in height with the outer sections of the building reduced to 3 storeys in height. In addition, at roof level it is proposed to provide a sun room, roof gardens and plant enclosures. The proposed materials are timber cladding with stone sections. There are some larger areas of glazing within the proposal, the concept being to adopt a muted palette of materials along with glazing which would reflect the surrounding trees.
- 1.7 The care suites are located in the eastern wing of the building. These are designed for people who are finding it hard to cope in their current home and need assistance with day to day activities but wish to remain as independent as possible. The ground floor of the northern wing contains communal facilities for the residents of the care suites such as restaurant, library, wellness area, exercise studio etc.
- 1.8 The care home element of the proposal is located within the northern wing of the building and is arranged over the first and second floors. This facility would provide long and short stay nursing care as well as palliative and dementia care. A residents lounge and dining room is located on each of the two floors.
- 1.9 The proposal also includes a single storey services building to the north west of the main building which includes bin stores, garden stores, maintenance stores, electricity substation and tank room. This is a simple, flat roof, timber clad building.
- 1.10 The site is accessed from an informal mini-roundabout between The Manor by the Lake and the Film Studios. A driveway leads into the site and curves towards the service building. 71 parking spaces are proposed which are located in pockets along the driveway. 4 of the parking spaces would be for disabled parking and mini-bus and ambulance parking bays are also proposed.
- 1.11 There is a natural clearing towards the centre of the site which is not readily appreciable from outside the site or from aerial photography. However the proposal will necessitate the removal of a number of trees and the proposal has been accompanied by a

landscaping scheme as well as a woodland management plan. The stated concept of the proposal is to be landscape led and to enhance the existing woodland whilst allowing the setting to complement the building and its use.

1.12 This application is before committee at the request of Cllr Britter.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Flood Zone 2
Residents Associations

Relevant Planning History:

03/00603/OUT 8th August 2011 DISPOS

Extension of existing offices/studio to provide additional floor space (5000m2 net)

97/01043/PO 26th March 1998 PER

Outline Application For Erection Of New Film Studio, Stages and Workshop; Residential Development (3.72 Hectares): New Access Upgrading Existing Access and Primary Road Layout.

97/01044/PC 23rd October 1998 PER

Use Of Existing Buildings For Film Studio Headquarters Production Offices, Residential Film Related Conference Centre, Ancillary Film Related Facilities And Film Stage.

07/01124/FUL 6th December 2007 REF

Gravel driveway 120 yards long leading into existing car park

07/01125/FUL 2nd October 2007 REF

Galvanised security 1.8 m high palisade fence, measuring 396 m with beech hedge to cover the fence, in keeping with woodlands

97/01043/PO 26th March 1998 PER

Outline Application For Erection Of New Film Studio, Stages and Workshop; Residential Development (3.72 Hectares): New Access Upgrading Existing Access and Primary Road Layout.

97/01044/PC 23rd October 1998 PER

Use Of Existing Buildings For Film Studio Headquarters Production Offices, Residential Film Related Conference Centre, Ancillary Film Related Facilities And Film Stage.

04/01852/FUL 11th January 2005 WDN

Extension of existing offices/studios to provide additional floor space

05/00461/FUL 22nd June 2005 REF

Extension of existing offices/ studios to provide additional floor space

05/01093/FUL 16th September 2005 PER

Extension of existing offices/ studios to provide additional floor space and associated works (identical application to 05/00461/FUL)

10/01378/TIME 1st September 2011 PER

Application to extend the time limit for the implementation of planning permission 05/01093/FUL. Extension of existing offices/ studios to provide additional floor space and associated works

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 10 Boundary enclosures to listed buildings
GE 5 Protection and replacement of trees
GE 6 Trees and development
GE 7 Accommodation and protection of natural features
NE 1 Habitats of legally protected species
NE 2 Designated nature conservation sites
NE 4 Contaminated land
EM 1 Employment uses
HS 1 Housing development
HS 6 Elderly persons housing
UI 1 Development in flood zones
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 2 Highway Standards
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Flooding and sustainable drainage systems (2003)
Landscaping in new development (2004)
Travel plans (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Architects Panel

6th February 2017

Design Concept

The panel had already commented on a pre-application presentation by the Architect for the care home on this site and had no objection to the principle of the development. The submitted scheme is a more refined design in terms of its architectural detailing but broadly follows the layout and composition of the pre-application scheme.

Design Detail

The panel liked the look of the scheme, the materials palette and the interesting details which are carefully composed to create an overall pleasing composition. There were mixed views over the appearance of the corner entrance tower, the detailing of which looked more convincing in the 3D model view than on the elevations.

The weathering and durability of the timber cladding would need to be carefully considered in detail design.

Recommendation

Support

Natural England
26th January 2017

Thank you for your consultation on the above dated 05 January 2017 which was received by Natural England on the same date

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

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

European sites - Cotswold Beechwoods Special Area of Conservation

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Cotswold Beechwoods Special Area of Conservation and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

The Cotswold Beechwoods Special Area of Conservation (SAC) is considered to be sensitive to additional recreational pressures. Our advice that in this case there are no likely significant effects is based upon the following combination of factors:

- The nature of the proposal, comprising of a care home and assisted living, and the likely demographic of the residents;
- The distance from the site (7.1km).

Cotswold Commons and Beechwoods Site of Special Scientific Interest

Badgeworth Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that "when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

Other advice

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

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 02080 260955

GCC Local Flood Authority (LLFA)

17th January 2017

Response - Objection

I refer to the above application received by the Lead Local Flood Authority (LLFA) on 06th January 2016, for comment on the management of surface water. The site is situated primarily within flood zone 1 but small part of the site is noted to lie in flood zone 2 as demonstrated by the Environment Agency's (EA) interactive web based mapping service (see location below). The submitted FRA is robust enough but does not completely satisfy the strategy developed for surface water runoff generated from the proposed development.

According to paragraph 3.5.2 Site geology suggests largely impermeable conditions of clay and mudstone so infiltration is not possible. In the FRA it's mentioned that "Alternative means such as discharge to sewer of surface water course (Hatherley brook) which borders the site to the northeast should be investigated". As it is a major application LLFA suggests to have clear strategy to dispose off surface water. A surface water drainage plan is required. Also its mentioned that 513 m³ of surface water attenuation would be required. LLFA requires knowing where that attenuation would be provided on the drainage plan.

According to paragraph 3.1.3 "Cut off drains will be provided along the southern boundary of the site and directed to the retained forest areas and watercourse to ensure overland flows from the upstream catchment are directed away from the proposed development".

LLFA requires seeing cut off drains on proposed drainage plans as it is very important to divert overland flows from proposed development. The runoff generated from the existing / proposed catchment should be included in the calculations.

According to Appendix I existing runoff rates have been provided for total site area using Microdrainage which is fine but its also necessary to provide proposed runoff rates considering developable and impermeable area .LLFA requires all runoff rates should be calculated using Micro-drainage or similar approved software and submitted with updated information.

On the basis of the documentation supplied by Local Planning Authority (LPA) it has not been possible to successfully review this application for the purpose of assessing the adequacy of the surface water drainage system. Insufficient detail has been provided in the submission and therefore the LLFA objects to the current proposal.

Foul Water

Please note that proposed foul water is a matter that will be dealt by local sewerage authority and is not therefore considered by Lead local flood authority in this response.

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

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

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through www.suds@gloucestershire

7th February 2017

Response - No objection subject to conditions

I refer to the above planning application, which the Lead Local Flood Authority previously objected on 19th January, 2016 due to insufficient detail provided in the FRA and Drainage Strategy. Applicant consultant proposed to discharge the surface water at 5l/s, which equals to the Greenfield runoff and recommended by LLFA. Based on the above and following subsequent submission of updated drainage information for proposed areas it is now confirmed that the proposal meets the requirements of a major application for which the LLFA is statutory consultee. As a part of layout please ensure that no development (including buildings, fences and walls or raising of ground levels) occurs within 8 metres of bank of Hatherley Brook. Please note that a detail design is yet to be developed.

The LLFA have no further objections to this application based upon the surface water management proposals for the site however recommends following conditions should apply to any planning approval and their responses should include the information indicated above.

Condition

Prior to the commencement of development details of surface water attenuation/storage works shall be submitted to and approved in writing by the Local Planning Authority. The volume balance requirements should be reviewed to reflect actual development proposal, agreed discharge rate and the extent of impermeable areas and runoff to be generated. It is important to confirm dimensions and depth of proposed tank to the LPA. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied. Applicant suggested proposed tanks are subject to detail design and have been positioned to avoid as many tree root protection areas as possible.

Reason: To prevent the increased risk of flooding, It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Condition

No development shall take place until a SUDS maintenance plan for all SUDS/attenuation features and associated pipework, in accordance with The SuDS manual (CIRIA, C753), has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality."

Condition

Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100+40% event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in

accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Land drainage consent / Outfall Consent

Please note that under the Land Drainage Act, a consent may be needed to construct the outfalls to Hatherley Brook. It is recommended that the outfall/headwall remains flush with the bank of watercourse and is angled 45° to the direction of flow so as not to impede flood flows or cause scour. The applicant should contact Cheltenham district Engineer Geoff Beer for this consent.

Foul Water

Please note that proposed foul water is a matter that will be dealt by local sewerage authority and is not therefore considered by Lead local flood authority in this response.

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

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

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

Gloucestershire Centre For Environmental Records

12th January 2017

Biodiversity Report available to view on line.

Environment Agency

17th January 2017

Thank you for referring the above consultation which we received on 5 January 2017.

Based on the information submitted, we do not object to the proposed development and would offer the following comments.

I note the reason for consultation is parts of the development site are located within 8m of a Main River.

Based on the Flood Risk Assessment (FRA) prepared by Rogers Leask (dated December 2016) and our Flood Map for Planning (Rivers and Sea), we understand that built development is proposed entirely within Flood Zone 1 (low probability of fluvial flooding).

We normally advise that new development and/or built structures are set at least 8 metres from the top of bank of the watercourse. This is to assist in operational management and

maintenance, to help improve flood flow and conveyance; and to help provide some biodiversity interest.

Based on the Plans submitted, we note there is no built development located within 8m of the Hatherley Brook. Furthermore we would encourage the use of a set-back outfall as part of the surface water drainage strategy thus avoiding the need for a formal built structure on the banks of the Hatherley Brook.

Informative: Permit for flood risk activity

Any works, in, under, or within 8 metres of the top of the bank of any designated main river may require a permit from us under the Environmental Permitting (England and Wales) Regulations 2010. This would have formerly been called a Flood Defence Consent. For more advice to confirm whether a permit is required, what type, and exemptions please ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. Also go to: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

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

Trees Officer

1st February 2017

The CBC Tree Section does not object in principle to this proposed development.

Whilst the proposal is within the middle of a TPO'd woodland (TPO no 288-Woodland Order), the management of this wood has been sporadic at best and many of the best trees are in decline or are now dead. Much of the woodland is becoming overgrown with invasive laurel species inhibiting growth of traditional native woodland species and unless this is addressed soon, this woodland will become derelict. Such a care home development proposal, whilst inhabiting a good proportion of this wood, could enable the replanting/restocking of this wood with suitable species and facilitate proactive management to improve it's function as a woodland. As the Tree King Arb report states: 'the object of management will be to preserve the integrity of the woodland as naturalistic woodland, to replant wherever possible and to undertake silvicultural thinning to favour the growth of the best trees as appropriate'. This proposed development may be a last opportunity to preserve and improve the integrity of this woodland albeit with a sacrifice to a significant proportion of land area for commercial development. There is no formal public access into this wood in the form of footpaths, rights of way etc. It would not be possible to enforce the current owner to 'improve' this woodland as it currently stands as well as 'climate change proof' it for the future.

Many CBC Trees Officer visits and meetings between tree consultant representatives of the owner prior to the submission of this application, and given the necessary footprint area of the proposal, the design location and form, is, broadly speaking, the best that is reasonably achievable given existing trees location and pressure on ancillary support requirements- road, footpath access, the creation of 'garden' space around the proposed building etc.

It is inevitable that there will be 'mission creep' and trees not currently marked for removal may become apparent as inappropriate as building nears completion, or where unforeseen circumstances dictate the further tree removal is necessary and increased numbers of trees are required to be felled than is currently shown. However of Planning Condition no TRE08C Arb Monitoring is conditioned in any planning permission, then such unforeseen felling requirements can be minimised.

However it is noted that all over-ground (electricity, phone etc) utility as well as underground (drainage, gas, water etc) plans have not been submitted. Such utility requirements will likely be significant and as such drawings showing their proposed location and the methods of their installation need to be submitted and approved as a part of the application.

There are concerns regarding the proposed 'no-dig' footpaths and roads within this area. Generally speaking, the proposed increase in ground levels proposed are such that these roads and footpaths would look somewhat incongruous in this setting. Similarly, the overall increase in height, whilst not significantly intrusive into the ground will increase the overall weight on the ground significantly. Mature trees with a corresponding reduction in vitality may struggle to adapt to having a significant proportion of their rooting area under up to 400mm of hardcore, asphalt etc.

Specifically:

Drawing no 305-002-803 No Dig Gravel Paving Detail proposes an increase in height of 200mm;

Drawing no 305 002-801 No Dig Asphalt Vehicle Surface proposes an increase of 400mm;

Drawing no 305-002-805 No Dig Asphalt Pedestrian Surface proposes an increase of 175mm;

Drawing no 305-002-806 Section through Asphalt Surface proposes an increase of 230mm;

Drawing no 305-002-813 No Dig Flush Kerb proposes an increase of 400mm.

Such heavy duty no dig surfacing seems somewhat over-engineered given the setting and whilst it is accepted that delivery vehicles and wheelchairs will need to access roads and footpaths, attempts should be made to reduce the burden of the rooting area of trees as well as making the final finish more visually sympathetic to this woodland setting. It may be more appropriate to use wooden sleepers (which have not been covered in creosote) or the use of logs to create barriers in parking areas etc.

Clarification is required regarding their presence (or not) of bats within this area.

There are 2 All Ecology surveys submitted:

- 1) Dated March 2015, updated March 2016 and Revision 1 Dec 2016
- 2) Dated June 2015

Both reports give conflicting advice regarding bats.

March 2015 report states (Para 5.5) 'it is recommended that trees on site be subject to detailed inspection for roosting bats with the use of ladders, torches and endoscopes' and (para 5.6) 'mitigation and recommendations are dependent on the outcome of the recommended further surveys'.

June 2015 report (para 6.2) states 'no further surveys are necessary at this time'.

Clarification is required as to whether the site facilitates a breeding or nursery roost, is a feeding ground, and what measures are necessary to protect it or whether work can proceed.

The soil within this woodland is likely shrinkable clay soil and as such appropriate foundation design should be employed.

Tree King Woodland Management Plan (ref 36.50W) is welcome and some well-considered suggestions are made which if acted upon, and assuming trees establish promptly, and are not subject to attack by pests or disease, should improve the condition and well-being of this wood in the longer term.

Paragraph 2.1.7 Appropriate tree selection is considered for the proposed differing areas within this site as a whole-shady areas, open spaces and trees close to buildings.

Para 2.1.8 considers the possible impact by squirrels. Similarly, it would be appropriate to plant extra evergreen species such as native holly, yew & box to those species selected. Tree planting numbers need to be increased adjacent to the car park by Manor by the Lake as well as along all perimeters to the site. Whilst there is no formal public access, the wood is highly visible from outside the site-along the A40 as well as to the rear of KFC/Travel Lodge etc and as such tree planting would be welcome in these areas.

Whilst deer do not appear to currently exist within this wood, should they find a way in, they can decimate new tree planting in a very short period of time and replanting is likely necessary. Should replanting be required, it is strongly recommended that new tree planting areas be protected against deer. Such an undertaking should be written into future management plans. If new planting does not succeed, the wood will be back on track to becoming derelict.

Para 2.5 CBC Tree Section generally concurs with the proposals given the existing condition of several existing oak. Given the anticipated compacted and nutrient-light nature of the ground at this location, it would be helpful if the proposed plane tree planting pits could be described (to include the incorporation of fresh soil (Amsterdam soil would be most beneficial).

Para 3.1-Please could this be re-described so that tree planting follows tree felling.

Para 3.2.4-Please could this be adjusted so that branch work and/or chippings are left on site. Similarly, standing deadwood is ecologically very rich and it would be beneficial if standing dead trunks within the woodland could be left standing as monoliths.

Para 3.3.2-Clarification is needed regarding the tree planting spacing regime.

Para 3.4.2-the thrust of this paragraph is correct. All newly planted trees will also be subject to this existing Tree Preservation Order. However 'The annual management plan will be approved by CBC before any tree works take place'. A routine TPO works application and permission is necessary should any live trees require pruning or removal.

Para 3.4.3 Tree King is correct in recommending that no vehicular is allowed into this woodland. Such clay soil is easily compacted which may kill roots or seriously inhibit their growth. As such a robust Tree Protection Plan should be submitted and agreed prior to the any planning permission being granted.

Appendix A-Tree felling in woodland areas. Tree numbers within this schedule do not tally with tree numbering within the tree survey or removal drawings. This needs rectification.

LynchRobertson Landscape Management and Maintenance Plan (undated) needs some adjustment:

- 1) Several of the specimen tree planting are inappropriate. The oriental plane tree is to be to the south of the main entrance of the building. Such trees will grow very large and will cast day-long shade which is unlikely to be welcome. Similarly, given the likely clay nature of the soil, such a tree could cause subsidence of the building (unless appropriately deep foundations are created).
- 2) The western red cedar is to be situated within 5 metres of the building-this is too close for such a fast growing and ultimately large species.

- 3) Please could the proposed copper beech tree planting be changed to traditional green (native) beech.
- 4) *Tilia petiolaris* (weeping silver lime)-whilst a handsome tree, is narcotic to bees and as such please could other exotic species also be employed-*Tilia mongolica* Harvest Gold, *Tilia henryana*, *Tilia cordata* Winter Orange etc.
- 5) The proposed specimen tree planting is very large. Such large trees are v expensive and can be difficult to establish unless much after care and maintenance is given to them. Please could proposed tree planting pits be drawn as well as a method statement for the minimisation of existing tree damage (eg compaction whilst driving large vehicles into the woodland). It may be more appropriate to increase the tree numbers to be planted and to reduce the size of trees. However many of the smaller trees near to the building have an exotic nature and should provide much amenity to residents, workers and visitors alike.
- 6) Greater numbers of tree species synonymous with Regency Cheltenham (sequoia, cedar, holm oak etc) would be welcome
- 7) There is no mention of the proposed Tree King proposed planting. Such a management plan should incorporate the site as a whole.
- 8) Drawings submitted state 'Area to be managed as woodland understory' but does not elaborate-clarification is required.
- 9) Drawings state 'L.A. to instruct on the location of shrubs before planting'-such advice from CBC is unlikely.
- 10) Generally such planting plans are unclear with the extent of existing trees' canopy marked-even where they are to be removed. Clarification is required.

23rd February 2017

Notwithstanding the comments of 1/2/17, the Tree Section welcomes the submission of the Tree Felling Plans (Drawing no's 36-50-TR) which makes it clear which trees are to be removed and also gives the condition of such trees.

The overwhelming majority of trees earmarked for removal as a result of this application are of "C" category (-as per BS 5837)-"Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm") and "U" category trees "in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years". However given the necessary size of the footprint of the proposed building, associated driveways and landscaping, there other (approx. 12) trees of better quality which will also be required for removal. There have been many, many site visits between the Trees Officer and the arb consultant to achieve the minimum removal of the better quality trees and the current proposed layout is likely to be the best which can be achieved if a care home is to be constructed within this woodland. As such, whilst the proposed tree removal mass is significant in order to build this care home, such removals can be mitigated by tree planting and a workable woodland management plan. The woodland management plan is acceptable providing the comments made on 1.2.17 can be addressed and agreed.

Since the previous comment a new planting plan has been submitted Lynch Robertson Tree Planting Proposals Amended Drawing no 36-50-04 of 14/2/17. It has incorporated several of the previous Trees Officer comments, but the overall thrust of it is still insufficient in terms of re-creating working woodland. Many of the proposed trees are inappropriate in a woodland setting and may struggle to establish and grow due to a lack of light when the

trees in this wood are in leaf, as well as their proposed very large planting size. Whilst previous Trees Officer comment requested tree species synonymous with Regency Cheltenham (Cedar, Sequoia etc), such trees should be planted in areas where there is sufficient light and space for the tree to grow into as it matures. So as to reduce future shade, it is recommended that ultimately smaller, more exotic trees are planted close to the proposed care home.

Many of the traditional broadleaved shade-tolerant species are susceptible to squirrel damage (beech, hornbeam etc). Whilst there is little evidence of an existing population of squirrels, an over-reliance on this species could be a high risk strategy as 15-20 years on; when trees have grown to approx. 7-12metres high; squirrels could decimate this emerging new population of trees. As such, to guard against this, it is strongly recommended that trees which are unattractive to squirrels (eg Thuja, cypress, holly, box, Portugal laurel, privet as well as other evergreen species are also planted-whether as feathered trees (6-8's) and indeed 100-125's. These can be densely planted at an inexpensive cost and should promptly establish. Dense planting will also help ensure trees grow tall quickly. This will be especially important when planting along the northern boundary adjacent to the A40 (where the majority of this belt of trees outside this site and adjacent to the A40 may be removed for a possible bus lane development). Similarly, it is desirable that the rear of the Travel Lodge and KFC are screened from views into and out of this site. If such trees are not planted close to these boundaries, the views inward will become very porous and the care home will likely be clearly visible from the north and west. Much of the whole premise of CBC Tree Section endorsing this development is based on the idea that the remaining woodland can be restocked and brought back into function again. It is important that this area still looks like woodland from the outside (there is no current official public access through this woodland).

It is noted that there is much laurel within this woodland. The proposed tree removals will enable significantly more light onto the woodland floor and this will promote laurel growth. As such it is important that every effort is made with the chainsaw and poison to control its spread.

Drawing no 305-002 815 No Dig Raised Kerb Detail proposes a kerb height approximately 500mm above ground level. This needs to be reduced as much as possible. It has been requested from the start of this process that tarmac footpaths and roads may be most appropriate where residents and heavy goods vehicles are frequent, but other proposed parking bays, driveways and footpaths should have a more woodland appropriate gravel/hard core finish. This will help make the proposal appear more sympathetic to the adjacent woodland that a fresh application of black-top. Every effort should be made to reduce the height of the proposed woodland vehicle and pedestrian no-dig roads and footpaths. Similarly, it is recommended that rustic parking bay surrounds (eg trunks from existing trees to be felled or railway sleepers) are employed rather than the current concrete proposal.

Several existing trees which are not marked for removal do not appear to be protected with appropriate fencing. This needs to be rectified so they are not damaged during the construction process. As such, please amend Tree Protective Fencing drawings no 36-50-02 of 13/12/16. Please could areas of no-dig be marked on this drawing.

Not least because of the nature of the clay subsoil, it is critical that no heavy vehicles are allowed access into the woodland. The first such vehicle does the majority of the damage to soil through compaction and the squeezing out of oxygen within. Such soil does not facilitate root growth. Should access be necessary, then extra ground protection measures (woodchip, ground protection boards etc) will be required. Permission from CBC Trees Officers must first be granted before any such access is allowed. Similarly, it is strongly recommended that an on-site arboriculturist is retained to trouble-shoot as well as ensure that all works around trees are as described.

14th March 2017

The existing TPO'd woodland to the rear of Cheltenham Film Studios is not in good condition and does not appear to have been actively managed for some time. Many of the trees in the centre of this woodland are now dead or are in poor form and there seems to be little natural regeneration of beneficial woodland species other than the rather invasive and poisonous cherry laurel. This species also inhibits natural regeneration of other tree, shrub and ground flora species. As such, unless this woodland is restocked and actively managed, it is likely to become derelict within a short period of time and the remaining mature trees will not be suitably naturally replaced and ecological diversity will diminish. It will likely lose its function as a woodland.

To place a large care home in the middle of a woodland is an unusual suggestion. Certainly the footprint of the building and access roads, utilities and other associated necessary development will require the removal of many trees. However, this proposed development has been subject to several modifications and negotiation between the developer's arb consultant representative (Tree King Consulting) and the LPA Trees Officer. The proposed building design and ancillary space represents what is considered by LPA trees Officer to be the minimal impact on existing tree population and the vast majority of trees to be removed are of low quality or are dead. The proposed tree planting regime by Tree King should secure the future of this area as a working woodland (outside the footprint of the building and the new access roads). The proposed management plan should ensure this into the future. All new trees will be automatically subject to protection from the existing Tree Preservation Order.

There is no official public access (designated footpaths, bridleways etc) through this woodland and as such can only be seen by the public from the outside. Part of the planting plan is the insertion of many broadleaved and coniferous evergreen trees around the perimeter of the site. As the new proposed trees grow, the sense of the rich arboricultural "fabric" of the area will be maintained. However the new planting plans should also ensure that much of the building basks in sunlight from the south. New trees near to the building are to be of a smaller, more exotic nature (ie significant flowering, autumn colour, bird/wildlife attracting etc) which should be welcome from a care home-resident perspective. Similarly, the tatty views into the rear of KFC and Travel lodge will be screened more effectively than the current situation presents.

Whilst service routes have been marked on the Tree King Tree Protection Plans, their route/existence is not clear and as such it would be helpful if bespoke utility plan drawings and Method Statements for their insertion could be submitted and agreed prior to the commencement of any works. Whilst the tree protection fencing should be effective, any incursion into the Tree Protection Area from utility operators must be closely supervised by an arboriculturist. All vehicular movement in this area will require ground protection boards as a minimum and all works should be to NJUG guidelines for the installation of services in proximity to trees.

It is noted that the Tree King Tree Planting Plan marks 1 London Plane tree to be planted to mitigate for the loss of the 3 oaks currently in a poor condition. This plane tree should grow very large and be a welcome addition to the area. However the March 2017 Tree Management Plan (para 2.5.2) discusses two plane trees to replace the three oaks. Please could this be clarified (2 trees required). It is noted that this area is outside the "red line" of the development proposal.

Similarly, please could a tree planting pit for all trees of "Standard" size (as per BS 3936) or larger be submitted and agreed. The soil horizon contains much clay soil and may be quite "thin/poor" in places and as such the incorporation of fresh quality soil into the pit should ensure prompt tree establishment.

It is noted that the spec for “no-dig” driveways, parking bays etc have been reduced to a more acceptable size and it is not anticipated that their creation will significantly negatively impact on adjacent trees (though it is noted the oaks 303, 309 and 315 are very close indeed to such areas).

However, apart from relatively minor alterations, clarifications and descriptions required above, it is considered that with due care and attention to trees to be retained and planted, this care home could be created as described. It will be necessary to have on site arboricultural supervision throughout the whole build process. This will not be an easy site to create and there will be scenarios where on site arboricultural decisions will need to be made promptly. In that Tree King has had such a large influence on the design of this whole proposal it is considered that he is best suited to fill this role.

Please could a pre-commencement on site meeting between the site supervisor, the arboricultural supervisor and the LPA trees Officer, be conditioned with a view to endorsing erected/laid tree protection.

As mentioned above, there is heavy clay on site and as such the foundations of any build should take account of this so as to ensure that the building does not become damaged as a result of tree root action. Such action usually leads to calls for whole tree removal-which would not be welcome.

Please use the “gutter cover” informative on any permission to be granted.

Severn Trent Water Ltd

17th January 2017

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

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

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority,

and

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

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

Please note if you wish to respond to this email please send it to net.dev.west@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

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

Environmental Health

26th January 2017

Condition:

In relation to the contaminated land assessment which has been completed for the site, all recommendations for further physical investigation of potentially contaminated areas of the site are to be completed and results forwarded to this department.

Condition:

A scheme for the control of noise from all plant and equipment at the site, including noise and odour from the kitchen air extraction system shall be submitted to the environmental health department of the Local Planning Authority and approved in writing before the commencement of the development. An acoustic report detailing the predicted noise levels from the equipment affecting nearby residential properties will also be provided.

The approved control scheme shall be implemented on site prior to the systems being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour.

Advisory note:

The complete extraction system serving the kitchen should be designed and commissioned by competent specialist engineers. The design of air pollution control equipment should be based on peak load conditions, i.e. the worst case scenario.

The scheme shall include the following:

- Full details of the system layout
- Housing of filters, motor and fan inside the building where possible
- Integrated grease baffle filters
- Suitable odour treatment plant to render the exhaust odourless at nearby residential property
- Specification of a motor and axial fan with variable speed controller
- Circular section ducting preferred with a minimum of bends
- High level exhaust point fitted with a vertical discharge cowl that achieves maximum efflux velocity. This shall be at least 1 metre above roof ridge level of the host building

Condition:

The proposed development includes a number of residential properties to be built near to and around the other commercial units and a busy road therefore, there is a potential for noise from the other uses of the site to adversely impact upon the planned new residential units.

Condition:

No development above ground level shall begin until a sound insulation scheme for protecting the habitable rooms in the residential units of the proposed development from road traffic and commercial noise has been submitted to and approved by the Local Planning Authority.

It may be that provisions will have to be made for the ventilation of the residential units without the need to open any windows. The scheme approved by the LPA shall be implemented before the development is occupied and thereafter shall be retained and maintained in a good working order for so long as the site remains in use.

Particular attention must be paid to the areas of the development nearest to the commercial units of KFC, Travelodge with associated Harvester and the units nearest the A40 as these end units are the most likely to be adversely affected by noise.

Reason: To protect the amenity of the occupiers proposed residential units.

Advisory: For the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

Query:

If there is to be a proposed lighting scheme for the proposed site please can an isolux diagram be forwarded to this department detailing where the external lighting will be placed as well as the impact this may have on neighbouring residential properties.

Cheltenham Civic Society

13th January 2017

We find the mass of the proposed block intimidating. We would have preferred smaller units spread through the site to take advantage of the woodland setting. We are also concerned that the loss of trees should be kept to a minimum.

Heritage And Conservation

7th February 2017

The key consideration in relation to these comments is the impact of the works on the listed buildings. Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Whilst the proposals in this application do not physically impact on any designated heritage assets, the setting of a number of grade II listed structures are potentially affected.

The Site and its Context:

The heritage statement that accompanies this application identifies 6 designated heritage assets within the locality of the proposed development, all of which are part of the Victorian Arle Court site. The most prominent of these is Arle Court itself, (now a wedding venue known as the 'Manor by the Lake'), a substantial mid-19th century Tudor Gothic House, designed by Thomas Penson of Oswestry for Thomas Packer Walter Butt.

Once a grand and prestigious house in substantial grounds, Arle Court itself remains an important and significant building; however the grounds have been fragmented, and, since the 1930s substantial parts of the site have been altered and developed; these changes have fundamentally altered the setting of Arle Court and its ancillary buildings, such as the grade II listed lodge.

Comments:

The current application is for a substantial residential care home (and associated parking and access) to the north of Arle Court and the east of the lodge, on land that has historically been woodland separating Arle Court from the Gloucester Road.

The proposed development is an 'L' shaped arrangement, staggered up to four storeys in height. It will be clad in timber, stone and metal, and will be a contemporary addition into an area which for over a century has been woodland. In addition, despite the extensive areas of glazing and differing roof heights, the sheer size of the development suggests that there will be a feeling of density with the proposed structure, one which will inevitably further impact on the setting of Arle Court.

In combination with earlier developments, such as the Travelodge and the housing to the east of the site, the proposed new development will lead to an increased impression of enclosure around Arle Court; the woodlands to the north of this historic building will be reduced, with one of the last remaining sections of its historic grounds succumbing to development. Views from Arle Court will also be affected, and though there will still be wooded areas, parts of the proposed development will be visible from the listed building.

Conclusion:

What has happened in the land surrounding Arle Court since the mid 20th has been the gradual encroachment of development onto land which once would have been connected to the grand Victorian house; which is, in my opinion, regrettable. Although the proposal for further development continues this process, the impact on the setting of the listed building of this development, though notable, is less than substantial; whilst there are considerable other benefits.

As such the approval of this development is recommended.

Historic England

10th January 2017

Thank you for your letter of 5 January 2017 notifying Historic England of the application for listed building consent/planning permission relating to the above site. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or if there are other reasons for seeking the advice of Historic England, we would be grateful if you could explain your request. Please do not hesitate to telephone me if you would like to discuss this application or the notification procedures in general.

We will retain the application for four weeks from the date of this letter. Thereafter we will dispose of the papers if we do not hear from you.

Highways England

13th March 2017

No objection

GCC Highways Planning Liaison Officer

14th March 2017

I refer to the above planning application received on the 5th January 2017 with submitted details; Transport Assessment, Travel Plan, Planning Statement, Design and Access Statement, and:

- 305-002-818 – Light Bollard Detail,
- 305-002-804 – Gravel Vehicle Paving Detail,
- 305-002-801- No-Dig Asphalt Vehicle Surface Detail,
- 305-002-806 – Asphalt Pedestrian Surface Detail,
- 305-002-811 – Post & Rail Fence Detail,

305-002-814 – Raised Kerb Detail,
Colour Masterplan Rev E,
10481 PL 009 Rev A.

Location and Local Highway Network:

The proposed nursing care and assisted living units are to be located on a small area of woodland towards the south west of Cheltenham. The sites northern boundary abuts the principal Class 1 A40 linking Cheltenham with Gloucester to the west and Oxford to the east. The eastern boundary is formed of another nursing and assisted living centre as well as residential development. The southern and west boundaries are bordered by a mix of employment and commercial uses. The Class 3 highways of Hatherley Lane and Grovefield way lie to the south and southwest and are connected by a roundabout junction which serves a retail/commercial complex and the Arle Court Park and Ride. Hatherley Lane continues north a short distance where it forms the southern arm of the Arle Court Roundabout. The A40 eastbound and westbound arms are signalised whilst the local road network arms of the B4063, Fiddlers Green Lane and Hatherley Lane are unsignalised.

Accessibility:

The proposed development site can be accessed by a range of transport modes including bus, cycle, walking and motor vehicle. Bus services are accessible on the A40 Gloucester Road within 400m which is regarded as a reasonable walking distance by the IHT in their document titled "Providing for Journeys on Foot" as a result of the pedestrian access to the north. The bus services available at this location of the 94 service between Cheltenham Town Centre and Gloucester City Centre with services ranging between every 10minutes at peak hour to every 30 minutes with an additional night bus service (N94) allowing an opportunity for sustainable transport over a wide time range. Additional less frequent local services can be accessed from Hatherley lane which is also within reasonable walking distance.

Access and Visibility:

The proposed care and assisted living unit will be accessed off of an existing private road which serves the Cheltenham Film Studios and Arle Court "Manor By The Lake". Currently the private road layout is of a cross road junction arrangement with the Film Studios served to the west and Arle Court to the east, and access to some overflow parking for Arle Court to the north. The applicant proposed to amend the junction to include an informal mini-roundabout arrangement with the care unit driveway forming the northern arm with the driveway to the overflow parking becoming shared and formalised with surface treatment.

The Highway Authority will regard access as being the priority T-junction of the private road with the class 3 Hatherley Lane. The junction is suitable for two-way working with a pedestrian footway presence on the west side of the driveway connecting to the footway to the north of Hatherley Lane. The access geometry and alignment is suitable.

Hatherley Lane is a class 3 highway subject to a 30mph speed restriction. New accesses or accesses subject to an increase in vehicular movements would need to demonstrate adequate levels of visibility. The required levels of emerging visibility would be 54m to the nearside carriageway edge with a 2.4m set back along the centre line of the access. 54m has been derived from the Gloucestershire Annual Speed Monitoring Survey that determined an 85th percentile speed for 30mph highways as 34mph. the required levels of forward visibility on Hatherley Lane for approaching vehicles would be 57m with a bonnet length adjustment. The required visibility is achievable in either direction within highway land, therefore the access is suitable for the proposed development.

Pedestrian/Cycle Access:

Pedestrian Access to the local amenities to the south will be provided by the existing footway to the west of the private road and the existing facilities on Hatherley Lane. The ASDA supermarket has a dedicated pedestrian access from Hatherley Lane, segregated from the carriageway to ensure safe and convenient means of access for all.

The development will also provide a pedestrian/cycle access to the north connecting to the A40 in the approximate location of the existing Arle Court Lodge. The pedestrian access will provide adequate accessibility to the westbound bus stop served by a number of local services in particularly the 94 and N94 Stagecoach service between Cheltenham and Gloucester. This is a gold service with regular buses and provides a viable alternative mode of transport to that of the private motor car. Eastbound services are accessed via a subway system. The dedicated pedestrian/cycle access also allows cyclists direct access to the National Cycle Route 41 and provides further opportunity for car free based travel. The site is therefore sustainable and can actively encourage a reduction in single occupancy car travel to and from the site.

Parking:

The development would provide 71 on-site car parking spaces for residents and staff. Given the sites sustainable and accessible location the parking provision would be suitable as there are reliable means of alternative transport for both staff and residents to utilise. This will be further supported by the Travel Plan that will actively encourage a modal shift to sustainable transport methods.

4 spaces have been designated as disabled and equates to approximately 5.6% of total parking provision and accords with the local standards.

The internal layout is accessible for both refuse collection and emergency vehicles such as fire tenders and ambulances. A dedicated ambulance parking space ensures that such vehicles can park as close to pedestrian entrances as possible.

Trip Rates:

Section 6.2.2 of the submitted Transport Assessment has proposed the expected trip rates for the site based on a TRICS survey using the 'care home – elderly residential' category. The TRICS survey proposed the following number of movements.

AM Peak:

Arrivals 8
Departures 8
Two-way 16

PM Peak:

Arrivals 4
Departures 9
Two-way 13

The applicant has also undertaken a survey of a similar development under their ownership in order to establish trip rates for the proposed Cheltenham Site.

AM Peak:

Arrivals 16
Departures 7
Two Way 23

PM Peak:

Arrivals 12
Departures 21
Two-way 33

The trip rates established from the donor site are higher than that of the TRICS survey and are therefore regarded as being robust.

Impact:

The development would distribute 73% of traffic to and from the west with traffic travelling through the Grovefield Way/Hatherley Lane roundabout. The number of additional trips travelling through the roundabout as a result of this development would be 17 two-way in the AM and 24 two-way in the PM.

Flow data determined a weekday two-way average of 1784 vehicles in the AM peak and 1864 in the PM peak.

The following table details the current and proposed flows and the % impact of the additional development trips upon the local network.

Direction	AM (08:00-09:00)				PM (17:00-18:00)			
	2016 ATC (weekdayly average)	Development	Total	% Increase	2016 ATC (weekdayly average)	Development	Total	% Increase
Eastbound	909	+5	914	+0.6%	1,042	+15	1,057	+1.4%
Westbound	875	+12	887	+1.4%	822	+9	831	+1.1%
Two-Way	1,784	+17	1,801	+1.0%	1,864	+24	1,888	+1.3%

The additional development traffic would result in a greater impact upon the network in the PM peak where flows are increase from approximately 1864 to 1888. The additional movements would result in a 1.4% impact increase upon the Grovefield/Hatherley Lane Roundabout eastbound, with the two-way impact percentage being 1.3%.

The latest available survey data for Arle Court roundabout is available on the Department for Transport website.

The traffic count recorded an annual average daily flow (AADT) of 54,134 vehicles travelling on the A40 between Arle Court roundabout and Benhall Roundabout. The recorded vehicles would have travelled through the Arle Court Roundabout. No peak hour flow data is available; however it is assumed that 10% of daily traffic flow occurs at the peak hours. This percentage is an accepted and recognised industry standard. Therefore it can be said that approximately 5400 vehicles will travel through Arle Court Roundabout in the peak hours. The development generates more vehicles in the PM peak and would increase flow to 5424, an impact increase of 0.44%.

Travel Plan:

The Travel Plan aims and objectives are adequate and the details of the Travel Plan accord with the local guidance. The Travel Plan can be secured by way of planning condition.

Given the scale and nature of the development, the impact would not be regarded as significant in accordance with the NPPF.

Therefore I recommend that no highway objection be raised subject to the following condition(s);

Condition #1 Construction Method Statement:

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning

authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Condition #2 Travel Plan:

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Condition #3 Parking:

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no.305-002-002, and those facilities shall be maintained available for those purposes thereafter.

Reason: - To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	173
Total comments received	15
Number of objections	15
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to 173 neighbouring properties, a site notice and a notice in the Gloucestershire Echo. 15 representations have been received which relate to the following issues:

- Impact on wildlife
- Loss of trees
- Impact on road safety and congestion
- Accessibility by emergency vehicles
- Will lead to parking on surrounding streets
- Size and design of building
- Impact on adjacent listed building

- Should be located elsewhere
- Too much development in the area
- Impact on air pollution
- Fumes and smells from care home
- Noise pollution from emergency vehicles

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) principle of use, (ii) design and layout, (iii) impact on neighbour amenity, (iv) access and highways issues, (v) trees and landscaping, (vi) biodiversity, (vii) flooding and drainage.

6.2 The site and its context

The site is within the Principal Urban Area as defined by the proposals map and therefore subject to all other considerations and constraints being adequately dealt with the development of this site is acceptable in principle.

The accommodation provided is described as use class C2 which is secure residential accommodation and covers such uses as care homes, hospitals, nursing homes etc. This is distinct from use class C3 which covers dwelling houses. Often elderly persons accommodation can be capable of being occupied wholly independently, providing self-contained accommodation which would fall within use class C3, this then requires such schemes to be considered as any other housing scheme and triggering a potential requirement for affordable housing. Sometimes there can be ambiguity in this area. However the current proposal is clearly C2 accommodation. It provides a combination of care suites and nursing rooms. None of the rooms or suites are capable of being independently occupied. The model is that residents have their meals provided and as such there would be no cooking facilities within the suites. This will be secured through a legal agreement. The Council's affordable housing coordinators have confirmed that they are content with this approach and that the scheme is C2.

Policy HS6 of the Local Plan states that:

Purpose built elderly persons' flats, retirement and sheltered housing or similar self-contained accommodation, and residential and nursing care homes will be permitted where:

- (a) the development is accessible to local amenities, is located on level terrain (note 1); and*
- (b) an appropriate amount of amenity space is provided (note 2); and*
- (d) the detailed design of residential units and their immediate environment are adequate for the purpose.*

Where a change of use is proposed, the property must be capable of and suitable for conversion.

With respect to (a) the site is not completely flat however it is relatively level and there are amenities such as supermarkets within a short walk of the site. The site is also in close proximity to bus stops.

With respect to (b), due to the intended clientele the amenity space has been carefully designed with some more secure, defined areas and some more open areas which take advantage of the woodland setting. The site has a good amount of open space for residents.

With respect to (c), this will be covered later in the report, however it is considered that the quality of the accommodation proposed is acceptable.

Whilst members are required to consider only the acceptability of the use and not the end occupier it is worth setting out a little about the proposed operator, Richmond Care Villages. The company are a part of BUPA and have been developing and operating care villages for over 20 years. Often the care villages include an element of intendant living, however this site is not large enough to accommodate it. Therefore the Cheltenham site is less than half the size of their usual developments. The internal layouts etc are informed by the client's experience in this area and appear to offer a good range of facilities with a logical layout.

The proposal will provide a much needed facility within the urban area of Cheltenham and as such, subject to all other considerations is supported in principle.

6.3 Design and layout

Policy CP7 of the Local Plan requires development to be of a high standard of architectural design, to reflect the principles of urban design and to complement and respect neighbouring development and the character of the locality.

At 4 storeys with additional roof structures the proposal is quite high and with a maximum width of 79m it is without doubt a large building. However Officers consider that the design and the visual impact of the proposal is acceptable for the following reasons.

Although the building is large, it's footprint is not excessive in the context of the size of the site. The 'L' shaped configuration of the building breaks up the mass of the building. The block plan also belies the articulation which has been added to the building in terms of the reduction in height towards the edges of the building and the breaks in the elevations through the introduction of projecting elements. The variation in materials also helps to prevent the building from looking excessively linear and monotonous.

The design is considered to be high quality and appropriate for this woodland setting.

With reference to the height of the building the applicants were asked to submit a series of sections through the site. These indicate that the site is on lower ground than surrounding land with the parapet height being below that of the ridge of the Manor by the Lake. It is approximately 1.5m higher than the Travelodge. There are a number of 4 storey buildings in the vicinity including the Travelodge and the adjacent Amber Wood Care Home. As such the height is appropriate for the vicinity and especially bearing in mind that the site area is in excess of 2ha and as such the amount of built form on the site is not excessive. It is also towards the centre of the site being located 34m from the northern boundary, adjacent to the cycle path which runs alongside the A40. It is over 100m from the Film Studios building, to the southwest, 83m from the Travelodge building, 30m from the eastern boundary, adjoining the residential properties of Redgrove Park, over 100m to Amberwood and over 160m to the Manor by the Lake. As such, in this context a large building is considered to be acceptable.

The applicants have been asked to comment on the implications of having a smaller building e.g. by reducing the height by one storey. As stated above most Care Villages are over twice the size of this site and the applicant has stated that although the proposal put forward results in a viable scheme to reduce the level of accommodation any further would make the scheme unviable. This assertion has not been tested through a formal viability assessment as, on balance consider that the size proposed is acceptable in any event.

The proposal is in the vicinity of listed building, the Manor by the Lake and the Lodge. The conservation officer considers that on the whole, and bearing in mind other developments in the locality the proposal is considered to enhance the setting of these buildings.

The Architects Panel are supportive of the scheme, subject to detail of the cladding, which will be requested by condition. The civic society have stated that they find the mass of the building intimidating and would prefer smaller blocks throughout the site. Whilst the comments on the mass are understood it is considered that the clever design of the building and the lie of the land in this area means that the mass will not be as appreciable as might be imagined from the elevation drawings. The desire for smaller blocks would not fit with the accommodation model the applicant is trying to achieve and would likely be more damaging to the woodland.

6.4 Impact on neighbouring property

As detailed above the building is located a good distance from the edges of the site. Most of the neighbouring uses are non-residential, however the nearest neighbours which must be considered in detail are those in Redgrove Park, to the east. A cross section has been provided which shows the relationship between these buildings. The proposed building drops down in height to 3 storeys adjacent to the rear of Redgrove Park. This is not a dramatically different scale of building than these domestic properties, given the flat roof. The building is 30 from the boundary and at the nearest point is over 40m from the dwellings themselves. As such whilst the building may be visible through the trees it is not considered that it would result in an unacceptable impact on neighbouring properties by either loss of light or privacy. There is a balcony proposed which is upon the flat roof adjacent however it is set in from the edge of the roof and given the distances involved it is not considered that any special screening is required.

The care home use itself is unlikely to result in an unacceptable level of disturbance to neighbouring properties once operational. Environmental Health have suggested some conditions to protect the amenities of both neighbouring residents and future occupiers of the building. These should ensure that no adverse impacts occur by way of noise or pollution.

In light of the above it is considered that the proposal has an acceptable impact upon neighbouring properties and therefore is in accordance with the aims of CP4 of the Local Plan.

6.5 Access and highway issues

A number of the objections which have been received refer to parking and access issues. The Gloucestershire County Council Highways Officer has provided full comments on the proposal which are provided above. Highway England have also been consulted on the proposal and have stated that they have no objections to the proposals.

To briefly summarise the Highways Officer considers that the proposal is in a sustainable location being in the vicinity of a number of bus routes. The access into the site is safe and suitable, providing sufficient visibility and providing acceptable pedestrian access. There is also direct access to the National Cycle Route and therefore the proposal can support the use of sustainable modes of transport. In this context the level of parking proposed is acceptable and this will be supported by a travel plan which is enforced by a planning condition. With regards to the impact of the trips associated with the proposal on the local highway network, the comments conclude that this is minimal. The increase in traffic at the Grovefield Way/Hatherley Lane roundabout would be 1.3% at the PM peak. At the Arle Court roundabout this would be 0.44% at the PM peak. The comments conclude that *“given the scale and nature of the development, the impact upon not be regarded as significant in accordance with the NPPF. Therefore I recommend that no highway objection be raised subject to the following condition(s)”*

Therefore, in accordance with the specialist advice which has been received it is considered that the proposal is acceptable in terms of access and highway safety and therefore is in line with policies TP1, TP 2 and TP 6 of the Local Plan.

6.6 Trees and landscaping

As is demonstrated by the 3 sets of comments received from the tree officer above, the proposal has been the subject of significant amounts of negotiation by the tree officer in respect of the existing trees and the appropriate hard and soft landscaping of the site in the future.

Detailed plans have been provided which will be made available for members showing tree removals and new tree planting.

The proposal is a protected woodland and therefore, appropriately the proposal has had the stated intention of being landscape led. The woodland at present is declining and in the absence of interventions, would fail. Therefore whilst it might seem counterintuitive, the removal of (mostly dead, or dying) trees and the development of a new care home, will have a positive impact upon the woodland.

The landscaping scheme is considered to be acceptable and revisions have been made to this upon the tree officers advice.

As such subject to the implementations of appropriate conditions to ensure that the agreed measures are implemented the proposal is considered to be acceptable and in accordance with policies GE 5, GE 6, and GE 7 of the Local Plan.

6.7 Biodiversity

The application was accompanied by an ecological appraisal, Great Crested Newt Survey, Reptile Survey, Bat survey. Natural England have been notified of the application and have raised no objections.

The report concludes that the site could support bats, badgers, foxes and birds. The construction of the care home will result in the loss of grassland, tall redural, scattered scrub and standard trees. None of these are priority habitats. A number of mitigation features are recommended including the provision of bat boxes and the lighting of the site being kept to a minimum. A method statement is required in relation to a badger sett on the site. The proposal will result in the loss of bird nesting habitat and it is recommended that this be mitigated through the provision of bird boxes. It is considered appropriate to require these measures via planning conditions.

Other aspects of the report, such as the legal protection of nesting birds, reptiles and amphibians are dealt with under separate legislation and if found on the site will need to be the subject to an application to Natural England for a license to move them if necessary.

These measures have been recommended by a qualified ecologist as sufficient to mitigate the habitats which will be lost through the development and to protect protected species on the site.

Officers are satisfied that these measures are sufficient to ensure that the proposal is in compliance with policies NE 1 and NE 2 of the Local Plan.

6.8 Flooding and drainage

The very edge of the site is located within flood zone 2 and as such the application was accompanied by a flood risk assessment and drainage strategy.

The Environment Agency have confirmed that as the proposed building is more than 8m away from the Main River, and not within the flood zone they have no objection to the proposal.

Initially the Local Lead Flood Authority (LLFA) objected to the proposal due to lack of information. Further information was provided which confirmed that the design work to date is to ensure a run off rate equivalent to a green field site. Detailed design work has yet to be carried out although the principles which have been established comply with the LLFA requirements at this stage. They have asked that a number of detailed conditions be attached which will allow them to consider detailed design at a later date.

Severn Trent have asked for a similar condition to be attached as the LLFA, with the addition of foul sewerage. However they have no objection in principle to the proposal.

Therefore subject to the conditions recommended within the specialist advice received from the flood and drainage experts, it is considered that the proposal is in accordance with policies UI 1, UI 2 and UI 3 of the Local Plan.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The site is challenging due to its status as a protected woodland, however the proposal which has been put forward is sensitive to the constraints of the site. Whilst the building is large it has been well designed to fit on the site in an appropriate manner and the proposal will provide a function and enhancement to the site, which has been somewhat neglected in the past. The proposal is acceptable in terms of its impact upon neighbouring properties and the local road network.
- 7.2** Also of relevance in the consideration of the application is that it will provide 110 full time equivalent jobs. This adds weight to the conclusion that the proposal is acceptable, as does the provision of accommodation for elderly persons in need of care and support.
- 7.3** In accordance with the NPPF's 'presumption in favour of sustainable development' it is recommended that the application be approved as it is in line with the Local Plan for the area.
- 7.4** As mentioned above a s.106 agreement is required to ensure that the use remains C2 as stated through the control of provision of kitchens. As such the recommendation is to permit subject to the signing of a s,106 to that effect.

8. CONDITIONS / INFORMATIVES

- 1** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2** The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

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

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 The development shall be carried out in strict accordance with the recommendations and requirements of the ecological appraisal revision 1 dated December 2016 submitted with the planning application.

Reason: To safeguard ecological species, having regard to Policies NE1 and NE 3 of the Cheltenham Borough Local Plan (2006).

- 5 Prior to the commencement of development details of surface water attenuation/storage works shall be submitted to and approved in writing by the Local Planning Authority. The volume balance requirements should be reviewed to reflect actual development proposal, agreed discharge rate and the extent of impermeable areas and runoff to be generated. It is important to confirm dimensions and depth of proposed tank to the LPA. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied. Applicant suggested proposed tanks are subject to detail design and have been positioned to avoid as many tree root protection areas as possible.

Reason: To prevent the increased risk of flooding, It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

- 6 No development shall take place until a SUDS maintenance plan for all SUDS/attenuation features and associated pipework, in accordance with The SuDS manual (CIRIA, C753), has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality

- 7 Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100+40% event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

- 9 A scheme for the control of noise from all plant and equipment at the site, including noise and odour from the kitchen air extraction system shall be submitted to the environmental health department of the Local Planning Authority and approved in writing before the commencement of the development. An acoustic report detailing the predicted noise levels from the equipment affecting nearby residential properties will also be provided.

The approved control scheme shall be implemented on site prior to the systems being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour.

Advisory note:

The complete extraction system serving the kitchen should be designed and commissioned by competent specialist engineers. The design of air pollution control equipment should be based on peak load conditions, i.e. the worst case scenario.

The scheme shall include the following:

- Full details of the system layout
 - Housing of filters, motor and fan inside the building where possible
 - Integrated grease baffle filters
 - Suitable odour treatment plant to render the exhaust odourless at nearby residential property
 - Specification of a motor and axial fan with variable speed controller
 - Circular section ducting preferred with a minimum of bends
 - High level exhaust point fitted with a vertical discharge cowl that achieves maximum efflux velocity. This shall be at least 1 metre above roof ridge level of the host building
- 10 The development shall not be occupied until a sound insulation scheme has been implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning authority. This shall indicate how habitable rooms will be protected from road traffic and commercial noise, this may need to include non-opening windows. All measures put in place in compliance with this condition shall be retained thereafter.

Reason: To protect the amenity of the occupiers proposed residential units.

Note: Particular attention must be paid to the areas of the development nearest to the commercial units of KFC, Travelodge with associated Harvester and the units nearest the A40 as these end units are the most likely to be adversely affected by noise.

- 11 Prior to the installation of any external lighting, isolux drawings shall be submitted to and approved in writing by the Local Planning Authority, indicating the light spill from the proposed lights. No external lights shall be installed other than those agreed through the approved scheme.

Reason: To protect the amenities of residents adjoining the site, in accordance with policy CP4 of the Local Plan

- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

- 13 The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

- 14 The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no.305-002-002, and those facilities shall be maintained available for those purposes thereafter.

Reason: - To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

- 15 The development shall be carried out in strict accordance with the recommendations and requirements of the Woodland Management Plan dated March 2017 submitted with the planning application.

Reason: To ensure the appropriate management of the protected woodland, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 16 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the planting becomes established, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (2006).

- 17 The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 18 Prior to the commencement drawings of the routes of all below ground utilities along with a method statement for installation shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 19 Prior to the implementation of the landscaping scheme, details of the proposed tree planting pit for all trees of standard size or larger, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the planting becomes established, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (2006).

- 20 No works shall commence on site unless details of Arboricultural Monitoring of the site to include details of (i) person(s) to conduct the monitoring; (ii) the methodology and programme for reporting; and (iii) a timetable for inspections, has been submitted to and approved in writing by the Local Planning Authority. This shall include a meeting on site with the LPA Tree Officer before work commences. The works shall not be carried out unless in accordance with the details so approved.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

In this instance, the authority sought amendments to the landscaping proposals in order to make the scheme acceptable.

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

- 2 Please note that under the Land Drainage Act, a consent may be needed to construct the outfalls to Hatherley Brook. It is recommended that the outfall/headwall

remains flush with the bank of watercourse and is angled 45° to the direction of flow so as not to impede flood flows or cause scour. The applicant should contact Cheltenham district Engineer Geoff Beer for this consent.

- 3 Any works, in, under, or within 8 metres of the top of the bank of any designated main river may require a permit from us under the Environmental Permitting (England and Wales) Regulations 2010. This would have formerly been called a Flood Defence Consent. For more advice to confirm whether a permit is required, what type, and exemptions please ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. Also go to: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
- 4 During the construction phase hours of work should be as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.
- 5 The applicant is advised that there is heavy clay on the site which will need to be taken account of when designing the foundations in order to ensure the building does not become damaged as a result of tree root action.
- 6 The applicant is advised to install leaf guards for the guttering and down pipes in order to reduce the levels of tree related inconvenience experienced during the occupancy of the development.