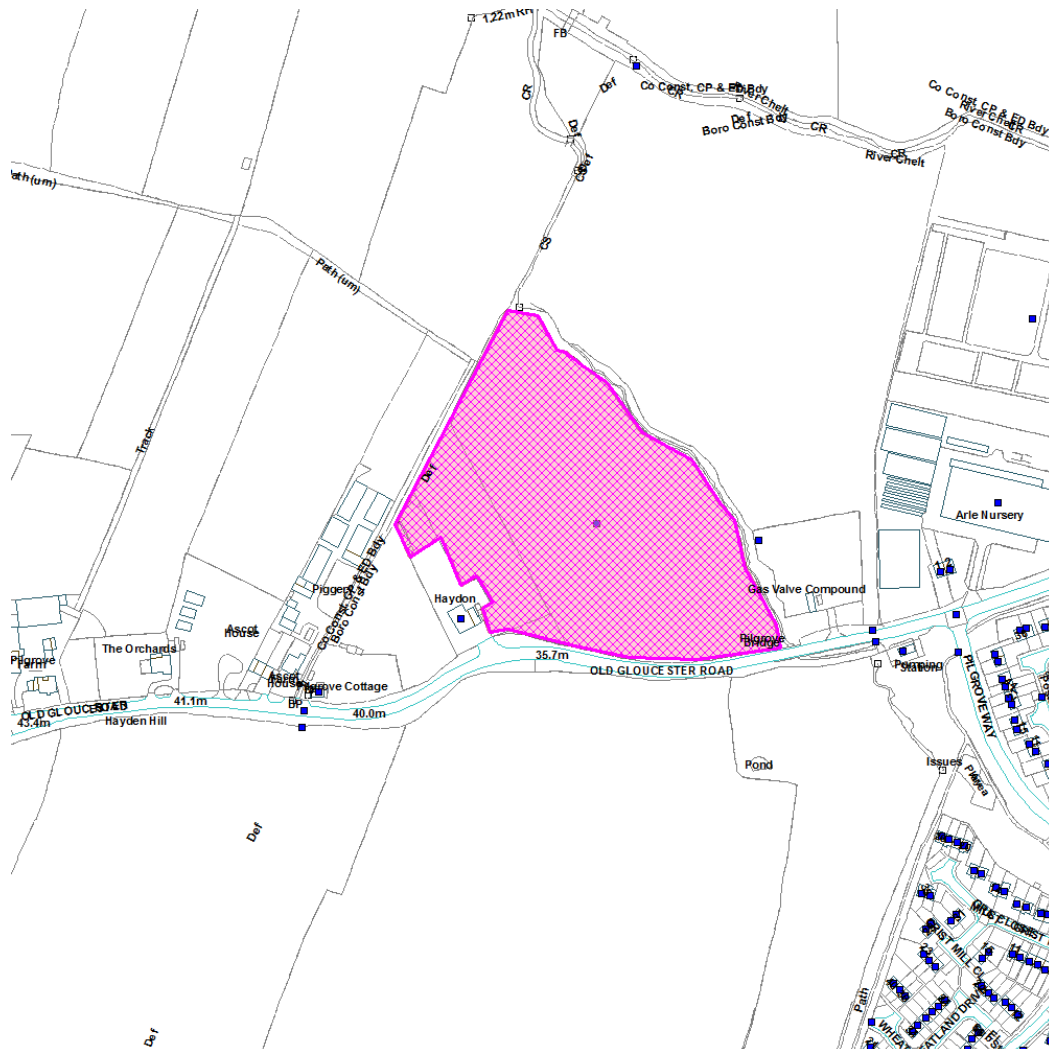


APPLICATION NO: 17/01411/OUT		OFFICER: Miss Michelle Payne
DATE REGISTERED: 19th July 2017		DATE OF EXPIRY: 18th October 2017
WARD: Springbank		PARISH: n/a
APPLICANT:	Finch Investments Ltd	
AGENT:	PJS Development Solutions Ltd	
LOCATION:	Phase 1, Land At Old Gloucester Road, Cheltenham	
PROPOSAL:	Outline application for proposed residential development of up to 90 dwellings, associated open space, landscaping and infrastructure, including new vehicular access to Old Gloucester Road	

RECOMMENDATION: Recommendation at Committee



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1. DESCRIPTION OF PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of up to 90 houses (40% affordable) on a 3.14ha parcel of land located to the northwest of the borough, with all matters reserved. As the application is in outline, it is only seeking to establish the general principle of development, with matters relating to access, appearance, landscaping, layout and scale reserved for future consideration.
- 1.2 Notwithstanding the 'all matters reserved' nature of the outline application, the application is supported by an indicative layout which seeks to demonstrate that up to 90 houses could be successfully accommodated within the site.
- 1.3 The application has also been accompanied by the following detailed reports and statements:
- Design and Access Statement
 - Planning Statement
 - Flood Risk Assessment
 - Sustainable Drainage Statement
 - Utilities Report
 - Tree Survey
 - Ecology Report
 - Historic Environment Desk Based Assessment
 - Archaeological Evaluation
 - Geophysical Survey
 - Landscape and Visual Impact Assessment
 - Transport Assessment
 - Travel Plan
 - Non-Motorised User Audit
 - Sustainability Checklist
 - Waste Minimisation Statement
 - Statement of Community Engagement
- 1.4 The application is before planning committee as it is one that would, if granted, be a departure from the adopted Local Plan. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Flood Zone 2
Greenbelt
Smoke Control Order

Relevant Planning History:

There is no planning history of any particular relevance to this application

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
GE 5 Protection and replacement of trees
GE 6 Trees and development
GE 7 Accommodation and protection of natural features
CO 1 Landscape character
CO 5 Definition of green belt
CO 6 Development in the green belt
CO 14 Development abutting the countryside
NE 1 Habitats of legally protected species
NE 3 Biodiversity and geodiversity of local importance
HS 1 Housing development
HS 4 Affordable Housing
RC 6 Play space in residential development
UI 1 Development in flood zones
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
UI 4 Maintenance strips for watercourses
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Affordable housing (2004)
Development on garden land and infill sites in Cheltenham (2009)
Flooding and sustainable drainage systems (2003)
Landscaping in new development (2004)
Planning obligations (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Planning Policy Team

24th August 2017

It is worth drawing a parallel between this application and the application that is currently on appeal at Leckhampton. Both lie outside the PUA and both represent isolated development in a semi-rural location yet we are treating them differently in terms of their potential acceptability.

I feel the difference with the Old Gloucester Road application is that the landscape value of the site is a lot lower and there is probably more chance of getting a statement of intention from the neighbouring land owners (i.e. Gloucester CC and Cheltenham BC) to help demonstrate that their respective parcels of land will be developed and that a more comprehensive development will be achieved in future.

The site

The application site lies to the west of Arle nurseries on Old Gloucester Road to the north-west of Cheltenham.

Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be taken in accordance with the relevant adopted Development Plan unless material considerations dictate otherwise. Therefore, in determining this application, the following must be considered;

- The saved policies of the Cheltenham Borough Local Plan (CLP) Second Review 2006, which comprise the adopted development plan, and;
- Relevant material considerations which include:
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (nPPG)
 - The emerging Joint Core Strategy (JCS) and its evidence base
 - The emerging Cheltenham Plan and its evidence base.

Core issues in this case

The core policy issues in the case of this proposal are considered to be:

- The need for sustainable development
- New residential development
- Development in the Green Belt

These are considered in turn below.

The need for sustainable development

NPPF (2012)

Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is a golden thread running through both plan making and decision taking. When making decisions, this means approving development proposals that accord with the development plan unless material considerations indicate otherwise.

Adopted Cheltenham Local Plan (2006)

The land which is subject to this proposal is not allocated for any particular use and lies outside the Principal Urban Area as defined on the Proposals Map of the adopted Cheltenham Local Plan. The purpose of the Principal Urban Area (PUA) is to help concentrate development to sustainable locations within the Borough.

Policy CP1 - Sustainable Development states:

"Development will be permitted only where it takes account of the principles of sustainable development. In particular, development should:

- a) conserve or enhance natural resources and environmental assets, and
- b) give priority to the use of previously developed land, and
- c) make the most efficient and effective use of land."

New residential development

NPPF (2012)

Paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development."

Cheltenham Borough Local Plan

Policy HS1 seeks to prevent the building of new dwellings other than on local plan allocations or brownfield land.

Policy HS2 requires housing development to be between 30 and 50 dwellings per hectare in order to demonstrate the efficient use of land.

Policy HS4 requires a minimum of 40% affordable housing to be provided in residential developments of 15 dwellings or more.

Development in the Green Belt

NPPF (2012)

Para 87 states:

"As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

Para 88 states:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Para 89 states:

"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

Para 90 states:

"Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order."

Adopted Cheltenham Local Plan (2006)

Policy CO6: Development in the Green Belt, states:

"Within the Green Belt, except in very special circumstances, there will be a presumption against the construction of new buildings for purposes other than:

- agriculture and forestry; or
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it; or
- limited rebuilding, replacement, or extension of existing dwellings, subject to policies CO7 (Rebuilding or replacement of dwellings in the green belt) and CO8 (Extension of dwellings in the green belt); or
- limited residential infilling within existing and previously undeveloped gaps in built up frontages along The Reddings, Shaw Green Lane and Bowbridge Lane, if there is no adverse impact on the openness of the Green Belt; or
- development in accordance with policy CO9 (Cheltenham Racecourse).

Engineering or other operations or any material change of use will not be permitted unless

they maintain the openness of the Green Belt and do not conflict with the purposes of including land in it."

The emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy - Main modifications version (2017)

The JCS is now well advanced in its preparation with adoption anticipated at the end of the year. It therefore should be taken into account as a significant material consideration in decision making on planning matters.

Policy SD6: Green Belt, states:

"To ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF unless very special circumstances can be demonstrated...."

Assessment

The need for sustainable development

The site is located on the north-western edge of Cheltenham and occupies greenfield land beyond the Principal Urban Area (PUA) as defined on the Cheltenham Borough Local Plan Proposals Map. Whilst this is not a preferred location for development in the adopted plan, the NPPF has superseded the plan on this matter. Para 14 of that document indicates that where a development plan is out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits unless specific policies in the national framework indicate development should be restricted.

An example of such policies applies to sites located in the Green Belt where there is a strong presumption against development unless in very special circumstances (see 'Development in the Green Belt' below).

The site lies close to the strategic highway network which is reasonably well served by public transport at this location. It is also located approximately half a mile from Gallagher Retail Park and is approximately 2 miles from the wider services and facilities of Cheltenham Town Centre.

New Residential Development

The 2016 Local Development Framework Annual Monitoring Report (AMR) for Cheltenham Borough shows a supply of dwellings equating to 2.6 years over the period 1st April 2016 - 31st March 2019 (based on a 20% buffer). Whilst this falls short of meeting the 5 year requirements set out in the NPPF, the JCS and Cheltenham Plan are setting out proposals to remedy this situation and both documents make residential allocations that ensure the Objectively Assessed Housing Need for the Borough is met and that the statutory 5 year supply of housing land is also achieved. In the case of the JCS, the contribution arises from the West Cheltenham and North-West Cheltenham Strategic allocations. In the case of the Cheltenham Plan, the contribution arises from a number of smaller allocations that include an indicative proposal for residential development at Arle Nurseries.

The Arle nurseries proposal includes the land that is the subject of this outline application as well as the land that is shown as comprising the future Phases 2 and 3 of the development. An indicative capacity of around 200 dwellings is considered appropriate for the whole site taking into account the need to provide elements of green space / recreation space.

The Arle Nurseries proposal has been cascaded from the JCS process where the Inspector conducting the Examination recommended that the land be removed from the Green Belt. This recommendation was made on the basis that the site will no longer make a significant

contribution to the Green Belt given the West Cheltenham and North-West Cheltenham strategic allocations which are being proposed to the north and south.

Development in the Green Belt

The proposal falls within the Green Belt where there is a strong presumption against development unless in very special circumstances.

With preparation of the JCS now well advanced, there is a strong likelihood that the Green Belt at this location will be amended as outlined above. Should this prove to be the case, it will free up the land from the constraining designation and allow the continued progression of the Arle Nurseries residential allocation through the Cheltenham Plan process.

The primary deciding factor on this planning application is therefore whether the advanced preparation of the JCS provides the special circumstances that would help facilitate the granting of planning permission. The policy team is of the view that by virtue of the Green Belt proposals contained within the JCS, special circumstances do indeed exist on this occasion.

Summary

The positive contribution that the proposed development could make is acknowledged, particularly in terms of helping to meet the Borough's objectively assessed housing need and statutory 5 year housing land supply.

Its position in the Green Belt which would normally prohibit development is tempered by the fact that by virtue of the advanced nature of emerging policy, very special circumstances exist that add weight to the argument for the application to be permitted.

Footnote: As outlined earlier, the site represents Phase 1 of 3 possible residential phases in this area with each phase occupying land owned by a different land owner. If Phases 2 and /or 3 did not come forward in future, the scheme embodied in this application would constitute a somewhat isolated development. To prevent this scenario from arising, it would be beneficial if a joint statement could be obtained from the 3 relevant parties that gives a commitment to developing the whole area in future (Phases 1,2 and 3) so that ultimately a comprehensive development is achieved.

County Archaeology

27th July 2017

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

I advise that the application site is located in the Severn Vale, where there is widespread evidence for settlement and activity of prehistoric and Roman date. Development proposed in this area therefore has the potential to have an adverse impact on significant archaeological remains.

I note that this planning application is supported by reports on an historic environment desk-based assessment (Ecus, July 2017), a geophysical survey (Thames Valley Archaeological Services, May 2017) and a report on an archaeological evaluation (Thames Valley Archaeological Services, June 2017).

No significant archaeological remains were observed during these investigations. On the basis of those results I am of the view that there is low potential for archaeological remains to be adversely affected by the proposed development.

Therefore, I am pleased to recommend that no further archaeological investigation or recording should be undertaken in connection with this planning application, and I have no further observations regarding this scheme.

GCC Highways Development Management

6th October 2017

I refer to the above outline planning application with all matters reserved received on the 1st August 2017, submitted with application form, Transport Assessment, Speed Survey, Design & Access Statement, NMU Context Report, Travel Plan, Planning Statement and drawing ref. AL.P.001 Rev. A.

Location

The proposed development site is located approximately 3.5km northwest of Cheltenham town centre, off Old Gloucester Road, adjacent to Springbank, Cheltenham. The land is currently undeveloped agricultural land with no formalised access bound to the north east and north west by undeveloped land; to the south west by residential dwellings; to the east by the gas works; and to the south by the B4634 Old Gloucester Road.

The development site is to be accessed via Old Gloucester Road, a class 2 B Road (B4634) highway subject to the sign posted 40mph speed limit. There is no street lighting or footways fronting the site.

Access & Visibility

The development will be served by a new vehicle/pedestrian access from Old Gloucester Road. Safe and suitable access in accordance with paragraph 32 of the NPPF has to be demonstrated in order to deem the access acceptable. The access therefore has to demonstrate sufficient levels of junction visibility. In the absence of a speed survey a 40mph road would require 2.4m x 120m of emerging visibility to the nearside carriageway edge.

A speed survey was undertaken in support of this of this application in accordance with DMRB TA22/81, with the 85th percentile speeds being 40.0mph for eastbound traffic and 43.5mph for westbound traffic. The survey was undertaken in dry conditions, therefore a wet weather reduction of 4kph (2.48mph) can be applied. Therefore as the mean vehicle speeds are above 37mph MfS2 visibility parameters of a 2s reaction time and 3.68m/s deceleration rate will be applied. The adjusted 85th percentile speeds of 37.6mph eastbound and 41.1mph westbound would require emerging visibility splays of 72m to the right and 83m to the left. The required forward visibility of 74m to the right and 85.1m to the left are considered to be achievable on Old Gloucester Road. Drawing no. SK03 has demonstrated that the required emerging visibility is achievable within land under applicant control or within highway land. It is therefore considered that a safe and suitable access can be provided along the site frontage.

Pedestrian Access

Indicative drawing no SK03 illustrates a 2.0m wide footway linking the development site to the existing pedestrian footway along Pilgrove Way. As at this stage access is a matter reserved for future consideration, a condition requiring details to be submitted of a connecting footway at the reserved matters stage has been secured by way of planning condition.

Vehicular Trip Generation

Automated Traffic Count (ATC) data has been interrogated from a local donor site to determine an average of the AM and PM inbound/ outbound movements across a five day survey. Given its relative proximity to the development, number of dwellings and geometry (cul-de-sac) with no through movements Roman Hackle Avenue is considered to be a suitable donor site to calculate the trip rate per dwelling from.

As the donor site Roman Hackle Avenue has 543 dwellings the average number of trips for each movement has been divided by the total number of dwellings to provide a trip rate for both arrivals and departures. This trip rate has then been multiplied by the number of proposed dwellings to provide the trip generation for both arrivals and departures.

Based on above calculations from the donor site used the development is anticipated to generate approximately 45 two-way trips in the AM peak (0800-0900) and 41 two-way vehicle movements in the PM peak (1700-1800) equating to less than one additional vehicle trip during the peak hours.

Distribution

Based upon origin and destination 2011 census data, the majority of peak hour trips would be distributed towards Cheltenham, Tewkesbury and Gloucester. The majority of the traffic with a work place origin in Cheltenham was to super output area Cheltenham 009 to south of the proposed development site. Based upon the census data it can be robustly demonstrated that approximately 15.1% of the developments peak hour traffic would be distributed towards the south, with the remaining 84.9% being distributed through various routes across Cheltenham, Tewkesbury, Gloucester and Cotswolds .

Traffic Impact

A Manual Turning Count (MTC) survey was undertaken at the A4019 Tewkesbury Road / B4634 Old Gloucester Road / Gallagher Retail car park signalised junction on Tuesday 22nd September 2015 between 0700 - 1000 and 1600 - 1900. The data compiled from these resulted in the following flows;

AM peak: 2,605 vehicle movements through this junction

PM peak: 2,999 vehicle movements through this junction

70% of the AM peak hour trips will be distributed to the east towards this junction; this would result in an additional 24 eastbound trips increasing the traffic flow to 336 movements. With 29% of traffic distributed to the west, increasing the southbound flow by 10 trips to 320 movements.

The PM eastbound flow will increase by 19 trips from 332 movements to 351 movements. The westbound flow will increase by 8 trips from 389 to 397 movements.

As the flow of traffic on Old Gloucester Road is high the increase as a result of the development traffic is not considered to be significant in regards to capacity on the local network and at the A4019 / B4634 Old Gloucester Road / Gallagher Retail Park traffic signal controlled junction. Overall the impact traffic assessments identify that there will be a 3% increase on this junction in the future forecast year (2022) generated by the development.

Personal Injury Collisions

A personal injury collision study was undertaken in the local area as demonstrated by figure 1 in Appendix D of the Transport Assessment.

Over the last 5 years, which is regarded as a robust time scale, 12 Personal Injury Collisions have occurred within the study area consisting of four collisions occurring at the junction between the B4634 Old Gloucester Road and Hayden Road, resulting in six slight injuries and one serious injury with the remaining eight occurring at various points along the B4634 Gloucester Road resulting eight slight injuries and two serious injuries.

No highway blame was attributed to the 8 slight injuries. Therefore it does not appear that the highway layout was attributed blame in any of the recorded injury collisions.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Recommendation

The Highway Authority recommends that no highway objection be raised subject to the following conditions being attached to any permission granted:

Condition #1 Visibility

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 72m to the right and 83m to the left distance (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: - To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and 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 #2 Access, Layout & Parking

Details of the layout and access including right hand turning ghost island, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development 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 #3 Parking & Turning

The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the building(s) hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

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 #4 Vehicular Access Location

Means of vehicular access to the development hereby permitted shall be from B4634 Old Gloucester Road only.

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 #5 Junction Completion

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder 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 #6 Estate Roads

Details of the layout and access, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved plans. No dwelling on the development shall be occupied until the carriageways (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footways 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 Estate Road Maintenance

No development shall be commenced until 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 the National Planning Policy 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 #8 Fire Hydrants

No development shall commence on site until a scheme has been 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 #9 Pedestrian Footway

Prior to works commencing on the development permitted, details of a pedestrian footway with dropped tactile kerbing where necessary, from the site connecting to the existing footway located on Pilgrove Way shall be submitted to and agreed in writing by the local planning authority, and approved pedestrian links shall be provided including tactile dropped paving with side of the access road, and linking the proposed footpaths on Gloucester Road linking to the existing footpath opposite, and made available for public use prior to first occupation of the dwellings hereby permitted.

Reason: - To ensure that the priority is given to pedestrian and cycle movements and that a safe and secure layout that minimises conflict can be created in accordance with Paragraph 35 of the NPPF.

Condition #10 Pedestrian Crossing

Prior to works commencing on the development hereby permitted, details of a pedestrian crossing for the bus stop closest to the site on Pilgrove Way to include tactile paving shall be submitted to and agreed in writing by the Local Planning Authority, the works shall then be constructed in accordance with the approved plan and made available for public use prior to the first occupation of the dwellings hereby permitted.

Reason: - To ensure that the priority is given to pedestrian and cycle movements and that a safe and secure layout that minimises conflict can be created in accordance with Paragraph 35 of the NPPF.

Condition #11 Cycle Storage

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1no. bicycles per dwelling has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: - To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Condition #12 Construction Method Statement

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

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

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

Informatives

Note I: The applicant is advised that to discharge condition #6 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a private management and maintenance company confirming funding, management and maintenance regimes.

Note II: The developer will be expected to meet the full costs of supplying and installing the associated infrastructure.

Note III: The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding highway works agreement (including appropriate bond) with the County Council before commencing those works.

Note IV: You are advised to contact Amey Gloucestershire 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.

Note V: The proposed development will involve hedgerow/verge clearance in order to supply the required emerging visibility splays. Therefore under S142 of the Highways Act 1980, the applicant is advised to contact Amey Gloucestershire (08000 514 514) regarding a license to cultivate.

Severn Trent Water Ltd

28th July 2017

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

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

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

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Tree Officer

17th August 2017

The CBC tree section does not object in principal to this application.

There does not appear to be trees of particular individual merit (there are only 2 'B' class trees as per BS5837 (2012) detailed in the Ecus Tree Survey of May 2017. However whilst most of the trees are not of individual merit, as a whole they are significant (in terms of visual amenity and ecology) within the landscape, and as such efforts need to be made to create a design which retains as many trees as possible. Such an estate layout must consider the end-user (ie occupant's/inhabitant's) relationship to the belt of trees adjacent to the stream banks. Similarly there is a gas main to the west of this stream and it is assumed that no building will be above this. As such it is possible that the stream banks and adjacent could be transformed into public open space.

As a part of any full application or Reserved Matters application, it is anticipated that

- 1) All dwelling foundation details will take account of soil types so trees do not become a legal actionable nuisance.

- 2) A tree protection plan will be submitted and agreed.
- 3) A shade analysis of all retained trees at their anticipated full mature height will be made which will demonstrate that trees within the sphere of influence of buildings be the cause of undue shade.
- 4) Details of all tree removals and retention as well as proposed pruning works to any tree retained.
- 5) Proposed mitigation and other tree planting to be undertaken as a part of this proposed development. Such details must include species, size, location, root type, tree planting pit details, tree protection or other landscaping adjacent.
- 6) The ecology survey states that there is an infestation of Himalayan balsam within the site and recommends that this is addressed during the course of on-site works (para 4.4.25) However such treatment and eradication must occur prior to the commencement of works.

Environment Agency

15th August 2017

Thank you for referring the above application which was received on 25 July 2017. The Environment Agency has no objections to the proposed development but wishes to make the following comments:

We would not normally expect to be consulted for bespoke comments on this application as it does not feature in our local consultation checklist (it is 'green cell', G7, in our local flood risk consultation matrix). However in this instance we have reviewed the details as we commented on the corresponding site allocation in the emerging Cheltenham Local Plan. In addition we are investigating options for an ecological improvement project at land to the north which may have a bearing on/be affected by phase 2 and 3 of this development. This project is related to improving the geomorphology of the River Chelt to the north of this site, and would not affect the current proposed development.

We have reviewed the information submitted in support of the proposed development, including the Flood Risk Assessment (FRA) submitted by BWB Consultants dated June 2017.

The site is currently shown in Flood Zone 2 as shown on our Flood Map for Planning and defined in Table 1 of sub-section 25 within the Flood and Coastal Change section of the National Planning Practice Guidance (NPPG).

The proposals are considered to be a 'more vulnerable' use and as such is considered to be an appropriate use at this location as set out in Table 3 of sub-section 25 within the Flood and Coastal Change section of the National Planning Practice Guidance (NPPG).

The Flood Zone 2 shown on our flood map for planning is related to a historic event, but may be defining other forms of flooding that do not originate from the watercourses upon the site. We recommend you consult the Lead Local Flood Authority (LLFA) for any comments on other (non-fluvial) sources of flooding as the LLFA lead on these matters.

We can confirm that the most up to date climate change figures have also been investigated within section 2.18 of the FRA.

The resulting levels shown within table 3.1 of the technical note in Appendix 4 are well below the ground levels set out in the survey reference NOG-BWB-00-02-DR-G-0001/P2

and therefore in this instance we would not recommend any conditions in relation to floor levels.

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

Environment Agency

20th October 2017

I write further to our letter dated 15 August 2017, our reference SV/2017/109519/01-L01. Since then we have received notification of the application from the Health and Safety Executive (HSE) on 4 September 2017. This in the context of the COMAH Regulations (Control of Major Accident-Hazards).

The Control of Major Accident Hazards Regulations 2015 is regulated by the Environment Agency and Health and Safety Executive as the joint competent authority.

The HSE has highlighted the gas pipeline in the vicinity of the application site, details as follows:

Pipeline HSE Ref: 7220
Transco No: 1490
Operator: Wales and West Utilities
Pipeline: Uckington/Gloucester (Ref UG)

Accordingly I have consulted our Environmental Permitting Regulations Team for any additional comments on the application in the context of the COMAH Regulations. They have advised that we would have no additional/specific comments to make regarding the development and adjacent pipeline further to any comments made by the HSE.

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

Minerals and Waste Policy Gloucestershire

26th July 2017

Please accept this correspondence as the initial view of the Minerals & Waste Planning Authority (M&WPA) for Gloucestershire concerning the aforementioned planning application(s).

All major planning applications (10 or more dwellings, residential sites of 0.5ha or more and other development in excess of 1,000m² or over 1ha) should be accompanied by an appropriately detailed Waste Minimisation Statement (WMS).

The production of a WMS is a specific requirement of the development plan for Gloucestershire as set out under WCS Core Policy 02 - Waste Reduction. It is needed to show how waste arising during the demolition (including site preparation), construction and occupation of development will be minimised and managed, and how recycling during the occupational life of the development will be provided for.

Full policy text and supporting information for WCS Core Policy 02 - Waste Reduction can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-waste-core-strategy/>.

To support applicants preparing planning applications and assist decision makers in their consideration of waste minimisation matters, local guidance has been published - Gloucestershire Supplementary Planning Document: Waste Minimisation in Development Projects (WM-SPD).

The WM-SPD can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/waste-minimisation-in-development-projects-spd/>.

Please note that a WMS is not the same as a voluntary Site Waste Management Plan (SWMP), although much of the information required for both is very similar. A significant difference of a WMS is the need to consider waste minimisation commitments, which go beyond the construction phase.

Where decision makers are satisfied that the waste minimisation matters of a particular proposal have and / or will be sufficiently addressed in accordance with WCS Core Policy 02 - Waste Reduction, the advice of the M&WPA is to attach relevant conditions to any subsequent planning approval that may materialise. Examples of conditions for outline, full and reserved matters applications can be found in Appendix F of the WM-SPD.

Not engaging or providing insufficient information in respect of waste minimisation matters could put at risk the acceptability of proposed development. The failure to address waste minimisation may be a reasonable ground for a decision maker to refuse planning permission.

The M&WPA for Gloucestershire reserves the right to submit an additional response(s) to that contained in this correspondence with respect of the aforementioned planning application(s).

If you have any further queries regarding this consultation response, please do not hesitate to contact the M&WPA for Gloucestershire via: - m&wplans@gloucestershire.gov.uk.

GCC Local Flood Authority (LLFA)

6th September 2017

I have reviewed the above planning application on behalf of the Lead Local Flood Authority (LLFA) in respect of flood risk and surface water drainage.

The LLFA objects to the application in its current form due to a lack of information including the following:-

- The applicant has stated that post development discharge rates will be based on the pre-development whole site area rather than the post development impermeable area of each phase. Whilst this may be acceptable in certain circumstances the impermeable areas are relatively small and the proposed storage volumes of the attenuation ponds have been calculated based on the impermeable areas rather than the whole site area. Clarification is required regarding this strategy.
- The applicant considers that the site should not be classed as being in the Environment Agency's Flood Zone and that any overtopping of the River Chelt will be to the North rather than to the South. Clarification is sought how it is proposed to drain the site of surface water when the River Chelt is in flood and the tributary is also backed up.
- Whilst that applicant may be correct regarding the Flood Zone some form of validation or agreement from the Environment Agency is required.

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

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

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

GCC Local Flood Authority (LLFA) – revised comments

17th October 2017

I have reviewed the additional information from the applicant and discussed the Environment Agency's response with them in relation to the Flood Zone designation of this area and sources of flooding.

With regard to my previous correspondence dated 6th September, 2017 and one of the reasons for objection, the applicant has agreed to reduce the proposed surface water discharge rate to 5 l/s which is now acceptable to the Lead Local Flood Authority (LLFA).

My other objection point related to the modelling which the applicant refers to and which is in contradiction to the Environment Agency's modelled Flood Zone 2 (as shown on their Flood map for Planning (Rivers and Sea)).

Following consultation with the Environment Agency on this issue it is clear that there is no current intention to amend the Flood Zone in this area but that the historic flooding which occurred may have also been attributable to ground water and or surface water.

The concern for the LLFA remains that irrespective of the source of the flooding, flooding has occurred in the proposed development area which has necessitated its inclusion in the Flood Zone and any attenuation feature within that Zone will be compromised by future floods. Surface water discharged from the proposed development during that period of time will be uncontrolled and may increase flood risk elsewhere.

The applicant to date has not demonstrated how any future flood event irrespective of its source would be dealt with. The LLFA therefore, retains its recommendation to object to this application in its current form.

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

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

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

GCC Local Flood Authority (LLFA) – further revised comments

2nd November 2017

I refer to the most recent correspondence dated 25th October 2017 from BWB, the applicant's consultant engineers for this application and to their argument for siting the proposed attenuation basin for the development within the Environment Agency's Flood Zone 2.

The LLFA concern to the applicant's proposal to locate the attenuation within FZ 2 has always been the increased flood risk this poses when the River Chelt and its tributaries are in flood. At that time the surface water runoff from the development will be in free flow with no control on the discharge rate at a time when it is most required, with the resultant increase in flood risk to properties elsewhere.

BWB argues that 'there is no planning or technical requirement for Surface Water Attenuation to be located outside Flood Zone 2'. The LLFA relies on the DCLG document, 'Technical Guidance to the NPPF' which states, 'as per NPPF inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.....areas at risk of flooding means land within Flood Zones 2 and 3....'.

Additionally, the Ciria SuDS Manual (C753) comments that apart from managing routine rainfall, all storage volume should normally be provided within the development footprint, outside of the floodplain.

BWB's claim that 'any historic flooding from other sources should be disregarded' is difficult to accept; the Technical Guidance advises 'flood risk means risk from all sources of flooding'. Probably at the heart of BWB's argument is their site specific hydraulic model of the River Chelt and the comments on this application made by the Environment Agency. Despite having this model the applicant is not challenging the Flood Zones, which is a process open to them and which could result in a change to the Environment Agency's Flood Map for Planning if the modelling was validated and proved to be more accurate. Equally, the Environment Agency is not proposing to amend the Flood Zones and state 'the Flood Zone 2 designation stands and is the best available baseline information, notwithstanding obviously the fact that the applicant has produced a site specific Flood Risk Assessment that accompanies the planning application'.

It is clear that whilst the Environment Agency has no plans to amend the extent of the Flood Zones there is some uncertainty both to the source of the flooding and to its extent. In this respect the LLFA has some sympathy with the applicant who has produced a hydraulic model which may be more accurate than the current Flood Map for Planning. However, the LLFA's overriding concern is to ensure that flood risk is not increased as a result of inappropriate development and the locating of an attenuation basin within the current Flood Zone 2 is considered inappropriate especially when the development itself is within Flood Zone 1. Faced with conflicting information on the extent of the Flood Zone, the fact that the Flood Zone 2 designation stands compels the LLFA to maintain its objection to the surface water strategy in this application.

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

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

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted

through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 46 nearby properties. In addition, two site notices were posted adjacent to the site. In response to the publicity, one objection has been received from the immediate neighbour at Haydon, Old Gloucester Road. The objection has been circulated in full to Members but, in brief, relates to:

- Development in the Green Belt
- Increase in flood risk
- Potential for increase in road traffic accidents / traffic noise
- Danger to pedestrians and cyclists

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 As set out above, the application is submitted in outline with all matters reserved, and therefore the main consideration relates to the principle of developing the site for residential purposes. Other relevant considerations include layout and scale; impact on neighbouring amenity; access and highway safety; drainage and flooding; trees and landscaping; and affordable housing and other planning obligations.

6.2 The site and its context

6.2.1 The application site is located at the edge of the town, to the north of Old Gloucester Road, just outside the Principal Urban Area (PUA). The site is currently located within the Green Belt and comprises open grassland; however, the applicant's Planning Statement confirms that the site has not been in formal productive use for many years, with the last grazing licence having expired over twenty years ago.

6.2.2 The only residential neighbour which abuts the site is a property known as Haydon which sits within a good sized plot to the southwest. To the northwest, the site is bounded by a public footpath with farmland beyond. The north-eastern boundary is formed by small brook with riparian vegetation and trees, with a large field beyond which is currently farmed, and owned by Gloucestershire County Council (GCC). To the east, the site is bounded by a Gas Valve Compound, with the Cheltenham Borough Council (CBC) owned Arle Nurseries site beyond. Land within the site gently rises from north to south.

6.2.3 A gas main runs beneath the site along the north-eastern edge of the site which connects to the Gas Compound. There are also two gas pipes running across the GCC land. The applicant, and adjacent land owners, has been in discussion with the utility operator, Wales and West Utilities, to understand the constraints posed by the gas pipes, and following these discussions, in order to maximise the developable area, it is proposed to upgrade and realign the pipe within the application site, closer to the brook.

6.2.5 Hope Farm is located immediately south of Old Gloucester Road, which forms part of the JCS strategic scale mixed-use allocation (employment and housing), known as 'West Cheltenham'. Residential development is located to the east.

6.2.6 The application site is one of three sites which combine to form a housing opportunity that has been recognised through the Joint Core Strategy (JCS). Phase 2

relates to the GCC land to the northeast; with Phase 3 proposed on CBC's Arle Nurseries site.

6.3 Principle of development

6.3.1 The relevant policy framework together with an assessment of the principle of development has been provided by the Planning Policy Team, and can be viewed in full in Section 4 above. It is recognised that the proposed development would make a positive contribution to the Borough's objectively assessed housing need and statutory 5 year housing land supply. In the case of the JCS, the contribution arises from the West Cheltenham and North-West Cheltenham Strategic allocations. In the case of the Cheltenham Plan, the contribution arises from a number of smaller allocations that include an indicative proposal for residential development at Arle Nurseries / Old Gloucester Road

6.3.2 Notwithstanding the above, it is acknowledged that the site is currently located in the Green Belt (GB) wherein there is a strong presumption against development except in very special circumstances. However, the site at Arle Nurseries / Old Gloucester Road has arisen from the JCS; the JCS Inspector having recommended that the site be removed from the Green Belt because, as areas to the north and south of the site will be developed, it will no longer make a significant contribution to the Green Belt. The JCS Inspector's Final Report dated October 2017, at paragraph 176, states that the release would "provide a more appropriate GB boundary to the north of the West Cheltenham allocation and to the south of the North West Cheltenham allocation" and that "Exceptional circumstances exist" for its release.

6.3.3 With the above in mind, given the advanced nature of the JCS, there is a very strong likelihood that the Green Belt at this location will be amended and, as result, would free up the land from the constraining designation and allow the continued progression of the Arle Nurseries residential allocation through the Cheltenham Plan process. Therefore, whilst this application could be considered premature, officers consider that special circumstances exist on this occasion, and that the principle of development is acceptable subject to a number of material considerations set out below.

6.4 Layout and scale

6.4.1 The NPPF highlights the need to secure high quality and inclusive design through the planning system, and states at paragraph 56 that "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF also sets out the need to provide for a mix of housing to meet the needs of the community; secure a good standard of amenity for existing and future occupants of land and buildings; and ensure that new developments are visually attractive.

6.4.2 As previously noted, the application is in outline with all matters reserved for future consideration, should the principle of the development be considered acceptable; however, the application has been accompanied by a Concept Site Plan, and a Design and Access Statement. These plans provide only an indication as to how the site could be developed but are likely to inform any subsequent reserved matters officers consider that the indicative layout is sufficient to demonstrate that up to 90 dwellings with adequately sized private gardens could be successfully accommodated within the site. The overall density of the development would be 29 dwellings per hectare, with building heights varying from 2 to 3.5 storeys; the taller buildings located more centrally within the site.

6.4.3 The indicative layout also provides for an equipped play area, areas of landscaped public open space, flood storage measures in the form of a permanently wet pond with enhanced biodiversity features, and a potential vehicle access point into Phase 2.

6.4.4 Additionally, the indicative layout suggests a softened building line and improved hedgerow and additional planting to the new rural-urban interface at the western edge.

6.5 Impact on neighbouring amenity

6.5.1 It is not considered that the development of this site would have any direct adverse impact on the amenity of adjoining land users or the locality.

6.5.2 As previously stated, there is only one residential neighbour which shares a boundary with the application site. The indicative layout suggests there is potential to provide an improved landscape buffer to this boundary edge. Additionally, the indicative plan provides for a minimum distance of 13 metres to the boundary from the rear of the adjacent dwellings. As such, officers are confident that the development of the site for housing would not result in any unacceptable impact on privacy, outlook or daylight to this neighbouring property.

6.6 Access and highway safety

6.6.1 Matters relating to access are reserved for future consideration. Notwithstanding this, the indicative proposals for the site have been fully considered by the GCC Highways Development Management Team and their detailed response, in Section 4 above, covers a wide range of issues including access and visibility, pedestrian access, vehicular trip generation, traffic impact, and personal injury collisions. The response concludes that the Highway Authority raises no highway objection subject to a number of conditions.

6.7 Trees and landscaping

6.7.1 Landscaping is a further matter reserved for future consideration; however, the Trees Officer has reviewed the application and raises no objection in principle. The site is not the subject of any Tree Preservation Orders but whilst most of the trees within the site are not of individual merit, they are significant within the landscape as a whole. Additionally, the hedgerows which bound the site are of significance in this location. The indicative plans look to retain many of the trees along the brook which is welcomed, and it will be important at reserved matters stage to ensure that the new dwellings have an acceptable relationship to these trees. The indicative plan also provides for an improved 5m planted buffer to the northwest and the southwestern corner adjacent to Old Gloucester Road.

6.7.2 Clearly a robust, high quality landscaping scheme would be critical to the success of the development in this semi-rural location, and this will need to be the subject of an appropriately worded condition and the submission of further details at reserved matters stage. Matters in relation to existing trees could also be dealt with by condition.

6.8 Affordable housing and other planning obligations

6.8.1 Local plan policy HS4 (affordable housing) seeks the provision of 40% affordable housing in all new residential developments of 15 or more dwellings. This application is for up to 90 dwellings and therefore policy HS4 is triggered. Additionally, for a development of this nature, contributions to education and libraries will also normally be sought.

6.8.2 The Planning Statement which accompanies the application sets out a commitment to provide 40% affordable housing (up to 36 affordable homes). The applicant has also agreed to all other applicable contributions including education and libraries, and a scheme for the future maintenance of the open space. Should permission be granted, this has been secured through a suitably worded Unilateral Undertaking under section 106.

At the time of publishing this report, matters relating to the drainage and flooding implications of the proposed development have not been finalised. Members will be updated in relation to these issues.