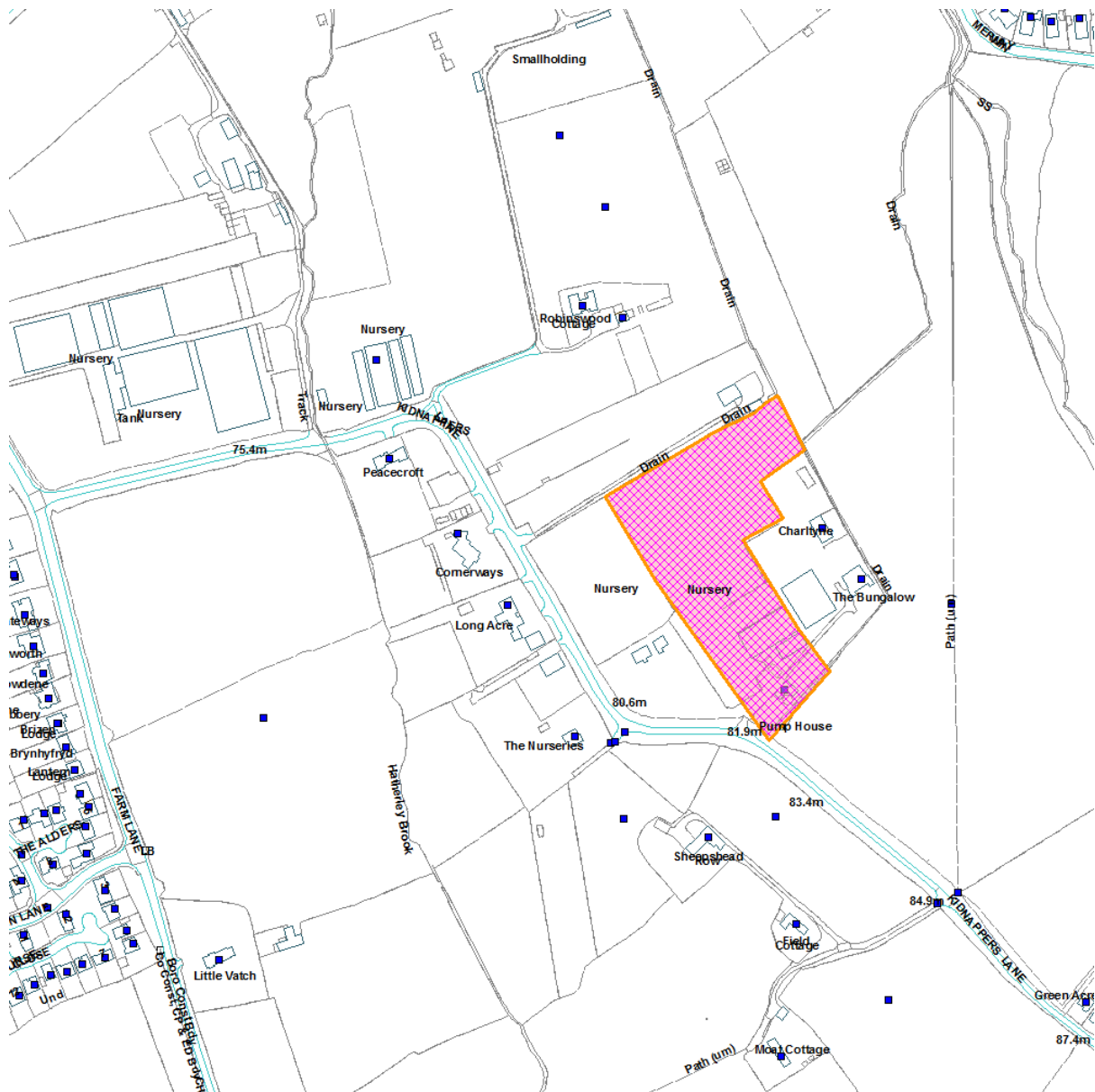


APPLICATION NO: 16/00202/OUT		OFFICER: Mr Craig Hemphill	
DATE REGISTERED: 6th February 2016		DATE OF EXPIRY: 7th May 2016	
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill	
APPLICANT:	Roberts Hitchins Ltd		
AGENT:	n/a		
LOCATION:	Land Off Kidnappers Lane, Cheltenham		
PROPOSAL:	Residential development of up to 45 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, demolition of existing buildings		

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is situated adjacent to the Cheltenham Urban Area located to the northern side of Kidnappers Lane in the Leckhampton area of the town. The site is located approximately 1.6km from the Up Hatherley District Centre, 2km from the Bath Road District Centre and 3.5km from the town centre.
- 1.2 The application site is a relatively flat area of land measuring 1.3 hectares. The site comprises a semi-rectangular area of a former plant nursery bounded by established hedgerows on its western and southern boundaries with an open field boundary to the north abutting agricultural land beyond. The eastern boundary is formed by an adjacent plant nursery complex which contains a number of horticultural structures of varying construction. Access to the site is directly from Kidnappers Lane to the south which in turn provides access to the A46 Shurdington Road to the north of the site and Church Road to the south.
- 1.3 Further to the south of the site beyond Church Road lies the escarpment of the Cotswold Area of Outstanding Natural Beauty, with the Green Belt land to the west beyond the Lanes and Brizen Lane residential areas. The site is located outside these constraints and is defined as unallocated in the Cheltenham Borough Local Plan (2006).
- 1.4 The current application seeks outline planning permission with all matters being reserved for a residential development of up to 45 dwellings. The illustrative plans submitted show associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane.
- 1.5 Members will recall that an application for up to 650 dwellings on adjacent land was refused as part of an outline application (13/01605/OUT). That application was the subject of an appeal which was called in by the Secretary of State and subsequently dismissed on the 5th May 2016. The current application site formed part of the refused planning application but was withdrawn and not considered as part of the appeal proceedings.
- 1.6 The current application was submitted in February 2016 prior to the planning appeal decision on the 650 dwellings being issued. The applicant has sought extension of time to the application to consider the outcome of the appeal decision and the subsequent legal proceedings. The applicant has now requested that the application is determined as submitted in February 2016. On receipt of this request a further round of consultation has taken place.
- 1.7 This application is submitted in outline with all matters reserved; as such the determination is limited to matters of principle. In support of the application the applicant has submitted:
 - Application forms, site location plan, Illustrative Master Plan and site access plans
 - Planning Statement including draft heads and terms for a S106 agreement
 - Design and access statement
 - Statement of Community Involvement
 - Historic Assessment
 - Baseline Landscape and Visual Appraisal
 - Arboriculture Survey
 - Ecological Assessment

- Transport Statement
- Flood Risk Assessment and Drainage Strategy
- Utilities Statement
- Waste Minimisation Statement
- Topographic Survey

1.8 All of the information submitted has been available to view on the Councils web page via public access and at the Planning reception area.

1.9 It is worth noting that a significant proportion of the supporting information submitted is out of date being drafted over a year ago before the outcome of the 650 appeal decision and the removal of South Cheltenham as a strategic allocation in the JCS (SD1 allocation A6).

1.10 Members will observe during planning view that there are a number of unauthorised activities at the site including the storage of touring caravans and motor homes, along with fly-tipping/waste/debris. These are currently being investigated by the Enforcement team with notices having been served requiring these issues to be cleared within two months, starting on 1st May 2017.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Flood Zone 2

Tree Preservation Order

Relevant Planning History:

06/01119/FUL **12th October 2006** **PER**

Relocation of existing polytunnels

07/01651/COU **28th February 2008** **PER**

Provide a small cafeteria serving snacks and coffee and a small shop selling gifts and garden accessories

13/01605/OUT **31st July 2014** **REF and Appeal Dismissed**

Residential development of up to 650 dwellings; mixed use local centre of up to 1.94ha comprising a local convenience retail unit Class A1 Use (400sqm), additional retail unit Class A1 Use for a potential pharmacy (100sqm), Class D1 Use GP surgery (1,200sqm,) and up to 4,500sqm of additional floorspace to comprise one or more of the following uses, namely Class A Uses, Class B1 offices, Class C2 care home, and Class D1 Uses including a potential dentist practice, childrens nursery and/or cottage hospital; a primary school of up to 1.72ha; strategic open space including allotments; access roads, cycleways, footpaths, open space/landscaping and associated works; details of the principal means of access; with all other matters to be reserved.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 5 Sustainable transport
CP 7 Design
CP 8 Provision of necessary infrastructure and facilities
PR 1 Land allocated for housing development
PR 2 Land allocated for mixed use development
CO 1 Landscape character
CO 2 Development within or affecting the AONB
CO 14 Development abutting the countryside
HS 1 Housing development
HS 2 Housing Density
HS 4 Affordable Housing
GE 6 Trees and development
NE 1 Habitats of legally protected species
RC 2 Youth and adult outdoor playing facilities
RC 3 Outdoor playing facilities in educational use
RC 5 Development of amenity space
RC 6 Play space in residential development
RC 7 Amenity space in housing developments
TP 1 Development and highway safety
TP 2 Highway Standards
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Affordable housing (2004)
Amenity space (2003)
Flooding and sustainable drainage systems (2003)
Landscaping in new development (2004)
Planning obligations (2003)
Planning obligations: transport (2004)
Play space in residential development (2003)
Public art (2004)
Security and crime prevention (2003)
Submission of planning applications (2004)
Sustainable buildings (2003)
Sustainable developments (2003)
Travel plans (2003)

National Guidance

National Planning Policy Framework NPPF
National Planning Practice Guidance nPPG

Other

Joint Core Strategy - Proposed Main Modifications

4. CONSULTATIONS

Highways Agency

19th February 2016

Referring to the planning application 16/00202/OUT the Highways Agency offer no objection.

Gloucestershire Highways Planning Liaison Officer

5th January 2017

We are happy with the proposed access location and detail and agree that the 24 vehicle movements in the morning peak period and 27 movements in the afternoon peak period

generated by and attracted to the proposed development will not have a severe impact on the transport network.

The main issues are:-

1. Whether the opportunities for sustainable transport modes have been taken up as required by bullet point 1 of paragraph 32 of the National Planning Policy Framework; and
2. Whether the residual cumulative impacts of the proposed development and any other committed development (as defined in the Planning Practice Guidance - Travel Plans, Transport Assessments and Statements, being 'development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years') would be severe and is so whether that impact can be cost effectively mitigated bullet point 3 of paragraph 32 of the National Planning Policy Framework.

Opportunities for sustainable transport modes

The Developer has agreed to provide a new footway between the proposed site access and Vineries Close and the LHA is content that this is sufficient to make walking a viable modal choice. This can be secured by a suitably worded planning condition

The Developer has agreed to provide a financial contribution of £35,280 towards enhanced public transport services and the LHA is content that this is sufficient to make public transport a viable modal choice. This can be secured under sc106.

Residual Cumulative Impact

Since April, the committed development that should be taken into account has significantly changed (the emerging strategic sites in the deposit JCS are not considered committed for these purposes). I think there is a reasonable degree of certainty that the consented Farm Lane site (ref 14/00838/FUL) will come forward in the next three years so the traffic from this site should be taken into account when assessing impact. The traffic from the dismissed Leckhampton site appeal should not be taken into account.

The Developer has relied on assessment work by others to assess the impact of this development but the assumptions scenarios used in respect of development quantum are no longer valid. The Developer has also relied on the mitigation being provided by others which is also no longer valid.

It would appear appropriate to assume that a total of 455 new dwellings will be constructed off Farm Lane during the review period (377 at Farm Lane and 45 at this site). It is also appropriate to assume that the mitigation proposed as part of the Farm Lane site will be provided during the review period.

The Farm Lane development will:-

- Contribute £124,600 towards the South West Cheltenham Transport Strategy;
- Upgrade the existing "Kidnappers Lane" and "Farmfield Road" bus stops on the A46, including the provision of shelters, cycle parking;
- Provide new bus stops on the new Spine Road and Church Road (Condition 19);
- Contribute £32,198 towards Real Time Passenger Information (RTPI);
- Contribute £295,568 towards enhanced public transport services;
- Provide new footways on Leckhampton Lane and Farm Lane (Condition 21);
- Provide improvements on Leckhampton Lane (Condition 17);
- Provide improvements on Church Road (Condition 18);
- Introduce a scheme to prevent parking on Church Road (Condition 20); and

Junction 1 – A46 / Leckhampton Lane

AM Peak

4	2020 Forecast Year (No Development)	B-AC	2.47	24.48	0.72
		C-AB	25.76	80.45	0.99
5	2020 Forecast Year With Farm Lane Proposed Development	B-AC	4.57	39.94	0.84
		C-AB	27.66	86.93	0.99

PM Peak

4	2020 Forecast Year (No Development)	B-AC	4.45	46.61	0.84
		C-AB	38.18	118.42	1.03
5	2020 Forecast Year With Farm Lane Proposed Development	B-AC	5.42	56.11	0.87
		C-AB	73.34	221.31	1.12

Junction 2 – A46 / Up Hatherley Way

AM peak

4	2020 Forecast Year (No Development)	A	1.43	5.37	0.59
		B	1.12	5.17	0.53
		C	0.61	3.48	0.38
5	2020 Forecast Year With Farm Lane Proposed Development	A	1.60	5.77	0.62
		B	1.17	5.41	0.54
		C	0.65	3.57	0.39

PM Peak

4	2020 Forecast Year (No Development)	A	2.01	6.52	0.67
		B	1.16	5.22	0.54
		C	0.57	3.32	0.36
5	2020 Forecast Year With Farm Lane Proposed Development	A	2.15	6.82	0.68
		B	1.19	5.35	0.54
		C	0.65	3.48	0.39

Junction 3 – A46 / Kidnappers Lane

AM peak

4	2020 Forecast Year (No Development)	B-C	0.50	10.52	0.33
		B-A	0.21	25.39	0.17
		C-AB	0.54	11.15	0.35
5	2020 Forecast Year With Farm Lane Proposed Development	B-C	0.89	14.91	0.47
		B-A	0.77	38.73	0.43
		C-AB	0.69	12.39	0.41

PM Peak

4	2020 Forecast Year (No Development)	B-C	0.47	11.40	0.32
		B-A	0.21	30.94	0.18
		C-AB	0.49	11.88	0.33
5	2020 Forecast Year With Farm Lane Proposed Development	B-C	0.86	18.33	0.47
		B-A	1.35	70.42	0.60
		C-AB	0.85	15.15	0.46

Junction 4 – A46 / Woodlands Road

AM Peak

4	2020 Forecast Year (No Development)	B-C	0.92	13.80	0.48
		B-A	0.20	22.68	0.17
		C-AB	0.21	8.43	0.17
5	2020 Forecast Year With Farm Lane Proposed Development	B-C	1.13	17.06	0.54
		B-A	0.54	31.73	0.36
		C-AB	0.21	8.68	0.18

PM Peak

4	2020 Forecast Year (No Development)	B-C	0.26	8.59	0.21
		B-A	0.10	21.62	0.10
		C-AB	0.51	10.41	0.34
5	2020 Forecast Year With Farm Lane Proposed Development	B-C	0.29	9.59	0.23
		B-A	0.35	29.33	0.26
		C-AB	0.53	10.81	0.35

Junction 5 – A46/ Moorend Park Road – with GCC scheme

AM Peak

4	2020 Forecast Year (No Development)	A	68.0	33.3	15.7	32.4
		B	61.4	42.5	10.7	
		C	48.0	28.4	8.8	
		D	56.4	31.3	11.6	
		E	67.9	43.4	7.3	
5	2020 Forecast Year With Farm Lane Proposed Development	A	68.1	33.4	15.8	31.1
		B	61.5	45.0	13.2	
		C	50.7	29.0	9.5	
		D	58.0	31.6	12.1	
		E	68.7	48.3	13.3	

PM Peak

4	2020 Forecast Year (No Development)	A	77.1	37.2	19.4	16.8
		B	47.7	40.4	9.1	
		C	26.1	24.4	4.2	
		D	62.3	34.9	13.2	
		E	77.0	53.1	17.2	
5	2020 Forecast Year With Farm Lane Proposed Development	A	79.6	38.1	20.7	13.0
		B	49.0	39.8	8.0	
		C	28.7	24.2	4.7	
		D	63.0	34.7	13.6	
		E	79.6	53.0	14.7	

Junction 6 – A46/ Leckhampton Road

AM Peak

4	2020 Forecast Year (No Development)	A	0.76	4.18	0.43
		B	1.66	8.95	0.63
		C	1.59	12.44	0.62
		D	0.48	9.15	0.33
5	2020 Forecast Year With Farm Lane Proposed Development	A	0.76	4.18	0.43
		B	1.66	8.96	0.63
		C	1.71	12.99	0.64

PM Peak

4	2020 Forecast Year (No Development)	A	1.01	4.91	0.50
		B	1.07	7.26	0.52
		C	1.57	11.22	0.62
		D	0.76	10.28	0.44
5	2020 Forecast Year With Farm Lane Proposed Development	A	1.11	5.16	0.53
		B	1.11	7.55	0.53
		C	1.71	11.83	0.63

Junction 7 – Leckhampton Road / Charlton Lane and Leckhampton Road / Church Road

AM Peak

4	2020 Forecast Year (No Development)	1 – A	1.81	11.47	0.65
		1 – B	5.52	24.11	0.86
		1 – C	1.90	12.79	0.66
		2 – A	1.49	9.34	0.60
		2 – B	1.97	13.11	0.67
		2 – C	2.32	11.29	0.70
5	2020 Forecast Year With Farm Lane Proposed Development	1 – A	1.82	11.51	0.65
		1 – B	5.84	25.27	0.87
		1 – C	1.93	12.98	0.66
		2 – A	2.77	17.36	0.75
		2 – B	4.16	26.76	0.83

PM Peak

4	2020 Forecast Year (No Development)	1 – A	1.52	10.13	0.61
		1 – B	1.44	8.43	0.59
		1 – C	1.92	12.38	0.66
		2 – A	0.58	5.81	0.37
		2 – B	0.75	6.83	0.43
		2 – C	1.92	9.45	0.66
5	2020 Forecast Year With Farm Lane Proposed Development	1 – A	1.57	10.32	0.61
		1 – B	1.56	8.88	0.61
		1 – C	1.98	12.79	0.67
		2 – A	0.60	5.87	0.38
		2 – B	0.83	7.14	0.46
		2 – C	1.98	9.63	0.67

Junction 8 – Church Road / Kidnappers Lane

AM Peak

4	2020 Forecast Year (No Development)	B-AC	0.49	9.82	0.33
		C-AB	0.60	5.87	0.27
5	2020 Forecast Year With Farm Lane Proposed Development	B-AC	0.50	9.97	0.33
		C-AB	0.61	5.92	0.27

PM Peak

4	2020 Forecast Year (No Development)	B-AC	0.25	7.73	0.20
		C-AB	0.53	5.88	0.26
5	2020 Forecast Year With Farm Lane Proposed Development	B-AC	0.25	7.83	0.20
		C-AB	0.55	5.90	0.26

Junction 9 – Leckhampton Lane / Farm Lane

AM Peak

4	2020 Forecast Year (No Development)	B-ACD	0.03	8.87	0.03
		A-BCD	0.07	5.05	0.05
		D-ABC	0.17	7.73	0.15
		C-ABD	0.00	4.86	0.00
5	2020 Forecast Year With Farm Lane Proposed Development	B-ACD	0.03	8.26	0.03
		A-BCD	0.00	0.00	0.00
		D-ABC	0.00	0.00	0.00

PM Peak

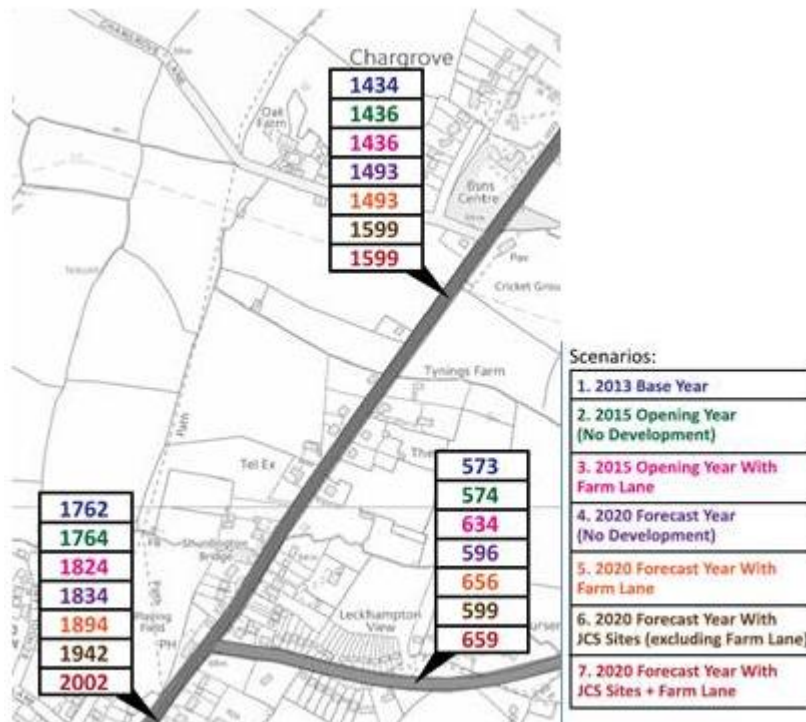
4	2020 Forecast Year (No Development)	B-ACD	0.01	7.80	0.01
		A-BCD	0.10	5.02	0.06
		D-ABC	0.05	6.91	0.05
		C-ABD	0.00	0.00	0.00
5	2020 Forecast Year With Farm Lane Proposed Development	B-ACD	0.01	6.92	0.01
		A-BCD	0.00	0.00	0.00
		D-ABC	0.00	0.00	0.00

The final column on each assessment indicates the level of spare capacity either a RFC (ratio of flow to capacity) or PRC (practical reserve capacity) depending on the model being used. All of the junction assessed apart from Junction 1 (A46 / Leckhampton Lane) and Junction 5 (the existing A46 / Moorend Park Road) retained spare capacity when taking into account the impact of the Farm Lane proposal. When the proposed GCC improvement works to the A46 / Moorend Park Road were assessed, the improved junction was shown to operate with spare capacity after taking into account the Farm Lane impact.

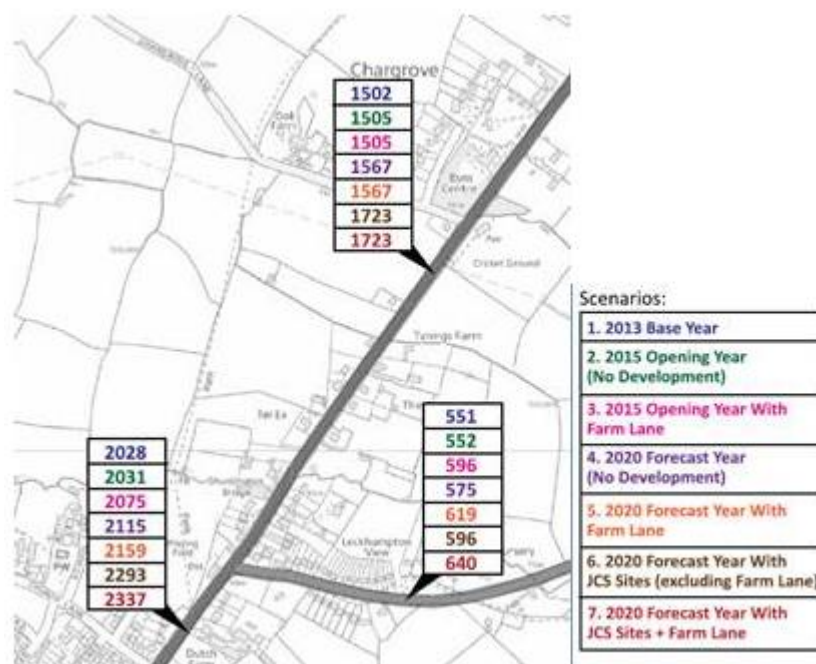
Given the limited amount of additional traffic likely to be generated by this proposed development (an average of 1 additional movement in every 2 minutes during the peak periods) and the levels of spare capacity in 2020, I am satisfied that the existing network, apart from Junction 1 (A46 / Leckhampton Lane), can accommodate the additional traffic generated by the 45 dwellings proposed as part of the application.

I have checked the agreed assignment for Farm Lane which puts an additional 60 movements on Leckhampton Lane in the morning peak period and 44 in the afternoon peak period. Based on a total traffic generation of 318 movements in the morning peak and 315 movements in the afternoon peak period, this would equate to 19% of Farm Lane traffic entering Junction 1 in the morning and 14% in the afternoon. Assuming a similar assignment for this development, would result in 5 additional movements at Junction 1 in the morning and 4 additional movements in the afternoon. I am content that this is not a severe impact (it should be noted that it was accepted that Farm Lane would not have a severe impact at the same junction and the traffic generated by the development was significantly greater).

AM Peak



PM Peak



Recommendation

The National Planning Policy Framework states at paragraph 32 that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The Highway Authority considers that this development will not have a severe impact on the local highway network. The NPPF states that "safe and suitable access to the site can be achieved for all people", and that "opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure." It is considered that the development proposals will meet these criteria. It is recommended that no highway objection be raised to this application, subject to the following conditions being attached to any permission granted:

Conditions

Condition 1

Prior to commencement of development engineering of a new footway between the site access off Farm Lane and the existing footway on Farm Lane near to the junction of Vineries Close shall be submitted to and approved in writing by the Local Planning Authority and the approved footway shall be provided prior to first occupation and maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

Condition 2

Prior to the access roads serving the site being brought into use, the first 20m of the proposed access roads which provide access to the site from Farm Lane including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

Condition 3

Prior to first occupation a scheme shall be submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

Condition 4

Prior to first occupation of any dwelling details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of The Framework, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

Condition 5

Prior to occupation of the proposed dwellings the vehicular parking and turning facilities which relate to that dwelling shall be provided 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.

Condition 6

No dwelling shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the

nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

Condition 7

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 in accordance with paragraph 32 and 35 of the National Planning Policy Framework.

Obligations

Planning permission cannot be granted until a sc106 agreement for the following planning obligations has been completed:

- £35,280 towards enhanced public transport services; and
- £14,900 towards the South West Cheltenham Transport Strategy.

Joint Waste Team

19th February 2016

The road surfaces particularly the ones in a shaded colour on the illustrative masterplan need to be adequate to accommodate a 26 tonne refuse vehicle which usually precludes block paving.

In addition, pavements have to be wide enough to accommodate the waste and recycling receptacles when presented on collection day and not pose any obstructions to pedestrians.

Plus it should be recognised that with that many properties there is likely to be a great deal of roadside parking and so the roads themselves have to be wide enough to allow waste and recycling collection vehicles to gain access past parked cars and heads of cul-de-sacks should be designed in such a way so that they can be used even when cars are in situ.

Finally, with this many properties being built, there will be a phased approach and so the developer has to take account of the need for waste and recycling collections from

residents having moved onto the site to take place whilst building is still underway. With this in mind, the road surfaces will need to be ready to accept large waste and recycling vehicles using them during this time.

28th November 2016 - I wish to add that during the building phase Ubico may require all residents to present their waste at the entrance to the development. This will change to kerbside as soon as reliable access is available for our collection vehicles.

22nd November 2016 - The road surfaces within the development particularly need to be adequate to accommodate a 26 tonne refuse vehicle which usually precludes block paving.

In addition, pavements have to be wide enough to accommodate the waste and recycling receptacles when presented on collection day and not pose any obstructions to pedestrians.

It should be recognised that with that many properties there is likely to be some roadside parking and so the roads themselves have to be wide enough to allow waste and recycling collection vehicles to gain access past parked cars and heads of cul-de-sacks should be designed in such a way so that they can be used even when cars are in situ. I can see a main cul-de-sack at the end of the development where the presence of parked cars could cause issues for the collections teams.

Finally, with this many properties being built, there will be a phased approach and so the developer has to take account of the need for waste and recycling collections from residents having moved onto the site to take place whilst building is still underway. With this in mind, the road surfaces will need to be ready to accept large waste and recycling vehicles using them during this time and have a clear and safe route for the collection teams to gain access when required.

Tree Officer

2nd March 2016

The Tree Section does not object in principle to this application but there are a number of changes and modifications to the proposal which should be made prior to any permission being granted.

Oak Tree (T2) of Tree King Dec 2015 survey appears to be outside the site but its root protection area extends to within the site where there is a proposed SUD's pond. This area of site was very wet on the day Trees Officers visited and there appeared to be wetland related grasses/sedges indicating that this area is naturally waterlogged or has a very high water table. It is marked as 'marsh' on the BS5837 (2012) drawing. There is a ditch between the tree trunk and the proposed SUD's pond. To the north (away from the site) there is an area grass land and as such it is not anticipated that there will be a significant proportion of roots within the proposed SUDs footprint. However given the status of this tree with its many veteran features and reduced vitality, it is recommended that the footprint is modified so that there area within the RPA of this tree is reduced or amended as appropriate. It is recommended that a specialist survey is undertaken to confirm the presence (or not) of bats within this tree.

Few other trees within this site appear to be worthy of retention. However, despite its girdling root, it is recommended to retain T8 'Bhutan pine within the open space. This is a relatively young tree whose genus are generally wind firm and as such, given its exotic species, overall high amenity and useful life potential is considered to be worthy of retention. On the other hand, it appears that other poplar and the other maple species adjacent (T's 9,10,11) have little long term retention value due to their condition (canker, weak forks etc). Other new appropriate trees should be planted on this open space and details should be submitted as a part of any full application.

T1 recorded on the BS survey as an ash (but is a maple species). This tree is a young, and a tree of good form. However it is growing from a small area of raised ground. Nevertheless, it is recommended that the design of garages, dwellings and rear gardens is amended so as to be able to retain this tree into the future.

All trees to be retained must be protected during site preparation and construction. As such an appropriate BS5837 (2012) tree protection plan must be submitted as a part of any full application.

The hedge line to the east of this site is outside the adjacent fence line. It is marked as 'retained'. It would not be possible to remove this hedge without the owner's permission. However this hedge is Leland cypress species and it is strongly recommended that this whole hedge is removed. Unless this hedge is regularly maintained it will very quickly become very large and would cast much shade on the proposed gardens and dwellings adjacent. It would be beyond the control of the owners to maintain the height of this potential 100 ft high (non-native) hedge as it appears to be situated outside the site boundary.

Similarly the hedge line to the south east (right hand side) of the entrance is of an unclear nature. Much of it is behind existing buildings and ownership and species is unclear. This needs to be clarified and amended as appropriate.

Similarly, detailed species composition of the proposed new hedge line should be submitted as a part of any full application. It would be anticipated that the species composition should be of a mixed native species in line with this rural landscape.

Further comments

21st December 2016

Since comment of 2.3.16, T8-Bhutan pine originally retained for retention has been removed. This was the best tree on the site and it is unclear why this tree has been felled. The adjacent Norway maple and poplar should not be retained within this open space either because of their poor form or by virtue of being an inappropriate species. However other comments regarding trees on and adjacent to this application site from this previous comment still apply.

Contaminated Land Officer

13th December 2016

The application seeks to develop a site that has until recently been a commercial plant nursery. Previous uses have included a "pump house". I would therefore recommend that conditions on the following lines are added to any permission for development:

1. Site investigation, risk assessment and remediation scheme

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

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
 - human health
 - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
 - adjoining land
 - ecological systems

- groundwaters and surface water
- archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

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

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

Reason:

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

2. Implementation of remediation scheme

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.

3. Unexpected contamination

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

Reason:

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

4. Monitoring and maintenance

A monitoring and maintenance scheme to include monitoring the long term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

Environment Agency

11th January 2017

Due to workloads, I've looked into the planning application referenced. We appear to have returned the consultation dated 22nd November 2016. Consultation on the application is not required. Based on the information submitted I would concur that this is the case in this instance.

I trust that the above confirms our position.

GCC Local Flood Authority (LLFA)

I have reviewed the above outline planning application and can comment as follows:-

The proposed development is on an existing site of a garden nursery and is situated in flood zone 1. The Lead local Flood Authority (LLFA) is not aware of any flood reports on the site from surface water.

The applicant states that it is unlikely that infiltration will be unsuccessful as a means of draining surface water from the site but will carry out ground investigations and infiltration tests. The applicant proposes an option to attenuate surface water up to and including the 1 in 100 year storm event plus climate change in an attenuation pond in the NE of the site. The surface water would be discharged to an existing ditch system to the north of the proposed development which then discharges to the Hatherley Brook. The proposed surface water discharge rate from the attenuation pond is a maximum of 5 l/s for all events up to and including the 1 in 100 year plus climate change .

The LLFA has no objection in principle to the proposed drainage strategy but recommends that the below conditions are applied to any subsequent permission. Infiltration testing to BRE 365 should be carried to ascertain whether this is a feasible drainage strategy.

Condition

No development approved by the permission shall be commenced until a detailed Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible; and where applicable adheres to the NPPF, Non-statutory Technical Standards for Sustainable Drainage, Building Regulation H

and local policy. The drainage scheme shall be carried out in accordance with the approved details. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through 3rd party land or to their network/system/watercourse.

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

Condition

No development shall take place until soakaway tests have been carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority (LPA). The results of the tests shall be submitted to and agreed in writing by the LPA. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure that the site can be adequately drained. 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 be put in to use/occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework 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.

Please note that the 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 for the Environment Agency.

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 Lead Local Flood Authority.

Natural England

29th November 2016

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 07 March 2016.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

7th March 2016

Planning consultation: Residential development of up to 45 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, demolition of existing buildings.

Location: Waoku Nurseries Ltd Kidnappers Lane Cheltenham.

Thank you for your consultation on the above dated 15 February 2016 which was received by Natural England on 15 February 2016.

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.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

The National Park and Access to the Countryside Act 1949

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected landscapes

Having reviewed the application Natural England does not wish to comment on this development proposal.

The development, however, relates to the Cotswolds AONB. We therefore advise you to seek the advice of the AONB Conservation Board. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect

the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Housing Enabling Officer

Local Plan Policy HS4 states that 'in residential developments of 15 or more dwellings or residential sites of 0.5 hectares or greater a minimum of 40% of the total dwellings proposed will be sought for the provision of affordable housing.'

This outline application is likely to comprise of up to 45 residential units therefore at 40% we will be seeking 18 affordable housing units.

The latest SHMA that has been commissioned also requires a mix of 75:25 rented to intermediate housing.

Dwelling Mix

Having regard to local needs and a mix of 75:25 rented to intermediate housing, we would seek the following mix of affordable dwellings on a policy compliant site:

40%	Affordable Rented	Shared Ownership	Total	%
1B 2P Flat	4	0	4	22
2B 4P House	4	2	6	33
3B 5P House	2	1	3	17
3B 6P House	2	1	3	17
4B 7P House	2	0	2	11
Total	14	4	18	100

Viability

If it is independently verified that it is not viable to deliver affordable housing to a level that is policy compliant, then there are a number of options the council will consider. These are as follows:

- Altering the unit mix or tenure split to facilitate a more viable scheme, while still addressing the housing needs of the Borough.
- Supporting the injection of public subsidy to achieve the full affordable housing requirement. This could enable the overall scheme to become viable via, for instance, a bid to the Homes & Communities Agency. Any s.106 agreement would therefore need to include a provision to facilitate this.
- Altering the % affordable housing sought on the site to reflect the viable position.

In these cases an overage clause would be included within the s.106 agreement to capture any market improvement value between the time of the viability validation and before completion of the site. The overage clause will seek to secure payments which would provide the equivalent on site affordable housing value via a commuted sum provision, should market conditions improve and the viability of the scheme allow such payment. Any payment would be subject to the ceiling of the equivalent cost to the developer of providing a policy compliant affordable housing contribution.

The s.106 agreement will also include triggers for repeat viability appraisals, if the development hasn't started and completed with reasonable timeframes from when planning permission was given.

We would also expect the value of the affordable housing (as assessed within any viability appraisal) to be detailed within an s.106 agreement and used as the basis for determining what would be a reasonable offer from a Registered Provider.

Dwelling Mix/Tenure

The majority of affordable homes provided in Cheltenham Town Centre in recent years comprise of smaller 1 and 2 bedroom flats. With regard to site specific recommendations the development of this site is located just outside the main town centre area in Leckhampton and is an opportunity for the delivery of a greater proportion of larger family sized accommodation whilst including a broad mix of property types and sizes on site. In view of this 1, 2, 3 and 4 bedroom dwellings have been included in the mix for affordable housing.

The 75:25 split between affordable rent and intermediate housing is required on this site for the affordable housing provision. The intermediate housing should be shared ownership and we have proposed this for 2 and 3 bedroom houses to reflect the needs of a broader range of family sizes and would help create a more balanced community.

We would expect the affordable housing to be "pepper-potted" in small clusters throughout the development and indistinguishable from other market dwellings. In order to support this we would ask for a Clustering and Distribution Strategy to be submitted to the council for approval. This should set out how the affordable housing will be distributed throughout the development on the basis that there will be no more than 16 flats or 12 houses within any group of affordable housing units. It should also ensure that no group of affordable housing units will be located contiguously to any other group of affordable housing units.

Rents

Affordable rents must not exceed the Local Housing Allowance.

With regard to the 4 bed houses, we would require the rent to be charged at a rent equivalent to a 3 bed affordable rent plus 5%, and in any event, no more than the local housing allowance (LHA) or equivalent for a 3 bed.

Service Charges

Any service charges on the affordable dwellings should be eligible for Housing Benefit.

Shared Ownership

We would expect that the shared ownership units will be let at a level that is affordable in accordance with the Council's SPG and having regard to local incomes and house prices.

Car Parking

Parking provision for affordable homes will be expected to be made on the same basis as that provided for market dwellings.

Affordable Housing Standards

We would expect all the affordable housing to meet minimum gross internal floor area size measurements, space, design and quality standards as described by the Homes and Communities Agency.

Amendments to M4(1), M4(2) and M4(3) of Schedule 1 to the Building Regulations 2010 took effect on 1st October 2015 therefore we would seek the following:

All general needs accommodation should be designed to meet the 2015 amendments of M4 (1) Building Regulations 2010. All ground-floor flats or a proportion of dwellings (to be agreed) should be designed to meet the 2015 amendments of M4 (2) Building Regulations 2010.

Any wheelchair user dwellings would be required to be designed to meet the 2015 amendments of M4 (3) Building Regulations. As the gross internal areas in this standard will not be adequate for wheelchair housing, additional internal area would be required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

There is no longer a requirement for a specific level of Code for Sustainable Homes Standard to be achieved to meet HCA standards for new affordable homes. This is therefore to be negotiated with the developer.

Full Planning Application

On submission of a full planning/revised application we would require an Affordable Housing Plan as part of the application, detailing the location of both the market and affordable homes in terms of their type and size as well as highlighting parking spaces and the dwellings they serve.

Registered Providers

All affordable housing should be provided by a Registered Provider who will be expected to enter into a nominations agreement with the Local Authority, providing 100% nominations on first letting/sale and 75% of all subsequent lettings thereafter. This will assist the Local Authority in meeting its statutory housing duties under the Housing and Homelessness legislation.

A list of Register Providers managing accommodation in Cheltenham can be made available if needed.

National Planning Casework Unit

12th December 2016

We acknowledge receipt of your council's email dated 22nd November, 2016, regarding the above Environmental Statement.

We have no further comments to make.

County Archaeology

24th May 2016

Results of archaeological field evaluation

Thank you for consulting me regarding the new details submitted in support of the above planning application.

I note that this planning application is now supported by a report on an archaeological evaluation (Rubicon Heritage, April 2016). The area of proposed development was investigated by the excavation of nine trial-trenches which revealed no evidence for any significant archaeological remains.

On the evidence of the evaluation it is my view that the proposed development area has low potential to contain any significant archaeological remains, and I therefore recommend that no further archaeological investigation or recording should be required in connection with this planning application.

I have no further observations.

15th February 2016

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

I advise that I have checked the proposed development area against the County Historic Environment Record, and there is no evidence for any previous archaeological investigation there. However, the wider locality is known to contain extensive archaeological remains relating to prehistoric and Roman activity and settlement. Such archaeological remains are often covered, and so masked from view, by medieval and later soils.

Against that background I have a concern that significant archaeological remains relating to prehistoric and Roman activity and settlement may be present within the proposed development area, and that any such remains would be adversely affected by construction ground works required for this scheme.

I note that this planning application is supported by a Heritage Desk-Based Assessment (CgMs Consulting, report dated January 2016) which confirms the potential presence of prehistoric and Roman remains on this site.

Therefore, in accordance with the NPPF, paragraph 128, I recommend that in advance of the determination of this planning application the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development.

I look forward to advising you further when this information is made available.

Severn Trent Water Ltd

22nd February 2016

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

1. 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.
2. 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 the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
3. We do advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.
4. 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. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Historic England

29th November 2016

Thank you for your letter of 22 November 2016 notifying Historic England of amendments to the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

1st March 2016

Thank you for your letter of 15 February 2016 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

Environmental Health

19th April 2016

The application seeks to develop a site that has until recently been a commercial plant nursery. Previous uses have included a "pump house". I would therefore recommend that conditions on the following lines are added to any permission for development:

1. Site investigation, risk assessment and remediation scheme

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

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

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

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

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

2. Implementation of remediation scheme

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.

3. Unexpected contamination

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

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

4. Monitoring and maintenance

A monitoring and maintenance scheme to include monitoring the long term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

Cheltenham Civic Society

21st March 2016

We accept that this is an appropriate site for housing, though we would have preferred a more imaginative layout

GCC Community Infrastructure Team

14th December 2016

Thank you for consulting GCC Infrastructure on the above application.

The scheme has been assessed for impact on various GCC infrastructure in accordance with the "Local Developer Guide" adopted 2014.

The Developer Guide is considered as a material consideration in determination of the impact of development schemes on infrastructure.

The assessment also takes account of CIL Regulations 2010 (as amended).

[LOCAL DEVELOPER GUIDE](#)

The scheme comprises the following number of dwellings:

Of these:	Houses:	45
	Flats:	0

The scheme will generate the need for
There is no additional capacity. Therefore a contribution is required:

3.27
£43,160

additional pre-school places

The scheme will generate the need for
There is no additional forecast capacity. Therefore a contribution is required:

12.02
£158,804

additional primary school places

The scheme will generate the need for
There is no additional forecast capacity. Therefore a contribution is required:

6.29
£126,677

additional secondary school places

The scheme will generate additional need for library resources. A contribution is therefore required, in accordance with the GCC Local Developer Guide.

The Library Contribution required is:

£8,820

Education Contribution: Justification

A full explanation is provided within the GCC publication "Local Developer Guide".

Paragraphs 65-78 provide further detail (available from www.gloucestershire.gov.uk)

[LOCAL DEVELOPER GUIDE](#)

Pupil yields are calculated in accordance with research published by GCC in "Child Yields in New Developments".

The cost per place (from 2016) is as follows:

Pre-school and Primary places:

£13,211.00

Secondary and 6th Form places:
Multipliers are reviewed annually.

£20,148.00

Where there is no identified surplus capacity in the forecast, a contribution is sought.
Where there is an identified surplus of places within the forecast this will reduce the contribution, or remove the need for a contribution entirely.

Pre-school Contributions:

The assessment identified no capacity in the sector available. In accordance with the GCC Local Developer Guide, a contribution is justified as outlined above.

Specific Infrastructure: Local pre-school places
Purpose(s): Towards additional pre-school places arising from the impact of the development.

Primary School Contributions:

The assessment identified no capacity in the sector available. In accordance with the GCC Local Developer Guide, a contribution is justified.

Specific Infrastructure: Leckhampton/ New school
Purpose(s): Towards the provision of additional places at the named school(s).

Secondary School Contributions:

The assessment identified no capacity in the sector available. In accordance with the GCC Local Developer Guide, a contribution is justified.

Specific Infrastructure: Bourneside Science Labs/New provision
Purpose(s): Towards provision of additional places at the named school(s).

Library Contribution: Justification

A full explanation is provided within the GCC publication "Local Developer Guide".

[LOCAL DEVELOPER GUIDE](#)

Paragraphs 93 to 97 explain the principles for securing contributions towards libraries, and the specific purposes to which they will be put.

In this case, the proposed development and increase in population will have an impact on resources at the local library, as explained in the GCC Local Developer Guide.

Specific Infrastructure: 0
Purpose(s): Towards additional library resources at the named library(ies)

Notes

1. Where the resulting number of dwellings varies from the number assessed, the contribution will be increased or decreased to reflect this:

Pre School	Per house	£959.00	Per flat	£293.00
Primary School	Per house	£3,529.00	Per flat	£358.00
Secondary School	Per house	£2,815.00	Per flat	£55.00
Libraries	Per house	£196.00	Per flat	£196.00

2. The total expected child yield from this scheme is

Pre-school	10.9
Primary School	12.9
Secondary School	6.1
16-17	1.9
	31.8

3. Age-restricted dwellings are not included in calculations (e.g. developments for people aged 55+)

4. Pupil Yields reflect the total child yield, and are adjusted downwards to take account of:

- a proportion of children will not attend the local school (e.g. due to private school attendance)
- a proportion of students will not stay on to 6th Form (staying on rates)
- take up of nursery places is based on local data.

6. The infrastructure items identified are those which are most likely to serve the development.

In the case of schools, these are the nearest schools within reasonable distance.

Library services contributions will relate to the nearest local library.

7. Phasing of payments will be by agreement. It will be expected to be paid in advance of the impact arising, to allow sufficient time for expenditure.

Payments will relate to identifiable triggers. The number of triggers/phases will depend on the scale of the development.

OTHER INFORMATIVES IF APPLICABLE:

Further information is available from the GCC Community Infrastructure Team

Email: community.infrastructure@gloucestershire.gov.uk

5. PUBLICITY AND REPRESENTATIONS

- 5.1** The application as originally submitted in February 2016 was advertised by way of letters being sent to adjacent neighbouring residential areas, site notices being displayed and an advert placed in the Echo. After considering their position and the subsequent request from the applicant that for the application is determined as originally submitted a further round of consultation took place in November 2016 again by way of letters being sent to neighbouring properties, site notices being displayed and an advert placed in the Echo.
- 5.2** In response 91 letters of objection have been received. Given that the application has been subject to two consultations there is some duplication in the comments received.
- 5.3** The objections received to this application, which can be read in full at the end of this report, have been reviewed in order to ascertain the key concerns and points made in each objection which are summarised as follows:
- Premature on JCS
 - Should be a full application not outline
 - Impact on local green space
 - Site has been turned into an eyesore deliberately
 - Traffic, congestions and Highway safety concerns
 - Loss of locally valued land
 - Site is isolated from amenities access via a narrow road which is not suitable for this level of traffic and will not work
 - Not a sustainable location
 - Local amenities are full, (schools and health services)
 - Air pollution
 - Loss of wildlife
 - Flooding and drainage
 - Site in not allocated
 - Harm to the existing character visual amenity and landscape of this semi-rural area
 - Loss of green buffer and proximity to the Area of Outstanding Natural Beauty
 - Impact on views to and from the Area of Outstanding Natural Beauty

- Could lead to further housing and piecemeal development in this area
- Needs to provide low cost housing
- Cumulative impacts need to be considered

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 As set out above the application is submitted in outline with all matters reserved, therefore the main consideration is the principle of the development. Other considerations include landscape and visual impact, design and layout, transport and highway safety, flood risk and drainage, archaeological and cultural history, affordable housing, ecology, community facilities and open space, outdoor recreation and education and library provision and any other material considerations. Following the consideration of these topics the report will then provide the balancing considerations as required by paragraph 14 of the NPPF (where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any advantages of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole.)

6.2 Principle of the development

6.2.1 Relevant material considerations for this application include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (nPPG), The emerging JCS and its evidence base, The emerging Cheltenham Draft Plan and its evidence base, Cheltenham Borough Local Plan Second Review (2006).

National Planning Policy Framework

6.2.2 The NPPF has a presumption in favour of sustainable development, paragraph 14 sets out what this means for decision taking as:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

6.2.3 Paragraph 109 of the NPPF states that 'the planning system should contribute to and enhance the natural and local environment by (amongst others):

- protecting and enhancing valued landscapes, geological conservation interests.

6.2.4 The NPPF also requires Councils to demonstrate a 5-year housing land supply incorporating a 5% buffer, or a 20% buffer where there has been a record of persistent under delivery of housing. In accordance with section 49 of the NPPF, 'relevant policies for

the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

- 6.2.5** Based on development within the Cheltenham boundary alone, the Council cannot currently demonstrate an ongoing 5-year housing land supply. Adopted Local Plan Policies relating to housing supply may therefore be considered out of date.
- 6.2.6** However, the development of the JCS is well progressed through examination and is currently out for consultation on proposed modifications with further hearings on the proposed modifications taking place from June and potential adoption towards the end of 2017. On adoption of the JCS Cheltenham Borough will be able to demonstrate an ongoing 5 year supply and will address its objectively assessed need within the plan period.
- 6.2.7** Even if the Council is not currently able to demonstrate a 5 year housing land supply this does not mean that planning permission for residential development should be granted if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Other policies in the Local Plan and NPPF remain material considerations in the determination of this balance.

Cheltenham Local Plan 2006

- 6.2.8** Chapter 4 of the Cheltenham Borough Local Plan 2006 contains Core Policies and Proposals including land allocations. Whilst Land at Leckhampton is not allocated, the plan as adopted contained a statement in supporting text, page 62, which set out the Council's position in relation to this unallocated land. In the statement, which reflected the views of the Inspector presiding at the Local Plan Inquiry, the council recognised the intrinsic value of the land as a resource for its recreational, landscape, wildlife and archaeological interest, but said that the land would be reassessed through cross-boundary working as a potential development site within the context of the RSS. Saved policies in the Local Plan relevant to the consideration of the principle of development on this site include:
- Sustainable Development (CP1, CP3); which seek, amongst other matters, to conserve and enhance Cheltenham's natural resources and environmental assets and not cause harm to its setting or landscape character.
 - Housing Development (PR1, PR2, HS1); which direct development within the Principal Urban Area to allocated sites and previously developed land.
 - Landscape Protection and Design (CP3, CO1, CO2, CO14); which seek to avoid harm to landscape character and to consider the design of developments which abut the countryside.
 - Travel Transport and Accessibility (CP5, CP7); which seek developments which minimise the need to travel and adequately allows for methods of travel other than by private car. CP7 seeks to ensure development is of a high standard of design.
 - Provision of necessary infrastructure and facilities (CP8); which seeks developments to provide the necessary infrastructure, services and facilities to the meet the needs arising from the development.
- 6.2.9** In considering the application of these policies to the proposal it is important to have regard to section 215 of the NPPF. This says that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

6.2.10 Whilst some of the policies in the adopted Cheltenham Local Plan remain relevant, given the end date of the plan as 2011, it is acknowledged that the housing needs evidence base underpinning the Local Plan is out of date. The evidence base for the JCS now takes precedence and addresses the Objectively Assessed Need (OAN) for growth, a requirement of paragraph 14 of the NPPF.

The Joint Core Strategy Proposed Modifications

6.2.11 The JCS sets out, in policy SP2, the “Distribution of New Development”. This policy incorporates the objective of focusing development at Gloucester and Cheltenham including through the allocation of urban extensions.

6.2.12 The Leckhampton Strategic Allocation formed part of the JCS Pre-Submission Document in 2014. However, the Inspector indicated at paragraph 123 of her Interim Findings that, in her judgement, *“a limited amount of development could be supported towards the north of the site where public transport is more accessible, subject to the avoidance of land of high landscape and visual sensitivity. Therefore, for reasons of landscape/visual amenity and highways impacts, I recommend that the Cheltenham part of the site be allocated for a modest level of built development”*

6.2.13 Whilst the proposed site is not within the Green Belt or the Cotswold Area of Outstanding Natural Beauty, it is close to the AONB. The JCS Inspector agrees with Natural England’s comments that this area forms part of the setting of the AONB and contributes positively to its special qualities. Therefore any impact upon the landscape is a significant consideration.

6.2.14 The Inspector clarified her position further in her Note of Recommendations made at the hearing session on 21 July 2016; *“I therefore recommend that built development be contained within the green, less sensitive areas of the Landscape and Visual Sensitivity plan towards the north.”*

6.2.15 The Inspector has also acknowledged the validity of a local desire to designate some of the site as Local Green Space. The current application site is located in an area which remains a matter of dispute over where development should be located and where should be Local Green Space. JCS Policy INF4 requires that development proposals contribute to green infrastructure including the wider landscape context. The current application does not indicate how it will integrate into the landscape or green infrastructure. The Cheltenham Plan will look to resolve these issues through consultation and careful planning by looking at the wider area.

6.2.16 Given the advanced stage of the JCS the Inspector’s reports should be accorded some weight in planning decisions despite the fact that they are interim statements only. The Inspector is of the opinion that development at the former Leckhampton Strategic Allocation should be restricted to the northern part of the site which excludes the area covered by the current planning application.

6.2.17 The JCS itself is at an advanced stage of preparation and has been through numerous rounds of consultation and examination hearings. So it can therefore be accorded weight in accordance with paragraph 216 of the NPPF.

6.2.18 The JCS Proposed Modifications document has now been accepted by all three authorities. The Modifications have taken the Inspector’s reports into account and the Leckhampton site is no longer being put forward as a Strategic Allocation. The intention is for a non-strategic site to be allocated for development and Local Green Space to be designated in this area through the Cheltenham Plan.

- 6.2.19** It is therefore important that any development in this area is part of the plan-led process. This will ensure that the most sustainable use of land is achieved and the impacts on landscape and the surrounding area are minimised. It would preferable for the site to be considered as part of an area wide masterplan which would form part of the emerging Cheltenham Plan.
- 6.2.20** The development management policies in the emerging JCS are also of relevance to this case. Policy SD5 sets out design requirements for proposed developments. It emphasises the need for context, character, a sense of place and movement and connectivity. Part 2 of the policy also allows the Council to request masterplans or design briefs.
- 6.2.21** Policy INF7 reinforces the need for infrastructure requirements of a site should be thought of in terms of cumulative impact. The application site's proximity to an emerging local plan site means that it cannot be considered in isolation in terms of its impact on the surrounding area.
- 6.2.22** As it stands, the current application site is within a predominantly agricultural area and is located a significant distance from the Principal Urban Area. It would create an incongruous, isolated development within an otherwise rural setting.

Principle conclusions

- 6.2.23** Whilst the adopted Cheltenham Local Plan Policies on housing may be considered out of date due to a lack of 5 year supply of housing, the JCS will address the issue of housing supply. The provision of a 45 dwellings would not outweigh the harm to the site and the sensitive landscape value in this area. Furthermore the site is not within the proposed "green" indicative development area supported by the JCS Inspector in her interim findings. There is also no indication as to how the proposal would contribute to the comprehensive development of the Cheltenham Plan allocation, with the site is also being located outside of the Principal Urban Area and remote from the existing built form of the town.
- 6.2.24** The principle of the development proposal is therefore something which weighs against the proposal and must be assessed against the benefits of the development in the overall planning balance.

6.3 Landscape

- 6.3.1** One of the planning principles of the NPPF is that the planning system should recognise the intrinsic character and beauty of the countryside. Sections 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. Policy CO1 of the Local Plan sets out that in considering landscape character development will only be permitted where it would not harm; (a) the attributes and feature which make a significant contribution to the character, distinctiveness, quality and amenity value of the landscape; and (b) visual amenity of the landscape. It is considered that policy CO1 is consistent with the NPPF. Policy CO2 seeks to resist development which would harm the natural beauty of the landscape within the AONB.
- 6.3.2** Policy SD8 of the JCS Proposed Modifications seeks to ensure that where development proposals in or within the setting of the AONB that proposals will be required to conserve and where appropriate enhance its landscape, scenic beauty, wildlife, cultural history and other special qualities.

6.3.3 The NPPF focuses on resisting development in the AONB not outside of it. As previously noted however, the proximity of the site to the AONB means that matters of design, layout and landscaping are very important factors to be considered in assessing the acceptability and planning balance for the proposal.

6.3.4 The Council has employed a Landscape consultant Ryder Landscape (RL) to consider the details of the application including the submitted illustrative masterplan and the baseline landscape visual appraisal. RL has produced an extensive note on the landscape impact considerations.

6.3.5 The RL note concludes:

The proposals as they stand would fundamentally change the character of the former nursery to a residential area of suburban character given its density and arrangement.

The residential settlement given the nature of the architectural mass and layout as proposed would appear out of keeping within the landscape setting that is predominately open and rural around the site.

The development would appear as an isolated suburban area in the otherwise rural area with no connectivity to other housing areas.

There would be a degrading of the visual amenity of Lotts Meadow which is relatively free of housing development on its boundaries.

The proposals would reduce the quality of views to the Cotswold AONB from the footpath to the south of the site.

6.3.6 The illustrative layout and baseline visual impact assessment, given the conclusions of the RL assessment, are not considered to satisfactorily mitigate the impact of the proposed development in landscape grounds and therefore conflicts with the objective of the NPPF, policies CO1 and CO2 of the Local Plan and SD8 of the emerging JCS.

6.3.7 The submitted details do not satisfactorily mitigate the impact of the proposed development, is something which weighs against the proposal and must be assessed against the benefits of the development in the overall planning balance.

6.4 Design and layout

6.4.1 The NPPF sets out that Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people and create a sense of place. The NPPF also advises that the planning system can play an important role in facilitating social interaction and create healthy, inclusive communities. Policy CP7 of the local plan seeks to achieve good design, with policy CP4 requiring no harm to the amenity of adjacent land users. Both these policies are considered to be in accordance with the NPPF.

6.4.2 Matters relating to access, appearance, landscaping, layout and scale are reserved for further consideration, should the principle of the development be considered acceptable. There is therefore little substantive information provided at this stage to allow considered recommendations to be provided on these points. The application has been supported with a design and access statement and an illustrative master plan. These plans provide only an indication as to how the site could be developed. The aim of urban design intervention relates to place making with a view to helping create a pleasant and sustainable place to

live, a place that links well with and respects its immediate neighbours and wider setting, a place that makes a positive contribution to quality of the area.

- 6.4.3** The illustrative layout in itself may seem appropriate to deliver up to 45 dwellings with associated access, layout and green infrastructure. This layout was however drafted at a time when the site formed part of a strategic allocation located immediately adjacent to the 650 appeal site. Given that the strategic allocation has been deleted from the JCS (proposed modifications) and that the 650 appeal has been dismissed, this application now must be considered on its own merits, that being in the context of a remote and isolated site, located outside the Principal Urban Area. With these alterations to the emerging JCS and dismissed appeal the proposal must now be considered to create an individual and remote parcel of development, one which is of a very urban layout and of a high density. The illustrative layout in this location therefore is not considered to follow the objectives of good urban design in that it would not respond to the need to achieving place making with a view to helping create a pleasant and sustainable place to live, or provide for a place which links well with and respects its immediate neighbours and wider setting, or provide for a place that makes a positive contribution to quality and character of the area.
- 6.4.4** The proposal is therefore considered not to comply with the objectives of the NPPF or policy CP7 of the Local Plan.
- 6.4.5** The illustrative layout showing a development of up to 45 units is something which weighs against the proposal and must be assessed against the benefits of the development in the overall planning balance.

6.5 Access and highway issues

- 6.5.1** Gloucestershire County Council as the local highways authority (LHA) has assessed this application in light of the NPPF, local plan and the emerging JCS along with materials considerations. Comments provided on this application are set out in full above.
- 6.5.2** LHA sets out that the main issues for the application are: Whether the opportunities for sustainable transport modes have been taken up as required by bullet point 1 of paragraph 32 of the National Planning Policy Framework; and Whether the residual cumulative impacts of the proposed development and any other committed development (as defined in the Planning Practice Guidance - Travel Plans, Transport Assessments and Statements, being 'development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years') would be severe and is so whether that impact can be cost effectively mitigated bullet point 3 of paragraph 32 of the National Planning Policy Framework.
- 6.5.3** The Developer has agreed to provide a new footway between the proposed site access and Vineries Close and the LHA is content that this is sufficient to make walking a viable modal choice. This can be secured by a suitably worded planning condition
- 6.5.4** The Developer has agreed to provide a financial contribution of £35,280 towards enhanced public transport services and the LHA is content that this is sufficient to make public transport a viable modal choice. This can be secured under sc106.
- 6.5.5** The LHA in considering the residential cumulative impact set out that this has been done by considering the impact of the Tewkesbury Farm Lane consented site (TBC ref 14/00838/FUL) as a development commitment and this proposed application site for 45 dwellings. Consideration of this impact at AM and PM at different junctions (A46/Leckhampton Lane; A46/Up Hatherley Way; A46/Kidnappers Lane; A46/Woodlands Road; A46/Moorend Park Road; A46/Leckhampton Road; Leckhampton Road/Charlton

Lane and Leckhampton Road/Church Road; Church Road/Kidnappers Lane; and Leckhampton Lane/Farm Lane) is set out in full in the LHA comments above.

- 6.5.6** The LHA concludes that *given the limited amount of traffic likely to be generated by this proposed development and the levels of space capacity in 2020 the LHA are satisfied that the existing network, apart from Junction 1, can accommodate the additional traffic generated by the 45 dwellings proposed as part of this application.*
- 6.5.7** The LHA recommends: *The National Planning Policy Framework states at paragraph 32 that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The Highway Authority considers that this development will not have a severe impact on the local highway network. The NPPF states that "safe and suitable access to the site can be achieved for all people", and that "opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure." It is considered that the development proposals will meet these criteria. It is recommended that no highway objection be raised to this application, subject to the following conditions being attached to any permission granted:*
- 6.5.8** In addition to the comments from GCC the Highways Agency has commented on the application providing no objection. Given these comments on the application, the matter of highway safety and access is something which does not weigh against the proposal and must be assessed in the overall planning balance.

6.6 Flooding

- 6.6.1** The NPPF aims to direct development away from areas at high risk of flooding. Development should be safe and should not increase flood risk elsewhere. Local Plan Policies CP3, UI1 and UI2 reflect this advice with Policy UI3 requiring that development proposals include the incorporation of Sustainable Drainage Systems (SUDS). These Local Plan policies are considered to be consistent with the objectives of the NPPF.
- 6.6.2** The application has been accompanied with a Flood Risk assessment (FRA) and drainage strategy.
- 6.6.3** The Environment Agency maps indicate that the suite is located within flood zone 1 (low risk, less than 1:1000 annual probability of flooding).
- 6.6.4** The application has been accompanied with a Flood Risk assessment (FRA) and drainage strategy. This strategy incorporates SUDS and sets out that it will ensure that flood risk resulting from pluvial events (rainfall) will be managed on site and that flood risk will not be increased elsewhere as a result of the development. The strategy also incorporates a plus 30% allowance for climate change to take account of the predicted increase in rainfall intensity over the lifetime of the development.
- 6.6.5** The Local Flood Risk Authority and the Borough Land drainage Officer have considered the application. In conclusions neither have objection in principle to the proposed drainage strategy but recommend that conditions are applied to any subsequent permission.
- 6.6.6** The Environment Agency have responded to the application providing no comment as the site is located in flood zone 1. The EA confirm that we should consult with the Local Flood Risk Authority who are the statutory consultees on these matters.
- 6.6.7** It is on note that the Lead Flood Risk Authority has fully considered the flood risk assessment and has not raised any objections to the principle of the proposed development. The LFRA does note that some additional information is required however

these can be picked up at reserved matters stage and controlled through conditions which they have recommended.

- 6.6.8** The details submitted on flood risk and mitigation is considered to demonstrate that the proposal would not give rise to increase any flooding or drainage concerns. Given this the application on this matter is something which does not weigh against the proposal and must be assessed in the overall planning balance.

6.7 Other considerations

6.7.1 Affordable housing

- 6.7.2** Local Plan policy HS4 provides that the Council will seek to negotiate with developers to provide 40% of the total number of dwellings proposed for affordable housing. It is considered that this policy is consistent with the objectives of the NPPF which encourages local planning authorities to identify the size type, tenure and range of housing that is required.
- 6.7.3** Policy SD13 of the proposed modifications to the JCS deals with affordable housing and requires sites outside the strategic allocation in excess of 11 units a minimum of 40% affordable will be sought within Cheltenham Borough Council.
- 6.7.4** The application sets out in their submitted draft heads of terms a commitment to provide 40% affordable housing. The Councils Housing Enabling Officer has set out above the required size, type, tenure and range of affordable range required. Should the application be granted this could be secured through a suitable worded S106 agreement.
- 6.7.5** Affordable housing provision is therefore a matter which falls in favour of the application, but must be considered in the overall balance.

6.8 Community facilities and open space

- 6.9** The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. Policy CP8 of the Local Plan seeks to ensure that developments provide the necessary infrastructure and facilities required, which is consistent with the NPPF. Local Plan policies RC5, RC6 and RC7 relate to development on amenity space and the provisions of play space and amenity space in new developments. Policy RC1 sets out the specific requirements. The JCS at Policy INF5 requires social and community infrastructure to be provided.

- 6.10** The draft heads and terms submitted with the application sets out that the development will provide the levels of community facilities and open space required to ensure that the application is policy compliant will be secured via the signing of S106 agreement. Should the application be permitted these matter could therefore be resolved through the agreements of a suitably worded S106.

- 6.11** Community facilities and open space are therefore matters which fall in favour of the application, but must be considered in the overall balance.

6.12 Education and Library provision

- 6.13** The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Policy CP8 of the Local Plan seeks to ensure that development will only be

permitted where adequate provision is made for necessary infrastructure and facilities. The JCS at Policy INF5 requires social and community infrastructure to be provided.

6.14 Gloucestershire County Council is the relevant authority for education and libraries. GCC have commented on the application setting out the contribution and requirements required to mitigate the impact of the proposed 45 dwellings.

6.15 The draft heads and terms submitted with the application sets out that the development will provide the levels of education and library provision required to ensure that the application is policy compliant will be secured via the signing of S106 agreement. Should the application be permitted these matter could therefore be resolved through the agreements of a suitably worded S106.

6.16 Education and library provision are therefore matters which fall in favour of the application, but must be considered in the overall balance.

6.17 Ecology

6.18 The NPPF sets out that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan policy GE7 of the local plan seeks to accommodate and protect natural features with NE1, NE2 and NE3 seeking to protect habitats of legally protected species, designated conservation sites and to resist development which would harm biodiversity and geodiversity of local importance. Policy SD10 of the JCS proposed modifications picks up the need to protect and enhance biodiversity.

6.19 The application is accompanied by a detailed ecological assessment of the site. The application site was surveyed based around extended phase 1 survey methodology as recommended by Natural England with additional survey work undertaken in respect of bats, badgers and birds.

6.20 Given the relatively small size of the site the ecological assessment sets out that given the small scale nature of the site, the fact that the application site and nearby designated sites are separated by agricultural land and roads their distance it is not considered that there will be any adverse impacts (direct or indirect) as a consequence of the proposed development.

6.21 The report also concludes that there are not considered to be any significant adverse effects on any other statutory and non-statutory of nature conservation interest from the development proposals. The report makes recommendation to safeguard protected and notable species present within the application site and to achieve ecological enhancements wherever possible. These recommendations could be secured through conditions.

6.22 Subject to conditions ecology and bio diversity mitigation and requirements are therefore not considered to be unacceptable and does not weight against the proposed development in the planning balance.

6.23 Archaeology and Cultural History

6.24 At paragraph 128 of the NPPF it sets out that great weight should be given to the conservation of heritage assets. The more important the assets, the greater the weight should be. The site is not located with a conservation area with there being no listed building on or adjacent to the site. In considering archaeology implication the applicant has submitted an updated evaluation. In considering this document Gloucestershire

County Council Archaeological Officer concludes that the development area has low potential to contain any significant archaeological remains the recommends that no further archaeological investigation of recording is required.

6.25 Archaeology and cultural history impacts are considered to be acceptable and therefore does not weight against the proposed development in the planning balance.

6.26 Trees

6.27 The Tree Officer has provided detailed comments on the application specifically in respect of T2 (Oak Tree). The application is in outline and therefore considerations in the main relate to the principle of the development of the site for up to 45 dwellings. It is considered that if the recommendation was for permission, the comments provided by the Tree Officer on detail could be resolved in conditions, and at the reserved matters stage. The Tree Officer has confirmed this would be an appropriate way to deal with the comments provided.

7. CONCLUSION AND RECOMMENDATION

7.1 The NPPF at paragraph 14 sets out a presumption in favour of sustainable development, unless material considerations indicate otherwise. The NPPF identifies at paragraph 7 three dimensions to sustainable development which are economic, social and environmental.

7.2 It is recognised that the development would provide for; new housing and jobs directly and indirectly; the proposal would have an acceptable impact upon safety and satisfactory operation of the highway network' that through a S106 agreement would deliver affordable housing, open space and recreation along with education and library contribution to mitigate the developments impact. The proposal would not have a harmful impact on Flooding, Archaeology and Cultural History or ecology.

7.3 Whilst the adopted Cheltenham Local Plan Policies on housing may be considered out of date due to a lack of 5 year supply of housing, the JCS will address the issue of housing supply. The provision of a 45 dwellings would not outweigh the harm to the site and the sensitive landscape value in this area. Furthermore the site is not within the proposed "green" indicative development area supported by the JCS Inspector in her interim findings. There is also no indication as to how the proposal would contribute to the comprehensive development of the Cheltenham Plan allocation, with the site is also being located outside of the Principal Urban Area and remote from the existing built form of the town.

7.4 The illustrative layout in itself may seem appropriate to deliver up to 45 dwellings with associated access, layout and green infrastructure. This layout was however drafted at a time when the site formed part of a strategic allocation located immediately adjacent to the 650 appeal site. Given that the strategic allocation has been deleted from the JCS (proposed modifications) and that the 650 appeal has been dismissed, this application now must be considered on its own merits, that being in the context of a remote and isolated site, located outside the Principal Urban Area. The illustrative layout and baseline visual impact assessment are not considered to satisfactorily mitigate the impact of the proposed development in landscape grounds and therefore conflicts with the objective of the NPPF, policies CO1, CO2 and CP7 of the Local Plan and SD8 of the emerging JCS.

7.5 The report above sets out points of consideration on the planning balance as required by paragraph 14 of the NPPF. In considering the planning balance, Officers are not of the view that the points in favour of the application outweigh the resulting harm of the development. The recommendation is to refuse the application on matters of the principle

of the proposed development as submitted; the harmful impact on the landscape that the proposed development would have; along with being out of context with its surroundings, as set out in detail at sections 6.2, 6.3 and 6.4 of this report.

- 7.6** As the recommendation is for refusal the S106 has not been advanced. For this reason a further reason of refusal is recommended on the grounds that the contributions as set out in the report have not been secured in a signed S106 agreement.

8. REFUSAL REASONS

- 8.1** To follow as an update.