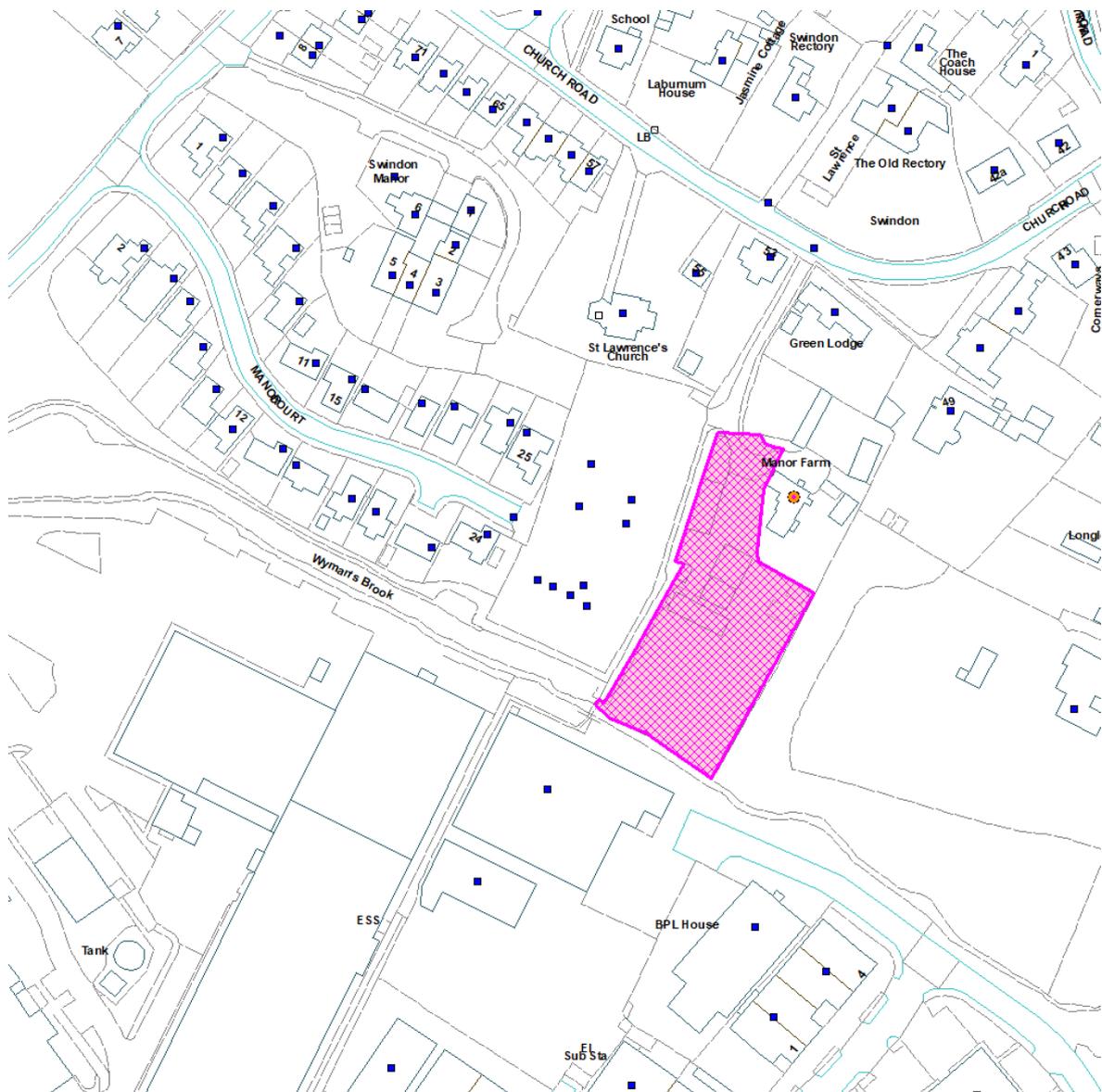


APPLICATION NO: 20/00749/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 14th May 2020	DATE OF EXPIRY: 9th July 2020/Agreed Ext of time 22nd November 2021
DATE VALIDATED: 14th May 2020	DATE OF SITE VISIT:
WARD: Swindon Village	PARISH: Swindon
APPLICANT:	Bloombridge LLP
AGENT:	
LOCATION:	Manor Farm, Church Road, Swindon Village
PROPOSAL:	Demolition of redundant outbuildings and construction of 4 no. dwellings with associated tree and landscaping works

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a parcel of land which forms part of the Manor Farm group of residential and agricultural buildings. The site is accessed via a private lane from Church Road which also provides vehicular access to Lawrence Court and Green Lodge, Church Road. Although generally hidden from public view, the site is visible from the public footpath which runs along the east site boundary and from Lawrence Court. The existing farm and various outbuildings on site range in age, size and architectural form and style and none are currently in use. Manor Farm and its associated outbuildings have not been in agricultural use for a number of years. There is extensive tree coverage along the west, east and southern site boundaries and the River Swilgate/Wymans Brook (main river) runs along the southern boundary.
- 1.2 The site lies wholly within the Swindon Village Conservation Area and the grade II* listed St Lawrence Church is located to the south west of the site. Commercial units and parking areas associated with the Kingsditch Industrial estate lie to the north.
- 1.3 The applicant seeks planning permission for the demolition of redundant outbuildings and the construction of 4 no. dwellings with associated tree and landscaping works. The site would be accessed via the existing lane and public footpath off Church Road which also serve St Lawrence Court.
- 1.4 The proposals have been substantially revised during the course of the application; the number of dwellings reduced to four with alterations to the layout, design, scale and form of the proposed dwellings.
- 1.5 A number of supporting documents have been submitted, including a Heritage Assessment, Visual Structural Survey reports, Flood Risk Assessment, Drainage Strategy, Arboricultural Impact Assessment, Transport and Ecology Notes.
- 1.6 This application is before the Planning Committee due to objections received from the Parish Council and Civic Society.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Flood Zone 2
Landfill Sites boundary
Principal Urban Area

Relevant Planning History:

10/01219/CACN 15th September 2010 NOOBJ

Lime tree on NE boundary - repollard at 10Ft (2ft above fence height), retain lower growth

18/00078/CACN 26th January 2018 NOOBJ

Group A - Height reduction 2M Group B - Height reduction 3-4M

17/01644/FUL 24th May 2018 Permit

Residential development of 2 no. bungalows and 6 no. houses, with associated access and landscaping (revised scheme following 14/01823/FUL)

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design
D3 Private Green Space
HE1 Buildings of Local Importance and Non-Designated Heritage Assets
HE2 National and Local Archaeological Remains of Importance
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD11 Housing Mix and Standards
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management
INF3 Green Infrastructure

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Swindon Village Conservation Area Character Appraisal & Management Plan (February 2007)

4. CONSULTATIONS

Environment Agency

27th September 2020

We previously objected to the application due to an insufficiently detailed Flood Risk Assessment (FRA). See our letters dated 12 June 2020 (our ref SV/2020/110637/01-L01) and 14 July 2020 (our ref SV/2020/110637/02-L01).

We are now in receipt of the updated FRA submitted by Baynham Meikle and Partnership dated 25/08/2020, which was received on 26 August 2020. I apologise for the delay in responding, and thank you for allowing us additional time to comment.

The level of detail previously requested with regards to showing the extents of the appropriate flood zones or historical flood levels is still lacking to a degree (although I understand there has been an issue with us providing model data for the River Swilgate/Wymans Brook).

Nevertheless, based on the ground level survey provided by Williams Land Surveys we can confirm that the footprint of all the development plots lie within Flood Zone 1 and finished floor levels are set appropriately.

When taking account of the potential impacts of climate change or the highest recorded flood levels, the above is still applicable.

Accordingly, we no longer consider we would have grounds to object to the application. However we consider the application would only be acceptable if the following condition is attached to any permission granted:

CONDITION:

There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of bank of the River Swilgate/Wymans brook, along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

REASON:

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

Finally, it is noted that a new outfall headwall is proposed to discharge into the River Swilgate/Wymans Brook. Such a structure may require the separate prior formal permission of the Environment Agency in the form of a Flood Risk Activity permit under the Environmental Permitting Regulations.

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

14th July 2020

REVISED COMMENTS:

I write further to our previous response dated 12 June 2020, our reference SV/2020/110637/01-L01.

Thank you for your email dated 24 June 2020 referring the updated Flood Risk Assessment (FRA) submitted by Baynham Meikle Partnership dated 23 June 2020.

Having reviewed the updated FRA, we must unfortunately advise that the level of detail required (as set out within our previous response) to provide an appropriate level of assessment, as per the requirements of the National Planning Policy Framework, has not been forthcoming.

Hence this leaves us with no option than to maintain our current advice to your Council with regards this site, as per our 12 June letter.

As previously if you are minded to approve the application we would request notification of this so as to make further representation. If you refuse the application at this time based on our advice we would be prepared to support you in any subsequent appeal. If a determination is made, a copy of the subsequent decision notice would be appreciated.

24th June 2020

Thank you for consulting us on the above application which was received on 15 May 2020. I apologise for the delay in responding which has been caused by the current Coronavirus situation. Thank you for allowing us additional time to respond.

It is necessary for us to object to the proposed development at this time, due to an insufficiently detailed Flood Risk Assessment (FRA). Our comments and advice are set out below:

Flood Risk Assessment (FRA)

We have reviewed the Flood Risk Assessment (FRA) submitted by Space Strategy dated April 2020. We consider that the information contained within it is insufficiently detailed to be considered appropriate to support a site specific application.

Whilst most of the site is located within Flood Zone 1 as shown on our Flood Map for Planning as defined in Table 1 of sub-section 25 within the Flood and Coastal Change section of the National Planning Practice Guidance (NPPG), the exact extents of Flood Zones 3 and 2, using appropriate detailed data from the Environment Agency's Wymans Brook model, should have been included upon the level surveys provided.

The FRA has also failed to assess the potential impact of climate change on the extents of the flood zones as required by the NPPF/NPPG. In this instance due to the scale of the development we would concur that the nominal allowances from our area climate change guidance (updated in February 2019, copy enclosed) would be appropriate to adopt.

Hence for these reasons alone the Environment Agency we must object to the application. Without this detail to inform the design, layout and floor levels, the proposed development could put people and property at an unacceptable risk of flooding. The application as submitted is therefore contrary to policy INF2 of the Joint Core Strategy.

Development layout and watercourse corridor

In addition to the above, we would also highlight that the proposed layout of the development in relation to the watercourse and associated green corridor is not ideal: Whilst an 8 metre easement has been incorporated into the site, the development then 'turns its back' onto the watercourse channel and the associated riverside corridor.

Such treatment is not considered to be an ideal design in terms of environmental treatment, and potentially not within the spirit of policy INF3 of the Joint Core Strategy.

Such treatment of watercourse corridors normally leads to neglect of the area, resulting in tipping and in some instances unauthorised extensions to private properties. It is also unclear who will own and be responsible for the maintenance of this area if it is not adopted by your authority or how this will be regulated through the planning process.

Ideally new development should overlook such areas incorporating the watercourse and associated green corridor as a feature of the development, this also minimises the above issues by making it a visible communal open space within the development that is easier to maintain.

Essentially we consider that the watercourse and associated green corridor area, which are both significant constraints and features upon the site, have been given insufficient consideration as part of the overall layout as submitted. If it is possible to consider a re-orientation of the layout at this stage, that gives greater regard to the matters we have raised above, then we would welcome this. We are aware that previous adjacent development sought to include wildlife corridors alongside the watercourse.

This is in addition to the issues we have raised at the start of this letter regarding the insufficiently detailed FRA which need to be addressed to ensure the proposed development will not result in any unacceptable flood risk.

Overcoming our objection

The applicant may overcome our objection by submitting a FRA which appropriately covers the above requirements (the inclusion of detailed data ((available free of charge from the Environment Agency)) and the assessment of climate change). In the absence of a satisfactory FRA we are likely to maintain our objection to the application. We have

included a copy of our FRA Guidance Note to assist, which also provides contact details for obtaining data from us.

I trust the above will assist at this time. Please do not hesitate to contact me if you have any queries. If you are minded to approve the application we would request notification of this so as to make further representation. If you refuse the application at this time based on our advice we would be prepared to support you in any subsequent appeal. If a determination is made, a copy of the subsequent decision notice would be appreciated.

Publica Drainage and Flooding

5th August 2021

According to the EA Flood Maps, the southern portion of the site is in Flood Zone 3 and 2. <https://flood-map-for-planning.service.gov.uk/>

1. The Risk of Flooding from Surface Water map shows that there is a low risk of surface water flooding on site. However, this appears to originate on site so will be managed by the surface water drainage scheme.
2. There is no evidence of historic flooding in the location of the proposed dwelling.
3. The site is in an area of High Risk of groundwater flooding according to Gloucestershire County Council's Groundwater Management Plan

The application site is within 20m of a main river, the Wyman's Brook. The drainage strategy appears to have been written for a previous proposal for five dwellings. Although this may not alter the strategy too much, the drainage strategy should reflect the latest site proposals.

The geology of the site suggests that soakaways are unlikely to be viable on the site. The proposal instead is to discharge into the Wyman's Brook at 5 l/s with attenuation provided via underground storage.

Can the applicant show how the proposed discharge rate compares to the greenfield runoff rate for the site as well as the current discharge rate? For brownfield sites, the discharge rate should be limited to as close as reasonably practicable to the greenfield runoff rate or provide at least 40% betterment over the current discharge rate. Where the discharge point is changing, i.e. if it isn't currently draining to the Wyman's Brook, then the former strategy should be adopted.

The value for climate change of 25% should be updated to 40% to better reflect the lifetime of dwellings.

Underground storage can provide the water quantity aspects of sustainable drainage but does not offer any water quality, biodiversity or amenity benefits.

The location of the underground storage looks like it might cause difficulties to ongoing maintenance. If it is in the open space behind beyond units 1, 2 and 3 then is there access for maintenance? If it is in the garden of unit 2, how would maintenance be carried out?

General Comments:

The site must contain surface water for all return periods up to and including the 1 in 100 year event plus 40% for climate change.

It is important to note that the development must not increase flood risk to any existing property or land beyond the site boundary and the landscaping of the site should route water away from any vulnerable property and avoid creating hazards to access and egress routes. As such, an exceedance flow route plan for flows above the 1 in 100 year plus 40%

CC must be submitted with the proposal, identifying the surface water flow routes through the site should the capacity of the drainage system be exceeded.

We highly recommend the use of permeable or granular construction on access routes and hardstandings. We would like to see waterbutts/rainwater harvesting being incorporated into the proposed surface water drainage system if possible.

FLOOD RISK:

The Environment Agency has commented on the proposal previously so I will leave comments regarding flooding from the Wyman's Brook to them.

The drainage strategy should reflect the latest development proposals for 4 dwellings. To ensure there is an appropriate level of betterment provided, the applicant should provide greenfield runoff rates and current discharge rates to compare with the proposed discharge rate and the value for climate change should be updated to 40% to ensure the surface water will be managed for the lifetime of the development. Finally, a comment on future maintenance responsibilities of the drainage should be provided.

15th October 2021

Although the designer has not accepted the point made regarding the exceedance being governed more by the topography and landscaping of the development, rather than the surcharging pipe system, I accept that the development will not be at risk of flooding from its s/w drainage network. Therefore, there only appears to be a need for a condition that will ensure that the future maintenance of the communal s/w drainage network will be correctly carried out.

GCC Highways Planning Liaison Officer

21st September 2020

Reference is made to the above application received on the 15th of May 2020. This response has been produced further to the Highway Authority's recommendation dated 8th June 2020 and the subsequent submission of a transport technical note and a revised block plan ref PL02A.

Having considered the revised submissions and undergoing discussions for the access design for the 2017 application (ref 17/01644/278) for which a 1.2m footway and 2.9m wide carriageway are proposed, the Authority considers on balance that the benefit of the changes made to the design of the access outweighs the harm associated with the impact of 5 additional dwellings for the present application. It should be noted that the internal layout of the scheme for 5 dwellings does not accord with the Manual for Gloucestershire Streets design guidance for level surface layout and is not thought of sufficient public utility to be considered for adoption by the Highway Authority.

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

The development hereby permitted shall not be occupied until cycle storage facilities have been made available for use and those facilities shall be maintained for the duration of the development.

Reason: To ensure the provision and availability of adequate cycle parking.

The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the

development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

NOTE: You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

8th June 2020

Recommendation: REFUSAL

Reference is made to the above application received on the 15th May 2020 submitted with application form, site location plan, design and access statement and proposed block plan.

The proposal seeks the demolition of redundant outbuildings and construction of 5 no. dwellings with associated tree and landscaping works. It follows permission 17/01644/FUL (revised from 14/01823/FUL) for an adjacent site which comprised of a residential development of 2 no. bungalows and 6 no. houses, with associated access and landscaping. It is noted that whilst the present proposal is described as 'Phase 2' following permission 17/01644/FUL, that there is no suggestion the assessments made for the latter application have taken in consideration a second phase development and the application considered at the time was assessed individually. With that regard, the present application will therefore be assessed by its own merits.

Presently, the Highway Authority has severe concerns associated to the access arrangement permitted and the cumulative impact of development proposed to be served by this infrastructure. Under permission 14/01823 the access arrangement was allowed as a 4.8m level surface (no footway), and a change to 3.1m carriageway and 1m footway appears to have occurred in the 2017 application and considered acceptable at the time. To the extent of information submitted to the Highway Authority at this point, the latter arrangement appears to be the one intended to serve the site.

The footway width presently falls below the minimum acceptable threshold of 1.2m. If this would increase to the latter, the carriageway width would drop to 2.9m which is unacceptable considering the level of development permitted and that proposed under this application.

GCC would therefore advocate for the access arrangement to revert back to the 2014 application with a scaled down WCHRA document and Equality Impact Assessment prior to any further consideration being made to the cumulative impact of the proposals an adoption matters.

The Highway Authority therefore recommends for this application to be refused for the following reasons:-

The application has failed to address the needs of people in relation to all modes of transport and create safe and suitable access which would to minimise the scope of conflict between pedestrians, cyclists and vehicles contrary to paragraphs 110(a), 110(b), 110(c) and 110(d) of the National Planning Policy Framework and Policy INF1 of the Joint Core Strategy.

Required consultation:

Road Safety
Fire Service
LHM

Contaminated Land Officer

5th June 2020

The application site is entered on the Council's database of possible contaminative uses and will require a Contaminated Land investigation, as per Phase 1 of the development. I would therefore recommend the following condition:

Contaminated Land

No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy have been submitted to and approved by the LPA. The assessment shall contain the following elements:

- a) A Phase I Preliminary Risk Assessment (Desk Study) to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination.
- b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology. The requirements of the LPA shall be fully established before any site surveys are commenced.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve any such remedial works as required, prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the LPA. The verification report shall include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.'

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.. This information is

required upfront to ensure that any ground or potential contamination is identified and not disturbed by construction works.

Joint Waste Team

15th May 2020

- 1 Pathway
Pathway needs to be of hard standing
- 2 Bins Locations
Residents would need to be informed that due to it being private dwellings the ownership would be for them to present on the kerbside for 7am on the morning of collection.
- 3 Road Layout
Parking in the new road will reduce the amount of space to be able to turn a 26 tonne vehicle in. Ideally off road parking is advisable with a turning space for refuse and recycling trucks which can be a max of 26 tonnes
- 4 Road Surface
The road surface will need to be of a good surface that will take the weight of a 26 tonne vehicle. Until the road has been completed and passed on, Ubico would need assurances that they are safe to enter and not held responsible for any damage.
- 5 Turning Section
Due to the main road leading into the new estate reversing off or onto is not advisable. Also the distance to reverse and navigate the new estate would also not be possible. Therefore the road into the new estate will need turning spaces to allow for a 26 tonne vehicle to turn safely. This would require the road to have adequate measures to prevent parking in these spaces.
- 6 Presentation Points
The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.
- 7 Bins Shed
There is a proposed bins shed on the plan. This is not needed as they are private dwellings and therefore have a responsibility to present on the highway and return receptacles back to their own property after collection
- 8 Entrance to roads
Ideally the entrance to the roads will need to have double yellow lines to prevent parking at the junction which causes access issues
- 9 Narrow Road
Due to this road being fairly narrow assurances must be made that the turning point for refuse vehicles will always be left free on collection days. If this is not possible or the road is continuously blocked resident will be required to present at the entrance by Church Road

Gloucestershire Centre For Environmental Records

21st May 2020

Report available to view on line.

Minerals And Waste Policy Gloucestershire

21st May 2020

Please accept this correspondence as an initial view from officers acting on behalf of the Minerals and Waste Planning Authority (MWPA) for Gloucestershire. It is concerned with ensuring that due consideration is being given to resource efficiency measures. Attention is particularly focused upon two local development plan policies - Gloucestershire Waste Core Strategy Core Policy 2 | Waste Reduction and Minerals Local Plan for Gloucestershire Policy SR01 | Maximising the use of secondary and recycled aggregates. It is applicable to all major development proposals throughout Gloucestershire that require planning permission¹.

Supporting evidence on resource efficiency may be included within a wider Environment Statement where this has also been required, or as part of a Planning Statement that sets out how a proposal will accord with the local development plan. The preparation of a standalone Waste Minimisation Statement (WMS) or a dedicated waste reduction section or chapter within supporting evidence of an application are the best means of effectively complying with the requisite local policy requirements.

A Waste Minimisation Statement (WMS) should contain enough information for decision-makers to make a valued judgement on whether achievable resource efficiency measures can be accommodated into a proposal. Details of how different types of waste will be reduced and managed efficiently and effectively will be crucial. The full lifecycle of a proposed development needs to be considered. This usually involves the three phases of: - site preparation (including any demolition); construction; and occupation. Whilst appreciating that for many proposals it is unknown who the future occupants will be, the ability to support their re-use and recycling practice should not be hindered. Provision for safe and efficient resource management infrastructure aiming at reducing waste and making recycling easier to engage with should be set out. This includes for commercial as well as residential schemes.

¹ Major development as defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015 Planning application reference: - 20/00749/FUL

GCC reference is: - MWPR2020-0068-WMS

The increasing use in both volume and proportion of recycled materials in development is actively encouraged within local policy. It is therefore reasonable to seek evidence of this. This could include details of procurement practice / protocols able to demonstrate that the sourcing of materials will achieve a substantial level of recycled content. Collation of this type of Information may also prove beneficial where sustainable construction technical standards / ratings are to be sought. Requirements for high levels of recycled material use are present within the Building Research Establishment Environment Assessment Method (BREEAM) and Leadership in Energy and Environmental Design (LEED) certification. To assist decision makers and applicants in their consideration of resource efficiency, local guidance has been prepared - Gloucestershire Supplementary Planning Document: Waste Minimisation in Development Projects (WM-SPD).

The minerals and waste policy team is also able to offer some further advice and commentary on how compliance can be achieved and maintained. This could include the use of conditions for applications recommended for approval. Please do not hesitate to contact the team via: -mwplans@ gloucestershire.gov.uk quoting the application reference and / or GCC reference of interest.

County Archaeology

27th May 2020

Archaeological implications

I wish to make the following observations regarding the archaeological implications of the scheme.

I advise that I have checked the proposed development area against the County Historic Environment Record. It is located close to the medieval church and manor house of Swindon. Previous investigations in the vicinity have produced evidence for prehistoric and Romano-British occupation and activity. Ground works required for development at this location may therefore have an adverse impact on archaeological remains.

I note that the application is supported by a Heritage Impact assessment (Cotswold Archaeology, March 2020). This report highlights the archaeological potential of the general area as indicated above. Two previous archaeological evaluations to the immediate west of the application site, however, produced no evidence of significant archaeology and an archaeological watching brief between the application site and church was also negative.

Earlier archaeological interventions nearby do not prove the absence of archaeology on the application site, which has not itself been subject to previous archaeological work, and in view of the archaeological potential highlighted by the applicant, it would be prudent to make provision for archaeological monitoring of the ground works required for the construction of this scheme, so that any significant archaeological remains revealed during the development can be recorded.

To facilitate the archaeological work I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, i.e.;

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework

I have no further observations.

Cheltenham Civic Society

4th June 2020

OBJECT.

The Civic Society Planning Forum objects strongly to this application. These designs are ugly. The forms are inappropriate for this location, especially given that it is a conservation area. The visualisations are unprofessional. The site is poorly laid out and the internal layouts are too tight.

It is unclear what is to happen to the farm building near the entrance. It has been included in the Heritage Statement, which says "to remain as is". But given its state of disrepair, this is not an acceptable solution. A plan is needed for its retention as part of the scheme.

There is no accommodation for visitor parking, and the Design and Access statement makes no reference to the adjacent estate.

A development in a conservation area should enhance its surroundings. There is the potential for a good scheme here, for example a mock stable yard development might be appropriate.

Architects Panel

4th June 2020

Design Concept

The panel had no objection to the principle of the development and believed a scheme for 5 dwellings could be accommodated on this site. However, the panel agreed unanimously that this design was not of sufficient quality to be supported.

Design Detail

The scale, character and detailing is generally poor and the scheme lacks a coherent design strategy. There is an opportunity here to design a scheme that responds to the special site conditions and the defined qualities of the Conservation Area.

Recommendation

Not supported.

Tree Officer

27th May 2020

In principal the Trees Section does not object to this application pending submission of further information. Please could the following information be submitted and agreed before determination:

- ' Detailed method statement for any works within the RPA of retained trees.
- ' Landscaping Plan, detailing species, sizes and locations of trees to be planted.

7th June 2020

The CBC Tree Section does not object to this application on the basis that suitable mitigation can be achieved for the many proposed tree removals.

The overwhelming majority of trees to be removed are self sown ash + sycamore of medium height. Individually the trees are only of moderate quality and occasionally in the wrong location (ie growing at the base of walls/buildings). These trees have the potential to grow considerably (other than ash trees which are likely to die (due to ash die-back) within 10 years). There are 5 Lombardy poplar trees toward the south of the site. Whilst these trees are in a reasonable condition, they are very narrow for their height and as such it is considered that not only do they sway considerably in the breeze, they are now at an age where they begin to subside to fall apart. To have such trees near to private dwellings is likely to build in people/tree interface problems for the future. It would be preferable to remove and replace these trees with something more suitable in the long term.

Trees 22 and 23 of the arb survey are outside the site but are proposed for removal-Glos Highways/the land owner's permission will be necessary prior to this.

It is noted that the Tree Protection Plan covers an area of land where the poplar trees currently exist. As such this protective fencing will protect the land which is welcome as the soil profile/fertility will not be damaged during the course of any construction.

As such, it is recommended that a generous palette of trees are planted as a part of any planning permission. These trees should be of native and semi-native origin to reflect the semi-rural setting. It is also recommended that small appropriate (eg fruit) trees are planted in proposed gardens.

Details of this planting scheme should be submitted as a part of the planning application (rather than left as a condition attached to any permission).

A detailed Arb Method Statement should be submitted and agreed (as specified in para 5.9.1 of the arb report). Such an AMS could be conditioned as a part of any planning permission.

Gloucestershire Fire & Rescue Service

16th June 2020

From a Gloucestershire Fire and Rescue Service prospective, any residential development of five dwellings or more, we require a fire hydrant within a required distance of any property (125m) in order to ensure adequate water provision to deal with any property fire.

This is to ensure the safety of the residents, firefighters and to limit damage to property.

We have no objection to this proposed development, providing the locations of the fire hydrants are adhered to as per the attached scheme * (previously provided by Severn Trent Water) and that no dwelling is occupied until the hydrant serving that property has been provided and served by a suitable mains water supply.

[* available to view in Documents tab]

Building Control

20th May 2020

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

Parish Council

11th June 2020

Having reviewed the proposal Swindon Parish Council objection to the proposal for the following reasons.

1 Suitability of Access Road

As the original application site is still under construction (17/01644/FUL) there is no way of knowing whether there are or are not any safety uses resulting from the traffic that will enter and egress the development and it is therefore premature to consider the approval of the construction of additional houses.

The Parish Council raised objections to the development proposal that was the subject of applications 14/01823/FUL and 16/01755/CONDIT and which is still under construction. We raised particular concerns about the reduced width and the excessive length of the then proposed vehicular access between Church Road and the on-going development that was the subject of applications 14/01823/FUL and 16/01755/CONDIT. Our objection to a road with a reduced width being used to access the site was based on concerns of safety particularly as the route was to be constructed over a much used public footpaths that provides access to and from the village amenity area that runs alongside the River Swilgate and from there to Dog Bark Lane and also it provides a pedestrian route into Runnings Road between the Spirax Sarco Sites. Whilst a decision was made to revise the design of the road to include a 1.0m wide footpath we do not believe that the 1.0m footpath will provide a sufficient width to serve as a safety margin along the length of a road in excess of 50 metres for a mother and child, mobility scooter or wheelchair user, etc. The reduced design parameters for the new access road were originally agreed for a road that was intended to serve a new development of 8 dwellings plus three existing properties including the Manor Farm Farmhouse, the Old Post Office, a total of 11 dwellings.

The Parish Council therefore wish to underline our concerns regarding the impact that the vehicles from 16 properties including the additional 5 proposed houses may have on the people using the existing footpath and on the traffic in Church Road.

2 Visibility At The Junction With Church Road

The Parish Council are concerned about the poor visibility that drivers exiting the access lane will have of pedestrians and traffic in Church Road. The bend to the right, when exiting the junction, will not only reduce visibility for drivers exiting the lane but drivers in Church Road approaching from the direction of Quat Goose Lane will have limited visibility of cars that are exiting the lane.

The parking outside the Church and The Old Post Office will reduce the visibility for cars exiting the development via the proposed development lane and cars in Church Road approaching from Runnings Road will have reduced visibility of vehicle exiting into Church Road from the proposed lane.

There is limited parking available for Church goers and the Parish Council would not support the loss of the few remaining on-road parking spaces particularly if it is as a result of the issues of safety not being fully considered at the time that the applications were submitted.

3 More Detailing is Required to Address Concerns of Visibility and Safety Around the Junctions of the Two Development Accesses' with the Public Footpath

A composite plan is required showing the proposed development together with the current development that is under construction. This plan needs to accurately show and detail the two estate roads, their junctions and their radii, and any proposed landscaping and boundary treatments together with the road/lane linking Church Road with the estates and the footpath. This is necessary to gain an accurate overview of the relationship between these elements and the amount of visibility that there will be. The gradient of the existing footpath falls steeply south once it gets beyond the proposed vehicular access into the proposed development for five houses. People walking north from the Amenity Area will have a limited view of any vehicles that are entering or leaving the sites until they are almost upon the vehicular access.

The Parish Council are concerned that the proposed vehicular junction from the development of 5 houses plus the farmhouse will provide very limited visibility for drivers

egressing the site and that this should be addressed before any determination of the application is made.

Any planting, fencing, hedging or boundary treatments must be considered with the benefits and safety of all people in mind and not just the benefit and safety of the residents of the new dwellings.

We believe that in the interests of safety that it may be necessary to provide a wider mouth at the site junction which will not only accommodate two vehicles side-by-side but also provide a safety zone for pedestrians who will have priority along the existing public footpath. The reason for increasing the width to accommodate two vehicles side-by-side is to remove the need for a driver to be concerned with having to avoid a vehicle coming in the other direction and thereby being able to concentrate on the view down the public footpath and the safety of any pedestrian using it.

4 Design and Setting

The submitted perspective view and strip elevation do not reflect the variation in levels or the gradient of the footpaths. The submitted street scene elevates Plots 1 to 4 which do not have a cohesive appearance. The scale and design of the submitted brick elevations reflect the railway workers houses in Hyde Lane and do not reflect the existing Farm House or other older houses in the conservation area around the Village Green and nearer to the site than those in Hyde Lane. We suggest that at least half of plot 1 should be either rendered or painted brick which would reflect the existing Farmhouse and the Old Post Office in Church Road. The importance of the site being within the Conservation Area is that any development should be subservient to the existing Farmhouse. Our concern is that the proposed dwellings would dominate the Farmhouse which would destroy and not enhance the character of the existing building and its setting within Conservation Area. We accept that the height of Block 5 would support this approach

5 The Existing Farmhouse

We note from the blue boundary line that the Existing Farmhouse and associated outbuildings are also within the ownership of the applicant. We should like to know how much work the applicant is intending to carry out on the property. We note that the Block Plan states No Works but we should like to receive confirmation that the fabric and structure of the building will be left sound, secure and weatherproof and that the site works will include any necessary drainage to the Farmhouse and connections to all utilities. Also, that all buildings will be left clean and free from anything that may attract vermin which has been a problem in that area of the Village.

6 Flooding and Drainage:

The Basement of the existing Farmhouse is known to flood. We should therefore like to be assured that the drainage proposals have taken this into account and will include measures to avoid the existing Farmhouse becoming an unintended sump for the developments and the proposed access. As the intention of the developer appears to be to leave the Farmhouse empty it would not be acceptable to ignore the potential for the basement to flood because it probably does not have a sump and pumps to remove any water that enters the basement.

7 Development Lighting:

This development is in the existing conservation area and should reflect the character of the position that it will occupy, if consented. We therefore wish to underline that the preference of the Parishioners who live in the Village is that there should not be any street lighting and that this should be maintained in any existing or future developments.

8 Street Naming:

In line with the recent Borough wide discussions and agreements we should like to be consulted over the street naming.

Heritage and Conservation

28th June 2021

Notably the submitted plans show the retention of the building referred to in the application as 'barn, building L'. The retention of this building is welcomed as it is visible from the public realm and makes a positive contribution to the conservation area as a reference to the areas agricultural past. It is noted this is only shown on the revised site plan and arguments have previously been made for its demolition. For clarity demolition of the existing building should not be approved by the current application as it is considered a convincing case for this has not been made. It is noted trees outside the site are proposed to be removed to enable retain of this building structure. This is regrettable but recognised as necessary if the barn is to be retained.

Regarding the proposed demolition of 'barn, building J', the supporting information, subsequent submissions in relation to demolition and having carried out a site visit specifically to assess the merit and condition of the barn, it is concluded demolition would be acceptable. Demolition of 'barn, building J' is justifiable due to a number of factors in combination, including its poor structural condition, its more private location deep within the site and its concealed appearance behind a large modern open sided barn extension which diminishes its contribution to the character and appearance of the conservation area.

Disappointingly, while the amended proposed development has not fully adopted the suggested design approach of using a modern reinterpretation of agricultural building forms, materials, detailing and layout to loosely reflect the historic use of the site or to otherwise meaningfully addressed the constraints of the site and its context. However, despite the disappointing approach taken, it is considered on balance the amended development proposal has sufficiently addressed the previous concerns.

The proposed roof forms are somewhat bulky and appear to be designed to be adapted to enable additional habitable floor space within the loft. This does not raise any significant concerns as it is noted steep pitched roofs with gable ends form part of the character of the site, with manor Farm and 'barn, building L' having similar features. Any future 'conversion' of these loft spaces would need to be carefully considered so that the roof slopes were not cluttered with dormers and/or rooflights that might be visible within the public realm.

On balance, the proposed works are considered to sustain the significance of the conservation area and therefore comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017. If the application is to be recommended for approval the following conditions or similar are suggested:

Facing and roofing materials samples

No external facing or roofing materials shall be applied unless in accordance with a written specification of the materials; and physical samples of the materials, details of which shall have been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of

the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).

Details of fenestration

Details of the fenestration, to include windows (and rooflights which shall lie flush with the roof) and doors, to include but not be limited to: materials, finish, opening mechanisms, position within openings, elevations to a scale of 1:10 or similar and vertical & horizontal cross sections to a scale of 1:2 or similar, shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The fenestration shall be retained in accordance with the approved details at all times.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy Framework and Historic Environment Good Practice Advice (note 2).

Design details

The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

- a) Rainwater goods
- b) Eaves, parapets, soffits, barge boards
- c) Chimney stacks
- d) Pipework and ventilation extract terminals
- e) Bike and bin stores.

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to Policies CP3 and CP 7 of the Cheltenham Borough Local Plan (adopted 2006), section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).

No external paraphernalia

Unless shown on the approved plans, no external paraphernalia such, satellite dishes or other aerials, meter boxes, external lighting and other similar such works shall be implemented unless carried out in accordance with details, which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy Framework and Historic Environment Good Practice Advice (note 2).

Hard and soft landscaping scheme

No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include

[species, size, position and method of planting of all new trees and shrubs] and a programme of implementation.

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

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy Framework and Historic Environment Good Practice Advice (note 2).

11th December 2020

The following comments need to be read in conjunction with the previous heritage comments dated 23.09.2020 and additional heritage comments dated 23.10.2020. These comments are attached below for ease of reference. It should also be noted that prior to the below comments on the draft revised proposal a telephone conversation took place between Andrew Burn of Cotswolds Archaeology and myself where concerns were clarified.

For clarity, it is still considered the draft revised proposal has not properly address the design concerns previously raised and the Visual Structural Reports in themselves do not justify demolition. It should be noted significant revision of the proposal is required to address the concerns previously raised and that the principle of demolition of buildings J and L still raises significant objection.

Specifically regarding demotion, the details submitted to Lucy White on 13th November 2020, which include a draft revised proposal and the Visual Structural Reports, are not considered to have adequately addressed the concerns over demolition of the heritage assets identified as buildings J and L within the application. It is important that the proposal is justified by directly addressing policy. You are remained paragraph 191 of the NPPF clarifies where there is neglect or damage of a heritage asset its deteriorated state should not be taken into account in any decision. Paragraph 193 of the NPPF states when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 of the NPPF requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 of the NPPF requires where there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The above policy considerations need to be directly addressed within any future submission. They should be the starting point for the approach to development on site.

The Visual Structural Reports are useful in that they give a brief overview of the condition of buildings J and L but it is not an in-depth condition survey. It needs to be recognised paragraph 191 of the NPPF states the deteriorated state of a heritage asset should not be taken into account in any decision. Their condition cannot therefore be used as justification for their loss. This has not been addressed within the submitted supporting information. It is recognised the buildings are in a poor state of repair and that complete retention is unrealistic. However, it is considered mothballing to prevent further decay, the extent to

which repair and/or restoration in whole or in part is possible, whether a form of enabling development on the site could fund this or some other intervention to allow the building to be retained should be explored.

It should be noted it was previously stated paragraph 196 of the NPPF was not considered to have been addressed. It is considered while there are public benefits associated with the proposal, these being the provision of additional houses this was not considered to outweigh the great weight that needs to be given to the conservation of the heritage asset. It is important consideration is given to paragraph 196 of the NPPF to form part of the clear and convincing justification required by paragraph 194 of the NPPF.

The proposal to demolish the identified heritage assets will need to meet the requirements of the relevant heritage policies. If the proposal does not demonstrate it has met the requirements set out in these paragraphs the application cannot be supported.

Concerning the design of the amended development proposal, it is still considered to inadequately address the concerns previously raised and would neither sustain or enhance the special interest of the affected heritage assets as required by the paragraph 192 of the NPPF. As has been stated previously, the proposed dwellings appear to be imposed on the site, relating more to the character of the suburban development surrounding the conservation area than the character of the farmstead itself. It only superficially references the farmstead through the adoption of minor architectural features rather than meaningfully addressing bigger issues of design such layout, planform, scale, massing, etc with reference to historic patterns of development.

It was also previously stated and continues to be a concern that the density of the development and its resultant scale and massing competes for dominance with the farmhouse within its farmstead setting. A concern was also raised the proposal undermines the paddocks function as a green buffer between the conservation area and its surrounding context, which includes the industrial estate and suburban houses. It was advised the impact of development be more carefully considered but there is no evidence this has been meaningfully considered.

It is considered the advice within the heritage comments and within the Heritage Assessment by Cotswolds Archology (but not the Heritage Impact Assessment) needs to be much more carefully engaged with to resolve the objections to the development proposal. Without proper consideration of demolition in relation to policy and a significantly improved design the proposal cannot be supported on heritage grounds.

23rd October 2020

The response letter by Cotswold Archaeology has not attempted to address the concerns raised in the previous heritage comments, it being a rebuttal rather than meaningful engagement with the concerns. The advice below will not reiterate these heritage comments, as these have not considered to have changed as a result of the response letter by Cotswold Archaeology. The comments below clarify which buildings are considered to be of significance and highlight the lack of coherence within the submitted application.

It is noted the planning application contains a Heritage Impact Assessment, dated March 2020, written to justify the development proposal. Within the same pdf there is a Heritage Assessment, dated May 2019, carried out separately and presumably prior to the realisation of the development proposal. It is acknowledged the Heritage Assessment undertakes an analysis of the significance of the buildings within the farmstead. The assessment of the buildings within the Heritage Assessment is generally agreed with, although it is considered further details of the buildings identified as having significance and their condition should have been submitted within the application.

Regarding the Heritage Assessment para 4.4 states, "There are 13 buildings extant on Site of which one is residential, the farmhouse, with the remaining being barns, sheds, garages, etc. Each building was mapped (Fig. 11)... and will be discussed individually in detail. Each survey will include analysis of external and/or internal details, structural or decorative, which are relevant to the buildings' design, development or use."

Of the 13 buildings identified within the farmstead the Heritage Assessment recognises buildings A, B, J and L as having significance, the remaining building being modern. Paragraph 4.46 of the Heritage Assessment states, "The presence of a group of historic farm buildings, if of early date, architectural quality, or which clearly represent local farming traditions over time, can sometimes strengthen the heritage significance of each individual building. In the case of the Site, Buildings A, B, L and J were assessed individually, but compose a coherent group of buildings with shared history, style, fabric and purpose making the group of buildings more significant." Paragraph 4.47 goes further stating, "Surviving farm buildings in built-up areas may have an extra claim to special interest on account of their rarity and eloquence as witnesses to a pre-urban past which is also the case of the Site." The conclusions within the Heritage Assessment regarding the significance of these buildings are not in debate.

Only buildings J and L are within the boundary of the development site shown within the current application. It will be useful to highlight the submitted information for building J and L but not A and B as these are shown within the current application as outside the development boundary. Building J is a barn with a timber framed construction stated as having a medium heritage significance due to it being contemporary with the farmhouse, an early 19th century traditional historic farm building with clear structural alterations to accommodate significant changes in farming practices adding to its interest. Building L is a possible barn with partial attic granary and cart shed with a timber and brick construction stated as having a medium heritage significance due to it being contemporary with the farmhouse, being a traditional and historic farm building with clear structural alterations to accommodate significant changes in farming practices adding to its interest.

While it is clear building J is proposed to be demolished as part of this application, as submitted it is not clear whether building L is proposed to be demolished as part of this development proposal. There are numerous instances within the application where building L is shown as being retained. These include but are not limited to being shown as retained: in the Block Plan (PL 02) where trees are also shown to be removed because of the impact on the heritage asset, raising the question why the trees need to be removed; in white in the Site Elevation & Perspective Views (PL 03); on the Site Section (PL 04); on Proposed Site Levels & Drainage Plan (12973 107).

The retention of building L is contradicted by paragraph 4.4 of the Heritage Impact Assessment which states "...a historic barn that is, at present, to remain as is but that due to its state of disrepair will eventually be demolished (Photo 1)." It goes on to state in paragraph 4.5 "To mitigate the eventual loss of the barn, a historic farm building, several elements of its character have been reflected and incorporated onto the several units..." The response letter does little to clarify this, seemingly confirming demolition is proposed. It is therefore somewhat unclear whether demolition of building L forms part of this application. This ambiguity is not acceptable, specific consent is required for demolition within conservation areas.

If building L is proposed to be demolished as part of this application for clarity it needs to be explicitly stated, with reference to its retention within the plans and supporting information removed. Conversely if it is to be retained reference to its removal needs to be removed from the application. Please note an assumption has been made building L is proposed to be demolished.

Concern is raised the advice in the Heritage Assessment by Cotswolds Archaeology has not been meaningfully engaged with. It appears the proposal has been imposed on the site with the Heritage Impact Assessment retrospectively justifying the proposal rather than the proposal being truly informed by the Heritage Assessment.

It has not been shown the buildings are beyond repair. Notably the advice within paragraph 4.48 of the Heritage Assessment states, "The historical and traditional farm buildings, or parts of buildings, surviving have low potential for change due to their medium heritage significance but their current state means that structural assessments should be undertaken to assess the viability of their refurbishment." The advice within the Heritage Assessment has not been followed within the application as no such structural assessments have been provided. The few submitted photos detailing this are not considered sufficient to give a true understanding of the condition of these buildings.

More generally concerning the approach to development on the site, paragraph 4.49 states, "Development within the remaining parts of the Site is possible if due consideration is given to the historic character, layout and fabric of the Site. The areas identified on Figure 16 as having potential for change indicate the most suitable areas of siting for new built form as well as the elements that should be preserved (i.e. garden areas, buildings) when possible." The development proposal contradicts this advice and imposes development on the site with only superficial reference to sustaining its farmstead character.

Concerning the issue of harm, the Cotswolds Archaeology response letter identifies paragraph 195 of the NPPF as being relevant. This relates to substantial harm. This is despite the Heritage Impact Assessment previously identifying the proposals as resulting in less than substantial harm to Manor Farm, the other farm buildings and the Swindon Village Conservation Area (see summary of potential physical development effect Table 5.2 of the Heritage Impact Assessment).

Paragraph 195 of the NPPF sets significantly more rigorous criteria for accepting harm. This level of harm requires local planning authorities to refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It should be noted no such demonstration of substantial public benefits has been submitted within the supporting documents within the application.

Para 195 of the NPPF also offers an alternative to demonstrating substantial public benefits, it states unless all of the following criteria apply local planning authorities should refuse consent: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use. The Cotswold Archaeology response letter erroneously states mainly points B and D are relevant. It should be noted if paragraph 195 is to be addressed properly all the criteria need to be met, not a select few. The submitted supporting application fails to properly address these points.

It is considered any amended application will need significant revision to address the previous heritage comments and the above additional heritage comments.

23rd September 2020

The development site, Manor Farm, Church Road, Swindon Village forms part of a farmstead which includes a farmhouse (outside the development site), a number of ancillary agricultural outbuildings (both inside and outside the development site) and a paddock. These are located within the Swindon Village Conservation Area which contains the core of a rural village with the notable presence of suburban houses around its

periphery to the north and west, a playing field to the east (the former grounds of Swindon Hall) and an industrial estate to the south.

The proposed works are for the demolition of most of the redundant outbuildings within the farmstead and construction of five dwellings with associated tree and landscaping works. There are concerns over the development proposal with regards to a lack of supporting information, the demolition of the historic outbuildings which make a contribution to the significance of the conservation area and there are also, notwithstanding the principle of demolition, concerns over design, layout and density of the proposed development. As submitted the proposal cannot be supported in heritage terms.

It is important to briefly consider the policy context in which the proposal needs to be considered.

A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 193-196 set out the framework for decision making with applications relating to heritage assets. This assessment takes account of the relevant considerations in these paragraphs.

Local planning authorities are required by Paragraph 192 of the NPPF to identify and assess the particular significance of any heritage asset... taking into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 193 of the NPPF 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

The Swindon Village Conservation Area benefits from the Swindon Village Conservation Area Character Appraisal & Management Plan, adopted February 2007 (the appraisal). The appraisal provides an assessment of the character of conservation area, gives guidance on how it should be preserved or enhanced and provides a sound basis for decision making. There are a number of relevant sections within this document that need to be noted in regards to the development proposal.

Section 1.9 of the appraisal lists a summary of the special interest of Swindon Village conservation area. The relevant reasons with regards to the development proposal are considered to be: b) The area has retained its unique character and appearance through the dominance of historically and architecturally important buildings and their historic settings; c) The area has a diverse mix of building types and styles...; d) Large areas of open space and mature tree growth contribute significantly to the overall appearance and character of the area.

Section 3.14 of the appraisal states despite modern development and encroachment onto open land, the heart of the village has managed to retain its unique qualities with a distinctive mix of historically important buildings predominantly from the 18th-19th Centuries. To a large extent, these have determined the modern appearance of the village which has remained relatively unchanged despite the developments of the mid-20th Century. These are set within a quiet and tranquil 'village' atmosphere.

Manor Farm and its outbuildings are specifically mentioned a number of times within the appraisal. Notably the appraisal map identifies Manor Farm and the outbuildings within the farmstead as key unlisted buildings. As key buildings within the conservation area demolition will usually be resisted, given that Paragraph 193 requires great weight be given to a heritage asset's conservation. This will be discussed in more detail later.

Section 5.2 of the appraisal states, "In present day, the village is predominantly urban in nature. However, despite threats from industrial, retail and housing developments in recent years, the village has remained largely well conserved and unspoilt.", it goes on to specifically note, "Farming has historically played a key role in the development of the village and the continued working of Manor Farm makes a significant contribution to the rural character. The farm also provides an example of traditional economic activity within the village."

Section 5.35 of the appraisal goes on to note, "Manor Farm and its buildings are a key group of unlisted buildings within the conservation area because they provide an important resource and contribute greatly to the historical economic background of the village and its rural setting. It also states, although some buildings are not well maintained, it is important that they are preserved to maintain their unique character and appearance."

Section 5.64 of the appraisal reiterates this, acknowledging the buildings and structures within Manor Farm which neither enhance nor detract from the character or appearance of the conservation area have potential for enhancement. It states these are important in maintaining the village's rural setting, but are in need of maintenance. Maintenance of these buildings would enhance the overall appearance of Manor Farm.

Part 10, page 29, Action SV10 within the appraisal states, "The Council will require new development to preserve and enhance the character of the conservation area. Proposals should demonstrate a high quality of design and a proper consideration of context, including, inter alia, issues of: size, scale urban grain, layout design, massing, height, plot width, for frontage activity, enclosure of streets and spaces, orientation, landscape and materials."

It goes on to state, the Council will refuse planning permission or other consents for proposals which fail to meet these criteria or for (only criteria relevant to development proposal are listed): a) the demolition of any building or structure if its loss would damage the character or appearance of the conservation area; c) development which would be harmful to the setting or character or appearance of the conservation area; d) development which would adversely affect or result in the loss of important views, open spaces, tree cover or boundary features within the conservation area."

It is clear the appraisal has not undertaken a detailed study of the buildings within the farmstead as the appraisal map identifies a number of key unlisted buildings which are modern and therefore not considered to be key in terms of their contribution to the significance of the conservation area. It should be noted there are no concerns over the demolition of modern outbuildings on the development site.

The modern outbuildings within the farmstead are considered to be D, F, G, I and N as labelled in the site photos dated 13 May. It is considered A (outside the site), B (outside the site), C (outside the site), H (within the site, poor condition, probably modern), J (within the site), K (within the site, very poor condition, probably modern) and L (within the site), as labelled in the site photos dated 13 May, may have some interest.

Notably paragraph 4.4 of the Heritage Impact Assessment makes reference to outbuilding L, it states it is "a historic barn that is, at present, to remain as is but that due to its state of disrepair will eventually be demolished", with paragraph 4.5 describing mitigation for the eventual loss of the barn through the proposal reflecting several elements of its character. It therefore appears the intention in the future to also demolish outbuilding L.

The outbuildings within the development site are proposed, or will likely be proposed in the case of outbuilding L, to be demolished. The submitted Heritage Impact Assessment

recognises some of the outbuildings proposed to be demolished have evidential and historic value, which contributes towards this significance of the Conservation Area.

It is considered there is insufficient information within the submitted application regarding the significance of all the outbuildings proposed to be demolished. Further detailed information regarding the significance of each of the outbuildings is required to justify their demolition. Information will need to include the approximate date of the outbuilding, an explanation of its significance (or lack of) in relation to the farmstead and further details of its condition. Without this supporting information it is considered there is a lack of a clear understanding of the significance of the outbuildings and as a result the proposed demolition is not properly justified. As proposed due to the lack of information the proposed demolition is considered unacceptable.

It was noted at the time of the site visit the farm outbuildings were in varying states of disrepair, which were also noted as such within the Conservation Area Appraisal adopted February 2007. The submitted details within the application justify the demolition of these outbuildings due to their condition, although detailed information regarding their condition has not been submitted. It should be noted the Paragraph 191 of the NPPF gives guidance on this. It states where there is neglect of a heritage asset its deteriorated state should not be taken into account in any decision. The justification for demolition due to the condition of the farm outbuildings is therefore not accepted.

It should be noted where demolition of the historic outbuildings is proposed a concern is raised over their loss as their demolition is considered to neither conserve or enhance the conservation area. It is also acknowledged within the Heritage Impact Assessment the development proposal would result in less than substantial harm (lower end) to the significance of the Swindon Village Conservation Area. It is agreed the proposal would cause less than substantial harm to the affected heritage asset.

Paragraph 196 of the NPPF 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..." This exercise has not been carried out within the submitted application. It is considered there are public benefits associated with the proposal, these being the provision of five additional houses. However, this is not considered to outweigh the great weight that needs to be given to the asset's conservation, in this case sustaining the outbuildings.

A concern is also raised the proposal does not properly address the reuse of the remaining buildings on the farmstead. It seeks to take advantage of the perceived opportunities of development on the site without addressing its problems. Phases of development are mentioned within the Design and Access Statement but not elaborated upon.

It has been mentioned previously there are concerns over the proposed design and layout of the development proposal, which is considered unsympathetic. The proposed development fails to take proper consideration of its farmstead context. An attempt has been made to reference the historic agricultural features but this is considered superficial and misappropriation of historic design elements rather than forming part of a meaningful intervention. The proposed houses appear to be imposed on the site, relating more to the suburban development surrounding the conservation area rather than the farmstead itself. The development proposal is not considered to reference historic patterns of development, instead it attempts to separate the development proposal from the farmhouse, being imposed on the site rather than integrating with it.

With specific reference to the single storey dwelling with rooms in the roof, it is stated as being designed to reflect the farm buildings on the site and is used to partially screen the proposed development from Manor Farm. However, this single storey dwelling does not reference the agricultural buildings well, the excessive fenestration, bulky first floor poorly

hidden within the roof and awkward use of materials do not resemble historic vernacular agricultural buildings.

A specific concern is raised over the density of the development with the resultant scale and massing competing for dominance with the farmhouse within the curtilage of its farmstead and undermining the paddocks function as a green buffer between the conservation area and its surrounding context, which includes the industrial estate and suburban houses. The impact of development on the site needs to be more carefully considered in terms of it's the impact on the conservation area.

A deeper understanding of vernacular farmstead forms, layout and detailing is required and this be used to inform development on the site. This is not to suggest a pastiche of agricultural buildings is desirable, a modern development reflecting and reinterpreting these is required.

The proposed works are not considered to sustain and enhance the conservation area, harming its special interest. It is not considered there a public benefits that might outweigh this harm. The proposed works do not therefore comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

Environmental Health

5th June 2020

I would recommend approval subject to the following condition being attached to any approved permission:

No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Method of prevention of mud being carried onto highway
- Waste and material storage
- Control measures for dust and other air-borne pollutants
- Control measures for noise in regards to both demolition and construction
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	24
Total comments received	6
Number of objections	6
Number of supporting	0
General comment	0

5.1 Letters of notification were sent to 24 neighbouring properties. In addition a site notice was posted within the vicinity of the site and an advert placed in the Gloucestershire Echo.

A total of 6 letters of representation were received following the publicity and the comments/concerns raised, in summary, are as follows:

- Suitability of access lane and highway safety on Church Road and public footpath
- Design, scale and layout of proposed development and impact on Conservation Area
- Noise, vehicle emission pollution and disturbance caused to existing residents of St Lawrence Court
- Noise and disturbance during construction period
- Impact on wildlife/ecology
- Increase in flood risk

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues are (i) the principle of demolition of existing buildings and redevelopment for residential purposes, (ii) the design, layout and scale of the proposed development, (iii) impact on the character and appearance of the conservation area and setting of the nearby grade II* listed church, (iv) neighbour amenity, (v) suitability of access road and highway safety, and (vi) flood risk and drainage. Given the width of the access lane, the proposed arrangements for waste and recycling collection and associated submitted Unilateral Undertaking will also need to be considered.

6.3 Principle

6.4 The relevant policy documents for consideration are the policies of the adopted Cheltenham Plan (2020) (CP), the NPPF (2021) and the adopted Joint Core Strategy (2017) (JCS). Policies D1 and SL1 of the CP and policies SD4, SD8, SD10, SD14 and INF1 and INF2 of the JCS are most relevant.

6.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated in NPPF paragraph 47.

6.6 The site lies within the Principal Urban Area (PUA) and in a sustainable location where the principle of residential development or the conversion of buildings to residential uses on previously developed land is supported by Policy SD10 of the JCS, unless otherwise restricted by policies within District Plans. Therefore the principle of considering the site for residential development is acceptable. Notwithstanding this, regard must be given to the location of the site within a conservation area, the historic significance of the existing buildings and the relevant policy guidance of the NPPF and development plan.

6.7 Paragraph 11 of the NPPF sets out a '*presumption in favour of sustainable development*' which in decision making means '*approving development proposals that accord with an up-to-date development plan*'. Where policies which are most important for determining the application are out-of-date, the NPPF at paragraph 11(d) advises that planning permission should be granted '(i) unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) 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'. This is referred to as the 'tilted balance' and the government's approach to ensuring delivery of housing nationally.

- 6.8** The Footnote 7 protected areas or assets referred to at (i) above are, in this case, the Swindon Village Conservation Area and the grade II* listed St Lawrence Church.
- 6.9** Footnote 8 of NPPF paragraph 11 explains further that for applications involving the provision of housing, relevant policies must be considered out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing.
- 6.10** Cheltenham Borough Council is currently unable to demonstrate a five-year supply of housing land and at the time of writing, the latest figure (December 2019) sits at 3.9 years. As such, the housing supply policies in the development plan are out-of-date and the 'tilted balance' in favour of granting planning permission is engaged. The shortfall position in housing land supply and the contribution of 4 houses in alleviating that shortfall is a material consideration.
- 6.11** As mentioned above, the application site is designated land and lies wholly within the Swindon Village Conservation Area. The site's designated status means that NPPF paragraph 11(d) (i) and (ii) apply; planning permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
- 6.12** In light of the above policy context, the principle of residential development on this site is acceptable but subject to consideration of any adverse impacts or harm to protected assets.
- 6.13 Design and layout**
- 6.14** Paragraph 126 of the NPPF sets out that good design is a key aspect to achieving sustainable places, and creating better places in which to live. Paragraph 127 goes on to set out that development should add to the overall quality of the area, be visually attractive, and be sympathetic to local character. Policy SD4 of the JCS and Policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings.
- 6.15** Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'. Additionally, JCS policy SD8 also requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 6.16** The Swindon Village Conservation Area Character Appraisal also provides guidance on how the preservation or enhancement of the conservation area can be achieved.
- 6.17** In addition, the Council's Supplementary Planning Document 'Development on Garden Land and Infill Sites (June 2009)' offers useful and relevant guidance in respect of new residential development on garden land – *'Proposals for development on garden land and other infill sites should be based upon a thorough understanding of the character of the neighbourhood and in particular the street and block within which the site is located'* with a *'requirement to complement and respect neighbouring development'*. Although the site is not garden land, the objectives of this SPD could be applied equally to this application.
- 6.18** In terms of layout, the proposed dwellings (as revised) are set out in a row of three, two storey detached dwellings (Units 1-3) at the southern end of the site with a detached, single storey dwelling (Unit 4) positioned in the northern part adjacent to the remaining

Manor Farm site and associated buildings. The access/estate road runs between the two. An existing barn/cart shed within the site and adjacent to the west boundary is shown as retained. Other than the cart shed, the proposals would necessitate the removal of all existing agricultural buildings and a number of trees.

- 6.19** The proposals include landscaping and planting of replacement trees. There is also potential to remove two trees adjacent to the west site boundary due to tree root impact on the above retained historic barn. However, these trees are located on land outside of the application site and approval for their removal would need to be sought from the relevant land owner. Any future application should include a structural condition survey of the existing barn to justify the removal of these trees within a conservation area.
- 6.20** Access to the site would be via the existing lane off Church Road which currently serves Manor Farm, Green Lodge and the 8 new dwellings on the adjacent site, now known as St Lawrence Court. This lane has been recently altered and now includes a dedicated footpath section, as required by the planning permission for the St Lawrence Court development.
- 6.21** Officers raised a number of significant concerns regarding the scale, design and layout of the scheme including the number of dwellings proposed. Buildings 1-4 related badly to the rural vernacular of the existing buildings and the character of the site generally. The rather confused and eclectic mix of building styles, architectural detailing and materials and the general form, scale and layout of the proposals did not respond well to the existing farmhouse, the adjacent new dwellings or the semi-rural character of this site. The removal of all existing buildings on the site was also a concern given the potential historic significance of some. The applicant was subsequently asked to re-consider the scheme in its entirety; any revised scheme should complement and ideally appear ancillary in scale to the existing farmhouse complex.
- 6.22** The starting point for discussions and consideration of any revised scheme was the retention of the existing historic agricultural buildings and the openness of the site by way of a sympathetic conversion of the historic agricultural buildings. As such, additional information on the structural condition of the older buildings was also requested with a view to their retention and/or adaptation/conversion into dwellings. The Conservation Officer also raised queries concerning the potential neglect of the buildings which may, in part, have led to their deteriorated state; and where there is evidence of deliberate neglect, the deteriorated state of the heritage asset cannot be taken into account in any decision (ref NPPF paragraph 196) and cannot therefore, be justification for their loss.
- 6.23** The submitted Visual Structural Inspection reports and subsequent Addendum are limited to surveys of the three older brick and timber constructed buildings (buildings 3, 8 and 9); the remainder are of largely of modern construction. The reports and accompanying photographs of the relevant buildings conclude that, in terms of their structural integrity, the buildings are dilapidated and are likely to deteriorate rapidly to the extent that, in time, they will collapse naturally. Building 3 (the cart shed) is also undermined by trees. The structural surveyor considers that the refurbishment of the three barns as agricultural buildings or as an alternative use would be challenging and likely cost prohibitive. Demolition to enable the land to be re-used would appear to be a reasonable future use. A full structural survey with ground excavations of the buildings was considered by the appointed surveyor to be inappropriate, given the current instability of the buildings.
- 6.24** Thereafter, a series of protracted negotiations took place with the applicant with several draft schemes submitted for consideration. The submitted revised scheme shows a reduction in the number of units, albeit little alteration to scale and layout. However, the architectural style, materials palette, fenestration and detailing have all been simplified; the four dwellings incorporating horizontal stained timber weatherboarding at first or

ground floor, handmade soft red brick facing walls, clay roof tiles, corbels, steep roof pitches, porches with stripped timber posts and tall chimneys.

- 6.25** Examples of the proposed materials and detailing, information on the historic use and ownership of the site and the way in which this scheme has evolved over the past 18 months are set out in the revised Design and Access Statement. Overall, the design approach is considered a considerable improvement on the original scheme. It is softer, more sympathetic and barn/farmyard in appearance and responds better to the site context and rural character.
- 6.26** The Conservation Officer has reviewed the structural reports alongside the Heritage Impact Assessment and revised proposals. Despite some reservations about the lack of a full structural survey being undertaken, the CO accepts that, on the basis of the information submitted, the existing buildings are not suitable for conversion. Given their age and general condition, their demolition is therefore considered acceptable. The retention of the cart shed (building 3) is welcomed but further information on how it would be used and incorporated into the proposed scheme and details of any refurbishment works are required.
- 6.27** The CO further comments that the proposed roof forms are somewhat bulky but equally it is noted that steep pitched roofs with gable ends form part of the character of the site. The future conversion of these roof spaces with dormer windows and rooflights could be controlled by way of planning conditions removing permitted development rights.
- 6.28** The amended scheme has not fully adopted the suggested design approach of using a modern reinterpretation of agricultural building forms, materials, detailing and layout to loosely reflect the historic use of and constraints of the site. However, officers consider that the proposals, on balance, have sufficiently addressed the previous concerns and would sustain the significance of the conservation area.
- 6.29** The CO's detailed comments are set out in full in section 4 above. Matters relating to less than substantial harm to heritage assets and the planning balance are set out in the concluding section.
- 6.30 Impact on neighbouring property**
- 6.31** Paragraph 130 of the NPPF requires development to be of a high standard of amenity for existing and future users. Policy SD14 of the JCS and Cheltenham Plan policy SL1 requires development not to cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.32** A number of objections have been received from local residents. The issues raised focus mainly on refuse collection, suitability of the access and the height increase of some of the dwellings. These aspects of the proposals have been discussed in other sections of this report.
- 6.33** Given the separation distance to neighbouring properties and intervening trees and footpath, the proposals can be accommodated within the site without harm to the amenities of occupiers of neighbouring dwellings in terms of overlooking, loss of privacy light or outlook.
- 6.34** However, to maintain privacy (and prevent harm to the character and appearance of the Conservation Area) a condition restricting the insertion of additional windows is suggested.
- 6.35** The proposals are therefore considered policy compliant in terms of neighbour amenity.

6.36 Access and Highway Issues/Refuse Collection

6.37 As stated above, the access lane to the application site has been altered recently to provide a 1m wide pedestrian footpath and a 3.1m wide road for vehicles (increasing to 4.1 metres at its widest point), as required by the planning permission for the adjacent development of 8 dwellings (ref 17/01644/FUL). Space for cars to pass is provided on the access road at the entrance to both the proposed and existing residential development. Turning space is provided within the development to allow vehicles to exit the site in a forward gear and two off road parking spaces are provided for each dwelling, including a car port for Unit 4.

6.38 As set out in the applicant's Transport Note, the 2017 approved access arrangements also demonstrate that 50m forward visibility is available between Church Road and the southern extremity of the access road. This means a vehicle exiting the site can see a vehicle turning in to the site. Similarly, should two vehicles both meet at the access road, the northbound vehicle will reverse a short distance to the access roads southern extremity. No vehicle is required to reverse on to Church Road under the current access arrangements. Vehicles turning in to the access road from Church Road are able to see a vehicle waiting to exit the access road and thus able to wait on Church Road to accommodate the egressing vehicle.

6.39 The Highway Authority (HA) were consulted on the proposals and initially raised objections due to the width of the footpath (1m) which does not accord with Manual for Gloucestershire Streets. However, following discussions with officers and having reviewed the planning history and approved access arrangements for the adjacent site (ref 17/01644/FUL), the HA considers on balance that the benefit of the changes made to the design of the access outweighs the harm associated with the impact of 5 (now 4) additional proposed dwellings. Subsequently no highway objection is now raised, subject to conditions.

6.40 The HA also point out that the internal layout of the scheme for 5 (4) dwellings does not accord with the Manual for Gloucestershire Streets design guidance for level surface layout and is not thought suitable for adoption by the Highway Authority.

6.41 Since 2014/6 the size of refuse vehicles used by UBICO to collect household waste and recycling has increased. This has resulted in the access lane unable to accommodate refuse vehicles; turning into the site from Church Road is not possible. Given that a roadside collection is also not feasible due to highway safety concerns and the visual impact of bins left on the roadside, a private refuse and recycling collection service was approved for the adjacent site and secured by way of a Unilateral Undertaking (UU). This service is overseen by a Management Company who are responsible for the collection of charges for the refuse collection service.

6.42 The current applicant, in consultation with the LPA, has completed a similar UU which secures the delivery a private refuse and recycling collection for the proposed development. Officers are satisfied that a private collection service would meet the needs of future occupiers in terms of refuse and recycling collection and that sufficient measures would be in place to monitor the service and, should any breach take place, take appropriate action.

6.43 Other considerations

6.44 Parish Council/Civic Society

6.45 The Parish Council has raised a number of objections, as set out in full in section 5 above. Their concerns relate primarily to the design, width and safety of the access road and footpath to serve the proposed development and existing dwellings. These matters have

been discussed above. Concerns are also raised about variation in site levels and inappropriate scale and design of the individual dwellings.

6.46 The Civic Society also objected to the proposals (as first submitted). Their concerns focus on inappropriate design and layout, lack of visitor parking and impact on the conservation area. Similarly the Architects Panel raised concerns about the quality of the design, in particular its scale and architectural detailing which should respond to the site conditions and the qualities of the conservation area.

6.47 Ecology

6.48 The application is accompanied by an Ecology Note. A Phase 1 Preliminary Ecological Survey of the site has not been undertaken. The submitted Note concludes that a small number of protected and notable species have been recorded in the search area, albeit all in excess of 150m from the site. Given the small scale of the proposals and the very limited semi-natural habitats present on site, the Note considers that the site itself would support any significant opportunities for the species recorded, including potential adverse impacts of Great Crested Newts. The site does not support any waterbodies, albeit the River Swilgate/Wymans Brook runs along the southern site boundary. The applicant argues that the proposals do however offer opportunities to enhance the biodiversity value of the site through faunal species, bird and bat roosting opportunities and hedgehog tunnel features.

6.49 In the absence of a full and appropriate ecological survey and given the topographical nature and location of the site and historical evidence of badgers on adjacent land, a condition is suggested requiring the submission and approval of an Ecological Survey prior to the commencement of development.

6.50 Trees

6.51 The Council's Trees officer (TO) does not object to this application subject to suitable mitigation/replacement tree planting for the proposed tree removals and submission of an Arboricultural Method Statement.

6.52 In addition the TO recommends the removal and replacement of 5 slender Lombardy poplar trees towards the south of the site. This tree species close to dwellings is likely to result in tree interface problems in the future. It would be preferable to remove and replace these trees with something more suitable in the long term. The applicant has also indicated that the area of land at the southern end of the site, towards the river would fall within the ownership of the new dwellings, thus ensuring the effective maintenance of this area.

6.53 Two trees outside of the site are proposed for removal. Gloucestershire Highways/the land owner's permission would be required prior to their removal.

6.54 In light of the TO's comments, conditions relating to landscaping/tree planting, tree retention and protection and an Arb Method Statement have been suggested.

6.55 Flooding and Drainage

6.56 Parts of the site (southern edge) encroach upon Flood Zones 2 and 3 (main river Swilgate/Wymans Brook) and as such the applicant has submitted a Flood Risk Assessment (FRA). The Environment Agency (EA) has therefore been consulted and raises no objection to the proposed development subject to the inclusion of a condition to secure an 8 metre unobstructed access to the main river.

6.57 A Drainage Strategy, indicating SuDS design techniques has also been submitted and reviewed by the Council's Drainage officer.

- 6.58** The site area within Flood Zone 3 lies outside of the proposed residential curtilages and ground levels within Flood Zone 3 are not altered by the proposed development. The area covered by Flood Zone 2 does not extend to the footprint of the dwellings/buildings. The FRA notes that elsewhere, the proposed scheme has been designed to incorporate Flood Zones 2 and 3 to assist with maintenance issues, as requested by the EA. Proposed peak flow surface water discharge rates from the development would be limited to current site greenfield run off rates and would not exacerbate flooding off site. Site levels would be set above existing flood levels and external areas of gardens, car parking and access roads would be allowed to temporarily flood in extreme storm events.
- 6.59** The presence of Flood Zones 2 and 3 within the application site necessitates a Sequential Test, as required by paragraphs 161-3 of the NPPF. Essentially, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. If it is not possible for development to be located in areas with a lower risk of flooding, the exception test may have to be applied; dependent on the potential vulnerability of the site and of the development proposed in accordance with the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF. Dwellings are classed as 'more vulnerable development' and because parts of the site fall within Flood Zones 2 and 3, both the sequential and exceptional tests are applicable in respect of the proposed development.
- 6.60** The applicant has submitted a Sequential and Exceptions test but these are incomplete in that they do not consider whether there are alternative sites within the Borough with lower flood risk that could reasonably accommodate the proposed development. The applicant is unwilling to carry out this further exercise, pointing out that Flood Zone 2 encroaches the gardens of the proposed dwellings only and Flood Zone 3 lies outside of any proposed residential curtilage. The applicant considers that the approach taken to sequential testing in this case is proportionate to the risk of flooding to vulnerable buildings (not land) as set out in the revised FRA.
- 6.61** Given the above circumstances and Flood Zone 2 affecting only the very southern part of the application site, officers consider that it would be unreasonable and disproportionate to require any further information on alternative sites with lower flood risk. In addition, the Environment Agency and the Council's Drainage officer have raised no concerns in terms of on and off-site flood risk and a drainage and maintenance strategy based on the principles of SuDS (cellular attenuation methods, permeable surfacing and discharge into river) is achievable. Furthermore, the revised FRA having assessed the 1 in 200 extreme event exceedance surface flow rates, identifies a small strip within the rear gardens of units 1-3 which would be allowed to flood; protected by proposed retaining walls at the rear of these gardens. The proposed drainage strategy with flood risk mitigation also demonstrates a flood risk betterment.
- 6.62** In light of the above, a condition removing permitted development rights for extensions and outbuildings is suggested. This would give the Council control over the addition and use of further structures within the three gardens affected.
- 6.63** Archaeology
- 6.64** The County Archaeologist (CA) refers to the site is located close to the medieval St Lawrence Church and Manor House of Swindon. Previous investigations in the vicinity have produced evidence for prehistoric and Romano-British occupation and activity. Ground works required for development at this location may therefore have an adverse impact on archaeological remains. The application site has not been subject to previous archaeological work, and in view of the archaeological potential highlighted by the applicant, the CA considers it necessary to make provision for archaeological monitoring of ground works, so that any significant archaeological remains revealed during the development can be recorded.

6.65 Subsequently a condition has been added to require the submission of details of further archaeological investigation and any necessary mitigation recording.

6.66 Public Sector Equalities Duty (PSED)

6.67 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;

6.68 • Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and

- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.69 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

6.70 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION/PLANNING BALANCE

7.1 The loss of existing agricultural buildings and surviving historical/agricultural references to the past use of this site and with it the buildings’ positive contribution to the conservation area are all clearly regrettable. However, sufficient evidence has been submitted to conclude that these buildings are beyond repair and/or conversion. As such, their loss is acceptable in principle subject to a suitable scheme for the redevelopment of the site for residential purposes.

7.2 The revised scheme is considered a more thoughtful and considered approach in terms of appearance, form, materials and architectural detailing and one which responds appropriately to the semi-rural and past agricultural context of this site. Setting aside the loss of the existing buildings, officers consider that the proposals would preserve the significance of the wider conservation area and setting of the nearby listed building.

7.3 It is agreed the proposed demolition of the existing buildings would cause less than substantial harm to the affected heritage assets. Paragraph 202 of the NPPF requires that “*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...*”. It is considered that there are public benefits associated with the proposal, these being the provision of four additional houses.

7.4 Having regard to the condition of the buildings, the merits of the proposed residential scheme and with reference to NPPF paragraph 11(d), officers consider that the ‘tilted balance’ in favour of development is engaged; on balance, the proposed development outweighs the harm to the assets’ conservation, in this case sustaining the outbuildings.

7.5 Officers understand the concerns of neighbours and the Parish Council in respect of highway safety on Church Road and acknowledge that the access lane to the site is not ideal. However, this lane has been altered and now serves the cul-de-sac of 8 dwellings on adjacent land (St Lawrence Court). The Highway Authority has raised no objection to the proposed development; the lane can adequately serve an additional 4 dwellings. Given the width of the access lane, a private waste collection service is proposed and

would be secured via a completed Unilateral Undertaking. An identical arrangement is in place for St Lawrence.

- 7.6** Similarly, there are no neighbour amenity, tree, flood risk or drainage concerns sufficient enough to withhold planning permission.
- 7.7** In light of all of the above considerations, the recommendation is to grant planning permission subject to the following conditions; all pre-commencement conditions having been agreed with the applicant.

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

- 3 Prior to the commencement of development, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) a full site survey showing:

- i) the datum used to calibrate the site levels;
- ii) levels along all site boundaries at regular intervals;
- iii) levels across the site at regular intervals;
- iv) finished floor levels or other datum of adjacent buildings; and
- v) cross section drawings clearly showing existing ground levels in relationship with the finished floor and eaves levels of adjacent buildings

(b) full details showing:

- i) the proposed finished floor level of all buildings and ground levels including hard surfaces; and
- ii) cross section drawings showing the proposed finished floor and eaves levels of all buildings and ground levels including hard surfaces.

The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

- 4 Prior to the commencement of development, including any works of demolition or site clearance, a Demolition and Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement(s) shall be adhered to throughout the development process and shall, where necessary:

- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;
- vi) specify measures to control the emission of noise, dust, vibration, dirt and any other nuisance during the during demolition and construction;
- vii) provide for wheel washing facilities; and
- viii) specify the access points to be used and maintained during the construction phase.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway and environmental impacts during demolition and construction.

- 5 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:

- i) Porch canopies
- ii) Chimneys
- iii) Corbel/eaves detail
- iv) Windows and external doors (including cill, reveal, materials, finish and opening mechanism)
- v) Refuse and cycle stores
- vi) Hedgehog tunnels/gateways
- vii) Retaining wall structures

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to adopted policy D1 of the Cheltenham Plan (2020), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

- 6 No external facing or roofing materials shall be applied unless in accordance with:
- i) a written specification of the materials; and/or
 - ii) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 7 Notwithstanding the submitted details, prior to the commencement of development, full details of a surface and foul water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a

programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface and foul water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

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

a) a survey of the extent, scale and nature of contamination

b) an assessment of the potential risks to:

- human health
- property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
- adjoining land
- ecological systems
- groundwaters and surface water
- archaeological sites and ancient monuments

c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

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

development can recommence on the part of the site identified as having unexpected contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

- 10 Prior to the commencement of development an ecological survey of the site shall be undertaken and a report of the survey findings and any recommendations/mitigation submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with any recommendations and requirements of the ecological survey report.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 of the Joint Core Strategy (2021).

- 11 No tree and/or hedge clearance shall be carried out during bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 of the Joint Core Strategy (2021).

- 12 Unless shown on the approved plans, no satellite dishes or other aerials or meter boxes shall be affixed to the elevation(s) of the development without express planning permission.

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to adopted policy D1 of the Cheltenham Plan (2020), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no gates or other means of enclosure shall be erected across the approved access unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the highway is not obstructed in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 14 Prior to first occupation of the development, parking and turning facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure the adequate provision of car parking within the site in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 15 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

- 16 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site (including driveways, parking and turning areas, footways and patios), which shall be permeable or drained to a permeable area; a planting specification and a programme of implementation.

The scheme shall identify the number and location of all new trees and hedges to be planted; their species, size, spacing/density of hedges, root types, tree pit details (including details of introduced soil amelioration plans). The scheme shall provide a biodiversity net gain (BNG) and shall include details of BNG in accordance with Natural England's Biodiversity Metric 3 (July 2021) or recognised equivalent.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details..

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 17 Each dwelling hereby permitted shall be fitted with an electric vehicle charging point and prior to first occupation of that dwelling. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities in accordance with paragraph 108 of the NPPF.

- 18 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 19 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the development hereby approved; without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 20 The development hereby approved shall not be carried out unless in accordance with the Tree Protection Plan (TPP) (drawing No 1448-02) attached to the submitted (SJ Stephens) Arboricultural Impact Assessment dated 2nd April 2020. The protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

- 21 Prior to the commencement of development (including demolition and site clearance), an Arboricultural Method Statement (as specified in para 5.9.1 of the submitted (SJ Stephens) Arboricultural Impact Assessment dated 2nd April 2020) shall be submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the approved details.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 22 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 23 No new buildings, structures (including gates, walls and fences) or raised ground levels shall be erected or carried out within 8 metres of the top of bank of the River Swilgate/Wymans brook, along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

24 Prior to their installation, a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the fire hydrant serving that property has been provided in accordance with the agreed scheme.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire, having regard to adopted policy INF6 of the Joint Core Strategy (2017).

- 25 Prior to the commencement of development (other than development or works required by this condition), a programme of archaeological works shall be carried out in accordance with a Written Scheme of Investigation, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains and features are preserved in situ or, if this is not feasible, to enable a record of the remains of archaeological interest to be made prior to their disturbance, having regard to adopted policy HE2 of the Cheltenham Plan (2020) and Historic Environment Good Practice Advice Note 2. Approval is required upfront because archaeological remains and features could otherwise be permanently lost.

- 26 The development shall not be occupied unless details of the arrangements for future management and maintenance of the proposed roads/streets within the development have been submitted to and approved in writing by the Local Planning Authority. The roads/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: In the interests of highway safety, having regard to Policy INF1 of the Joint Core Strategy (adopted 2017).

- 27 Prior to the commencement of development, a Heritage Strategy shall be submitted to and approved in writing by the Local Planning Authority that sets out the structural condition of Building 3/L and details of its refurbishment and/or conversion works, informed by the submitted Visual Structural Inspection reports (produced by Baynham Meikle, November 2020). This strategy should also include details of measures to secure the structural integrity of Building 3/L during site demolition/construction works and options for off-site trees T22 and T23 and how the removal of these trees could be used to improve the footpath that runs alongside Building 3/L and the potential for landscape enhancements. The works to building 3/L shall be carried out in accordance with the approved details and prior to first occupation of the last of the four dwellings hereby approved to be completed.

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to adopted policy D1 of the Cheltenham Plan (2020), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

In this instance, the authority sought revisions to the design, layout and numbers of dwellings proposed in the interests of the amenities of the locality and character and appearance of the conservation area.

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

- 2 The applicant is advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

- 3 It is noted that a new outfall headwall is proposed to discharge into the River Swilgate/Wymans Brook. Such a structure may require the separate prior formal permission of the Environment Agency in the form of a Flood Risk Activity permit under the Environmental Permitting Regulations.

Approved Plans

Reference	Type	Received	Notes
011-01 C.	Rev Drawing	19th May 2021	
011-02 B.	Rev Drawing	19th May 2021	
011-03 B.	Rev Drawing	19th May 2021	
011-04 C.	Rev Drawing	19th May 2021	
011-05 C.	Rev Drawing	19th May 2021	
011-06 B.	Rev Drawing	19th May 2021	
011-07 B.	Rev Drawing	19th May 2021	
PL 01.	OS Extract	11th May 2020	