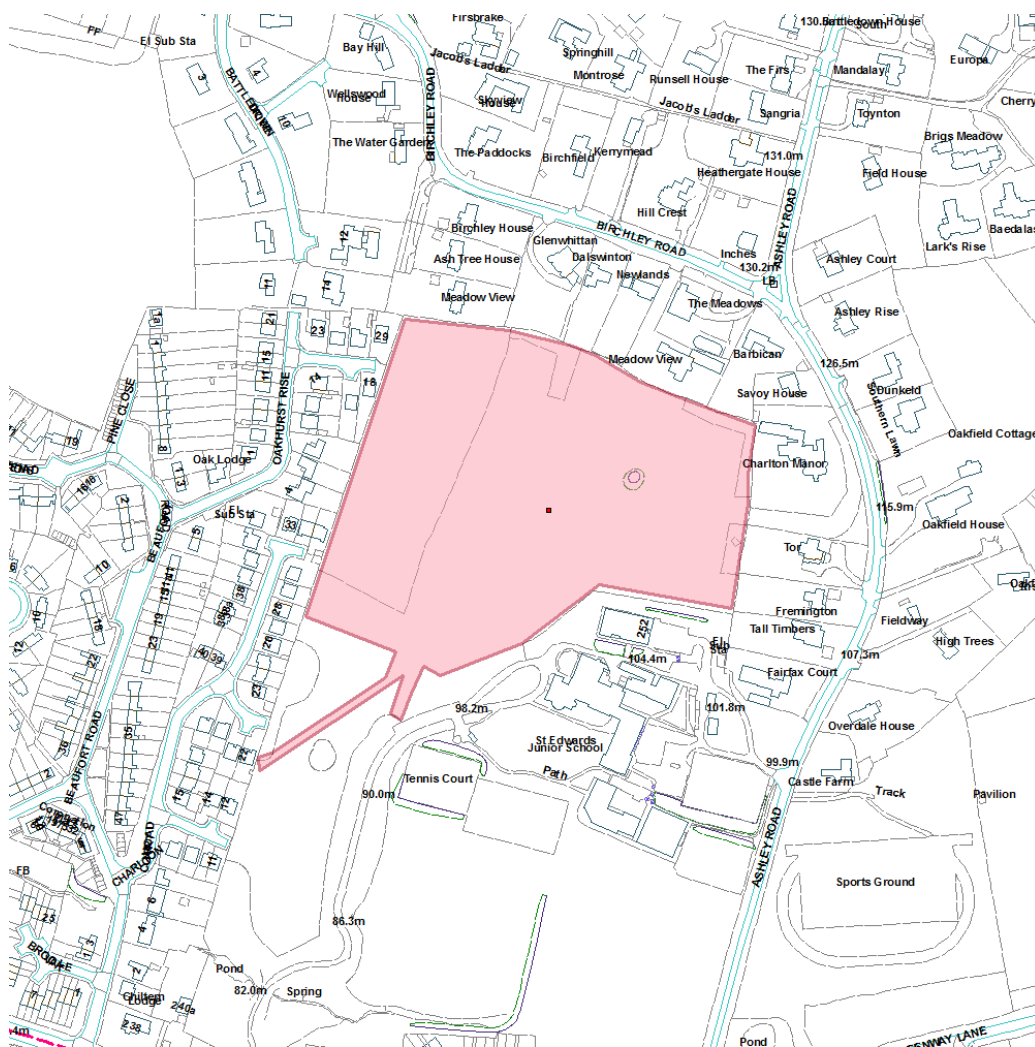


<b>APPLICATION NO:</b> 17/00710/OUT	<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 16th August 2017	<b>DATE OF EXPIRY:</b> 15th November 2017
<b>WARD:</b> Battledown	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	William Morrison (Cheltenham) Limited
<b>AGENT:</b>	SF Planning Limited
<b>LOCATION:</b>	Land Adjacent To Oakhurst Rise, Cheltenham
<b>PROPOSAL:</b>	Outline application for residential development of 90 dwellings including access, layout and scale, with all other matters reserved for future consideration

**RECOMMENDATION:** Permit subject to S106 agreement



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## 1. INTRODUCTION

- 1.1 The application site is a large, undeveloped parcel of land, approximately 4.3 hectares, located to the east of the borough within the Principal Urban Area (PUA) in an elevated position above the town. The site comprises two fields of grassland separated by a mature hedge and trees, and is largely bound by hedging and trees. Members will visit the site on planning view.
- 1.2 Residential properties in Birchley Road and Ashley Road are located to the north and east of the site, and Oakhurst Rise to the west; St Edward's Preparatory School is located to the south.
- 1.3 The site is heavily constrained due to the presence of a number of TPO'd trees; the sloping nature of the site; the presence of protected wildlife species; the presence of an historic Ice House; and its close proximity to listed buildings.
- 1.4 Currently, the site forms part of the wider St Edward's Preparatory School site but is owned by The Carmelite Charitable Trust who lease the land to the school.
- 1.5 The application seeks outline planning permission for the erection of 90 houses (40% affordable) with access provided from Oakhurst Rise. The application is seeking approval for the access, layout, and scale; with matters relating to appearance and landscaping reserved for future consideration.
- 1.6 The number of dwellings has been reduced to 90 during the course of the application; the application originally having proposed 100 units. The revised layout comprises the following mix of housing:
  - 22 x 2 bed apartments
  - 18 x 3 bed houses
  - 35 x 3/4 bed houses
  - 10 x 4 bed houses
  - 5 x 5 bed houses
- 1.7 Pre-application discussions took place with the applicant prior to the submission of the application.
- 1.8 In addition to drawings, the application has been accompanied by the following detailed reports and statements which have been revised/addended, where applicable, during the course of the application, all of which have been available to view on the Council's website:
  - Design and Access Statement
  - Planning Statement
  - Flood Risk Assessment
  - Tree Survey, Impact Assessment and Method Statement
  - Hedgerow Assessment
  - Ecological Appraisal
  - Badger Survey
  - Bat Activity Survey
  - Tree Assessment and Inspection Survey for Bat Roost Potential
  - Built Heritage Statement
  - Archaeological Desk Based Assessment
  - Archaeological Statement
  - Preliminary Ground Investigation Report
  - Geo-Environmental Desk Study



### **3. POLICIES AND GUIDANCE**

#### **Saved Local Plan Policies**

CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 5 Sustainable transport  
CP 7 Design  
BE 20 Archaeological remains of local importance  
GE 2 Private green space  
GE 3 Development within extensive grounds  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
GE 7 Accommodation and protection of natural features  
RC 2 Youth and adult outdoor playing facilities  
RC 5 Development of amenity space  
RC 6 Play space in residential development  
RC 7 Amenity space in housing developments

#### **Adopted Joint Core Strategy (JCS) Policies**

SP1 The Need for New Development  
SP2 Distribution of New Development  
SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD6 Landscape  
SD8 Historic Environment  
SD9 Biodiversity and Geodiversity  
SD10 Residential Development  
SD11 Housing Mix and Standards  
SD12 Affordable Housing  
SD14 Health and Environmental Quality  
INF1 Transport Network  
INF2 Flood Risk Management  
INF3 Green Infrastructure  
INF4 Social and Community Infrastructure  
INF6 Infrastructure Delivery  
INF7 Developer Contributions

#### **Supplementary Planning Guidance/Documents**

Development on garden land and infill sites in Cheltenham (2009)  
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)  
Sustainable buildings (2003)  
Sustainable developments (2003)  
Travel plans (2003)

#### **National Guidance**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

## 4. CONSULTATION RESPONSES

### **GCC Lead Local Flood Authority (LLFA)**

*3rd October 2017*

I refer to your communication received on 22nd August 2017 regarding the above application and your request for the Lead Local Flood Authority (LLFA) to provide advice on the applicant's proposals for the management of surface water and associated flood risk.

The applicant has correctly evaluated the flood risk to the site and it is considered to be at low risk from fluvial and pluvial flooding, this takes into consideration the flood maps for planning provided by the Environment Agency and the topography of the site. However, the site is situated in a relatively steep sided catchment and there are significant surface water accumulations, and recorded incidents of flooding in the lower reaches of this catchment. It is important therefore to ensure appropriate measures are provided by the applicant to safely manage the flood risks arising from the increased run off from the development.

The applicant has ruled out the option for an infiltration based drainage strategy owing to the impeded drainage characteristics of the soil, this is based upon advice provided by a soil investigation consultant. This has not been verified by on site investigations but we would not disagree with this analysis, we are aware of other sites in the general vicinity where the soil conditions are similar, i.e. Charmouth Mudstone Formation.

It is proposed to control the developed site run off flow rate at the QBAR event, the applicant has calculate this based on the whole area of the site being 4.11 Ha. It is acceptable to control the flow to QBAR but, as the proposed impermeable area is only 1.76 Ha, and as this is less than 50% of the overall site, it would be more appropriate for the designed controlled flow to be based upon the green field equivalent flow rate for the area corresponding to the proposed impermeable area. Accordingly, it is recommended that the applicant should reconsider their assessment of the relevant green field equivalent run off rate.

The applicant has provided a conceptual design for a surface water drainage system based upon underground attenuation with capacity to contain excess flows up to the 1 in 100 year event plus climate change. Their submission contains details that show that some areas will consist of permeable paving which will provide appropriate water treatment. However, there are extensive areas of circulatory road that are not proposed for permeable paving and there is insufficient detail in the submission to indicate how the water quality from these areas will be protected. The applicant has not provided sufficient evidence to explain why above ground attenuation is not being proposed, if it is viable then this would be preferred to underground crated systems and enable more efficient and effective maintenance. The applicant has not provided a strategy to describe how exceedance events over a 1 in 100 year return period will be safely managed and has not provided a maintenance plan.

The applicant is proposing to connect to the Water Company network and the Water Company has stated that permission to connect is conditional on LLFA agreement. The applicant should provide evidence to show that it has considered an outfall to the existing watercourse situated a short distance away, particularly as the water company asset outfalls to the same watercourse only a short distance further downstream. Their strategy is referred to as "option 1" and some component parts in the design are indicative rather than confirmed. Given the vulnerability to flood risk from the developed site in the lower reaches of the catchment we recommend that the applicant should provide a more definite proposal for approval before commencement.

Notwithstanding the concerns identified above, the LLFA is satisfied that, on the basis of the information submitted thus far by the applicant, the site could incorporate a viable and

acceptable sustainable drainage system. If the Local Planning Authority is minded to approve this application the LLFA would therefore recommend the inclusion of the following condition in order that the outstanding concerns/issues can be addressed before commencement;

Condition: No development shall commence on site until a detailed design, maintenance and management strategy for a sustainable surface water drainage system has been submitted to and been approved in writing by the Local Planning Authority. The design detail must demonstrate the technical feasibility/viability of the drainage system to manage the flood risk to the site and elsewhere, include measures to ensure water quality is protected and that these systems are managed for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is put into use or occupied.

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

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](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

### **GCC Lead Local Flood Authority (LLFA) – revised comments**

*2nd March 2018*

I refer to your communication received on 8th February 2018 regarding the above application and the applicant's submission of a revised FRA/Drainage Strategy, your request for the Lead Local Flood Authority (LLFA) to comment on the proposals for the management of surface water and my previous response.

The applicant has amended their assessment of the permitted green field run off rate and I can confirm that this is now an acceptable representation. The applicant has provided a conceptual design for the sustainable drainage system and has confirmed that their final design will be based upon controlling the surface water run off from the development at the permitted rate after making allowance for 40% climate change. The applicant has also indicated that appropriate measures will be included in the design to protect water quality and has identified a viable outfall to discharge the surface water.

I am satisfied that the main principles for an acceptable sustainable drainage system can be incorporated into this development. However, the applicant has stated that the details of the design will not be available until a later stage so, if the Lead Planning Authority is minded to approve this application, the LLFA recommends the inclusion of a number of conditions as stated in my previous response dated 24th August 2017.

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](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

## **CBC Heritage and Conservation Officer**

*9th March 2018*

Due to the number of name changes for clarity reference to St. Edward's within these comments is intended refer to the Regency villa, now used as an administration building. It is grade II\* and described in its list description as one of the finest villas in the Cheltenham area. It forms a group with a number of other heritage assets on the school site including, boundary walls and gate to St. Edwards facing on to London Road, Summerhouse to the southwest of St. Edward's, a pair of piers at the carriage sweep of the southwest of St. Edward's, all grade II listed. The curtilage listed buildings of note are the icehouse to the north of the St. Edward's. Another notable heritage asset is Charlton Manor, a grade II listed building on the Battledown estate whose rear boundary directly abuts the site. An important consideration with this application is its impact on the setting of these heritage assets, particularly St. Edward's.

The proposal is for outline permission for a residential development of up to 100 dwellings including access, layout and scale, with all other matters reserved for future consideration. When considering the proposal in relation to its impact on affected heritage assets it is important paragraph 132 of the NPPF is referenced, it states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be." It goes on to state, "Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

### Impact on St. Edward's

Historically the setting of St. Edwards was planned parkland within a wider rural landscape with the main access to it from London Road along an informal, winding driveway. However the way in which the heritage assets are experienced today has changed. The parkland setting has become slightly compromised by the school use through modern additions to the rear, modern planting, sports facilities and other school related paraphernalia. The slow growth of the Battledown estate since the Victorian period to the north and east and the modern suburban development has eroded the rural setting of St. Edward's by crowding it. It has a notable presence and often unwelcome visual intrusion around the edge of the existing curtilage of St. Edward's. The former rural wider setting has become significantly diminished as a result of suburban development. However, the site itself retains an openness and its wider rural backdrop is still present to the north of St. Edward's, on the location of the proposed site.

The proposal site affects how the villa and its immediate parkland setting is experienced in its wider context. The land to the north does not form part of the planned landscape of the villa but is important as an incidental wider rural context to the planned parkland. This rural setting is now almost lost due to the existing suburban development so it is considered important to protect what remains of it. The proposed development would remove the last area of land that has a rural character, would notably further reduce the distance between suburban development and St. Edward's which would appear incongruously within its setting. The impact of the proposed development on important views while travelling along the sloping driveway from beyond the entrance to St. Edward's would be significant. From

the driveway the proposed development would form an inconspicuous element, visible in an elevated position to the north, encroaching on how listed building and its parkland setting is experienced. It is recommended the application be refused for this reason.

#### Impact on Icehouse

The icehouse to the north of St. Edward's is located below ground, above ground it is a mound with a number of trees growing on it, likely structurally compromising it. The icehouse appears to have been a functional structure set away from the villa within open fields, rather than being part of the planned landscape. However this lower hierarchical status does not mean it has no historic interest. The icehouse is considered curtilage listed through its historic ancillary functional relationship with St. Edward's. It is important to consider the impact of the proposed works on this curtilage listed building, its setting and its relationship with St. Edward's. The icehouse would have historically been accessed from the service side of the villa and can be seen obliquely from the windows on the northern elevation of St. Edward's. Although its relationship with St. Edward's has to a degree been undermined by a modern single storey outbuilding and planting to its immediate north, their connection is not considered so significantly harmed that the relationship is severed.

The icehouse and trees are to be retained within the proposal. It is shown adjacent to a proposed public open space with informal play space to the east, dwellinghouses and at a junction of roads to the north, west and south, beyond which to the southwest is a proposed relocated badger sett comprising a small woodland and proposed planting on the southern boundary of the site. However, while an attempt has been made to make a feature of the icehouse within the development the proposal is considered to harm the relationship between it and St. Edward's.

Concern is raised over the impact of the proposed development on the immediate setting of the curtilage listed building and on the separation this creates with the principal listed building. The rural setting of the curtilage listed building is unacceptably compromised by the proposed housing estate. The visual separation of the curtilage listed building from St. Edward's as a result of infilling the open space between them with dwelling houses, access roads and additional planting, severs the visual connection between them. This impact is considered to harming their heritage significance. It is recommended the application be refused for this reason.

#### Impact on Charlton Manor

Charlton Manor, Ashley Road is a grade II listed building located to the northeast of the site within the Battledown estate. Battledown was laid out in 1858 with Charlton Manor the first property to be built there in 1864. While the estate grew slowly into the late 20<sup>th</sup> century the area is typically characterised by large houses set back from the road on large plots.

As existing there are open fields and trees beyond the rear garden of Charlton Manor to the west and southwest. The application proposes dense housing development to the immediate rear of Charlton Manor. The proposal would result in the loss of views from the listed building and the proposed density of development is not in keeping with the generous plot and house sizes found within the Battledown estate. The proposal would result in excessive enclosure to the rear of Charlton Manor, adversely affecting the setting of the listed building. It is recommended the application be refused for this reason.

#### Less than Substantial Harm

Paragraph 131 of the NPPF states, "In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation." However, this is not a consideration in this case as the RPS CgMs Built Heritage Statement dated April 2017 recognises the proposal will cause less than substantial harm to the heritage assets, particularly with reference to the building referred to in this report as St. Edward's.



It should be noted less than substantial harm is still unacceptable harm. Paragraph 134 of the NPPF is relevant, it requires, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." Justification for the proposed development through a balancing exercise is required to justify the proposal.

The RPS CgMs Built Heritage Statement, read in conjunction with the Heritage Statement by Architectural History and Conservation dated November 2017, is a thorough assessment of the impact the proposal and its impact on the affected heritage assets. RPS CgMs Built Heritage Statement states the public benefits of the proposal being set out in the Planning Statement. This document does not explicitly state these but briefly they include being a sustainable location and site for residential development which will help to meet Cheltenham's housing shortfall, the possible inclusion of affordable housing, it would minimise loss of Green Belt land, it would have local financial benefits both short term with construction jobs and long term with occupation and would have the benefit of council tax and new homes bonus receipts.

Notably neither the Planning Statement by SF Planning dated August 2017, the Design and Access Statement by Coombes: Everitt Architects nor the Heritage Statement by RPS CgMs dated April 2017 carry out the exercise of directly weighing the harm to the significance of a designated heritage assets against the public benefits of the proposal. While there are public benefits to the proposal it is not considered a convincing argument has been made these outweigh the harm that would be caused to the significance of the affected heritage assets and the great weight that should be given to these asset's conservation. The proposal is not therefore justified and should be refused for this reason.

## **Historic England**

*30th October 2017*

Thank you for your letter of 28 September 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

### Summary

Historic England does not support the principle of development on this parcel of land. We consider the open green space to contribute significantly to the setting of the Grade II\* listed Ashley Manor.

### Historic England Advice

The villa at St Edwards School, known most recently as Ashley Manor, was built for Nathaniel Hartland (the single most important lender of money to builders in the Pittville development in Cheltenham). Its list description describes it as 'One of the finest villas in the Cheltenham area, its internal plasterwork is a particular feature for its diversity, depth and quality of composition.' The original approach to the house is from London Road to the south; the sinuous tree-lined drive remains largely unaltered. The Grade II listed boundary walls and gate piers (marking the entrance from London Road), and further into the grounds, the Grade II summerhouse and drive piers to the surviving carriage sweep are all remnants of this high-status, grandiose villa-house ensconced within its generous parkland setting. Indeed, the topography of the site is significant; the land rises markedly from south to north, which would have been a conscious motive for siting this 'villa' style dwelling overlooking the town. This 19th century revisiting of ancient Classical-inspired villas was heavily influenced by Andrea Palladio's work of the 16th century. Palladio's villa suburbana (country houses purely for residential or leisure as opposed to agriculture), in particular the Villa Rotunda, gave rise to a vast tradition in villa architecture; these formative dwellings were conceived with a close relationship to their location. Of Villa Rotunda, Palladio wrote 'the site is as pleasant and delightful as can be found; because it is upon a small hill...it is

encompassed by the most pleasant risings...and therefore...enjoys the most beautiful views from all sides'. The building rises out of the landscape and so does Ashley Manor in this very nature. So, whilst the principal elevation faces southwards, the siting of this villa, within its extensive, rising grounds is of, arguably, equal significance.

The outline application is for a residential development of up to 100 dwellings in the parcel of grassland to the north of Ashley Manor. The site forms an important green backdrop to the principal villa, rising northwards, and contains ancient trees, deer, and, as corroborated by the Archaeological Statement, the presence of a former ice house, taking the form of a tree-covered mound, undoubtedly ancillary to Ashley Manor. The site is therefore clearly associated, historically, with the villa - grounds of this extent would be expected with a high-status property.

Having visited the site, we are aware that significant modern additions (large school-related buildings, as well as landscape features such as the blue-topped playing surfaces) have eroded the historically isolated setting of Ashley Manor. Notwithstanding, the house (and associated school buildings) remains positioned within the extent of its historical grounds and the application site forms a key green buffer between the villa and later development to the north.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". In line with the National Planning Policy Framework 2012, planning authorities should look for opportunities for proposals within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Significance can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm to their setting should require clear and convincing justification (para. 132). Only proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (para. 137). Additionally, the desirability of sustaining and enhancing the significance of heritage assets is paramount when determining this application, whilst new development must make a positive contribution to local character recognising the positive contribution that the conservation of heritage assets can make to communities (paras. 131). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para. 134).

As we have acknowledged, recent school additions to the site have eroded the villa's setting to a degree. Nevertheless, the proposal will push development uncomfortably close to Ashley Manor. When approaching the house from its historical drive, the experience of the house set upon the slope of Battledown Hill remains appreciable, with this unspoilt land rising visibly beyond. Replacing this parkland behind with development will completely eradicate and undermine the significance and appreciation of the villa's historical relationship and siting within its conspicuous topographical setting and wider grounds. We therefore do not agree with the Heritage Statement (4.2.2) that the 'significance of the asset is principally derived from the architectural and special interest of the building...rather than from the wider setting and indeed the Site.' Loss of half of the villa's grounds - which form an important contribution to the original architectural and aesthetic design conception - will adversely affect the significance of the heritage asset. As such, we do not support the application.

#### Recommendation

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 131, 134 and 137. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to

have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

### **Historic England - additional comments**

*15th February 2018*

Thank you for forwarding the additional information in the way of rebuttals from CGMS, Architectural History & Conservation (AHS), and the pre-application Conservation & Heritage Consultee Response from the Cheltenham Borough Council (CBC) Senior Conservation Officer.

The information does not alter Historic England's position on this outline application. Despite AHS' assessment of the site which suggests - with reference to J. B. Papworth's published literature on ornamental gardening - that the site was never part of the historic parkland of The Oaklands, it remains, in our opinion, irrevocably a contribution to the rural experience of this country house.

Whilst AHS conclude that the land was never even the intended wider setting for the villa, CGMS' assertion in their rebuttal that 'the Site *does* form a part of the *setting* of the asset, and does make an important contribution to the asset' (my emphasis), highlights disparity between the application's heritage assessments. We consider there needs to be accordance with this fundamental setting assessment in line with paragraphs 128 and 129 of the National Planning Policy Framework.

Additionally, the Cheltenham Borough Council's Senior Conservation Officer asserts that the names 'Oaklands' and 'Woodlands' indicate the building's rural setting and that 'the contribution of the setting to the significance of the building is derived from the visual connection between the large detached country villa and its spacious grounds, part of which is now the site. The building is noted for its architectural and historic interest which warrants its grade II\* listing and *can only be understood by seeing it in its open context*' (my emphasis). We manifestly concur with this statement (as well as that referenced from CGMS above) and again highlight that whilst AHS' appraisal focusses on the ornamental improvements to the immediate south of the dwelling (which they consider explicitly excludes the surrounding historic parkland from the setting), this site forms an important contribution to the rural setting and experience of this villa, and therefore to its significance. We maintain that development of this site will harm the legibility of the historic rural setting which this site currently provides.

Whilst it is not Historic England's role to determine the public benefits of a planning application, the authority's ability to provide a five-year housing supply requires an even greater level of benefit to outweigh the harm to the setting of this highly graded listed building. Furthermore, we are aware that Cheltenham Borough Council's Local Plan is soon to be published for consultation which provides an opportunity for alternative sites - where harm to a highly graded listed building may be avoided - to be delivered.

We do not wish to alter our original comments on this application and maintain our objection to the principle of development of this site. In line with paragraph 134, it remains the duty of the planning authority to consider the public benefits offered to outweigh this harm. We remind the authority that less than substantial harm does not equate to a less than substantial objection, and that in line with the Planning (Listed Building and Conservation Areas) Act 1990, your authority shall have special regard to the desirability of preserving this Grade II\* building and its setting.

## **Historic England – final comments**

*5th June 2018*

Thank you for your letter of 30 April 2018 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

We do not wish to offer any further comments on the revised information submitted and dated 27 April 2018 on your website and maintain our objection to the principle of development of this site.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

## **Architects Panel**

*13th October 2017*

Design Concept - The panel had no objection to the principle of a housing development on this site, although it was recognized that no feedback had been received from county highways to assess the suitability of the site access.

Design Detail - Although only an Outline Planning Application, the submitted drawings included a Site Layout, Elevations and 3 dimensional views looking through the site. The panel was not particularly excited by the site layout, the circular road configuration or the orientation of the houses with gable ends stepping down the street. Given the slope of the site it was felt the houses might be better orientated to take more advantage of the southerly views. The housing mix could be more varied and it would be good to see more public open space around which some of the dwellings could be orientated, perhaps picking up on some of the more successful urban plan layouts of Cheltenham.

Recommendation - An application for a site of this importance needs to be fully designed to receive support from the Architects Panel.

## **Sport England**

*29th September 2017*

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:  
[www.sportengland.org/planningapplications](http://www.sportengland.org/planningapplications)

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 74 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:  
<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (<300 units) then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

### **Sport England – revised comments**

*1st May 2018*

Thank you for consulting Sport England on the above application.

Sport England has no further comment to make on this particular application. Please refer to our previous responses.

Should you require any further information, please do not hesitate to contact me on the number provided.

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

### **Battledown Trustees**

*11th September 2017*

The land designated for this proposed development does not lie within the Battledown Estate but the Trustees are, nevertheless, submitting a Response since (a) CBC have

specifically designated the Trustees as a Consultee and (b) the land directly adjoins almost the entire length of the Estate's southern boundary and so any development thereon would directly affect a significant number of properties on the Estate.

The Trustees wish to make the following observations and objections to the proposed development:

1. Access: It is important that all parties are aware that no access to this land is, or will be, permitted from Battledown Estate land and that the use of the Estate Roads is prohibited for the purpose of gaining access to the land by any party connected with the proposed development, or any putative residents thereat, either before, during or after the completion of any such proposed development. It is necessary for the Trustees to make this clear to CBC, since various attempts to access the land via the use of Estate Roads have been made by parties associated with the Applicants and these attempts were made using misleading and inaccurate documentation issued by the Applicants solicitors.

2. The Trustees object to this application for the following primary reasons:

a) Significant loss of privacy will be suffered by a considerable number of Estate properties and residents, owing to the proposed positioning of two and three storey dwellings on the land adjoining the Estate boundary.

b) There will be noticeable degradation to the environment of the Estate owing to the significant increase in 'noise pollution' which would be generated by the proposed 100 dwellings, once completed.

c) There will be a material and dangerous increase in the risk of flooding for a number of Estate properties located in Ashley Road. In 2007, several Estate houses including some adjoining the proposed development land, were badly flooded; this situation can only be exacerbated by covering the majority of this land with concrete, tarmac and buildings.

d) In common with many other residents of properties in this area of Charlton Kings, all residents on the Battledown Estate will be affected by the massive and unacceptable increase in traffic which would inevitably result from the building of these proposed 100 dwellings, as such increase in traffic will affect many roads in the area, including Hales Road, London Road, King Alfred Way and Athelney Way --- and the 'knock-on' effect will severely affect and inconvenience many hundreds of local residents in Charlton Kings and the eastern part of Cheltenham. In a nutshell, the local infrastructure and road system is already choked at peak periods and is simply inadequate for the existing number of dwellings, let alone any increase by a further 100 properties.

### **Battledown Trustees – revised comments**

*1st March 2018*

The Trustees of the Battledown Estate have been notified by Cheltenham Borough Council's Director of Planning that comments relating to the revised information would be welcome from the Trustees.

In this context, we would note that there were some 37 additional documents posted / published on the CBC web-site on 8th February. However, some of these additional documents have now been removed and, for some unexplained reason, the majority have, somewhat surprisingly, now been pre-dated by over one month back to 3rd January.

Having examined the additional documents submitted by the Applicant's advisers, it appears to us that there are a number of debatable and contentious remarks therein; our initial objections submitted on 11 Sept 2017 have not been adequately addressed and there can be no confidence that the problems identified can be effectively overcome.

### **Battledown Trustees – further revised comments**

*15th May 2018*

Thank you for your letter of 30th April in which you welcome comments from the Trustees relating to the additional information concerning this planning application.

There have now been something in the order of 120 documents generated by the Applicant's advisers and consultants published on the CBC website, most recently on 27th April. One may reasonably assume, therefore, that the total number of pages of submissions will probably run into the many hundreds and possibly thousands. However, none of this tsunami of paperwork can disguise the fact that this development proposal would have a significant and permanently deleterious effect on the borough of Cheltenham. Documents submitted on behalf of the developers are, variously, riddled with disingenuous statements, distortions and errors of fact far too numerous to list in this brief response but many other respondents have already drawn CBC's attention to a few exemplars. The reasons for the Trustees' previous objections remain extant and inadequately addressed -- in particular the significantly increased flood risk for both Battledown properties and other houses in Charlton Kings and also the traffic congestion and road safety issues in Oakhurst Rise and surrounding streets.

In a wider context, it beggars belief that such density of housing can be seriously considered on such an unsuitable site, given the restricted road access, the steep gradient of the site itself and the inevitable rise in the flood risk. It is completely unnecessary to construct the proposed 91 dwellings in this location, as such housing capacity may easily be provided less expensively in a far more sensible environment elsewhere in the Cheltenham area, as demonstrated in the recently published Cheltenham Local Plan and Policies. No amount of verbiage from the Applicants and their consultants can overcome the fact that this development would destroy in perpetuity a valuable resource for athletic sport, our children's health, the educational opportunities for Cheltenham's children and a wildlife and recreational environment enjoyed by innumerable residents of Charlton Kings and the wider Cheltenham community. Once destroyed, this could never be recovered. There is universal objection to this proposal from all Cheltenham residents consulted and thus one would hope that those responsible for planning recommendations and decisions will appreciate that no purpose is served by this proposal other than increasing the wealth of a few, already very wealthy, individuals --- which, we suspect, is not a sustainable basis on which to permit housing developments.

### **Natural England**

*11th September 2017*

Thank you for your consultation on the above dated 22 August 2017 which was received by Natural England on 22 August 2017.

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.

#### Further information required

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and reconsult Natural England. Please note that you are required to provide a further 21 day period for us to respond.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED)  
WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

#### European/International Sites

No assessment has been provided of the potential impacts that the proposal will have on the Cotswolds Commons and Beechwoods Special Area of Conservation.

There is, therefore, currently insufficient information for you to undertake a Habitats Regulation Assessment of the proposed development. We advise you to obtain the following information:

- A survey for identifying the potential for recreational impacts
- A strategy for mitigating any identified impacts

Recreation has been found as an ecological pathway which is connected to the designated site in question. Further investigation must be sought in order to rule out any likely significant effects on European sites.

Natural England considers that the recreational pressure at Cotswolds Commons and Beechwoods SAC may indirectly affect the interest features for which this SAC is designated.

Residential development may be expected to show an increase in recreational pressure. The combined effects of new housing developments close to the SAC may be the major cause of a material factor to increasing recreational disturbance, with the contribution of individual proposals to the overall effect dependent on their size, proximity and accessibility to the designated sites in question.

#### Sites of Special Scientific Interest (SSSI)

No assessment has been provided of the potential impacts the proposal will have on the Cotswolds Commons and Beechwoods SSSI.

For advice regarding the above mentioned SSSI, please see advice relating to Cotswolds Commons and Beechwoods SAC.

#### Green Infrastructure

We would welcome the proposal for allocated Green Infrastructure within the development site.

Natural England advises that any approved scheme should incorporate well designed green infrastructure (GI) to ensure that the development is better able to be accommodated within its landscape setting.

Multi-functional green infrastructure is also important to underpin the overall sustainability of the development by performing a range of functions including flood risk management, the provision of accessible green space, climate change adaptation and supporting biodiversity. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England website.

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

On receipt of the information requested, we will aim to provide a full response within 21 days of receipt. Please be aware that if the information requested is not supplied, Natural England may need to consider objecting to the proposal on the basis of potential harm to the above designated site.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our Discretionary Advice Service.



## **Natural England – revised comments**

*1st March 2018*

Thank you for your consultation on the above dated 08 February 2018 which was received by Natural England on 08 February 2018.

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.

### Further information required

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and reconsult Natural England. Please note that you are required to provide a further 21 day period for us to respond.

## THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS ASSESSMENT 2017

### WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

#### Internationally designated sites

##### Further information required – HRA screening

This proposal has the potential to affect the interest features of the Cotswold Beechwoods Special Area of Conservation (SAC). We therefore recommend that the Local Planning Authority undertakes a Habitats Regulations Assessment (HRA) Screening to establish whether there will be Likely Significant Effects (LSE) as a result of the proposed development.

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations 2017'). The application site is in close proximity to the Cotswolds Beechwoods Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 62 and 63 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

There is growing awareness of the potential for growth to result in additional recreational pressures on the Cotswold Beechwoods SAC. We are at the start of a process to better understand the nature and scale of these potential impacts, and what action is required. Due to the nature of this issue, we will be working closely with the relevant Local Authorities.

Our collective understanding of the impacts of recreational pressure on the Cotswold Beechwoods SAC is evolving and it is not currently clear what action is required. Planning decisions and Habitat Regulations Assessments (HRA) must be based upon the best available information at the time. Therefore we advise that potential impacts on this European site are considered through the HRA process.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

- Consideration of recreational disturbance as a result of the proposed increase in residential units in close proximity to the Cotswold Beechwoods SAC, alone or in combination with other developments.

Natural England notes the revised information that has been submitted by All Ecology on 3/1/18, regarding information for a Habitats Regulations Assessment.

Sites of Special Scientific Interest (SSSI)

For advice regarding the Cotswolds Commons and Beechwoods SSSI, please see advice above relating to European sites.

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

On receipt of the information requested, we will aim to provide a full response within 21 days of receipt. Please be aware that if the information requested is not supplied, Natural England may need to consider objecting to the proposal on the basis of potential harm to the above designated site.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our Discretionary Advice Service.

### **Natural England – further revised comments**

*26th April 2018*

Thank you for your consultation on the above dated 05 April 2018 which was received by Natural England on 05 April 2018.

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.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON COTSWOLDS BEECHWOODS

As submitted, the application could have potential significant effects on Cotswolds Beechwoods. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Consideration of recreational pressure on the Cotswolds Beechwoods, including a strategy to alleviate pressure.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's advice on other issues is set out below.

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features.

European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations 2017'). The application site is in close proximity to the Cotswolds Beechwoods Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have [1]. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

[1] Requirements are set out within Regulations 62 and 63 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 62 and 63 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process.

This can be found on the Defra website.

<http://www.defra.gov.uk/habitatsreview/implementation/process-guidance/guidance/sites/>

Objection/Further information required

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that your authority is able to rule out the likelihood of significant effects arising from the proposal.

On the basis of information provided, it is the advice of Natural England that it is not possible to conclude that the proposal is unlikely to result in significant effects on the European sites in question.

Natural England advises that the assessment currently does not provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. Where there is a likelihood of significant effects, or there are uncertainties, a competent authority should undertake Appropriate Assessment, in order to assess the implications of the proposal in view of the conservation objectives for the European wildlife site(s) in question. Natural England therefore advises

that an Appropriate Assessment should now be undertaken, and the following information is provided to assist you with that assessment.

#### Additional Information required - Cotswolds Beechwoods

- Mitigation strategy to show how recreational impacts on the Cotswolds Beechwoods can be reduced

Recreation has been found as an ecological pathway which is connected to the designated site.

Natural England considers that recreational pressure at Cotswolds Beechwoods may indirectly affect the interest features for which both of this SAC is designated.

The combined effects of new housing developments close to the SAC may be the major cause of a material factor to increasing recreational disturbance, with the contribution of individual proposals to the overall effect dependent on their size, proximity and accessibility to the designated sites in question.

It is noted that open space has been proposed with the development; however the proposed open space is not considered sufficient to offset the impacts of recreational pressure on the Cotswold Beechwoods. Natural England would recommend that mitigation measures for this development should incorporate the use of strategic Green Infrastructure (GI), to help alleviate the recreational pressure, and that awareness of this recreational pressure is highlighted to new residents.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### Green Infrastructure (GI) and Discretionary Advice Service (DAS)

Natural England advises that any approved scheme should incorporate well designed green infrastructure (GI) to ensure that the development is better able to be accommodated within its landscape setting. Multi-functional green infrastructure is also important to underpin the overall sustainability of the development by performing a range of functions including flood risk management, the provision of accessible green space, climate change adaptation and supporting biodiversity. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England website.

Natural England would very much welcome a conversation about how Green Infrastructure could be incorporated into the proposed development; the benefits and opportunities could have a very positive impact on the local community and surrounding area.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

#### Other advice

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

If you have any queries relating to the advice in this letter please contact me on 0208 2256403.

Please consult us again once the information requested above, has been provided.

## Annex A

Natural England offers the following additional advice:

### Landscape

Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

### Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's Technical Information Note 049.

Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### Protected Species

Natural England has produced standing advice<sup>2</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Priority habitats and species

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#).

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species is considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

### Ancient woodland and veteran trees-link to standing advice

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland Inventory

which can help identify ancient woodland. Natural England and the Forest Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

#### Environmental enhancement

Development provides opportunities to contribute to and enhance biodiversity and the local environment, as outlined in paragraph 109 and 118 of the NPPF. We advise you to consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

#### Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

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

Paragraph 75 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

## Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making.

Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

## **Natural England – final comments**

*14th May 2018*

Thank you for your consultation on the above dated 30 April 2018 which was received by Natural England on 30 April 2018

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.

### SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Cotswolds Beechwoods SAC. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Mitigation strategy to show how recreational pressure on Cotswolds Beechwoods SAC can be reduced

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's advice on other issues is set out below.

#### Further Information required - Cotswolds Beechwoods SAC

Natural England previously responded to this application on the 25th April 2018 and advised that further information was needed to rule out likely significant effects on the Cotswolds Beechwoods SAC. The advice provided in our previous response still stands; recreational pressure on the Cotswolds Beechwoods from increased residential development should be considered.

Natural England notes that the site layout has been revised. However, the open space provided within the proposed development is not considered sufficient to offset the recreational pressure on the Cotswolds Beechwoods SAC.

Please refer to Natural England's previous response, dated 25th April 2018, our reference 243562, for further guidance.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

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

If you have any queries relating to the advice in this letter please contact me on 0208 2256403.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above, has been provided.

### **CBC Environmental Health**

*3rd October 2017*

With respect to this application I have no adverse comment to make.

### **Severn Trent Water Ltd**

*8th September 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.

### **CBC Housing Strategy and Enabling**

*2nd October 2017*

#### Indicative Level of Affordable Housing Provision

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.'

Based on a scheme of approx. 100 residential units we would be seeking 40% affordable housing (approx. 40 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:

<b>40%</b>	<b>Affordable Rented</b>	<b>Intermediate (s/o)</b>	<b>Total</b>	<b>%</b>
1B 2P Flat	0	0	0	0 %
2B 4P Flat	10	6	16	40 %



3B 5P House	16	4	20	50 %
3B 6P House	2	0	2	5 %
4B 7P House	2	0	2	5 %
<b>Total</b>	<b>27</b>	<b>9</b>	<b>36</b>	<b>100 %</b>

#### Dwelling Mix/Tenure

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 as a mix of dwelling types as this best meets local needs.

#### Rents

Affordable rents must not exceed the Local Housing Allowance.

#### Service Charges

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

Service charges should be kept minimal this can be achieved through the design and we would be happy to refer you to RP's for further input if necessary.

#### Shared Ownership

We would expect that the shared ownership units will be let at a level that is affordable, 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 Registered Providers managing accommodation in Cheltenham can be made available if needed.

### **CBC Housing Strategy and Enabling – revised comments**

*19th June 2018*

The Joint Core Strategy Policy (SD12) states that ‘on sites of 11 dwellings or more, or sites with a maximum combined gross floor space of greater than 1000 sqm; a minimum of 40% affordable housing will be sought with the borough of Cheltenham’

This application will comprise of 91 residential units. Therefore at 40% we will be seeking 36 affordable housing units (and will be discussing seeking the 0.4 as an affordable housing contribution).

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:

<b>40%</b>	<b>Affordable Rented</b>	<b>Intermediate (s/o)</b>	<b>Total</b>	<b>%</b>
2 Bedroom 4P Flat	14	4	18	50 %
3 Bedroom 5P House	11	5	16	44 %
3 Bedroom 6P House	1	0	1	3 %
4 Bedroom 7P House	1	0	1	3 %
<b>Total</b>	<b>27</b>	<b>9</b>	<b>36</b>	<b>100 %</b>

### Housing Demand / Supply

The mix above is based on what was proposed in the original planning application which accounts for the lack of one bedroom accommodation in this area, however this mix meets a clear need for affordable family sized accommodation in this area.

As of June 2018 there were 2,365 households on Homeseeker Plus of which 1,066 households are in need of family accommodation and 391 of these have specifically selected an area of preference to Charlton Kings.

There is currently very limited availability and a low turnover of social housing properties within the Charlton Kings area (estimates are of approx.188 social housing properties).

### Viability

The Joint Core Strategy states that where there is an issue relating to the viability of development that impacts on delivery of the full affordable housing requirement, developers should consider:

- Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan, particularly Policy SD4, and the objective of creating a balanced housing market.

- Securing public subsidy or other commuted sums to assist delivery of affordable housing

If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF6 will be required. Viability assessments will be published in full prior to determination for all non-policy compliant schemes except in exceptional circumstances when it can be proven that publication of certain specific information would harm the commercial confidentiality of the developer to no public benefit. Where necessary CBC will then arrange for them to be independently appraised at the expense of the applicant.

The council considers that information submitted as a part of, and in support of a viability assessment should be treated transparently and be available for wider scrutiny. In submitting information, applicants should do so in the knowledge that this will be made publicly available alongside other application documents.

The council will allow for exceptions to this in very limited circumstances and only in the event that there is a convincing case that disclosure of an element of a viability assessment would cause harm to the public interest to an extent that is not outweighed by the benefits of disclosure. Given the significant benefits associated with the availability of information to the public as part of the decision making process, and the other factors identified above, the councils anticipate that there would be very few exceptions.

If an applicant wishes to make a case for an exceptional circumstance in relation to an element of their assessment, they should provide a full justification as to the extent to which disclosure of a specific piece of information would cause an 'adverse effect' and harm to the public interest that is not outweighed by the benefits of disclosure. The council will consider this carefully, with reference to the 'adverse effect' and overriding 'public interest' tests in the EIR, as well as the specific circumstances of the case.

The viability of a site may enable additional levels of affordable housing to be delivered above the requirements set out in the Joint core Strategy. In this case the authority will negotiate with developers to find an appropriate balance to deliver affordable housing and infrastructure needs.

#### Dwelling Mix/Tenure

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 as a mix of dwelling types as this best meets local needs.

Where possible, affordable housing should be provided on-site and should be seamlessly integrated and distributed throughout the development scheme.

The design of affordable housing should meet required standards and be equal to that of market housing in terms of appearance, build quality and materials.

#### Rents

Affordable rents must not exceed the Local Housing Allowance

#### Service Charges

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

Service charges should be kept minimal this can be achieved through the design and we would be happy to refer you to RP's for further input if necessary.

### Shared Ownership

We would expect that the shared ownership units will be let at a level that is affordable, having regard to local incomes and house prices.

Provision should be made, where possible to ensure that housing will remain at an affordable price for future eligible households, or that subsidy will be recycled for alternative housing provision.

### 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 1<sup>st</sup> 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 Registered Providers managing accommodation in Cheltenham can be made available if needed.

## **Gloucestershire Badger Trust**

*19th September 2017*

The Badger Trust (Glos) has recently been consulted on this application.

## General Background Information

### NPPF - Planning Policy

The likelihood of disturbing a badger sett, or adversely affecting badgers foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions.

The loss of foraging habitat could also be considered as cruel treatment of badgers. Main roads may prevent badgers from accessing their setts. Severance of territory and pathways may also result in road casualties and potential traffic accidents.

### Legal Protection

Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it a criminal offence to kill, injure or take badgers or to interfere with a badger sett.

Under the Act it is a criminal offence to:

- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when occupying a badger sett

Land Adjacent To Oakhurst Rise, Cheltenham, Gloucestershire

Comments on the preliminary survey works on site

We are concerned to hear from local residents that intrusive surveys were carried out on site in January and February 2017. These involved the use of heavy plant and equipment in close proximity to the badger sett and appear to have been without the necessary statutory consents in place to do so.

We understand the intrusive survey works close to the main sett were we reported to Gloucestershire Constabulary and Natural England.

The main sett was not damaged and remains active. We are now monitoring this sett and treating it as one at high risk of further disturbance.

### The Application

Application number 17/00710/OUT provided an ecological appraisal prepared by All Ecology in September 2016. This appraisal identified the presence of the large main sett on the site and we note it mentions a confidential badger survey was prepared, we have not seen details of this.

The loss of foraging habitat for a local group of badgers may cause knock-on issues for nearby residents with changes in badger activity. So it is therefore important to check thoroughly to see how badgers may be displaced by any development as extensive as outlined in this application.

We note that All Ecology propose to close the main sett and rehouse the badgers elsewhere on site.

Proposing to close a longstanding main sett and remove a major part of the badger group's foraging territory at the same time will inevitably disturb the badgers at this site to the extent that they could not realistically continue to inhabit the site.

Artificial setts are rarely successful. Dispersal of badgers will inevitably result in them creating new setts elsewhere, which could well include in residential gardens and on commercial/public properties.

This application illustrates the relocation of badgers is an expensive and time consuming process. It can also have the potential to depreciate the value of surrounding properties. As a result of this Badger Trust Gloucestershire recommends that, should consent be granted, it must be on condition that a bond be given or some kind of indemnity insurance be taken out by the applicant to cover the cost of any appropriate mitigation works relating to badgers incurred by any third party within one mile of the site as a result of displacement, for a period of at least 5 years from completion of the development or until it can be proven from regular site surveys that the badger group are again settled.

Development on this site would cause a comprehensive loss of foraging territory and the badgers will be forced to forage further afield crossing roadways as they do so. This would bring them into conflict with vehicles in the vicinity and presents both a danger to the badgers and to the local residents driving at night.

The loss of trees on site will also be a further loss of the vital habitat for the badgers forcing a change in their behaviour as they search for new green spaces and wildlife corridors. It is very difficult to predict these changes particularly when All Ecology is only providing advice based on an outline site development plan. Site density, flood alleviation schemes, traffic calming measures and protection of the historical features may significantly squeeze the areas available for the badgers.

Access to drinking water at the pond at the northern point of the site is also critical for badgers and must be maintained at all times, if consent granted. Attention must also be given to contamination of the pond during construction and mitigation put in place to prevent it.

This site is highly unusual as it appears to have been undisturbed by development for several hundred years. Badger setts have been known to be centuries old and this sett could easily be one of them. In which case we would support the creation of an SSSI to protect this sett as a significant and historic feature of the landscape.

Any development on the site must allow clear and appropriately sized wildlife corridors to allow both continuity of occupation of existing wildlife and transit from this area to new foraging areas. This would apply to all mammal species such as hedgehogs, foxes as well as badgers and other mustelid species.

Badger Trust Gloucestershire objects in principle to this application as the inherent loss of wildlife habitat and 'green space' cannot be easily or economically mitigated whatever consent is given, and that best course of action would be to refuse consent.

Good Practice during construction (if consent is granted)

We would recommend a Method Statement for the construction work would include the following:

Create an appropriate buffer between the works and the sett.

Current standing advice does not stipulate distances from occupied setts at which licensing is or is not likely to be required, but it indicates that one should be satisfied that an activity is not likely to disturb a badger before carrying it out. To assist in that decision making process, reference is often made by developers to former guidance issued by English Nature (now Natural England) which indicated that licensing was likely to be necessary, or should be considered, when using heavy machinery within 30m of a badger sett, lighter machinery (generally wheeled vehicles) within 20m, and for light work such as hand digging or scrub clearance within 10m.

Security fencing should be kept away from the setts so access for the badgers is not impeded, any works fencing should not impede the entrance/exit points of the badger or

their primary paths at any time. Badger access points must be created under both temporary and permanent fencing.

The badgers will be using this site for regular access to the pond, so it is important that any buffer or security fences enable this access to continue any works on site.

Implement site speed limits/reduce traffic flow in the vicinity of the sett, if appropriate.

Badger sett & path advice to be included in the construction method statement including clear instructions regarding the protection of the badger setts to the on-site contractors. Good working practices need to be employed by the developers and contractors.

Materials and chemicals should be stored well away from the setts (over 30m) and water courses and any site compounds should be fenced to ensure that no badger can obtain access.

Should any trenches need to be left open overnight a means of escape should be provided such as a suitably placed plank of wood.

Use of heavy machinery within 30m of the badger sett should be kept to a minimum (licence may be required) Machinery should not be left idling within the vicinity of the sett to minimise vibration and exposure to exhaust fumes.

No night work (badgers are nocturnal).

Long Term important considerations for this and any subsequent planning amendments

#### Boundary treatment

Access for badgers from setts into surrounding land and to the water courses should not be blocked or restricted in any way. If any new fencing is required, it should incorporate badger gates or large enough gaps for badgers to pass underneath easily. There should be a restrictive condition on consent that no close-boarded or other kind of fences impenetrable to wildlife should be allowed on this site.

#### Greenspace

It is advised that Badger Trust Gloucestershire is consulted regarding the landscaping across the rest of the site in order to maximise site connectivity for wildlife and the provision of supplementary foraging through appropriate planting. In particular the badgers should have access to the nearby fields and streams. They will be forced to forage further afield across roadways if this development proceeds. So incorporating crossing points via road tunnels would be best practice.

Prior to decisions on boundary treatment/landscaping/land profiling a badger specialist should be consulted in order to ensure permeability of the site and retention of essential corridors. This is particularly important in view of loss of foraging space which this large development removes.

#### Surveys

It is recommended that regular annual surveys are carried out of the badger population at this site for at least 5 years or until it is possible to demonstrate that they are once again settled in their new habitat.

#### **Gloucestershire Badger Trust – additional comments**

*3rd March 2018*

Please refer to the comments which were lodged on the 19th September 2017 by the Badger Trust Gloucestershire. These comments all still apply. The Badger Survey

prepared by All Ecology was updated in November 2017 to reflect design changes to the scheme. No further field surveys have taken place by All Ecology since the original survey visit in November 2016.

## **Parish Council**

*12th September 2017*

Further to the CKPC Planning Committee meeting of 4/9/17, we object to the above application with the following concerns:

### Environmental

Members of the public have raised concerns over the environmental impact of the proposed development with concerns raised over the many mature trees, including large oaks, on the site and how many of them are protected or not protected. There are long established hedgerows on the site and the low intensity of use and cultivation has made the site a haven for wildlife including a well-established badger sett.

### Heritage

The development would have a significant impact of the setting of the listed buildings of the St. Edwards site

### Drainage & Flood Risk

A member of the public reported that a previous application in 1984 for this site for a three-acre scheme was objected to by Severn Trent on the grounds that the existing sewer system in the area had inadequate capacity for the additional volumes that would be generated. It was unclear whether this objection related to foul or surface water.

The geotechnical report in the application confirms that the underlying ground is impervious and will allow for no infiltration of surface water, i.e. that surface water cannot be managed by soakaways, and that all surface water will have to be attenuated to prevent exacerbating downstream flood risk from the existing surface water system.

### Local facilities

Local public services are already under strain. All the local primary schools in the Parish and both Balcarras (in the Parish) and Pittville (the next nearest secondary outside the Parish) Schools are oversubscribed. The GP Surgeries at Sixways and Berkeley Place are reported as already having substantial waiting times. This development should not proceed without sufficient developer contribution to ameliorate the impact of increased demand on these services from the resultant population increase. Failure to provide sufficient additional capacity in these local services would make this Application detrimental to the quality of life of the existing residents of the Parish and make severely limit the availability of the services to the residents of this proposed development.

### Transport & Access

The access to the area via Oakhurst Rise is not suitable. The Committee would urge Officers and Members of the CBC Planning Committee to assess for themselves the length and severity of the slope to the top of Oakhurst Rise. This climb to the site would greatly limit the proportion of journeys that would be undertaken to or from the site by foot or bicycle, even to local facilities, preventing meaningful levels of sustainable transport.

Concerns were raised that the figures stated in the application documents for distances to local amenities such as Holy Apostles School are incorrect.

It is reported that during icy weather and snow the residents of Oakhurst Rise have to leave their cars parked at the bottom of Oakhurst Rise and around the Ewens Farm estate due to



the severe risk of slipping and causing injury and / or damage. Such arrangements would clearly be impractical for the cars from a further 100 dwellings.

The forecast volumes of traffic to be generated by the development forecast are unrealistically low. A common-sense estimate of volumes may be an average of two cars per household each morning and evening. The Committee would suggest that CBC commission an independent forecast / modelling of potential traffic flows to and from the site to better assess the impact on existing residents and the road network (particularly the flows through Ewens Farm and the junctions onto London Road and Hales Road.

Lastly, and most significantly, the impact on the quality of life of the existing residents of Oakhurst Rise would be quite simply unreasonable. Those residents currently live in a quiet cul-de-sac. Their relatively narrow street will be transformed into a through route for all the movements of the residents of another one hundred dwellings and all associated deliveries to those properties. The National Planning Policy Framework clearly lays out a presumption in favour of Sustainable Development. Cl. 9 of the NPPF states:

‘Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

‘improving the conditions in which people live, work, travel and take leisure.’

This application can in no way improve the conditions in which the existing residents of Oakhurst Rise live, and fails to provide any realistic access to sustainable transport for residents of the proposed development.

### **Parish Council – additional comments**

*1st March 2018*

Further to the CKPC Planning Committee meeting of 19/2/18, the additional detail and revisions have in part addressed our previous objections, and in part clarified areas of objection that remain unaddressed. The Committee objects to the proposal on the following grounds:

#### Environmental

The revisions to the scheme claim to be reducing the amount of damage to the hedgerows and mature trees. However, such that remain will in part be the boundaries to domestic properties. How will these be maintained and protected in the future in the context of domestic gardens. If the mature trees are located in gardens they will be too large for such an environment and there will be future pressure to cut back or fell them.

The issue of the existing badger setts has been addressed, but in relocating the badgers to a new artificial sett the badgers will be brought into conflict with the existing surrounding and new householders as the existing foraging area will have been turned into housing, hard surfaces and gardens. How are the re-located badgers to forage the area during the construction period.

#### Heritage

The development would have a significant impact of the setting of the listed buildings of the St. Edward fs site. Previous objection not addressed.

#### Drainage & Flood Risk

With the reports from Severn Trent and the proposed attenuation system these concerns appear to have been addressed although we have no means of checking the calculations and hence the sizing of the system. In addition, in storm conditions permeable hard paving has a limited rate of intake and so, given the severity of the gradients to the site, we remain unconvinced that the permeable hardened areas will prevent run-off to lower lying areas.

### Local facilities

Local public services are already under strain. All the local primary schools in the Parish and both Balcarras (in the Parish) and Pittville (the next nearest secondary outside the Parish) Schools are oversubscribed. The GP Surgeries at Sixways and Berkeley Place are reported as already having substantial waiting times. This development should not proceed without sufficient developer contribution to ameliorate the impact of increased demand on these services from the resultant population increase. Failure to provide sufficient additional capacity in these local services would make this Application detrimental to the quality of life of the existing residents of the Parish and make severely limit the availability of the services to the residents of this proposed development. Previous objection not addressed.

### Transport & Access

The access to the area via Oakhurst Rise is not suitable. The Committee would urge Officers and Members of the CBC Planning Committee to assess for themselves the length and severity of the slope to the top of Oakhurst Rise. The average gradient on Oakhurst Rise is 1 in 11.7 (By comparison, Harp Hill is an average of 1 in 11.9) This climb to the site would greatly limit the proportion of journeys that would be undertaken to or from the site by foot or bicycle, even to local facilities, preventing meaningful levels of sustainable transport. Concerns were raised that the figures stated in the application documents for distances to local amenities such as Holy Apostles School are incorrect.

It is reported that during icy weather and snow the residents of Oakhurst Rise have to leave their cars parked at the bottom of Oakhurst Rise and around the Ewens Farm estate due to the severe risk of slipping and causing injury and / or damage. Such arrangements would clearly be impractical for the cars from a further 100 dwellings.

The forecast volumes of traffic to be generated by the development forecast are unrealistically low. A common-sense estimate of volumes may be an average of two cars per household each morning and evening. The Committee would suggest that CBC commission an independent forecast / modelling of potential traffic flows to and from the site to better assess the impact on existing residents and the road network (particularly the flows through Ewens Farm and the junctions onto London Road and Hales Road.

Previous objection not addressed

### Loss of Amenity to surrounding residents

Lastly, and most significantly, the impact on the quality of life of the existing residents of Oakhurst Rise would be quite simply unreasonable. Those residents currently live in a quiet cul-de-sac. Their relatively narrow street will be transformed into a through route for all the movements of the residents of another one hundred dwellings and all associated deliveries to those properties. The National Planning Policy Framework clearly lays out a presumption in favour of Sustainable Development. Cl. 9 of the NPPF states:

‘Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

‘improving the conditions in which people live, work, travel and take leisure.’

This application can in no way improve the conditions in which the existing residents of Oakhurst Rise live, and fails to provide any realistic access to sustainable transport for residents of the proposed development.

Previous objection not addressed

### **Parish Council – additional comments**

*21st May 2018*

Further to the CKPC Planning Committee meeting of 14/5/18, we object to the above application with the following comments:

The revisions to the Application from when it previously came to the Committee (14/9/17) do not address our previous concerns, as stated below.

In addition to those previous comments we note that the Barton Hyett Associates Arboricultural Review of the proposals suggests that the proposed development substantially under-estimates the impact on the trees on the site, including trees with TPO's, with the locations of trees being mis-recorded, their size under-measured and the required Root Protection Zones under-calculated. While the Committee is not qualified to assess which approach to the classification of trees and calculation of their Root Protection Areas is correct, this report does support and reinforce concerns previously raised by the public.

With respect to flooding concerns we also note the further objections from the Cheltenham Flood & Drainage Panel. The proposal does contain an attenuation system, but we have not found details of how it would be managed & maintained in the future. While the Committee is not qualified to check the adequacy of the proposed design, without such a management strategy in place it will not be effective in the long term.

The Residential Travel Plan is based on the premise that 'The local accessibility of the site meets the bottom tier of the pyramid as it is accessible by walking and cycling, and is within close proximity to a range of local services and amenities'. Since this is patently incorrect, the document's conclusions are similarly incorrect. The Committee understands that it has been suggested that the CBC Planning Committee site visit is organised so that the members of the Committee walk the route to assess the viability of pedestrian access at first hand. CKPC Planning Committee whole-heartedly support this call and would suggest that walking from the Sixways public car park, adjacent to the Doctor's Surgery, would be a good assessment of the viability of pedestrian or bicycle use to and from the site.

Lastly, we reiterate our objection on the grounds that the impact on the quality of life for the existing residents of Oakhurst Rise is quite simply unacceptable. Sustainable Development is meant to have a positive impact on peoples' quality of life. This application would, beyond any reasonable doubt, have the opposite effect.

**CBC Trees Officer**

*2nd October 2017*

The CBC Tree Section cannot support this application in its current form.

The site could be described as a tranquil semi natural oasis of green close to the town centre. It has been subject to 'light touch' management by the school in recent years. Many of the trees in the site are preserved by a TPO, the majority of which are native oak. It is noted that there are several trees which were protected but no longer exist and indeed there is an 'Area' (A3) where there are few of the protected trees that remain. It is not clear what was the cause of these tree's demise.

Whilst it is welcome that the majority of trees subject to formal TPO protection are to be retained and efforts have been made to accommodate them during the design process, it is considered that

- 1) too many trees are shown as proposed to be removed,

2) too many instances where trees to be retained will likely not sit comfortably in their new setting because of their potential disproportionate influence on proposed occupant's new garden areas

3) There are likely to be inappropriate construction works close to retained trees.

For clarity the following clarifications and recommendations should be made so as to address the above concerns:

1) Clarification of retained trees and trees to be removed:-it would be helpful for all if drawings could be produced which show precisely which trees are earmarked for complete removal and which are to be retained. It can be confusing that tree numbers referred to within the TPO are not the same as those within the BS5837(2012) tree survey. It would also be helpful if trees to be reduced in size were also marked and the shade analysis shown on the plan (as per Tree Protection Plan Drawing of July 2017). Such a bespoke Tree Retention/Removal Plan drawing would clearly demonstrate this for all. It would also be helpful if the site could be marked up so that the actual footprint of proposed buildings/roads in relation to existing trees/other existing significant landmarks could be easily demonstrated to all.

2) Whilst Trees Officers' previous comments have been considered during and plans adapted during conversations at the Pre-app phase of this application, Trees Officers consider that the value of trees T13+14 (trees 10+11 of the TPO) are so high that they should be considered a significant constraint on the site and as such should be retained. The trees have been given an A3/B3 and B3 grade and as such should be considered as trees of high/moderate value as per BS5837(2012).

3) It appears as though many trees within the site have not been formally surveyed-these trees primarily relate to those contained within the 'central' north-south hedgerow which bisects the site. Many of the larger trees within this hedge line are ash trees. Whilst they may currently be in good biological health, their longer term future life potential is likely to be limited as a result of *Chalara fraxinifolia* (ash dieback). It is sadly assumed that most of these trees will likely be dead or in poor condition within the next decade. Trees Officers have noticed the presence of *Chalara* elsewhere in Cheltenham. However there are several oak within this hedge line which could be of value as a group and their presence needs to be taken account of during the design process. It would be worth considering whether there are trees elsewhere which may have greater value as a group than as individual trees. It would then be easier to value their retention. Several references have been made to the presence of 'Ancient Oaks' within this BS survey. It is commonly understood that for a tree to qualify as an 'ancient tree' it should be considered old in comparison with other trees of the same species, have started to retrench (die-back of the outer crown) and likely to have a hollow trunk etc. Trees Officers consider it may be more appropriate to label many of the trees within this site as 'Veteran Trees' 'not as old as ancient trees but bearing the 'scars' of ancient trees. Such trees are of high amenity, ecological and arboricultural value. Consideration for removal should only be considered as a last resort and suitable mitigation should be planned. It is unclear why trees T13 + 14 are shown as to be removed. They have also been considered as being of 'moderate' potential for roosting bats.

4) The central north-south hedge line is considered to be 'important' as described within the All Ecology Hedgerow Assessment of 2017. There are other smaller/younger oak trees within this hedge line which have not been described within the BS5837 survey (see above). Whilst it is appreciated that much of the southern end and some of the northerly end of this dense hedge line has been shown as to be retained, a significant proportion of it is shown as to be removed. The impact of this and any lost amenity has not been adequately described. It is not easy to comment on mitigation for the potential loss of this section of hedge line and other lost trees. It is beyond the scope of the application to describe in detail tree planting strategies. Whilst a Landscape Strategy has been submitted

(MHP Drawing no 16087.101 Rev A) and the overall thrust of the proposals are acceptable, there is little detail. It is not unreasonable to assume that should this development proceed, the future life expectancy of retained mature trees will be shortened. Few existing young trees are shown as retained. As such there will be a reliance on new planting to replace the oak as they become necessary to fell. New, ultimately large trees will take several decades to mature. There appears to be few appropriately sized locations for such trees to grow into their usual proportions.

5) Where trees and hedges are to be retained, there is no detail of what form their retention will take-ie what will be the experience of the end user of such areas. Currently there are several areas of dense bramble and undergrowth. It is assumed that such areas will be 'cleared' and made more useable. However detail must show what (if any) trees are also to be removed as a part of this process. Again, whilst such detail may be outside the parameters of this application, such consideration should be made at the design stage so that as successful site as possible can be developed.

6) There are instances where the retention of trees and the building of properties adjacent is optimistic and will likely lead to any future occupiers not fully enjoying the large tree adjacent. Whilst buyers will be aware of the presence of large trees adjacent, they may not fully appreciate all the implications associated with the presence of a large tree in terms of shade cast, leaf, twig fruit flower etc litter as well as feelings of nervousness which a tree/limb/branch failure may create whilst considering whether to purchase the property. Such an oversight can lead to subsequent requests/demands for inappropriate pruning/removal which this council may find unreasonable to refuse. There appears to be an uneasy relationship between trees and potential plots 68, 69+ 70. It is unclear which of the existing 4 oak are to be retained. It appears as though it is the 2 most easterly of these trees are to be retained. There is also a 'pond'/waterlogged area under the canopy and adjacent to the trunk of T19. It is unclear if this is to be retained within the proposed plot or if there are plans to create drainage in this area. A plan to create drainage must be full described within a Method Statement taking full account of adjacent tree roots. However this large tree may be likely to draw water from this pond and as such attempts should be made to retain it. If adjustments were made to the design of the development, successful boundary treatment could be achieved through the retention of trees in this area (albeit with reduced plot numbers). Plots 87+88 will also be subject to significant shade from trees to the south which would be out of the control of the occupant. Plots 7, 8 and 9 could also be under significant amounts of shade when the trees are in leaf. There is a similar scenario around plots 35, 36 + 38 (and adjacent garages). If trees 13 + 14 were retained (as described above), and plot design/density reconsidered, these trees could be retained.

7) There are many instances of drainage incursion into the Root Protection Areas of retained TPO'd trees. This appears to be the case around T's (of the BS Survey) 3, G1, 19, 32 and 45. This is not acceptable as it would likely lead to significant damage to tree roots. It is noted that there are no details submitted of gas, fresh water or electricity provision and any routes that such service provision might take.

8) Many of the trees earmarked for retention are shown as being subject to retrenchment pruning (ie crown reduction). Whilst such pruning techniques are considered to be of good arboricultural practice in terms of reducing the risk of stem breakage and the development of an inner crown which can lead to an increase of the anticipated lifespan of large trees such as oak, there also a presumption that adjacent owners of trees will also be content to submit their trees to such a practice (see para C1.2 of the Arboricultural Method Statement). Whilst such a practice of significant crown reduction can prolong a tree's life, it can lead to the reduction of the visual amenity a tree provides. Such retrenchment pruning should only be considered if there is an overwhelming need in terms of the trees health as well as the experience of the end user. Clarification should be made as to whether such a reduction is 4 metres (as per the tree protection Plan) or 5 metres (as per the Arb Implications Assessment), or whether a more bespoke retrenchment programme is

recommended firstly considering each tree on its own merits (i.e. its likely response to such pruning), the degree of necessity, suitable reduction points etc.

9) Details of Landscaping proposals are outside the remit of this application. However the overall thrust of the submitted planting scheme is welcome. It is pleasing that the suggested overwhelming majority of planting around the boundary and within open spaces is of native species. However it is noted that the planting of bay laurel is incorporated into this planting mix. Such an invasive and ecologically unfriendly species must be avoided. The palette of trees for within garden areas is also welcome, though care must be made regarding the location of each species-some of the chosen species can become quite large and cast dense shade and/or heavy leaf/fruit fall (*Corylus colurna*, *Ginkgo biloba*, *Betula pendula*, *Pyrus chanticleer*). The proposed new near continuous planting near the perimeter of the site (recommended within the hedgerow survey) is welcome.

To summarise, this is currently a tranquil natural setting for large veteran trees, most of which are in good condition. There are also many mostly younger ash trees dominant primarily within a hedge line running north-south. Due to the arrival of ash die-back, the future of such trees is uncertain. However much mitigation in terms of soft landscaping is proposed, the nature of this site will utterly change should permission be granted.

Whilst much care has been made to retain most of the important/valuable trees, there are instances where sufficient space has not been created for retained trees' future setting. There are also instances where construction/engineering works are proposed too close to such trees. Trees Officers consider that whilst attempts have been made to successfully retain TPO'd trees, there are several instances where housing density is too much adjacent to such trees. Whilst drainage engineers have made attempts to stay out of Root Protection Areas, there are instances of unacceptable incursion into such RPA's.

#### **CBC Tree Officer – revised comments**

*8th March 2018*

Following the most recent re-design of parts of the site (Site Layout Drawing no PL005 C) and providing various clarifications and modifications can be made and agreed upon, the CBC Tree Section no longer objects to this application.

All bar two of the existing TPO protected trees are to be retained as well as others which are not subject to a TPO. Whilst many trees and scrub/hedgerows are proposed to be removed, it is considered that the new tree planting as mitigation for this area of this area of land will address lost quality canopy cover into the future. Whilst such new planting will take time to establish and become of significant visual amenity, the proposed tree species and size details submitted, with proposed modification seem appropriate and for the good in the longer term and should make for a canopy-rich development.

It is apparent that there are many quality veteran/ancient oak all of which are over 100 years old and are spread primarily on the boundaries throughout the site. Other trees within the site are of lesser quality (individually) or under an immediate threat from disease. However it could be said that collectively these proposed removed trees have cohesive value in such a setting and certainly contribute to the current tranquil nature of the site. It is not considered that such trees constitute ancient woodland. Given that the majority of other trees are common ash trees, their long term viability are perceived to be threatened as a result of ash dieback (*Chalara fraxinifolia*). The degree of such a threat is not yet clear and the perception of degree of resistance death/dieback of such trees and the speed of impact has not been confirmed mostly as a result of *Chalara's* relative recent presence in this country. However, as stated previously, even with the anticipated prompt establishment of the proposed new tree planting, the ambience of this site will change dramatically with this proposal and consequences. The introduction of many new species (both native and exotic) will help fortify existing tree cover into the future.

There is no current formal routine public access allowed onto the land. As such the visual amenity of most trees is limited to those who live adjacent. The proposed development would change this and such public enjoyment of retained trees will increase (albeit in very different circumstance from the existing atmosphere).

Veteran trees have not been classified as per BS5837 (2012) recommendation where veteran trees should have an automatic A3 classification. Similarly their Root Protection Areas do not conform to the Woodland Trust and Ancient Tree Forum recommended areas equivalent to an area described as a circle of 15 (as opposed to 12 in BS5837 (2012)) times the diameter of a tree or 5 metres from the edge of the canopy. Indeed such recommendation of no hard surfacing within BS 5837 (2012) para 7.4 recommends that no construction occurs within a RPA. In this application there are several such incursions into the RPA. However, assuming:

- 1) prescribed tree protection is respected during construction,
- 2) the apparent good vitality of existing ancient trees recommended for retention remains,
- 3) the relative nature of the minor encroachment into RPA's,
- 4) canopy retrenchment proposals stimulate inner canopy growth,
- 5) recommended arboricultural supervision is undertaken at appropriate instances;  
it is considered that such proposals should not have a significant negative impact on the trees.

Whilst 2 TPO'd trees are earmarked for removal (T's 11 +17 of the TPO (T14 and T38 of the tree survey), other TPO'd trees (and instances of non TPO'd trees) are being retained. Overwhelmingly such retention is within proposed public open space and so pressure to prune would be less than if such trees are to be within the boundary of a private dwelling. Elsewhere (Plots 68 +69), where TPO'd trees are retained, generous rear gardens have been provided and the trees are (approximately to the north) of the dwellings. As such, shade cast on dwellings will not be a consideration. Elsewhere, care appears to have been taken to avoid future pressure from owners/occupants to prune trees so as to reduce shade into property windows. However there are instances on the west of the site where the presence of trees will be considerable to adjacent householders eg. plot 11 + plot 9.

Please could the following could be clarified or modified:

1) The Tree Protection Plan (drawing no 37.12.02F) key shows little difference between trees shown as retained and those shown to be removed. It is necessary to make this absolutely clear and unambiguous. Such a drawing should include areas of hedgerow to be removed as well as planted. However Para C1.1 of Tree King Report (TKC Ref 37.12E of January 2018) clearly states in a schedule the trees to be felled. Nevertheless this list is not exhaustive and there are many (predominantly ash trees) which comprise the hedgerow which bisects the site in a north/south direction which still do not appear to have been formally surveyed or described. It is clear that virtually all existing "lesser quality" trees are to be felled. Such felling needs to be shown on a bespoke tree felling and retention plan.

2) G1 of the felling list (para C1.1) is listed as Common Ash. However the tree protection map and schedule shows this group as being ancient oak. It is assumed that this is an admin error.

3) Para C1.1 also shows G4 (common ash) also being removed. However the tree protection Plan shows 2 G4 groups of trees. Phone conversations with Tree King clarifies that G4 on the western boundary is a new "G6". As such, the tree report, map and schedule need adjustment and clarification as to retention intentions.

4) Sections drawing within the Tree King report (no drawing number but dated December 2017) show intentions regarding ground elevations under the canopy of various retained

trees. Such adjustments in elevation are shown as being quite significant (up to 1.5-2 metres excavation and/or elevation on different sides of individual trees). Such changes in elevation within root protection areas are not acceptable. Para C6.2 of Tree King Report states "Where it is necessary to alter the ground levels in order to construct roads and driveways etc across the natural slope of the land, retaining walls will be constructed to avoid the need to regrade the ground in the vicinity of retained trees". This is acceptable but foundation and wall type needs to be sufficiently robust to take account of the weight/pressure of soil and roots behind. Similarly C6.3 states that "No excavation will be undertaken within the Root protection Areas of the retained trees. The ground levels within Root Protection Areas of the retained trees will not be altered either by cutting or filling. All of the retaining walls will be sited outside the Root Protection Areas of the retained trees." This gives some assurance that soil levels will not be altered but seems to be at variance with the Sections drawing described above.

5) Para A6.7 states that "it is proposed that retrenchment pruning should be undertaken on all of the large English oaks on this site. Each tree will be considered individually and a specification will be prepared for each tree before an application for permission to prune trees is made to Cheltenham Borough Council". Such a retrenchment pruning spec should be included as a part of any full planning application to prune rather than to make a formal separate application. However whilst the philosophy and aim behind such proposed pruning is agreed and will reduce the risk of major limb loss, each tree will likely react differently depending on vigour and vitality, naturally existing pruning points etc) and as such the assessment of the degree of crown reduction work (retrenchment work) should be considered during months when such trees are in leaf-their vitality is so much easier to assess.

6) It is proposed to fell G3 (cypress) but these trees are outside the site and as such the owners' (St Edwards School?) would need to grant such a permission. If these trees were retained, their current 20M+ height, evergreen nature as well as high water demand will negatively impact (in terms of shade cast as well as likely water availability on the proposed hornbeam, oak, lime etc trees proposed to be planted in the new open space to their north west.

7) The thrust boring technique within the RPA of tree T32 is a welcome endeavour to avoid significant tree damage to roots. However the off-site (to the south) route of such a drain is within school grounds and as such assurances must be made that the route taken will avoid any off site TPO protected trees and their root protection areas. Similarly there are no details shown of other service provision routes-fresh water, gas, electric etc.

8) Experience of subsidence within Charlton Court Road has shown that there is shrinkable clay soil in existence immediately adjacent to this site. It would not be unreasonable to assume that such clay soil extends into the site. Whilst proposed housing has designed around retained oaks and there is sufficient space between trees and houses from an amenity perspective, given the high water demanding nature of oak trees, it is critical that all property foundation types and design take account of retained and proposed new trees.

9) Paragraph B7 of Tree King report states where conflicts remain between drain runs within RPA's. Such a resolution has not been given as to how to minimise root damage where necessary and this needs resolution.

10) The Tree King Tree Protection Plan shows an avenue of 13 birch and 2 fastigate oak to be planted near the south east corner of the site. It would be of benefit if such birch were interspersed with additional fastigate oak. All newly planted "open space2 trees will need protection from deer if they are to thrive and grow. Such protective fencing must be of adequate durability and design.



11) So as to increase biodiversity, it would be welcome if a number of the largest felled tree trunks were placed into proposed open space so as to provide habitat for decay organisms.

### **CBC Tree Officer – final comments**

*10th July 2018*

With regard to trees, this application site has a long and drawn out history of negotiation with a view to retaining the best existing trees, encouraging the planting of new trees whilst at the same time facilitating the proposed new build of many new houses.

The site is currently a tranquil area which has been treated to a seemingly “hands-off” management approach by its current custodians, St Edwards School. The site is dominated by grassland and several large veteran oak trees as well as hedgerows containing many trees of lesser arboricultural value. Most of the best quality trees are protected by a Tree Preservation Order dating back to 1981. This TPO also covers several (areas) of trees/hedge lines, but it is not considered that the trees within these areas are more than 37 years old and as such these areas are not afforded such protection.

There have been several amendments to the design of this site and in each case this has increased or improved the areas of land around trees to be retained as well as increasing numbers of trees to be retained.

There is a large hedgerow which almost bi-sects the site (G4) which is composed predominantly of ash trees. Whilst a proportion of this hedgerow is marked for removal, most of the trees within are of individual low quality but together add up to being visually significant. However their longer term future life expectancy is marred by their individual form but also the presence of ash die-back which threatens to eradicate many ash trees nationally. Due to the recent development of this phenomena on a national level, it is not possible to be clear what sort of ramifications ash die-back will take. It may be that a high percentage of all ash will die as a result, or it may be that dieback leading to death is “patchy” and may take several years to have significant consequences. Whilst the trees within G4 are important cohesively, Trees Officers consider their removal and replacement with other species may be better in the long term than the current “do-nothing” approach.

The trees have been subject to a BS 5837 (2012) tree survey. Whilst the large oaks have been noted as being veteran, they do not appear to have been given an increased Root Protection Area recommended for veteran trees. However on several occasions their Root Protection (overall) Area has been increased elsewhere around the trees so that they should have sufficient overall available rooting area. These areas are to be securely fenced off during any construction phase of this development. Where development is within a Root Protection Zone, methods have been described within the Arboricultural Method Statement (thrust boring rather than trenching techniques, different forms of fencing, ground protection, supervision etc) which should help in the safe retention of the rooting environment of these trees into the future. Similarly, they have frequently been incorporated into anticipated public open space (rather than being retained in private gardens) and have “buffer” planting adjacent to them.

It is difficult to quantify with a degree of accuracy, the number of trees to be felled. Whilst Tree King report of June 2018 states 18 trees (2 of which are subject to a TPO) are to be removed (excluding G4), this does not give a true reflection of the amount of change that will occur to this site. Similarly, there is an instance where existing trees have not been recorded thus giving an inaccurate impression of tree numbers to be removed. However these appear to be “scrub” areas of trees (significantly between trees T10 + 11) and of little arboricultural consequence (though they would contribute to the overall arboricultural “fabric” or character of the area). Whilst much attempt has been made to soften the longer term impact on the green environment, there is no doubt that should full planning permission for the development of this proposal be given, the current nature of the site will

change completely. Should permission be given for this application, it may be useful during the course of any full application, if a bespoke tree removal and retention plan be drawn up to give an easily-understandable perspective of tree canopy cover lost and canopy cover retained.

G3 of the tree survey are a group of large cypress trees. Their removal will be necessary so as to enable the new tree planting and establishment to promptly take place (cypress demand much water and block a lot of natural daylight). It is not clear if these trees are on or off site. If they are off site, local agreement with the owner needs to take place to secure their removal.

Most of the oaks to be retained are proposed be subject to retrenchment (branch end pruning to mimic the natural process of tree growth and aging trees as seen in nature) pruning, and each tree will have a bespoke retrenchment plan. Given the current normal to good vitality of these veteran oak trees, should such retrenchment take place carefully and sensitively, it should lengthen the anticipated life expectancy of the trees. It should also enable dwellings to sit alongside the trees more comfortably due to their shortened branch lengths.

Experience has shown that, especially on larger development sites, that there is frequently collateral damage to trees as a result of unforeseen circumstances during the design stage of any development. As far as possible, contingencies for this have been made within the method statement of the Tree King report. What is crucial should this proposal be given permission is that a retained arboriculturist is kept so as to ensure that construction practices are undertaken as described. This will help ensure that a system of robust protection and working methods are adopted so that retained trees are given maximum protection possible within the site. However Tree King states that monitoring should be taken routinely every 10-14 days. Such supervision (apart from at moments specified within Part C Section 6 of the report) should take place at more frequent intervals not least so as to help ensure that on site due consideration of the importance of protecting retained tree does not diminish as the proposal develops. This frequency of arboricultural monitoring should be increased to at least once every 5 working days. On each occasion, a "progress report" should be submitted to council trees officers following such visits.

It is possible that much of the subsoil within this site is clay soil. Given the proposed introduction of so much hard surface on this land, there is potential for much change to the hydrology of the soil and therefore changes to the water available to existing trees. A report should be written as to the likely consequences of such hydrological changes and the potential impact on existing trees. Paragraph B22 of Tree King report states that consideration should be given to the directing of rainwater onto rooting areas of the large oak trees. Such details must be submitted and agreed as a part of the any full planning application.

#### Planting:

MHP Landscape Strategy (Drawing no 16087101. Rev F) shows many new trees and hedgerows to be planted within the site both within proposed public open space and within private gardens. Overwhelmingly the proposed trees are of a native species and are to be planted in groups and lines so as to provide connectivity and in many cases will "frame" retained veteran oaks. Many "exotic" (non-native) trees are to be planted in proposed private gardens. Many of these species help provide habitat, food/nectar source for insects and generally are of an ultimate size suitable for the garden sizes.

Whilst such tree and hedgerow planting is welcome and necessary to provide a suitable setting for any new occupants, it will also help mitigate for tree and hedgerow losses incurred as a part of the development of the site as a whole. However there are insufficient details regarding overall tree planting numbers, sizes, tree pit details etc. The above drawing gives a good indicative idea of the scale of the proposed planting, but more detail

is required. It is strongly recommended to test the soil type, ph etc so as to help ensure that all trees to be planted are suitable for their proposed location. It may also be that soil amelioration is necessary at planting locations. Details of such activity and a Method Statement must be submitted and agreed as a part of any full application. Similarly, short, medium and long term management strategy for the trees (existing and to be planted) must be submitted as a part of any full application. This management plan must include details of how best retained veteran oak (and members of the public who visit these spaces) are to be managed. The new planting adjacent to existing retained trees need suitable aftercare and maintenance as well as robust protection from deer etc. It is anticipated that many of the trees are to be relatively large at the time of planting so as to help provide an "instant landscape". However unless such trees are carefully planted into appropriate tree pits incorporating suitable soil, mulch, support etc as well as a frequent and long term aftercare and maintenance (especially watering), such large trees will take a very long time (several years) time to establish and thrive. It may be wise to review what species currently thrive on the existing site and emphasise these species in any new planting scheme.

#### Conclusion:

Should this site be developed as suggested, the nature of this site will change completely. Should the site remain under the current minimal management approach, large veteran oak will likely continue to enjoy their environment free of the usual rigors associated with tree life in urban areas. There are few young/middle aged oaks within the site which have naturally seeded themselves. Most young trees within the site make up hedgerows and are of a species which face an uncertain future as a result of ash dieback.

Many trees would be felled to make way for the current proposal. Retained trees should not be significantly impacted providing they are given due respect through the rigorous protection and working methods as recommended in June 2018 Tree King report during the course of construction. However it is noted that many of the trees would not have the recommended space all around them as is recommended in the NPPF, the Woodland Trust, Ancient Tree Forum etc. Planting proposals indicate a rich tapestry of new trees to be planted. Further work is required during any full planning application to provide further details and assurances of tree planting suitability. Assuming such tree planting establishes and thrives, this should address tree losses as a result of the current proposal, but the tranquil nature of the current site would not return, even if there is a rich arboricultural fabric and the environmental and aesthetic benefits such tree planting brings.

#### **The Woodland Trust**

*19th October 2017*

As the UK's leading woodland conservation charity, the Trust aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. We own over 1,000 sites across the UK, covering around 24,000 hectares (59,000 acres) and we have 500,000 members and supporters.

The Woodland Trust objects to the proposed development on the grounds of loss and significant impact to several ancient oaks on site (T3, T13, T14, T19, T39, T40 and T44), six ancient English oaks off-site (T24, T28, T29, T30, T31 and T32), a group of ancient oaks (G1) and an ancient ash (T37).

#### Planning Policy

National Planning Policy Framework, paragraph 118, states that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

Natural England's standing advice for Ancient Woodland and Veteran Trees states:

"Trees and woodland classed as 'ancient' or 'veteran' are irreplaceable. Ancient woodland takes hundreds of years to establish and is considered important for its wildlife, soils, recreation, cultural value, history and contribution to landscapes."

The Trust recommends that for ancient or veteran trees, "where a more precautionary approach is warranted, Root Protection Areas (RPA) distances should be greater than the standard buffers stated in BS 5837:2012. The RPA should be a minimum of 15 times the diameter of the tree trunk or 5 metres beyond the canopy, whichever is the greater 1 2".

### Impacts

The Trust is concerned about the impacts of the development to the trees which are determined to be ancient in the applicants Arboricultural Survey. The trees in question are outlined below:

- T3, T19, and T40 will be subject to 5m height of crown reduction
- T13, T14, T37 and T44 will be felled to make way for the development
- T24, T29, T30, T31 and T32 are off-site of the development, but may be subject to crown reduction with owner consent
- G1, a group of ancient trees, will also be subject to 5m crown reduction.

Several of these trees are also protected by Tree Preservation Orders, highlighting that Cheltenham Borough Council deems these trees to be worth protecting for future generations to enjoy, and for their biological significance. The development will also result in the encroachment of the RPAs of several of the ancient oaks on site.

Natural England's standing advice for Ancient Woodland and Veteran Trees states that:

"Impacts of development nearby can include these effects on the trees and woodland, and the species they support:

- Compacting the soil around tree roots
- Changing the water table or drainage
- Increasing the amount of pollution, including dust
- Increasing disturbance to wildlife from additional traffic and visitors
- Increasing light pollution
- Increasing damaging activities like fly-tipping and the impact of domestic pets, changing the landscape character of the area."

Ancient and veteran trees are a vital and treasured part of our natural and cultural landscape. Ancient and centuries old veteran trees in the UK represent a resource of great international significance. Veteran trees are the ancient trees of the future. It has been estimated that the UK may be home to around 80% of Europe's ancient trees. They harbour a unique array of wildlife and echo the lives of past generations of people in ways that no other part of our natural world is able.

Due to the significant concentration of veteran trees in this area, the ancient trees likely to be lost are providing some of the closest potential replacement habitat for any rare species associated with decaying wood habitat, aging bark and old root systems. The larger the

concentration of old trees in an area and the longer they have been present on site, the richer the variety of species you will find among them.

For this reason it is essential that no trees displaying ancient/veteran characteristics are lost as part of the development. Any loss of ancient trees would be highly deleterious to the wider environment of ancient trees within close proximity, which may harbour rare and important species.

The Trust is concerned that if the protection area is limited, future risk assessments for the trees will determine that the tree needs to be felled due to past limb failures. The Trust is also concerned because people are inclined to use trees in all weather conditions as areas of protection, thus increasing the health and safety risk that the tree poses.

### Conclusions

In summary, the Woodland Trust objects to the proposed development on the grounds of loss of four ancient specimens and developmental impacts to several ancient oaks.

The Trust believes that the above application should be refused, as it directly contravenes the National Planning Policy Framework, Paragraph 118.

### **The Woodland Trust – additional comments**

*1st March 2018*

This is a joint submission on behalf of the Woodland Trust and the Ancient Tree Forum. The Woodland Trust will be maintaining its objection, and additionally includes significant concerns from the Ancient Tree Forum (who were previously unaware of this application) on the grounds of loss and damage to several ancient and veteran trees on site.

The Ancient Tree Forum (ATF) is a charity which has pioneered the conservation of ancient and veteran trees and is the main UK organisation concerned solely with their conservation.

The ATF seeks to secure the long-term future of ancient trees through advocacy of no further avoidable loss, good management, the development of a succession of future ancient trees, and seeking to raise awareness and understanding of their value and importance. The Ancient Tree Forum's supporters and contributors include very experienced and knowledgeable arboriculturists, ecologists, conservation land managers, foresters and landscape historians. These experts have contributed their national and international expertise to further our aims and in particular to produce 'Ancient and other Veteran trees: a guide to good management' (2013) edited by the eminent Dr David Lonsdale. This enables us to speak with authority on matters pertaining to ancient and veteran trees.

As we are the non-government voices for ancient woodland and ancient/veteran trees, this joint submission recommends that this application is considered for refusal. The Trust would like to make the council aware that the points raised in our original objection regarding planning policy and the retention of all ancient/veteran trees with appropriate root protection areas are still relevant.

### Additional relevant policy

Policy GE6 of Cheltenham Borough Council's Local Plan (Second Review) states that: "Development which would cause permanent damage to trees of high value (Note 1) will not be permitted. The following may be required in conjunction with development:

- (a) The retention of existing trees; and
- (b) The planting of new trees (note 3); and
- (c) Measures adequate to ensure the protection of trees during construction works."

Natural England's Standing Advice for Ancient Woodland and Veteran Trees defines veteran trees as: "Veteran trees in this guide refer to veteran, ancient, or aged trees. They have cultural, historical, landscape and nature conservation value because of their age, size, or condition. They can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks, or other areas.

Mitigation measures will depend on the development but could include:

- leaving a buffer zone at least 15 times larger than the diameter of a veteran tree or 5m from the edge of its canopy, if that's greater
- protecting veteran trees by designing open space around them
- identifying and protecting trees that could become veteran trees in the future"

#### Further considerations

The Trust would like to highlight that a significant number of the trees within the site boundary have been verified as ancient and veteran specimens on the Ancient Tree Inventory. As such, due diligence should occur to ensure that any ancient/veteran trees will be retained and are protected in line with Natural England's Standing Advice for Ancient Woods and Veteran Trees.

With respect to Landscape and Visual Impact assessment: "Within the site there are a number of habitats which make a contribution to ecological diversity and interest, overall the nature conservation interest of the site is ordinary." And 5.6.6: "The study site itself and immediate surroundings have no demonstrable special landscape features of wildlife, cultural value." Both the Trust and the Ancient Tree Forum would dispute these statements given the number of mature/veteran/ancient trees within the site boundary.

Additionally, despite there being numerous veteran trees, no specific reference to these is made in neither the assessment nor any saproxylic survey. The site is likely to be valuable due to the number of trees, hedges with scrub edges and semi-improved pasture. It is correct that the site itself has no designation but the trees on it are recognised as important.

Whilst we welcome the retention of T13 within the revised plans, the veteran oak will still be subject to RPA encroachment as a result of this application. The Trust would like to further re-iterate that any ancient or veteran trees on site should be appropriately protected in line with Natural England's Standing Advice and the Ancient Tree Forum's recommendations of an RPA at least 15 times larger than the diameter of a veteran tree or 5m from the edge of its canopy, whichever is greater.

There are numerous incursions into the RPAs of veteran trees, which is already the minimum RPA with regards to BS5837 and less than the ATF and Standing Advice recommended distances. This includes 'no-dig' drives and footpaths. This is contrary to BS 5837 Section 7.4 Permanent hard surfacing within the RPA, which explicitly states in the Note: "This sub clause does not apply to veteran trees, where it is recommended that no construction, including the installation of new hard surfacing, occurs within the RPA."

Although the trees may be retained, initial substantial pruning has been proposed to address risks associated with such trees in a housing situation and is likely to be ongoing. The impacts will vary for different trees, but would include loss of visual and biodiversity amenity, increased stress and reduced tree longevity.

Additionally, T36 is a dead veteran oak within the site boundary. Whilst both the Woodland Trust and the Ancient Tree Forum would like to see the specimen retained as a monolith, in absence of this we would request that the applicant considers retaining the deadwood from the tree on site for conservation purposes.

#### Conclusion

Overall, both the Woodland Trust and the Ancient Tree Forum would recommend that this application is considered for refusal on the grounds of loss and significant damage to a large population of ancient and veteran trees.

We believe that damage and loss to habitats such as these special trees, acknowledged to be irreplaceable in Standing Advice, is unacceptable and should be avoided at all costs. The loss of any one of the above specimens would be in contravention of both national and local planning policy.

We hope you find our comments to be of use to you. If you are concerned about any of the comments raised by the Woodland Trust or the Ancient Tree Forum then please do not hesitate to get in contact with us.

### **Ancient Tree Forum**

*6th March 2018*

Further to the joint objection recently submitted to the above planning application by the Woodland Trust and the Ancient Tree Forum, I would like to submit a further objection on behalf of the Ancient Tree Forum which has only recently been made aware of this application. This has been provided by our bat expert, Jim Mullholland, in relation to the adequacy of the bat survey that has been undertaken and therefore the impacts of this application on a protected species.

#### **Bat Survey Critique**

Trees 2, 5 were assessed as offering moderate potential to support roosting bats. However, these trees were only subjected to a single climbing inspection. The Bat Conservation Trust's Bat Surveys for Professional Ecologists; Good Practice Guidelines states that a minimum of two surveys should be undertaken. Therefore, these surveys have not met the minimum requirements of the guidance. An additional survey should be undertaken if these trees are to be removed or the potential roost features impacted by tree works.

The bat surveys of the trees were undertaken in May, June and July. As such, they take no account of bat use of the trees during the autumn and winter months. This particularly pertinent for noctule (*Nyctalus noctula*), a species identified to be on site during the activity surveys, as this species lek in trees during the autumn and then overwinter in trees. The absence of surveys during these periods is a shortcoming in the survey design. All trees with moderate or high bat roost potential should be subject to additional surveys during the autumn and winter months.

I trust that this objection will be considered, provided the matter has not yet been decided.

### **Joint Waste Team**

*4th September 2017*

Referring to the site layout plan, all brick shaded roads would likely be block paving and therefore they would either have to be built to withstand up to 26 tonnes or those residents would be required to present their receptacles at the adopted highway which would likely be the grey internal roadway.

The pavements around this site have to be wide enough to accommodate the waste and recycling receptacles when presented on collection day and not pose any obstructions to pedestrians.

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.

### **GCC Section 106 Officer**

*2nd February 2018*

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).

The scheme comprises the following number of dwellings:

Houses:	84
Flats	16

The scheme will generate the need for **6.45** additional pre-school places. There is no additional capacity. Therefore a contribution is required: **£87,511**

The scheme will generate the need for **22.87** additional primary school places. There is no additional forecast capacity. Therefore a contribution is required: **£310,141**

The scheme will generate the need for **11.81** additional secondary school places. This includes Sixth Form. There is no additional forecast capacity. Therefore a contribution is required: **£244,216**

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: **£19,600**

#### 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](http://www.gloucestershire.gov.uk))

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:	£13,560.00
Secondary 11-16:	£17,514.00
Secondary 11-18:	£20,680.00

*Multipliers are reviewed annually.*

*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 nursery/pre-school

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: Holy Apostles

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: Balcarras or New School

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".

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: Charlton Kings

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	£984.00	Per flat	£301.00
Primary School	Per house	£3,622.00	Per flat	£367.00
Secondary School	Per house	£3,511.00	Per flat	£94.00
Libraries	Per house	£196.00	Per flat	£196.00

2. The total expected child yield from this scheme is:

Pre School	21.5
Primary School	24.5
Secondary School	11.5
16-17	3.7

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.

5. 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.

6. 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.

### **GCC Section 106 Officer – revised comments**

*10th May 2018*

Please see updated requirements for the revised application.

Community Infrastructure Requirements (Gloucestershire County Council)

#### Summary

Planning Application	17/00710/OUT
Site	Oakhurst Rise, Cheltenham
Proposal	91

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).

The scheme comprises the following number of dwellings:

Houses:	69
Flats	22

The scheme will generate the need for **5.50** additional pre-school places. There is no additional capacity. Therefore a contribution is required: **£74,550**

The scheme will generate the need for **19.03** additional primary school places. There is no additional forecast capacity. Therefore a contribution is required: **£258,012**

The scheme will generate the need for **9.74** additional secondary school places. This includes Sixth Form. There is no additional forecast capacity. Therefore a contribution is required: **£201,442**

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: **£17,836**

#### 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](http://www.gloucestershire.gov.uk))

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: £13,560.00

Secondary 11-16: £17,514.00

Secondary 11-18: £20,680.00

*Multipliers are reviewed annually.*

*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 nursery/pre-school

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: Holy Apostles

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: Balcarras or New School

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".

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: Charlton Kings

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	£984.00	Per flat	£301.00
Primary School	Per house	£3,622.00	Per flat	£367.00
Secondary School	Per house	£3,511.00	Per flat	£94.00
Libraries	Per house	£196.00	Per flat	£196.00

2. The total expected child yield from this scheme is:

Pre School	18.3
Primary School	20.4
Secondary School	9.5
16-17	3.1
Total	51.2

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.

5. 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.

6. 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.

**Gloucestershire Centre for Environmental Records**

*29th August 2017*

Biodiversity report received.

**Gloucestershire Centre for Environmental Records**

*14th September 2017*

Updated biodiversity report received.

**Cheltenham Civic Society**

*21st September 2017*

This is a significant site remaining within the urban area. We accept the principle of residential development in this location. The site slopes to the south and is visible from the adjacent area. The proposed indicative layout does little to acknowledge the unique typographic nature of the site or its orientation. The indicative 'house-types' are dull and suburban, and indicate no local distinctiveness. This site presents, by reason of its size and location, an opportunity to build distinctive, modern and sustainable housing, which should take advantage of the sloping southerly aspect of the site.

**Friends of Charlton Kings**

*14th September 2017*

Thank you for giving us the opportunity to comment on this application.

Friends of Charlton Kings is a social media based group with a shared goal, namely "Protection of the unique and special community that is Charlton Kings, standing for sympathetic, appropriate and sustainable development".

We have, at last count, 927 supporters, and we have canvassed those individuals to the extent possible in producing this document, emailing them for opinion, taking hard copies to the Charlton Kings parish council meeting for debate, and incorporating comments from our own consultation exercise in the London Inn on 10th September 2017, attended by all our local councillors and the Cheltenham Member of Parliament.

We request that the council and the planning committee accept the comments of Friends of Charlton Kings as representative of a significant community of objection to this site.

There is a point to make up front. The various contributions make no reference to it being private land. As this is a primary school, with a strict visitor registration policy, it can only be assumed that this long list of impressively qualified personnel commenting on the suitability of the site for development will be clearly identifiable as having visited the site in person? If not, that begs a number of obvious questions.

We have aimed to limit our collective comments to the factual inaccuracies and most serious misrepresentations in the current planning documentation associated with 17/00710/OUT, with a focus on the design and access statement. However, we also note errors or misrepresentation across the totality of the documentation submitted. The following is not an exhaustive list, for obvious reasons. For example:

- the ecology report has incorrect statements about the nature of the land and its appropriateness as a wildlife habitat.
- the tree report misses TPO'd ancient oaks and ignores the area TPO on the boundary hedge.
- A pond evaporates (apparently houses will be built in it).
- the hedgerow report gives the wrong age for the boundary (clearly present in 1810, as documented in David O'Connor's book on the history of Battledown)
- the hedgerow report statement that there is no wildlife in the hedges that is subject to protection under the Countryside and Wildlife Act. But other documentation including the bat and ecology survey (done by the same person), states that there is.
- The transport report has been met with suspended disbelief (including by Charlton Kings parish council) - it accords with no local reality. The issue would benefit from independent analysis. We would note that London Road and Hales Road are already over the Highways Agency flow capacity recommendation for urban single carriageway roads, so even marginal increases are unsupportable.
- The heritage report pays considerable attention to all the local heritage assets that are not affected by this site. It dismisses the impact on those that are affected in a couple of paragraphs.
- The flood data is all modelled, historical, assumed or taken from other locations in Cheltenham. It is completely absent any data that is relevant to this site (which has flood problems from rising springs, from run off and is bounded on all sides by buildings that have flooded, have flood defences, and / or have subsidence concerns linked to moveable water tables). Indeed CBC and planning inspectors have documented that this development of this site could exacerbate local flood risks.

The overall approach to planning documentation in this application seems to be the generation of inordinate volumes of impressive statistics, statements and professional opinion. On close scrutiny, most of it isn't relevant to the site, and that which is relevant, is wrong. The glossy reports and impressive titles encourage assumptions of rigour and professionalism. We would ask that the Planning official and committee pay very close

attention to the substance and cut through the gloss. We are unimpressed, and we hope you are too.

## Design and Access Statement

### 1. Site Location

Lots of detail about what the site isn't.

Omission: Fails to mention that it is private green space. Cheltenham Supplementary Planning Guidance zones the site as part of Battledown and states that the area comprises large individual properties set in their own grounds, with much mature landscaping. "Garden land is not subject to sub division and intensification."

Misleading; fails to mention that the site is visible from the AONB, is central to the view from the conservation area in Charlton Kings and therefore a material part of the townscape, and is above the 'normal' finish to the build line in CK, approximately 210 metres above sea level.

Factual inaccuracy: States that there is a vehicular access from the end of Oakhurst Rise - there is not.

Factual inaccuracy: There are two current points of vehicular access to the site, from London Road and from Ashley Road, neither of which is mentioned.

### 2. Topography and character

Factual inaccuracy: States the open spaces comprise unkempt grass and a few trees. The grass is organic unfarmed meadow, which has been untreated for decades, and is cut once a year. The 'few trees' comprise oaks, sycamores and other mature trees subject to protection orders dating from the 1980s. A number of them are being evaluated for consideration as ancient, and are at least 250 years old. The site also comprises important hedgerow (covered by area TPOs), and ponds.

Factual inaccuracy: No neighbours consulted have planted trees to add screening; in fact no-one is aware of a tree that has been planted in the last 30 years.

### 3. Summary of site analysis

Misleading: states that the site is well screened from immediately adjacent public vantage points. The site is clearly visible from multiple points in Charlton Kings and 11 neighbouring properties have no screening between themselves and the site. The site borders a kindergarten playground and is clearly visible across the school grounds.

Misleading: states Battledown Estate is not typical of the town, but Ewens Farm is. However Cheltenham Borough Council local planning guidance has zoned Cheltenham; this site is not in Ewens Farm. It is in Battledown (see the map on SPD of June 2009). And it is part of Charlton Kings, which is noted for its village character and open green space.

Factual inaccuracy: States the site boundary is defined by tree planting. In fact, the site boundary is only defined by trees on the boundary to Ewens Farm (this is an historic boundary, featuring in a map of the area from 1810). There are a small number of trees and some low hedging on the northern side, and almost no planting on the eastern boundary; the southern boundary is current open as access to the school.

Misleading: The statement says that a number of trees surrounding the site and within the site are protected 'and the scheme will be developed to pay due regard to this'. But the current maps that have been produced fails to identify some of the ancient trees and some

of the current TPO covered trees. The proposed design takes out all the important hedgerow and a significant number of TPO'ed trees. It even removes ancient trees that are assumed irreplaceable and have specific guidance with respect to planning and the development approach of nearby sites.

Query: statement that the land has been identified to be sold for development since the 1990s - yet 3 applications for development in the 1980s were rejected (on grounds that are still pertinent today), all the way up to Secretary of State, and nothing has been done until 2017. This appears unlikely. The site does not feature in any of the CBC land use / build projections in the last decade.

### Constraints

Omission: fails to mention the environmental considerations necessary for this site given its nature, and the wildlife present. At a minimum, national planning policy includes the requirement for bat and badger mitigation, and for an alternate similar size (improved quality) reptile habitat. Local planning policy prohibits the development of private green space that has environmental impact.

Omission: fails to mention the flood risk

Omission: fails to mention the loss of visual amenity and broader environmental and noise impact on a school and its playgrounds

Misleading: states the site is visible 'from afar'. It frames the view out of Charlton Kings including its two conservation areas less than ½ mile away; that isn't really 'afar'. Fails to mention the site frames the view of CK from the AONB and is above the normal build height for any density housing in the area.

Factual inaccuracy: the access via the existing roadway still needs approval, given the need to remove protected hedgerow (covered by an area Tree Protection Order).

Omission: fails to mention the ponds and water collection sites across the fields

Omission: fails to mention the lack of school places within the local area (primary and secondary)

Omission: fails to mention the loss of local and educational amenity, particularly a cross county course used by Gloucestershire's school children, the natural studies opportunities for 400 primary children a year, and the community annual bonfire.

Omission: fails to mention CBC's local planning policy prohibits the development of private green space that has an environmental or significant townscape contribution

### Proposal

Misleading: states that the density of the eastern section is 'more akin to Battledown Estate'. Battledown has a maximum of 4.9 properties per hectare. This proposes a density of >23 properties per hectare.

Comparison sites aren't in Charlton Kings - and are therefore irrelevant to the character of this neighbourhood.

### Layout design

Misleading: 'an ecological assessment' consisting of a one day site visit in September, and a one day visit in February, is inadequate, particularly for a site of such environmental significance.

Omission: during the public consultation event, concerns were raised extensively about the loss of public amenity (not least the cross country course, and the local firework event),

drainage problems, the impact on listed buildings and current flooding problems across the area. These have not yet been addressed.

Factual inaccuracy: "a pond has been introduced to assist with the drainage of surface water". There is already a permanent pond on the site, which appears to have been removed, and a further 2 seasonal ponds, which have been ignored.

### Drainage

Query: Severn Trent Water have previously documented that the foul and surface water drains located in Charlton Court Road are at capacity and that any future connection into them would have to be through new drains.

Query: existing surface water drainage has been insufficient even with 10 hectares of natural planting to alleviate flood risk. What happens when the storm water tanks are full? And what happens to the water that comes up through the various springs on site, or to the standing water that accumulates after every rain, even as a greenfield site?

### Flood risk

Omission: given the preponderance of fresh water springs, an unstable water table and documented flood issues affecting almost all properties bordering the site, why has the flood risk evaluation been done on modelled historical data from other parts of Cheltenham, with no detailed geo-technical survey?

### Conclusion

How is it possible to state that the proposal is consistent with all relevant policies and other material considerations, when those inconvenient to the application have been omitted completely?

## **Friends of Charlton Kings – additional comments**

*2nd March 2018*

Friends of Charlton Kings decided to test the transport plan today for the Oakhurst Rise application.

It claims the approximate distance from the site to the co-op (as one example) is 790 metres - or 9.25 minutes walk.

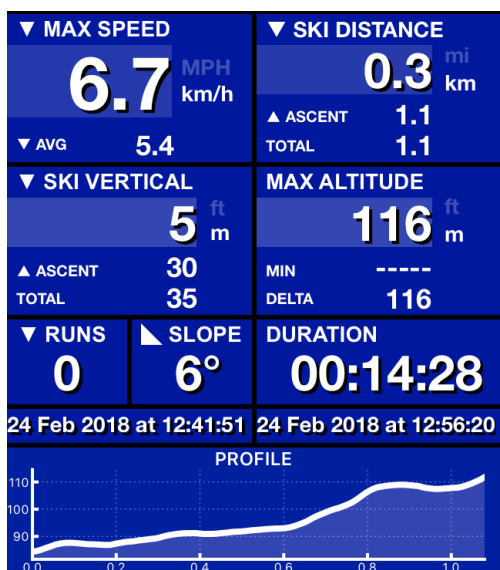
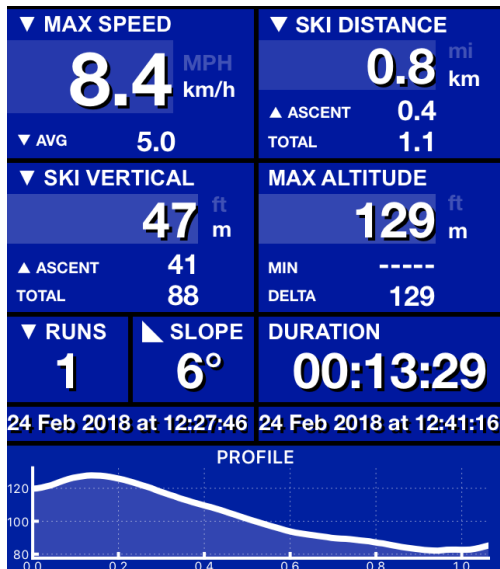
We sent a 15 year old double county athletics champion around the proposed layout, ensuring he was walking at a pace above that claimed in the plan (despite the 1:11 climb in places).

The attached are his tracks off a skiing app which measures time and altitude. For the avoidance of doubt, the walk is 1100 metres. It took him 13.29 minutes to walk there, 14.28 minutes to walk back.

Please can you add the appropriate error margin to all the transport data - it under estimates all distances by at least 20%, and all times by an error margin of 33%

We are still waiting on a highways report, but note that no work has yet been done on transport data within Ewens Farm, which is the key bottleneck - and that the comparison data in the transport plan is for a dual carriageway. It is completely irrelevant to the traffic flows in Charlton Kings.





## Friends of Charlton Kings – additional comments

5th March 2018

The revised plans are no improvement. The National Planning Policy Framework says "Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives.

This should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities."

Believe me, speaking on behalf of the now 900 strong Friends of Charlton Kings as parents of children who are at St Edwards School, we feel excluded from this process. Concerns are ignored, complaints brushed aside, requests for advice unanswered. The endless generation of consultant's glossy reports that are silent on all issues that matter to the community, but make the process unbearably laborious to anyone without a PHD in planning. If this is a 'collective enterprise' it is missing the point. And there is no excuse for the most extraordinary dismissal of the people who are most affected by this application - the 400 children each year who make use of the grounds, for forest schools and cross country running and outside classrooms and exploration. They don't get a voice. William Morrison's consultant's report says "Views experienced by students and staff attending St Edwards School adjacent to the study site are considered to be low value views due to their

situation within an undesignated landscape. Staff and students are considered to have a low susceptibility to change as their attention is likely to be focused on their work or activity. Their overall sensitivity to change is considered to be low"

Just watch the year 6 video. It is on you tube.

40 children in an organic meadow with a backing track of birdsong, saying that the thing they will miss most is the grounds. They understand what is meant in the foreword to the national planning policy framework when it says "Our natural environment is essential to our wellbeing, and it can be better looked after than it has been."

Dismissing their opinion in this way is undemocratic and just plain wrong.

Some detailed further objections:

1. On flooding, this open land provides a flood risk mitigation function for the whole of Charlton Kings. The documentation admits that SUDs will not be practicable on this site, but offers no viable alternate solution.

An open pond adjacent to a primary school is completely unacceptable on health and safety grounds - both because of the potential danger to very small children and because of the health risk from stagnant water. There is no outflow so the pond will silt up. There is no management plan for the 'pond'. Who is responsible for its maintenance?

Residents will want to hold the council liable for potential negligence claims if there is local flooding that can be attributed to incomplete consideration of material facts at the planning stage (we note the written opinion from Cheltenham Borough Council dated 12.10.1984 which states "there is a SW problem with this site from which flooding could result. See comments of Severn Trent Water Authority on previous applications").

The problems with sewerage are exacerbated by the incorrect recording of the topology of the site. Only one gradient is captured in the schematics, running north south - there are also steep changes in levels east -west. As a result the current drainage plan has sewers and drains running uphill in various places, in addition to the claimed gravity feed (where is the pumping station going to go?) This is reinforced by comments from numerous residents on Charlton Court Road, who have routine and serious problems with the existing sewers.

"Permeable surfaces" are irrelevant when the subsoil is dense clay because the water doesn't drain at all; it is only the fact of grassland and extensive large trees that protect this land; and that is barely adequate after rainfall of more than 2-3 days, even as a green field site. All calculations need to be done on the basis of run off over all landscaped areas. The entire flood management for the site is offered up on assumptions (all wrong) and assertion. This isn't adequate, particularly in the face of the detailed and evidenced contributions from locals including the Charlton Kings flood experts.

2. On transport, the plan is, as the local council put it 'stretching all credibility'. We've tested the data and sent you are results. This cannot be treated as a flat site. The data provided in support of the application is not evenly vaguely credible and the assertions are unachievable. Again, I note CBC's own opinion of 2 September 1984 which said "the carriageway alignments, junction arrangements within the existing estate are not suitable for additional traffic" (that was 33 years ago - and in consideration of 28 properties being built, not 100. That was when people really did walk, and didn't shop on line / expect groceries to the door / have 2, 3 or more cars per household). As the layout of the site has been altered to run north / south, anyone trying to walk or cycle now needs to navigate a 1:11 hill at least two, possibly three times, in each direction. It isn't practical, even for a fit teenager. Shops and schools are not within walking distance of this development as required in the NPPF. The application confirms that all local schools are at capacity and with no plans for uplift, the distance to the closest school needs to reflect the school the

child will actually go to. On this years round, that is Cleeve School for us on Ashley Road (Balcarras / Pittville being full) and Gardners Lane at primary level - every parent on this site will be driving their children to school.

3. The application remains silent on the harm to the Grade 2 listed manor house, Charlton Manor. Using Professor Mowl's definition of setting of a site, in his and his deputy's respective rebuttals of the Historic England comments, the harm to Charlton Manor is significant (in addition to the harm to the grade 2\* listed manor to the south of the site).

4. It is not tenable to relocate a badger site to the boundary of a primary school with no foraging available. The application needs to be honest on the fact that there is no mitigation to the badger population.

5. The site drawings are inaccurate on the scale of the TPO'ed trees, nor is the design in accordance with Woodland Trust guidance that ancient / veteran trees need a 25m radius from the canopy, not from the trunks. We have no assurance from these designs that the ancient and veteran and protected trees on the site will be respected during the build, or afterwards. Different parts of the application now document different trees being removed; the inconsistency is so profound that it is now impossible to comment sensibly.

6. National Planning policy and the Hedgerow Legislation of 1997 presumes against removal of important hedgerow. This design is inadequate in this regard. It needs to be read as condemning the most significant and important hedgerow that runs north south on the site, It claims that hedgerow will form part of a back garden boundary, but this is impossible to protect post build (the hedge is currently in excess of 30feet in width, which again is not accurately represented on the drawings).

7. The spring fed pond at the top of the site just disappears. What is the strategy for managing the springs on the site? Can we be reassured that proper modelling will be done to mitigate against the already considerable subsidence problems from clay removal and 'wobbly' spring shifts across the parish (they are affecting numerous existing properties and new builds across Battledown and Ewens Farm)?

8. We re-iterate, with endless support from the community, as evidenced in previous objections, that this site provides a clear and key social role to the community, not just of Charlton Kings but of the whole of Gloucestershire. We cannot imagine how the council could justify building over the county cross country course. It is used routinely. It has been used by an estimated 40,000 school children (possibly more) since at least 1957. It is cited in various objection letters as being responsible for a life long love of athletics (including to Olympic standard), of long distance running (including from serving military officers) and of the outdoors (including in a video made available to CBC officers from the 40 year 6 children from the class of 2017). This is a completely unacceptable and incomprehensible loss of local amenity, completely at odds with CBC's statements on active and healthy living, and at odds with everything in both the council and national planning policy about our standards of living. The NPFF is clear on the need to protect sporting facilities and states that sustainable development means "improving the conditions in which people live, work, travel and take leisure" and states that planning decisions must guard against the loss of valued facilities; para 74 states that existing sports and recreational land should not be built on. The national policy is clear. The local policy is clear. The Localism Act is clear. So why is it being ignored so completely?

9. We have confirmed that Sixways GP surgery is over capacity with an extensive waiting list. The application confirms that all local schools are at capacity (NPFF para 72; cannot be done).

10. The charities commission have been asked why the Carmelite Monks are being allowed to sell charitable land beyond the purposes of the original bequest, and off the open market.

And once again, we note that CBC rejected the development of a brownfield site less than 500m from this very special private green space. That included CBC objection on grounds of access; the same streets that would be affected by this significantly larger proposal, for a site that local residents were happy (in the main) to see being developed. It makes no sense.

### **Friends of Charlton Kings – additional comments**

*12th March 2018*

The Friends of Charlton Kings are surprised by the tree officer comments posted. Leaving the treatment of ancient oak and veteran trees to one side (although strongly disputing that this design accommodates their retention; it requires the trees to be both pollarded, their roots compromised and a number to be condemned to small back gardens where they will be inappropriate and subject to eventual removal), there are some material errors and omissions in his statement.

"while many trees and hedgerows are proposed to be removed it is considered that the new tree planting will address lost quality canopy cover over time".

Canopy cover isn't the issue.

Flood protection is the issue; a 200 year old tree is more beneficial than a 10 year old tree - indeed than 20 10 year old trees.

The status of the hedgerows is the issue. Both hedgerows running north south on the site are important (and one is protected by an area TPO; both should be subject to a hedgerow retention notice under the 1997 legislation, given their age, the protected wildlife within it and more. The original ecology report recognises the hedgerows 'might' be important - they patently are - but this has not been acknowledged by the tree officer). Under part II of Schedule I of the legislation, it states that important hedgerows are of value for which new planting is no substitute. DEFRA guidance ("a guide to the law and good practice") to support the 1997 Hedgerow legislation states, and I quote para 8.16 say "the circumstances in which removal of important hedgerow is allowed to proceed are likely to be exceptional."

It is surely not acceptable to be silent in the issue of these important hedgerows given CBC is the statutory authority for their protection?

Next, the comments of the Woodland Trust have been ignored; they clearly articulate best practice for the protection of the ancient and veteran trees they have identified on site, and identify that the design proposed falls well short of what is required and will result in the loss of many of these irreplaceable trees.

Finally, the comments state that there is no current formal routine public access allowed onto the land, and as such "the visual amenity of most trees is limited to those who live adjacent".

This is patently untrue. There are 400 children in the school who use this landscape daily as a recreational facility, as a forest school and as an outdoor classroom. They and their teachers enjoy the visual amenity and do not live adjacent.

There are routine school, district and county cross country runs over the land; we are at one tomorrow. Both runners and their families enjoy the visual amenity of the landscape.

And the land and the trees are visible from the Charlton Kings conservation area and indeed dominate the the landscape from the AONB, as our photos previously provided to CBC evidence.

The Friends of Charlton Kings object to the tree officers comments in the strongest possible

**Friends of Charlton Kings**

*14th May 2018*

Arboricultural Review available to view online

**County Archaeology**

*22nd August 2017*

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: the wider locality is known to contain extensive archaeological remains relating to settlement and activity of the prehistoric and Roman periods. I therefore have a concern that significant archaeological remains may be present within the application site, and that these may be adversely affected by construction ground works required for this scheme.

I note that this planning application is supported by a report on an archaeological desk-based assessment (CgMs Consulting, November 2016), supplemented by an archaeological statement (CgMs Consulting, February 2017) regarding a 19th century ice house located in the eastern part of the application site.

In addition, the application site has been the subject of a geophysical survey (SUMO, February 2017). This survey detected ground anomalies which may represent the archaeological remains of back-filled pits. While no other ground anomalies indicative of archaeology were detected, large areas were found to be covered by magnetic debris which would obscure underlying archaeological remains.

In considering the results of the geophysical survey it should also be borne in mind that the survey will not have detected all potential archaeological remains present on this site, since there is a range of smaller archaeological features - such as pits, post-settings linear gullies and graves - which would not be detectable at the survey intervals used for the work. For that reason it is in my view imperative that the results of the geophysical survey should be tested further.

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 which may be present within the application site, and how these would be affected by the proposed development.

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

**County Archaeology - additional comments**

*1st November 2017*

Thank you for consulting me concerning the report on an archaeological field evaluation (Worcestershire Archaeology, October 2017) which has been submitted in support of the above planning application. I wish to make the following observations regarding the results of the evaluation.

I advise that the archaeological field evaluation comprised the excavation of five trial-trenches, the trenches being investigated to test the results of a previous geophysical survey (SUMO, February 2017).

No significant archaeological remains were observed during the evaluation, and on that evidence it is my view that the application site has low potential to contain such remains.

Therefore, I recommend that no further archaeological investigation or recording should be required in connection with this development proposal, and I have no further observations regarding this scheme.

### **County Archaeology - final comments**

*9th February 2018*

Thank you for consulting me regarding the revised details submitted in connection with the above planning application (which I note includes a revised site layout).

I advise that for the reasons outlined in my previous letter of 12.10.2017 it is my view that the application site has low potential to contain any significant archaeological remains.

Therefore, I confirm that I have no objection to the granting of planning permission for this revised proposal, and I recommend that no further archaeological investigation or recording need be undertaken in connection with this scheme.

I have no further observations.

### **GCC Local Highway Authority**

*4th June 2018*

I refer to the above planning outline planning application with access and layout to be considered received on the 29th August 2017, submitted with application form, Design & Access Statement, Transport Statement, Travel Plan, Transport NMU Context Report and drawing refs. LA01 Revision: E, PL001, PL003, PL004 PL005 F, SP01 Revision: L, SK01 Revision: J, SK01 Revision: L, SK09 Revision: M, SP01 Revision: L and SP02 Revision: K.

#### Location

The site is located to the east of Cheltenham town centre within Charlton Kings. The site is bound to the north, east and west by existing residential development and to the south by St. Edward's Preparatory School. The proposed development site will be accessed directly from Oakhurst Rise. Oakhurst Rise is a cul-de-sac serving residential dwellings and connects to Ewens Road and Beaufort Road at its southern extent in the form of a simple priority junction. Oakhurst Rise and all of the other roads in the locality have pedestrian footways to both sides of the highway and feature street lighting.

#### Accessibility – Public Transport, Walking & Cycling

The site is sustainably located and is deemed to be within acceptable walking distance of local amenities. In addition the site is also accessible to high quality public transport facilities located nearby with the nearest bus stops located on Beaufort Road to the south-west and slightly further afield on the A40 to the south. The bus serving the stop on the A40 London Road operates regularly at peak hours with services connecting to centre of Cheltenham Town.

#### Access

Vehicular access to the site will be provided from Oakhurst Rise, via a continuation of the existing cul-de-sac. Oakhurst Rise is a class 4 highway with a carriageway width of approximately 5.5m and is subject to the sign posted 20mph speed limit. The continuation of carriageway into the site will remain at a width of 5.5m with 2m wide footways on both sides of the carriageway.

### Layout

On entry into the site, drawing ref. SK01 Revision: L demonstrates that 18m forward visibility can be achieved with a target design speed of 15mph. I believe the design speed to be approximately 13mph which requires 15m forward visibility to be achieved, as significantly longer views will encourage drivers to increase their speeds (in accordance with the IHIE Home Zone Design Guidelines). Therefore due to the carriageway geometry (vertical alignment and 90° bend) acting as a speed reducing feature it is deemed that vehicle speeds around this corner will be low.

As two private cars can pass one another simultaneously throughout the site intervisibility is only required for larger vehicles (such as a refuse vehicle) and a car, in this location. As drivers of larger vehicles typically sit further forward than in a car due to the bonnet length being reduced this provides them with enhanced forward visibility. Therefore with the aforementioned and the infrequency of two such vehicles meeting it is deemed that speeds and the required visibility in this location will be low.

Forward visibility of 25m commensurate with the design speed of 20mph has been provided (drawing ref. SK01 Revision: L) around all other bends throughout the layout. In some locations these forward visibility splays cross over amenity space. It is therefore recommended that a planning condition is attached to ensure that all planting and/or boundary features within the forward visibility splays are no greater than 600mm.

The proposed internal layout will primarily be 5.5m wide carriageway with 2m footways on either side throughout the layout which is sufficient width to accommodate the passing of two private vehicles and ensures that conflict with vulnerable users is minimised in accordance with Paragraph 35 of the NPPF. The remaining areas within the site will be shared surface and vary in width between 7.5m and 7.8m, full height kerbed footways are tapered transitioning pedestrians into these shared areas with transitional rumble strips / ramps indicating drivers that they are entering a change in highway.

Refuse vehicle tracking as shown on drawing ref. SK01 Revision: L demonstrates that an 11.2m 3-axle refuse vehicle can enter, manoeuvre through and egress the site in forward gear without conflict. The tracking has demonstrated that where a car is unable to pass a refuse vehicle adequate levels of driver to driver intervisibility can be achieved to allow one another to give way. The refuse vehicle can get within 25m of all refuse storage points and would have not come any closer than 500mm from any vertical kerb-line structure, tree or formal car parking space.

### Parking

Gloucestershire currently does not have parking standards, with parking assessed against the National Planning Policy Framework (NPPF). A further Ministerial statement published in March 2015 stated that Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that it is necessary to manage their local road network.

Parking provision should be compliant with Paragraph 39 of the NPPF as well as give consideration to documents such as the DCLG Residential Car Parking Research Document. I have undertaken a study of the local car ownership levels for the area surrounding the proposed development site.

In total the proposed development will provide a total of 188 parking spaces for the 91 dwellings with a mix of garages, driveway car parking spaces and 29 visitor car parking spaces. This equates to an average of 2 parking spaces per dwelling, which is in excess of the local car ownership Census data levels. The 2011 local car ownership Census data identified an average car ownership within (Area name) E01022104:Cheltenham 012B of 1.16 cars per dwelling.

<b>Cars</b>	<b>Number</b>	<b>%</b>
All categories: Car or van availability	<b>721</b>	<b>100.00</b>
No cars or vans in household	<b>122</b>	<b>16.9</b>
1 car or van in household	<b>349</b>	<b>48.4</b>
2 cars or vans in household	<b>200</b>	<b>27.07</b>
3 cars or vans in household	<b>37</b>	<b>5.1</b>
4 or more cars or vans in household	<b>13</b>	<b>1.8</b>

In addition to the above 0.2 parking spaces per dwelling required by Manual for Gloucestershire Streets (MfGS) for visitor parking, a total of 19 visitor spaces for the development would also be required. When combining the expected car ownership levels and GCC's visitor space requirement (based on MfGS), the proposed site would be expected to provide at least 125 car parking spaces. Therefore based upon the local car ownership levels and the proposed parking provision being higher than the recorded average car ownership figures in the 2011 census data, the proposed provision would be regarded as acceptable in accordance with Paragraph 39 of the NPPF and will reduce the likelihood of parking displacement on the surrounding highway network.

Each parking space complies with the recommended design guidance of 9.13 and 9.14 Manual for Gloucestershire Streets with each space measuring 2.4m x 4.8m in length with 6.0m of drivable surface in front of them for ease of access. The private garages also comply with the recommended design guidance of 9.22 Manual for Gloucestershire Streets with each single garage measuring a minimum of 6m x 3m, with minimum door width of 2.4m and each double garage measuring 6m x 6m, with minimum door width of 2.4m.

In addition the site will provide a minimum of 1 secure cycle storage space per dwelling. Cycle storage provision will encourage an active lifestyle and can act as a suitable substitute to the private car over short distances. A 3 mile utility cycle is a convenient distance for cyclists of all abilities whilst longer journeys of 5 miles or more according to LTN 2/08 allows experience cyclists to commute to work as well as provide scope to combine with alternative modes of sustainable transport to create longer environmentally friendly journeys. Cycling does have the ability to create a modal shift away from the private motor car.

Cycle storage for the dwelling houses can be accommodated within a rear garden shed, the shed should have a stand secured to the foundations and fixed lockable door. They should be positioned as such to allow for overlooking from a habitable room, this will allow for passive surveillance and help to reduce potential crime. The cycle storage serving the apartments can be provided by way of an appropriately positioned external store located close to pedestrian entrances and accesses. The store must be safe, secure and covered. Cycle storage facilities will be secured by way of planning condition.

#### Non Motorised Users

A review of the routes to local facilities has been undertaken to identify any implications of schemes for non motorised users accessibility, safety, comfort and convenience. The overall outcome identified that the existing routes were of a good standard with only a small number of pedestrian crossing improvements required. These have been secured by way of suitably worded planning condition.

#### Road Safety Audit



A stage 1 Road Safety Audit (RSA) was undertaken for the site layout in accordance with HD19/15. All issues raised within the audit have been agreed to within the designer's response and will be incorporated at detailed design stage.

#### Vehicle Trip Generation

During scoping discussions, the Highway Authority stated that the TRICS trip rate and trip generation data presented by the applicants transport consultant (Cotswold Transport Planning) was not comparable to the proposed development site. The Highway Authority requested a local validation survey should be undertaken to determine the forecast trip generation. It was agreed that an Automatic Traffic Count (ATC) survey could be undertaken on Charlton Court Road, as this was area which could be used to forecast vehicular trips at the proposed site.

The use of the donor site (Charlton Court Road) is considered to be robust for the purposes of estimating the trip generation from the proposed development. The daily trip generation from the local donor site is approximately 25% higher than the daily trip generation presented in the scoping report presented by the applicants transport consultant, derived from the TRICS database.

The donor site recorded a two-way AM peak hour trip generation of 0.44 trips per dwelling consisting of 0.11 arrivals and 0.33 departures and a two-way PM peak hour trip generation 0.48 trips consisting of 0.31 arrivals and 0.17 departures per dwelling (based on 35 dwellings). For a 91 dwelling development, based on the donor site figures, the development would generate 40 AM peak hour trips consisting of 10 arrivals and 30 departures and 44 PM peak hour trips consisting of 28 arrivals and 16 departures.

#### Distribution & Traffic Impact

Based on census journey to work data (2011), the proposed vehicle distribution can be determined. 51.8% of development traffic will be distributed left out of Oakhurst Rise onto Beaufort Road and Charlton Court Road, travel west along the A40 towards Cheltenham, 22.1% will be distributed right out of Oakhurst Rise, travel west along Ewens Road towards the B4075 Hales Road, 11.7% will turn left out of Oakhurst Rise onto Beaufort Road and Charlton Court Road, travel west along the A40 towards Cheltenham and turn left onto the A435 and the remainder will turn left out of Oakhurst Rise onto Beaufort Road and Charlton Court Road, travel east along the A40 towards Charlton Kings, based on the 2011 Census Journey to Work Travel data.

Due to the assignment and distribution of the development traffic it was requested by the Highway Authority that the following junctions were capacity assessed:

- Charlton Court Road/London Road A40;
- Sixways;
- London Road A40/Cirencester Road A435; and
- Hales Road B4075/ London Road A40/ High Street A435

#### Charlton Court Road/London Road A40

The results of the Charlton Court Road/London Road A40 junction assessment shows that the junction operates well below practical capacity levels in current and future year scenarios (2022) with and without development traffic.

All of the other junctions above were subject to a LINGIG assessments, these outcomes are as follows:

#### Sixways

The results of this junction assessment show that the junction is operating well over absolute capacity levels in all scenarios due to the existing levels of congestion and there is very little that can be done in terms of mitigation. However the introduction of development traffic does not result in an unacceptable or severe impact.

#### London Road A40/Cirencester Road A435

In this assessment, the operation of the junction is shown to deteriorate to above practical capacity due to background traffic, the actual impact of the proposed development is shown to be minor, and therefore the results of the assessment are agreed. It has been illustrated that benefits to this junction can be achieved through downstream improvements at the A40 / Hales Road junction, which have been proposed as part of the off-site highway mitigation for the proposed development.

#### Hales Road B4075/ London Road A40/ High Street A435

On-site observations indicated that vehicles queue abreast in the single lane around half the time. Therefore modelling the London Road south east approach as a single lane with the potential for non-blocking storage is considered to be an acceptable approach. Using current traffic flows and this approach shows that the development is unlikely to have a significant impact in the AM peak hour, but this will be more meaningful in the PM peak hour. The assessment of a formal designation of two approach lanes shows that whilst the junction will continue to operate in excess of absolute capacity limits, there is the opportunity for a significant improvement in junction operation from the non-mitigation scenarios.

#### Mitigation

As the existing A40 highway network suffers from intermittent congestion investigations have taken place to identify whether any improvements could be implemented at the A40 / Hales Road signal controlled junction, which is deemed to be most critical in terms of local traffic congestion, primarily due to the exit blocking it causes to other signal junctions on the network (e.g. A40 / Cirencester Road traffic signals).

Upon assessing the investigations the Highway Authority has deemed the following improvements acceptable in terms of mitigating the impact generated by the development:

1. Engineering intervention to increase approach lane widths on the westbound A40 arm, and minor adjustments to the kerb radius on the southbound Hales Road entrance link.
2. Signal controller intervention - adding a UG405 / Mova unit to the existing ST900 controller and upgrading the connection to ADSL.

Whilst observations at the A40/Hales Road junction show that traffic queues side by side on the London Road south east arm approximately half the time, depending on multiple factors. It is considered that there would be a capacity benefit in the proposal to widen the carriageway to formalise this occurrence every cycle. This capacity benefit would be sufficient to mitigate the impact of the proposed development at the A40 / Hales Road junction, and improve capacity issues at the A40 / Haywards Road junction, so that the residual cumulative impact is not severe.

#### Personal Injury Collisions

Personal injury collision statistics have been presented for a study area which covers the A40 London Road to the east, A435 to the south and Old Bath Road to the west.

Five collisions were recorded within the study area over the 5 year period with one collision. These collisions are considered to have occurred as a result of driver, pedestrian or cyclist error rather than being attributable to the geometry of the local highway network.

Overall it is reasonable to conclude that there is not an excessive amount of personal injury collisions on the wider network and those collisions that do occur are spread. Therefore it is reasonable to conclude that the additional traffic generated by the development will not have a material impact on general road safety in the area.

#### Construction Traffic

Concerns have been raised regarding the construction phase of the development, should planning permission be granted, construction traffic and the impacts of this are an inevitable consequence of engineering works and cannot be avoided, however the submission of a Construction Method Statement, together with any potential planning conditions which the LPA may deem necessary in terms of works restrictions will mitigate the impact. Largely, the planning system does not consider the impact of the construction phase of a development, except for to ensure that authorities look to mitigate the impact as far as possible.

#### Recommendation

The National Planning Policy Framework (NPPF) 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 also 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.

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

##### Condition #1 Vehicle Access Location

Means of vehicular access to the development hereby permitted shall be from Oakhurst Rise 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 #2 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 #3 Parking & Turning

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. SK01 Revision: J, 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 #4 Electric Charging Points

Notwithstanding the submitted details, the development hereby permitted shall not be occupied until a minimum of 1no. electric charging points per dwelling has been made available in accordance with details to be submitted and approved in writing by the LPA.

Reason: To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 35 of the National Planning Policy Framework.

#### Condition #5 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 #6 Forward Visibility

The forward visibility splays as demonstrated on drawing ref. SK01 Revision: L shall include no vertical features over 600mm. These areas shall be kept clear of vertical features over 600mm for the duration of the development.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe and secure layout which minimises conflict between traffic, cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

#### Condition #7 Estate Roads

No building 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 #8 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 #9 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 #10 Non Motorised User Improvements

Notwithstanding the submitted details, prior to works commencing on site details of pedestrian improvements for the installation of a connecting section of footway with tactile dropped crossing between Beaufort Road and Ewens Road (north side) and an extension to the footway facility and dropped kerb tactile crossing point across the Charlton Court Road cul-de-sac junction shall be submitted to and agreed in writing by the Local Planning Authority, the works shall then be constructed in accordance with the approved plans 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 Pedestrian Crossing

No building on the development hereby permitted shall be occupied until the pedestrian dropped tactile crossing to the west of plots 1 & 6 has been constructed in accordance with drawing ref. SK01 Revision: L and made available for public use.

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 #12 Highway Improvements

The widening of the approach lane widths on the westbound A40 arm, adjustments to the kerb radius on the southbound Hales Road entrance link and the signal controller intervention (adding a UG405 / Mova unit to the existing ST900 controller and upgrading the connection to ADSL) shall then be constructed in accordance with the approved plans before any of the dwellings hereby permitted are first occupied.

Reason: To ensure that cost effective improvements are undertaken to the transport network that mitigate the significant impacts of the development in accordance with paragraph 32 of the National Planning Policy Framework.

#### Condition #13 Public Transport Facility Improvements

Notwithstanding the submitted details, prior to works commencing on site details of improvements to Bus Stop ID: glodtwmt located on Beaufort Road shall be submitted to and agreed in writing by the Local Planning Authority; the works shall then be constructed in accordance with the approved plans and made available for public use prior to the first occupation of the dwellings hereby permitted.

Reason: To ensure that the development provides access to high quality public transport facilities in accordance with paragraph 35 of the National Planning Policy Framework.

#### Condition #14 Construction Method Statement

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

The Statement shall:

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

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

#### Condition #15 Travel Plan

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

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

#### Informatives

*Note I: The applicant is advised that to discharge condition #8 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 managements 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.*

#### 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.

#### **CBC Planning Policy Team**

The relevant policy document for consideration in regard to this application is the adopted Cheltenham Borough Local Plan Second Review 2006; Material Considerations include

National Planning Policy Framework (NPPF), national Planning Practice Guidance (PPG) and the Tewkesbury, Cheltenham and Gloucester Joint Core Strategy.

The NPPF seeks to achieve sustainable development, and whilst it seeks to boost the supply of housing (para 47) it also aims to protect and enhance the natural environment (para 7). The presumption in favour of sustainable development places the development plan as the starting point for decision making (paragraph 12).

The adopted Cheltenham Borough Local Plan Second Review 2006 and the JCS constitute the 'Development Plan' for the purpose of this application and should be read as a whole according to the degree of consistency of its policies with the Framework.

The proposed site is a private green space within the Principal Urban Area of Cheltenham. It is not covered by any specific planning policy designations which indicate that development should be restricted. However, as the site is a green space and contains various habitats the development will have to mitigate its impact on the environment. The decision maker will need to weigh all of those impacts against the significant weight given to facilitating new housing development.

The emerging Cheltenham Plan has not yet reached submission stage so carries limited weight in planning decisions. However, its next iteration contains the application site as an allocation for housing.

In conclusion, the Planning policy team are of the view that the principal of the development of the site is acceptable. The impacts of the scheme need to be weighed carefully against the presumption in favour of sustainable development.

### **CBC Planning Policy Team – additional comments**

*1st March 2018*

Since the original policy team comments were provided the policy position has altered. This addendum is provided to take those changes into account now that the planning application (17/00710/OUT) has been re-consulted on.

On the 11th December 2017 the JCS was officially adopted by the three partner authorities. At the time of the original consultation on this application the JCS had not been adopted but was so close as to carry almost as much weight. In this way the policy situation is not materially different.

The Cheltenham Plan Pre-Submission document was also approved for consultation by Council on the 11th December. As expected this version of the plan contained the Oakhurst Rise site as a potential residential allocation. This inclusion reflects the consistent view of the policy team that the principle of development on this site is acceptable.

The residential allocation policy in the Pre-Submission document specifies an approximate number of 25 dwellings for this site. This quantum of development was selected based on concerns about potential impact on the setting of a grade II\* listed building. The western part of the site is screened from the listed building by an established hedgerow and could accommodate approximately 25 dwellings. The policy does not restrict development to that part of the site. However, any proposals for development to the east of the hedgerow should consider the layout, form and massing of the development with regard to the topography of the site and prominence, scale, massing and quantum of development. This is important given the elevated position of the site to the north of the listed building and the potential for impacts to arise from changes to spaces, changes to skyline, lighting effects, changes to land use and land cover to the appreciation and experience of the listed

building. The complexity of this analysis means that it is best dealt with through the planning application process rather than within a local plan.

It should also be noted that in line with the NPPF (para 216) and PPG (reference ID: 21b-014-20140306) that only limited weight can currently be given to the policies in the emerging Cheltenham Plan.

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of the original application, letters of notification were sent out to 93 properties surrounding the site. In addition, a site notice was posted at the entrance to Oakhurst Rise and, subsequently, an advert was published in the Gloucestershire Echo. Additional consultation has been carried out, where deemed necessary, following receipt of revised/additional information. In response to the publicity, 316 representations have been received; 309 of which are in objection to the proposals.
- 5.2 All of the representations received during the course of the application have been made available to Members separately. In brief, the objections raised in response to the proposed development include, but are not limited to:
- Site not currently allocated for housing
  - Overdevelopment / density
  - Inadequate access / increase in traffic / safety of pedestrians and cyclists
  - Loss of existing green space / cross country running facility
  - Impact on local community
  - Impact on wide variety of wildlife / protected species
  - Impact on local infrastructure – schools and GP surgeries already oversubscribed
  - Flooding and drainage / increase in surface water run-off
  - Adverse visual impact on AONB / reduction in landscape quality
  - Removal of trees and hedgerows
  - Noise and pollution during and after construction
  - Increased air pollution
  - Impact on setting of nearby Grade II and Grade II\* listed buildings
  - Lack of affordable housing
  - Overlooking / loss of privacy to neighbouring properties
  - Proximity to St Edward's Preparatory School
  - Contrary to Charlton Kings Parish Plan
- 5.3 Members will be aware that requests have been received to defer the application to allow for local residents to be afforded more time to review the recent revisions to the scheme. However, re-consultation was not carried out with local residents on the latest version of the layout given the very minor nature of the changes proposed; however, the plans have been available to view on the Council's website. The revisions would be very unlikely to result in any additional issues being raised.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The main considerations when determining this application for outline planning permission relate to the principle of developing the site for housing; access and highway safety; impact on the historic environment; removal of trees and hedgerows; landscape and visual impact; wildlife and biodiversity; design and layout; drainage and flooding; affordable housing and other planning obligations; and impact on neighbouring amenity.



## 6.2 Policy background / principle of development

6.2.1 Planning law requires that applications for planning permission must be determined in accordance with the development unless material considerations indicate otherwise.

6.2.2 Paragraph 14 of the National Planning Policy Framework sets out a “*presumption in favour of sustainable development*” which in decision making means:

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

6.2.3 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006; and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy (JCS) 2017.

6.2.4 Material considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), and the emerging Cheltenham Plan Pre-Submission Document.

6.2.5 JCS policy SD10 advises that in Cheltenham housing development will be permitted at sites allocated for housing through the development plan; and on previously developed land within the Principal Urban Area (PUA). Elsewhere, housing development will only be permitted where it is infilling within the PUA.

6.2.6 In this case, the site is not currently allocated for housing within the development plan nor previously developed land; however, the site is wholly located within the PUA of Cheltenham, outside of the Green Belt and Cotswolds Area of Outstanding Natural Beauty (AONB). Additionally, the site is not the subject of any other designation that would rule out residential development in principle.

6.2.7 Moreover, the Cheltenham Plan Pre-Submission Document includes the application site as a potential land allocation for housing development. Although emerging CP policy HD4 suggests that the site is capable of providing approximately 25 dwellings, this figure was based on concerns about potential impact on the setting of nearby listed buildings; the western part of the site beyond the hedgerow was therefore identified as being more suitable for development but it is important to note that the policy does not restrict development to that part of the site, or indeed to 25 dwellings. The Planning Policy Team have provided additional comment on this in Section 4.

## 6.3 Access and highway safety

6.3.1 As previously noted, the proposed access is one of the ‘fixed’ elements of this outline planning permission.

6.3.2 JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and

provide connections to existing walking, cycling and passenger transport networks, where appropriate. The policy reflects the advice set out within Section 4 of the NPPF.

6.3.3 Access to the site would be provided from Oakhurst Rise via a continuation of the existing cul-de-sac; Oakhurst Rise is a class 4 highway with a steep incline. The suitability of this single access into the site has been questioned by local residents and considerable concern has been raised.

6.3.4 A very thorough assessment of the development proposals has been undertaken by the County Council as the Local Highway Authority whose detailed response can be found in Section 4 above. The response recommends that no highway objection be raised subject to the inclusion of conditions should permission be granted. It is not intended to repeat the comments but to summarise:

- The site is sustainably located, deemed to be within acceptable walking distance of local amenities, and accessible to high quality public transport facilities.
- The layout achieves the necessary visibility throughout the site and can accommodate a refuse vehicle.
- The level of parking proposed is in excess of the local car ownership Census data levels and will reduce the likelihood of parking displacement on the surrounding highway network.
- A review of the routes to local facilities to identify any implications of schemes for non-motorised users accessibility, safety, comfort and convenience identified that the existing routes were of a good standard with only a small number of pedestrian crossing improvements required.
- Improvements can be secured to mitigate the impact of the development on the local highway network.
- It is reasonable to conclude that the additional traffic generated by the development will not have a material impact on general road safety in the area.
- It is not considered that the development will have a severe impact on the local highway network; it will provide a safe and suitable access to the site for all people, and will provide opportunities for sustainable transport modes to be taken up.

## 6.4 Historic environment

### Impact on adjacent listed buildings

6.4.1 JCS plan SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 131 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

6.4.2 Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA), in considering whether to grant planning permission, to have special regard to the desirability of preserving the setting of a listed building.

6.4.3 There are two listed buildings in close proximity to the application site; Charlton Manor, a grade II listed building located to the northeast of the site within the Battledown estate, and Ashley Manor, a grade II\* listed villa within the school grounds to the

southeast. Additionally, an historic icehouse is also located within the application site itself. Whilst the site itself is physically separated from these listed buildings, there are clear views into the site from these heritage assets.

6.4.4 There is some disagreement as to the harm that would be caused to these heritage assets. Historic England (HE) refer only to harm to the grade II\* listed Ashley Manor as they consider the green open nature of the application site to make a significant contribution to the setting of this heritage asset. Conversely, a Heritage Consultant writing on behalf of the owner/occupiers of Charlton Manor, whilst acknowledging the harm to Ashley Manor, suggests that the development would have an even more harmful effect on the setting of Charlton Manor. Notwithstanding this, what is clear is that the proposed development would undoubtedly have a harmful effect on the setting of these adjacent listed buildings. It is therefore necessary to consider the level of harm that would arise from the development.

6.4.5 Paragraph 017 of the PPG (Reference ID: 18a-017-20140306) advises that *“In general terms, substantial harm is a high test, so it may not arise in many cases”* and that *“It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed.”* For heritage purposes, the “significance” of a heritage asset derives from both its physical presence and its setting. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. *“Its extent is not fixed and may change as the asset and its surroundings evolve”*.

6.4.6 In considering the level of harm to the heritage assets that would arise from these development proposals, officers consider any such harm to be ‘less than substantial’, and this view is shared by the Conservation Officer and Historic England. However, by its very nature, less than substantial harm is still harmful.

6.4.7 Where development proposals would lead to less than substantial harm to the significance of a designed heritage asset, paragraph 134 of the NPPF states that *“this harm should be weighed against the public benefits of the proposal”*. PPG paragraph 020 (Reference ID: 18a-020-20140306) sets out that public benefits can be *“anything that delivers economic, social or environmental progress”* and should *“flow from the proposed development”* and *“be of a nature or scale to be of benefit to the public at large”*.

6.4.8 It is therefore understandable that HE and the Conservation Officer recommend refusal, they are rightly focussing on the historic impact of the development; it is not their role to weigh the harm against the public benefits of the scheme, it is for the LPA to do so.

6.4.9 The public benefits that would arise from this development proposal, together with the necessary balancing exercise, will be discussed later in this report.

### Archaeology

6.4.10 Moving onto archaeological matters, paragraph 128 of the NPPF advises that where a development site has the potential to include heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. In this regard, the County Archaeologist advised that that wider locality surrounding the application site is known to contain extensive archaeological remains relating to settlement and activity of the prehistoric and Roman periods.

6.4.11 As submitted, the application was supported by an archaeological desk-based assessment, an archaeological statement regarding the 19th century ice house located in the eastern part of the application site, and the results of a geophysical survey. In considering the results of the geophysical survey, it was noted that the survey would not have detected all potential archaeological remains present on the site, and that the results of the geophysical survey should be tested further.

6.4.12 The County Archaeologist therefore recommended that the results of an archaeological field evaluation be provided, and an evaluation was subsequently carried out on site which comprised the excavation of five trial-trenches. No significant archaeological remains were observed during the evaluation and, consequently, it is considered that the application site has low potential to contain any remains. The County Archaeologist therefore concluded that no further archaeological investigation or recording should be required in connection with this development proposal.

## 6.5 Removal of trees and hedgerows

6.5.1 Local plan policy GE5 (protection and replacement of trees) seeks to resist the unnecessary felling of trees on private land. In addition, policy GE6 (trees and development) advises that the planting of new trees and measures adequate to ensure the protection of trees during construction works may be required in conjunction with development. The policies are consistent with the aims and objectives of JCS policy INF3 which provides additional advice in respect of green infrastructure.

6.5.2 Paragraph 118 of the NPPF advises that planning permission should be refused for development resulting in the loss of aged or veteran trees found outside ancient woodland *“unless the need for, and the benefits of, the development in that location clearly outweigh the loss.”* Veteran trees are irreplaceable. The application site contains a number of private veteran trees together with a lesser number of ancient and notable trees, as identified on the Woodland Trust Ancient Tree Inventory.

6.5.3 Standing advice published by Natural England and Forestry Commission provides guidance in making decision on planning applications. The standing advice guides the LPA and developer to identify ways to avoid negative effects on veteran trees, such as redesigning a scheme. If the decision is made to grant planning permission, planning conditions or obligations should be imposed to ensure the developer avoids damage, mitigates against damage or, as a last resort, compensates for loss or damage. There are various mitigation and compensation measures set out in the standing advice.

6.5.4 The Tree Officer has been closely involved in the evolution of the proposed layout in order to ensure that the best existing trees are retained, and to encourage the planting of new trees within the development. Many of the best quality trees within the site are protected by a Tree Preservation Order (TPO). The Tree Officer’s comments can be read in full at Section 4 and it is not considered necessary to repeat them; whilst they raise concerns, they do not object to the development in principle, subject to appropriate high quality mitigation planting being secured at reserved matters stage. Detailed landscaping having been reserved for future consideration, although the initial landscape strategy submitted to date indicates the provision of high quality landscaping proposals throughout the site.

6.5.5 Notwithstanding this, the development would nevertheless result in the loss of a small number of veteran trees, and it is there necessary to weigh up this loss against the benefits of the development in this location, as part of the overall balancing exercise.

## 6.6 Landscape and visual impact

6.6.1 JCS policy SD6 advises that all development proposals must consider the landscape and visual sensitivity of the area in which they are located or which they may affect. As previously noted, the application site is not located within the Green Belt or Cotswold Area of Outstanding Natural Beauty, but does sit in an elevated position above the town.

6.6.2 At pre-application stage, an independent landscape appraisal was undertaken by a chartered landscape architect at the request of the LPA. In their appraisal, the landscape architect identified the site’s topography and notable slope as a key landscape feature,

and highlighted that, whilst it is not designated landscape, its elevated position affords views out across the town and provides the backdrop to a number of large properties within the Battledown Estate. Based on the information available to him at that time, the landscape consultant did not consider the site to be 'valued landscape' in terms of paragraph 109 of the NPPF which seeks to protect and enhance valued landscapes.

6.6.3 The NPPF does not define what is meant by 'valued landscape' but there is relevant case law on this subject. In this instance, officers do not consider that the site should be considered 'valued landscape' for the purposes of paragraph 109. Whilst the landscape clearly has a value attached to it, particularly by local residents, it is not considered to have any intrinsic features that specifically set it aside from other areas of non-designated landscape.

6.6.4 The visual context for the site is one of urban and suburban settlement. However, the site, whilst visibly surrounded by housing on three sides, and the more expansive school site to the south, is relatively quiet and isolated in comparison to its surroundings. The development would fundamentally alter the character of the site and, to an extent, reduce landscape quality. This is a material consideration that therefore needs to be considered in the planning balance.

## 6.7 Wildlife and biodiversity

6.7.1 JCS policy SD9 seeks to ensure that all development, wherever possible, makes a positive contribution to biodiversity and geodiversity, and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development. The policy reflects the advice set out within the NPPF at Section 11.

### Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)

6.7.2 Natural England (NE) commented on the original proposals and advised that insufficient information had been submitted to assess the potential impacts that the development might have on the Cotswolds Commons and Beechwoods SSSI or the Cotswolds Commons and Beechwoods Special Area of Conservation (SAC). Residential developments, alone or in combination with other developments, have the potential to result in increased recreational pressures.

6.7.3 Additional information was therefore requested and subsequently received from the applicant in order for the LPA, as the competent authority, to undertake a Habitats Regulation Assessment (HRA) Screening to establish whether there would be likely significant effects as a result of the proposed development. The results of the HRA, which was carried out with the aid of the County Ecologist, concluded that that the LPA were able to rule out the likelihood of significant effects. However, NE did not agree that it was possible "*to conclude that the proposal is unlikely to result in significant effects on the European sites in question*" and suggested that a mitigation strategy was required to show how recreational pressure on the SAC could be reduced, and that an Appropriate Assessment be undertaken, concluding that without this information, NE England *may* need to object to the proposal.

6.7.4 In response to this, the applicant's agent carried out some research to see the approach NE had taken on applications for housing on nearby sites. One site looked at for comparison is a site at Coopers Edge in Brockworth for which planning permission was granted in March 2016 for a mixed use development to include up to 1500 dwellings following a call-in by the Secretary of State (Appeal Ref. APP/G1630/V/14/2229497). The Appeal Inspector in their report, stated:

13.1. *The application site lies some 1.9km from the Cotswold Beechwoods SAC. This covers some 585ha and was designated on account of its beech forests and semi-natural dry grasslands. The conservation objectives are to maintain these habitats in a favourable condition.*

13.2. *Natural England's initial view was that there was not enough information to rule out the likelihood of significant effects arising from the project alone or in combination with others, particularly in relation to increased recreational pressure. A report has been provided setting out relevant information to enable the potential effect to be assessed.*

13.3. *The report sets out the findings of a user survey to assess potential recreational pressures arising from this proposal. It concludes that it would generate some 7 new visitors to the SAC per 1000 population and that this could be readily absorbed without contributing to a significant effect. It also notes that the 24ha of informal recreation within the proposed scheme would provide suitable recreational opportunities for future residents. The report does not identify any adverse effects within the hydrology and air quality assessments. On that basis, the report concludes that the project, alone or in combination, would not contribute to an overall significant effect on the SAC.*

13.4. *The report's conclusions have been accepted by English Nature. In addition, the Habitats Regulations Assessment (HRA) for the draft JCS concluded that it (the JCS) would not have adverse in-combination effects on the integrity of European sites through increased recreational activity. This would include the application site, since it was identified as a strategic site within the draft JCS. There is no other evidence to suggest a likely significant effect. Although an assessment under Regulation 61 of the Habitats Regulations has been carried out, the information provided allows the competent authority to conclude that there would be no likely significant effect on the Cotswold Beechwoods SAC from this proposal, either alone or in combination. It is not necessary therefore to go on to carry out an Appropriate Assessment.*

6.7.5 The Inspector's report refers to a user survey which concluded that the development would generate some 7 additional visitors to the SAC per 1000 population, so if the same ratio of new visitors to the SAC is applied to this application for 90 dwellings, even in a worst case scenario (based on a maximum occupation of bedspaces) this development would result in approximately 3.5 new visitors.

6.7.6 With this in mind, officers would agree with the applicant's agent that no other conclusion could reasonably be arrived at other than the proposal would not have significant effects on the SAC. As such, no additional information has been requested at this time.

6.7.7 Notwithstanding this, NE recommend that mitigation measures for this development should incorporate the use of Green Infrastructure (GI), to help alleviate any recreational pressure, and suggest that well-designed GI could help to ensure that development is better accommodated within its landscape setting. NE also state that multi-functional GI is also important to underpin the overall sustainability of the development by performing a range of functions including flood risk management, the provision of accessible green space, climate change adaptation and supporting biodiversity.

6.7.8 Green infrastructure is also recognised as helping to deliver a range of economic, social and environmental benefits by, for example, driving economic growth and regeneration; delivering a higher quality of life and providing opportunities for recreation, social interaction and play in new and existing neighbourhoods; reinforcing and enhancing local landscape character; creating a sense of place and safe and accessible

environments in new development; improving public health and community wellbeing by providing opportunities for recreation and exercise; and helping to reduce air pollution.

6.7.9 Officers therefore feel that it would still be appropriate to secure appropriate mitigation measures at reserved matters stage with the inclusion of GI within the landscaping proposals.

#### Protected species

6.7.10 The site is noted to host a variety of protected species. A report submitted by Gloucestershire Centre for Environmental Records (GCER) identifies that bats and badgers, amongst other species, have been recently sighted on or near the site. Additionally, the Ecological Appraisal (EA) that accompanies the application acknowledges the presence of these species.

#### Bats

6.7.11 All bat species, their breeding sites and resting places are protected by law as they are European protected species. The EA identified that there were a number of trees within the site with the potential bat roosting features, some with multiple features, and bat activity surveys have therefore been carried out on site. A number of bat species were recorded during the manual surveys which were undertaken on a number of occasions from April to August 2017. The potential impacts on bats currently using the site for foraging and commuting were identified as being low to moderate adverse impacts, with the potential to provide moderate to major beneficial impacts through introduction of mitigation measures. The report includes a proposed bat and bird mitigation strategy.

6.7.12 A separate survey was carried out to assess the bat roosting potential of the trees. A total of eight trees were unable to be fully inspected and so the necessary dusk emergence and pre-dawn re-entry surveys took place. An additional dusk survey was undertaken on T6 to the north of the site following the discovery of a roost which identified a Common Pipistrelle day roost within T6 to the north of the site, which is to be retained.

#### Birds

6.7.13 Nesting birds are protected by The Wildlife and Countryside Act 1981, and vegetation clearance should take place outside of the bird nesting season March to August, or the vegetation should be surveyed for nesting birds by a suitably qualified ecologist prior to works commencing.

6.7.14 It is clear the development proposals would result in the loss of nesting opportunities for birds during construction; however mitigation measures such as nest boxes could be suitably be incorporated into the development.

6.7.15 The EA includes a mitigation strategy for bats and birds which could be further supplemented if necessary at reserved matters stage.

#### Badgers

6.7.16 Badgers and their setts are protected under the Protection of Badgers Act 1992. The EA identifies that significant badger activity was recorded on site, with a large sett found in the northern part of the site. The proposed development would require the removal of this sett and the possible loss of significant areas of foraging habitats. A full Badger survey was therefore undertaken on site.

6.7.17 As a result of the need to close the existing sett, it would be necessary to construct at least one artificial sett and this is proposed to the south of the site. Badgers would need

to be excluded from the existing sett prior to its destruction, and these works would require a licence from NE.

6.7.18 Badger Trust Gloucestershire, whilst not a statutory consultee, have advised that the loss of foraging habitat for a local group of badgers is likely to result in changes in badger activity. They have also commented that the closing of a longstanding main sett and removal of a major part of the badger group's foraging territory at the same time will inevitably disturb the badgers to the extent that they could not realistically continue to inhabit the site.

6.7.19 Furthermore, they suggest that artificial setts are rarely successful, and that the dispersal of badgers will inevitably result in them creating new setts elsewhere, which could well include in residential gardens and on commercial/public properties. The loss of foraging territory may also force the badgers to cross roadways to forage further afield. However, NE in their standing advice suggest replacement setts as compensation measures where setts would be destroyed, in addition to implementing mitigation measures for reduce the impacts

6.7.20 Officers are therefore satisfied that the badgers could be successfully relocated within the site subject to the submission of further details in relation to the artificial sett, the phasing of the works, and a comprehensive package of mitigation measures as part of the reserved matters application.

6.7.21 It is acknowledged that in an ideal situation the sett would be retained in its existing location but its relocation is fundamental to the proposed scheme. The retention of the sett in its current location would prevent the creation of a suitable access from Oakhurst Rise; there are no alternative access points.

### Reptiles

6.7.22 Grass snakes and slow worms are protected by UK law. The GCER report identifies that a small number of grass snakes and, most recently, a slow worm have been recorded near the application site; the last recorded sighting was in 2016 in an adjacent garden in Oakhurst Rise. The submitted EA considers the site to have the low potential for reptiles to be present.

## 6.8 Design and layout

6.8.1 Layout and scale, together with the proposed access arrangements, are 'fixed' elements of the scheme; however, appearance is reserved for future consideration.

6.8.2 JCS policies SD3 and SD4 set out the design requirements for new development proposals. These policies seek to ensure that development proposals are designed and constructed so as to maximise the principles of sustainability, and to ensure that all new development responds positively to, and respects the character of, the site and its surroundings. The policies are consistent with advice set out within Section 7 of the NPPF which emphasizes 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*".

6.8.3 Additionally, JCS policy SD11 and paragraph 50 of the NPPF highlight the need to ensure that new housing developments provide an appropriate mix of housing to meet the local needs.

6.8.4 The proposed site layout has evolved during the course of the application to better address the constraints of the site, which has in turn reduced the number of houses from 100 to 90. The housing density in the eastern part of the site has been notably reduced to respond to the larger plot sizes and detached houses within the Battledown Estate and



provide for an improved relationship with these properties; the density on this part of the site is now approximately 13 dwellings per hectare (dph). A higher density of development is proposed in the eastern part of the site to reflect the more modern housing within the adjacent estate, including Oakhurst Rise, with a density of approximately 24dph. Across the site the density of housing equates to 21 dwellings per hectare, and whilst this is quite low, it would be inappropriate in this location to secure a higher density of housing. As proposed, officers consider the layout and mix of housing would make an effective and efficient use of the land in line with policy requirements.

6.8.5 The design of the layout has also been carefully amended to improve its relationship with the nearby heritage assets, and to retain a visual link between the historic icehouse and the grade II\* listed school building, albeit physical separation already exists. The ice house will be retained in situ and complemented by landscaping.

6.8.6 The scale of development has similarly taken account of the surrounding built form, with the housing to the perimeter of the site largely two storeys in height, with building heights increasing to two and a half storeys within the site to include loft accommodation. The only three storey building, which comprises apartments, is located in the southwestern corner of the site.

6.8.7 Whilst the appearance of the housing is not 'fixed' and has been reserved for future consideration, indicative house types and street scene drawings have been submitted which indicate a contemporary design approach across the site with high quality external finishes. It is anticipated that the dwellings would be sustainably designed and constructed; the finer details of which would be required at reserved matters stage.

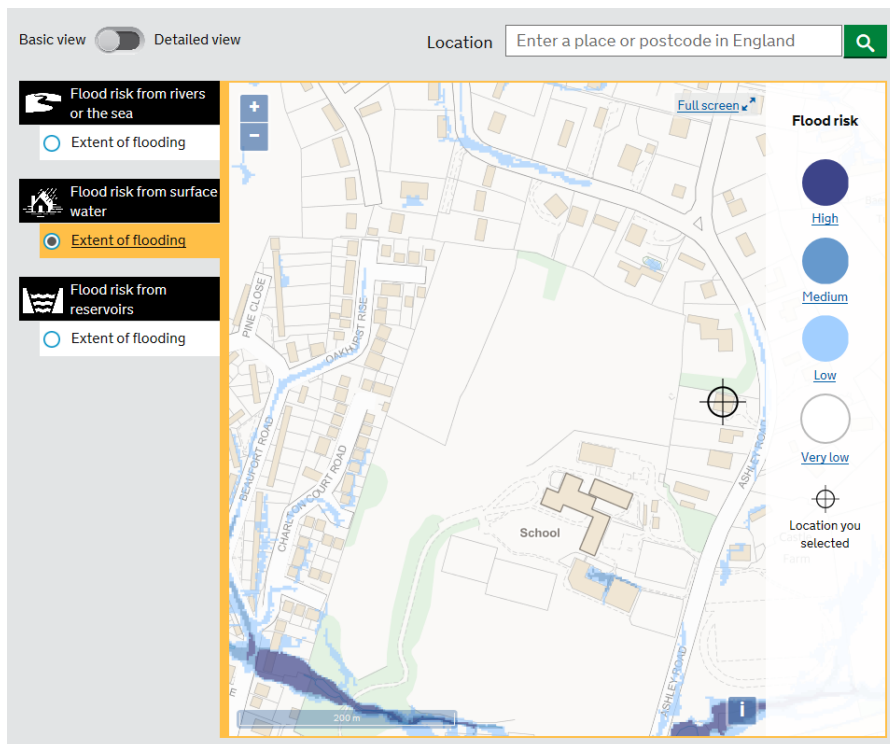
6.8.8 The layout has also been revised to secure the retention of additional existing trees within the site, and provides for multiple areas of green open space incorporating informal areas for play. As previously noted in this report, landscaping has been reserved for consideration at reserved matters stage, but the initial landscape strategy submitted to date indicates the provision of high quality landscaping proposals throughout the site.

## 6.9 Drainage and flooding

6.9.1 Adopted JCS policy INF2 and Section 10 of the NPPF seeks to ensure that new development is not inappropriately located in areas at high risk of flooding, and to ensure that development does not increase flood risk elsewhere and, where possible, contributes to a reduction in existing flood risk.

6.9.2 The application has been accompanied by a detailed Flood Risk Assessment (FRA) and below ground drainage proposals which have been reviewed by the County Council, as the Lead Local Flood Authority (LLFA) responsible for managing the risk of flooding from surface water, groundwater and ordinary watercourses; their full response can be viewed in Section 4 above.

6.9.3 The application site located in Flood Zone 1 and is therefore assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). Additionally, the Environment Agency's Flood Risk Map below identifies the entire site as being at a 'very low' flood risk from surface water flooding, although it does identify some areas in close proximity to the site that are at a higher risk of surface water flooding. The LLFA also acknowledge that there are significant surface water accumulations, and recorded incidents of flooding in the lower reaches of this catchment. It is therefore important to ensure that appropriate measures are provided to safely manage the flood risks arising from the increased run off from the development.



6.9.4 Given that this application is in outline, only a conceptual design for the sustainable drainage system has been submitted. On initial review of the proposals, the LLFA recommended that the applicant should reconsider their assessment of the relevant green field equivalent run off rate as it would be more appropriate for the designed controlled flow to be based upon the green field equivalent flow rate for the area corresponding to the proposed impermeable area. The applicant subsequently amended their assessment of the permitted green field run off rate and the LLFA have confirmed that this is now an acceptable representation.

6.9.5 The LLFA also raised some additional queries/concerns in relation to the level of information of provided but, notwithstanding these concerns, the LLFA are satisfied that, based on the information submitted to date, a viable and acceptable sustainable drainage system could be successfully incorporated into this development, and therefore raises no objection subject to a condition which requires a detailed design, maintenance and management strategy for the sustainable surface water drainage system to be submitted and agreed at reserved matter stage.

## 6.10 Affordable housing and other planning obligations

6.10.1 Adopted JCS policy SD12 requires the provision of affordable housing in new developments. In Cheltenham, outside of Strategic Allocation sites, a minimum of 40% affordable housing is sought on sites of 11 dwellings or more. Additionally, for a development of this nature, contributions towards education and libraries are also required in line with adopted JCS policy INF6.

6.10.2 As previously noted, the application now proposes 90 dwellings, 36 of which (40%) would be affordable. In line with the requirements of the latest Strategic Housing Market Assessment (SHMA) and local needs, a mix of 75:25 rented to intermediate housing is necessary. The Housing Enabling Officer is therefore seeking the following mix of affordable housing on the site:

<b>40%</b>	<b>Affordable Rented</b>	<b>Intermediate (s/o)</b>	<b>Total</b>	<b>%</b>
2 Bedroom 4P Flat	14	4	18	50 %
3 Bedroom 5P House	11	5	16	44 %
3 Bedroom 6P House	1	0	1	3 %
4 Bedroom 7P House	1	0	1	3 %
<b>Total</b>	<b>27</b>	<b>9</b>	<b>36</b>	<b>100 %</b>

6.10.3 The above mix of housing would provide much needed affordable family sized accommodation in this area. The Housing Enabling Officer has identified that as of June 2018 there were 2,365 households on Homeseeker Plus of which 1,066 households are in need of family accommodation, and 391 of these have specifically selected an area of preference to Charlton Kings; however there is currently very limited availability and a low turnover of social housing properties within the Charlton Kings area (estimates are of approximately 188 social housing properties).

6.10.4 The contributions required towards education (pre-school, primary and secondary including sixth form) are approximately £534,004 (this figure having been calculated on 91 units), with an additional sum of approximately £17,000 required towards library resources.

6.10.5 The affordable housing provision, together with the necessary contributions towards education and libraries, would be secured through a S106 agreement.

#### 6.11 Impact on neighbouring amenity

6.11.1 Saved LP policy CP4 and adopted JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality. In addition, one of the core planning principles set out within paragraph 17 of the NPPF is to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

6.11.2 Officers are satisfied that the proposed layout would not result in any unacceptable impact on neighbouring amenity; the development would not result in any significant overlooking or loss of privacy, outlook or daylight to neighbouring dwellings.

6.11.3 It is acknowledged that outlook from neighbouring properties would undoubtedly be altered by the development; however, officers do not consider that it would result in any overbearing effect, nor loss of privacy or outlook. Additionally, the topography of the site, distances to boundaries, and general arrangement of the housing would not result in any significant impact on daylight or sunlight.

#### 6.12 Other matters

##### Environmental Impact Assessment (EIA)

6.12.1 The Local Planning Authority was requested, in August 2017, to adopt a screening opinion to determine whether the proposed development would constitute ‘EIA’ development, under Part 2, Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017; i.e. determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the Regulations.

6.12.2 The proposed development is not Schedule 1 development. Additionally, whilst the development is listed in column 1 of Schedule 2 of the 2017 Regulations (Part 10 Infrastructure Projects, (b) Urban development projects), the proposed development does not exceed the following thresholds set out in column 2 of the Schedule:

- (i) the development does not include more than 1 hectare of urban development which is not residential development;
- (ii) the development does not include more than 150 dwellings;
- (iii) the overall area of the development does not exceed 5 hectares.

6.12.3 Additionally, the site is not located within a “sensitive area” as defined by Regulation 2(1). Therefore, the proposed development is not Schedule 2 development and an EIA is not required.

#### Tim Fry Land Rovers King Alfred Way application

6.12.4 Local residents have made reference to a recent planning application on the Tim Fry Land Rovers site on King Alfred Way, planning ref. 14/01125/FUL. The application proposed the redevelopment of the site involving the demolition of the existing buildings and the erection of 86 dwellings together with access, landscaping and other associated works. For the avoidance of doubt, this application was refused only on the loss of employment land, and in the absence of a S106 agreement to secure payment of the necessary commuted sums, the provision of affordable housing, and a land management plan.

#### Loss of existing green space / cross country running facility

6.12.5 Many of the local representations refer to the loss of the existing green space which is used by the school for an annual firework display and for cross country running, but it is important to remember that this is private land; it is not a playing field or public green space. Additionally, the site does not accommodate a playing pitch or built sports facility. Sport England were consulted on the application did not wish to provide a detailed response as the development does not fall within their statutory or non-statutory remit.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development unless material considerations indicate otherwise.
- 7.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and directs that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
- 7.3 The adverse impacts that would arise from the proposed development and the weight that can reasonably be attached to them are as follows:
  - Less than substantial harm to the setting of designated heritage assets – moderate harm
  - Effect on the character and appearance of the landscape, which whilst not considered ‘valued landscape’, is of value nonetheless – moderate harm
  - Loss of veteran trees – moderate harm
  - Relocation of badger sett – limited harm
- 7.4 It is therefore necessary to carry out a balancing exercise, to see if the benefits arising from the scheme would outweigh the adverse impacts of the development.

7.5 The benefits would be:

- A contribution to the supply of housing within the borough, and particularly the provision of affordable housing – in light of the acute need for affordable housing in the local area, a full policy compliant provision of 40% (36 affordable units) can be afforded very significant weight.
- The provision of jobs within the construction industry for the duration of the development – only moderate weight can be afforded given the temporary nature of the development, albeit it would likely be for a reasonable time period.
- The provision of green infrastructure – moderate weight
- Contributions to local infrastructure - limited weight
- Potential land allocation for housing development in the Cheltenham Plan Pre-Submission Document – limited weight

7.6 With all of the above in mind, taking into account all the material considerations (including the provision of affordable housing), officers are of the view that the benefits of the scheme just tip the balance in favour of granting planning permission.

7.7 The recommendation therefore is to grant planning permission subject to a signed S106 agreement to secure the affordable housing provision, together with the necessary contributions towards education and libraries, and a schedule of conditions which will follow in an update.