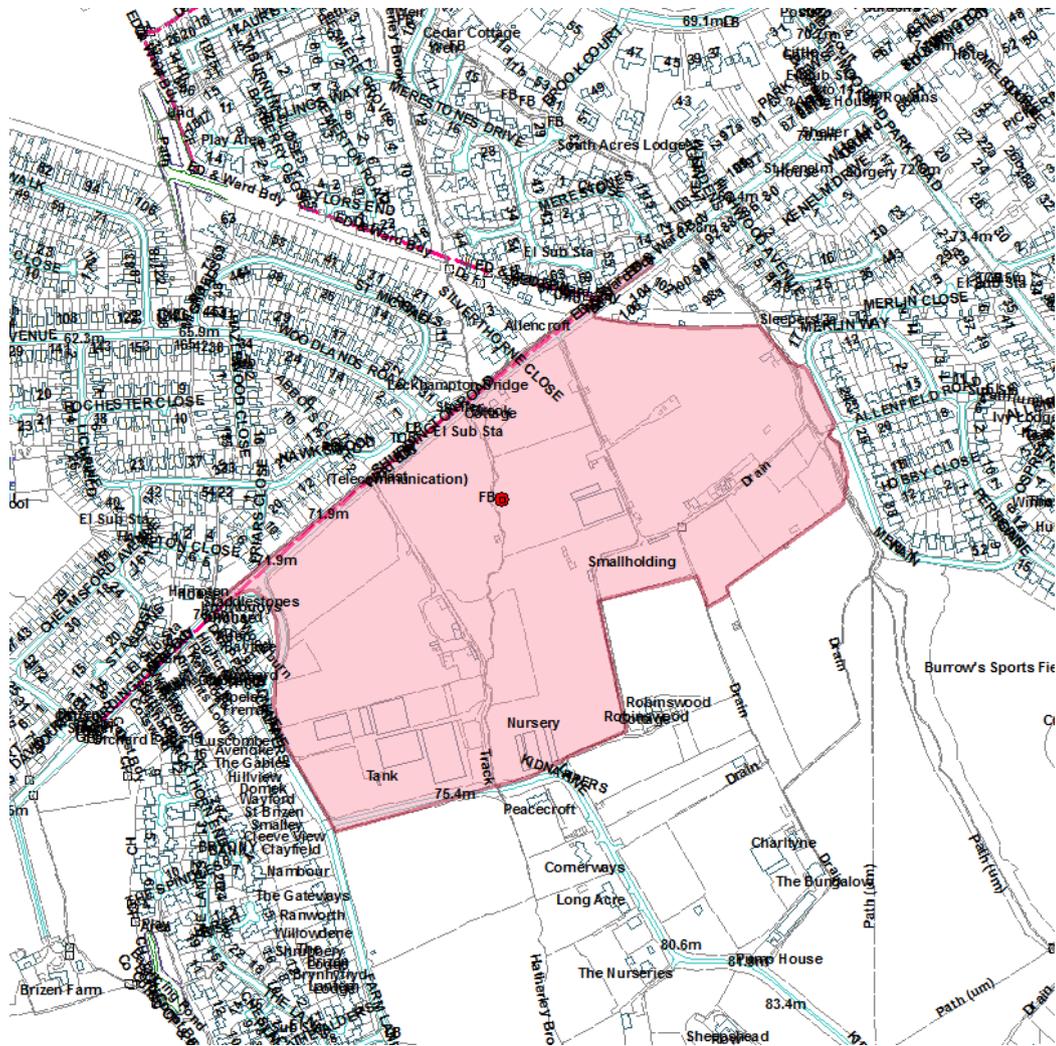


<b>APPLICATION NO:</b> 20/01788/FUL	<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 16th October 2020	<b>DATE OF EXPIRY:</b> 15th January 2021
<b>DATE VALIDATED:</b> 16th October 2020	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Miller Homes
<b>AGENT:</b>	RPS Consulting Services Ltd
<b>LOCATION:</b>	Land At Shurdington Road Cheltenham
<b>PROPOSAL:</b>	Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other associated infrastructure

**RECOMMENDATION:** Permit subject to conditions and a S106 agreement



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the southern side of Shurdington Road (A46) at the southwestern edge of the borough and comprises some 18.075 hectares of land. The site is outside of, but immediately adjacent to, Cheltenham's Principal Urban Area (PUA) and forms part of the Leckhampton mixed-use allocation in the Cheltenham Plan (policy MD4).
- 1.2 To the east, the site is bound by the Moorend Stream with residential properties in Merlin Way beyond. Kidnappers Lane runs along the western and south-western boundary of the site with residential properties adjacent at its northern end. The north-eastern boundary is formed by fields in pasture and small holdings. Hatherley Brook crosses the site centrally from south to north. Residential properties are located on Shurdington Road to the north, and opposite the site.
- 1.3 The site is relatively level, sloping gently from south to north. There are also a number of mature trees and hedges within the site and along field boundaries. Public rights of way run along the southern boundary of the site running west from Kidnappers Lane to a path adjacent to Merlin Way to the north.
- 1.4 Part of the site extends into the northern part of the Leckhampton area of Local Green Space (LGS) located southeast of the site.
- 1.5 The site is not within a protected landscape; however, the Cotswolds Area of Outstanding Natural Beauty (AONB) and Green Belt lies to the south of the site.
- 1.6 The new Leckhampton High School is currently under construction on the southern part of the MD4 mixed-use allocated site, on Kidnappers Lane.
- 1.7 The application seeks full planning permission for a new residential development of 350 dwellings, to include a policy compliant (40%) level of affordable housing which equates to 140 dwellings. The scheme would also provide for cycleways, footpaths, landscaping, access roads and other associated infrastructure, public open space, a community orchard and allotments, children's play space, and SuDS features.
- 1.8 The application has been submitted following extensive pre-application discussions.
- 1.9 In addition to drawings, the application has been accompanied by a number of detailed reports and statements some of which have been revised/addended during the course of the application; and all have been available to view on the Council's website (with superseded documents marked as such where appropriate).
- 1.10 The application is before the planning committee at the request Councillor Baker. The reasons for the referral are *"the size and scale of the application, its likely impact upon the neighbourhood and the opportunities to make this a carbon neutral development."*
- 1.11 The application was also called-in by former Councillor Sudbury *"due to the interest in the near and wider area of the development. This is particularly in relation to highways improvements, density of the development and provision of onsite space for wildlife and humans to play as well as environmental impact of the type of construction."*
- 1.12 In addition, a number of objections have been received, including objections from the Parish Council and Civic Society.
- 1.13 Members will recall that the application originally appeared on the December committee agenda but was deferred due to the amount of additional interest the report had generated.

- 1.14 Since that time, the Highways response has been updated and now includes an additional planning obligation for improvements at the A46/Moorend Park Road junction.
- 1.15 Members are advised that the Secretary of State (SoS) has been asked to intervene in the application and therefore, should Members be minded to grant planning permission, the Council will not be able to issue the decision until such time as the SoS has decided whether to call in the application.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Flood Zone 2

### Relevant Planning History:

**13/01605/OUT**

**REFUSE**

**31st July 2014**

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

**17/00832/SCOPE**

**ISSUED**

**7th August 2017**

Environmental Impact Assessment Scoping request for residential development, associated open space, amenities and infrastructure

**19/02303/OUT**

**PERMIT**

**18th June 2020**

Outline application for the construction of up to 12 new dwellings, to include road and drainage infrastructure, parking and landscaping with all matters reserved except means of access to the site

**21/00045/REM**

**UNDETERMINED**

Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of outline planning permission ref. 19/02303/OUT for the construction of up to 12 new dwellings, to include road and drainage infrastructure, parking and landscaping with all matters reserved except means of access to the site

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework 2021 (NPPF)

Section 2 Achieving sustainable development

Section 3 Plan-making

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 13 Protecting Green Belt land

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

### **Adopted Cheltenham Plan 2020 (CP) Policies**

D1 Design

L1 Landscape and Setting

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

BG2 Cotswold Beechwoods Special Area of Conservation Air Quality

H2 Land Allocated for Mixed-Use Development

MD4 Leckhampton

SL1 Safe and Sustainable Living

GI1 Local Green Space

GI2 Protection and replacement of trees

GI3 Trees and Development

C11 Securing community infrastructure benefits

C12 Sports and open space provision in new residential development

C14 Broadband Provision

### **Adopted Joint Core Strategy 2017 (JCS) Policies**

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD12 Affordable Housing

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

INF3 Green Infrastructure

INF4 Social and Community Infrastructure

INF6 Infrastructure Delivery

INF7 Developer Contributions

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

Development on Garden Land and Infill Sites in Cheltenham (2009)

## **4. CONSULTATION RESPONSES**

### **Strategic Land Use Team**

**27th January 2021**

#### The site

The application site is situated outside of the existing urban area but within an area allocated for housing development in the adopted Cheltenham Plan.

#### Policy Framework

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

*The adopted development plan for the area:*

- The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (December 2017)
- The Cheltenham Plan (July 2020)
- Relevant saved policies of the Cheltenham Borough Local Plan Second Review 2006

*Relevant material considerations, which include:*

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (nPPG)

#### Joint Core Strategy

Relevant JCS policies:

- Policy SP2: Distribution of New Development
- Policy SD3: Sustainable Design and Construction
- Policy SD4: Design Requirements
- Policy SD6: Landscape
- Policy SD7: The Cotswolds Area of Outstanding Natural Beauty
- Policy SD8: Historic Environment
- Policy SD9: Biodiversity and Geodiversity
- Policy SD10: Residential Development
- Policy SD11: Housing Mix and Standards
- Policy SD12: Affordable Housing
- Policy SD14: Health and Environmental Quality
- Policy INF1: Transport Network
- Policy INF2: Flood Risk Management
- Policy INF3: Green Infrastructure
- Policy INF4: Social and Community Infrastructure
- Policy INF6: Infrastructure Delivery
- Policy INF7: Developer Contributions

#### Cheltenham Plan

Relevant Cheltenham Plan policies:

- Policy D1: Design
- Policy L1: Landscape and Setting
- Policy BG1: Cotswold Beechwoods Special Area of Conservation Recreation Pressure
- Policy BG2: Cotswold Beechwoods Special Area of Conservation Air Quality
- Policy H2: Land Allocated for Mixed-Use Development
- Policy SL1: Safe and Sustainable Living
- Policy MD4: Leckhampton
- Policy GI1: Local Green Space
- Policy GI2: Protection and Replacement of Trees
- Policy GI3: Trees and Development
- Policy CI1: Securing Community Infrastructure Benefits
- Policy CI2: Sports and Open Space Provision in New Residential Development
- Policy CI4: Broadband Provision

#### Principle of Development

Paragraph 11 of the NPPF states:

*Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. 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.

In this case, the development plan is made up of the JCS and Cheltenham Plan. Distribution of development is set out in the JCS. Policy SD10 states:

*2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans*

The site is located within the Leckhampton mixed-use allocation in the Cheltenham Plan. In Policies H2 and MD4 the site, shown on the map below, is allocated for approximately 350 dwellings and a secondary school (subject to a separate planning permission).



The Cheltenham Plan Policy MD4 also contains the following site specific requirements:

- Approximately 350 dwellings on land north of Kidnappers Lane

- Provision of a secondary school with six forms of entry on land to the south of Kidnappers Lane
- Safe, easy and convenient pedestrian and cycle links within the site and to key centres
- A layout and form that respects the existing urban and rural characteristics of the vicinity
- A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development
- A layout and form of development that respects the visual sensitivity and landscape character of the site as part of the setting for the AONB

The current proposal conforms to the general principle of policy MD4 in that it provides for 350 dwellings within the boundary of the site. It should be noted that a smaller site on Shurdington Road is excluded from this application but is within the MD4 boundary. When combined the total number of dwellings will be above the 350 in the policy. However, the figures in Policy H2 and MD4 are approximate and the general principle of a total of around 370 dwellings on the allocation is acceptable.

### Local Green Space

Policy G11 of the Cheltenham Plan says:

*Development will not be permitted within a Local Green Space, designated either within the Cheltenham Plan or an approved Neighbourhood Plan, unless there are very special circumstances which outweigh the harm to the Local Green Space. Particular attention will be paid to the views of the local community in assessing any development proposals that affect a designated Local Green Space.*

The outline for the Leckhampton LGS is shown in red on the map below:



Part of the site falls within the northern part of the LGS area. Various smallholdings in differing states of repair currently occupy the area. A well-used footpath runs along the northern end of the LGS. The rural feeling experienced on the footpath was part of the reason that the LGS in that area was included for protection. Although the application includes changes to the LGS area, they do not include any building. The resulting allotments and green space area are likely to provide an enhance enjoyment of the Local Green Space.

#### Landscape and Design

Although the site is allocated for development in the Cheltenham Plan JCS Policy SD6: Landscape still applies. Of particular importance are the following two paragraphs:

*2. Proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area, drawing, as appropriate, upon existing Landscape Character Assessments and the Landscape Character and Sensitivity Analysis. They will be required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area;*

*3. All applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. Planning applications will be supported by a Landscape and Visual Impact Assessment where, at the discretion of the Local Planning Authority, one is required. Proposals for appropriate mitigation and enhancement measures should also accompany applications.*

#### Transport

Transport issues within the site's locality are difficult, with particular issues at peak times on Shurdington Road and Church Road. With the new secondary school being built it is especially critical that this development can prove that highway performance will not be impacted.

#### Five year housing land supply

Cheltenham Borough Council cannot currently demonstrate a five year housing land supply. Therefore, the 'tilted balance' of paragraph 11 is relevant. However, footnote 6 of the NPPF says that LGS and AONB policies in the NPPF are not out-of-date and still apply to this application.

#### Conclusions

The general principle of development on this site has been established in the Cheltenham Plan. The contribution that the site will make to housing supply and affordable housing supply also weigh in favour of the proposal. However, the proposals should also meet policy requirements set out in MD4 as well as other relevant JCS and Cheltenham Plan policies. Particular care should be given to the impact of the development on the AONB, Local Green Space and highway network.

### **GCC Highways Development Management**

#### ***21st December 2020***

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that this application be deferred.

The justification for this decision is provided below.

The Highway Authority and the Applicant are discussing this application to ensure that the Transport Assessment and scheme designs reflect current national and local policy, and the proposals are complementary to the consented secondary school highway works. Whilst these discussions continue with the Highway Authority it is asked that this application is not determined.

The Highway Authority therefore submits a response of deferral.

**26th November 2021 – revised comments**

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions and financial obligations.

The justification for this decision is provided below.

This application forms part of the Cheltenham Plan, allocation MD 4, the policy details site specific requirements. From a transport perspective the site should provide “safe, easy and convenient pedestrian and cycle links within the site and to key centres” and references the findings of 13/01605/full which was determined by the planning inspectorate to be reflected in any future scheme.

The proposal seeks to provide 350 dwellings which are served off 2 vehicle access points from the Shurdington Road. The accesses proposed are a priority junction and a new roundabout. The roundabout proposal also realigns Kidnappers Lane. No other vehicle accesses are proposed external to the site. The proposal also includes a series of walking and cycling connections to the existing community and within the proposal itself.

The applicant has prepared a Transport Assessment which considers the impact of the proposal from a multimodal perspective, this includes modelling on the potential impact on the Shurdington Road which is recognised as a congested corridor. It also considers routes to key destinations and how access to those services could be improved.

The local and national policy for access focuses on prioritising walking and cycling trips, we must also consider the vehicle impact but this must be read against the NPPF tests of “severe” or have “an unacceptable impact on highway safety”. In principle the proposal is acceptable as it provides the anticipated number of dwellings in the Cheltenham Plan, and consequently the traffic generation from the allocation was considered at the time of the adoption of the plan. It still remains necessary to consider the impact on local junctions and what mitigation might be required.

The proposal is expected to generate approximately 127 departures and 51 arrival vehicle trips in the AM peak and 79 departures and 126 arrives in the PM peak, these are 08:00-09:00 and 17:00-18:00 respectively. This is split between the 2 access points and the transport modelling shows trips are dispersed around the network.

This has potential implications at the junctions of Moorend Park Road and Leckhampton Lane.

With regards to Moorend Park Road there is already a consented scheme in place to improve this junction associated with the Farm Lane development, this improvement is being refined and provide the optimum solution for this junction recognising the competing demands of different road users, not further alteration is required beyond the consented proposals.

The Leckhampton Lane Junction is proposed to be amended to provide a degree of space for right turning traffic. There is a balance to be had in providing more capacity and maintaining pedestrian space, and considering the needs to pedestrians is a key priority as such the reduction of footway width is not acceptable. Furthermore, increasing capacity could result in an increase of rat running whereas the A46 is the more suitable route. Therefore, the proposal looks to provide an improvement within the current kerblines. This approach is considered to be acceptable.

The Kidnappers Lane junction with Shurdington Road is proposed to be closed and replaced with a cycleway. An alternative roundabout junction is proposed, this is considered to be a more suitable solution recognising the additional turning movements the development will generate alongside the new secondary school trips. It also allows for improved walking and cycling infrastructure to be provided as more space becomes available.

The proposal gives significant potential to reduce the walking distances from the existing residential communities to the new Leckhampton Secondary School. New and improved connections will be made from Merlin Way, Shurdington Road and Kidnappers Lane, the routes in the site accommodate pedestrians and cyclists, and provide more attractive routes than otherwise would exist. The proposal also provides missing footway infrastructure on the A46. This is considered to be a benefit of the scheme and contributes to its sustainability credentials.

The proposed streets within the proposal create a low-speed environment which includes measures to prioritise walking and cycling movements. Car and bicycle parking provision is agreed including electric vehicle provisions, but some refinement of details on these points is required so conditions are proposed to address this.

The proposal also includes a travel plan which will be secured by planning condition and ensured through a financial bond.

The proposal does require a consultation for highway legislation beyond any planning consultation to enable the development, and the proposal is reliant on this occurring. It is therefore necessary to include conditions which limit the developments construction until those processes have been progressed and orders implemented. The applicant should submit details of the required traffic regulation order to prohibit driving along the length of Kidnappers Lane which is to be closed at their earliest opportunity given the timescale associated with the implementation of such an order.

Overall, the proposal is considered to be acceptable and proposes suitable mitigation through offsite improvements, enhanced walking and cycling connections and planning obligations.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

### Conditions

#### Conformity with Submitted Details

The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawing CB\_70\_064\_001 Rev R.

Reason: To ensure conformity with submitted details.

#### Highway improvements Southern Development Parcel

The Development served from the proposed southern (roundabout) access hereby approved shall not be occupied until the highway improvements works comprising:

- Roundabout, realignment of Kidnappers Lane, crossings and active travel infrastructure as shown on drawing 04649-PA-001 Revision P08
- Closure of the Junction of Kidnappers Lane and A46 Shurdington Road

Have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

#### Highway improvements Northern Development Parcel

The Development served from the proposed northern access (priority junction) hereby approved shall not be occupied until the highway improvements works comprising:

- Priority Junction, Crossings and footway improvements as shown on drawing 04649-PA-002 Revision P06

Have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

#### Highway improvements

The 50th Dwelling hereby approved shall not be occupied until the highway improvements works comprising:

- Junction Improvement at Leckhampton Lane as shown on drawing 04649-PA-003 Revision P04

Have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

#### Highway improvements

The Development hereby approved shall not be occupied until the highway improvements works comprising:

- Controlled Crossing as shown on drawing ITB2049-GA-056 rev C

Have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

#### Bicycle Parking

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities

#### Electric Vehicle Charging Points

Notwithstanding the details submitted the development hereby permitted shall not be first occupied until at least 1 parking space for each proposed dwellings or 1 per 10 spaces for communal parking areas, has 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.

#### Residential Travel Plan

The Residential Travel Plan hereby approved, dated 09 October 2020 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

### Construction Management Plan

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Joint highway condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

### Provision for street tree planting

No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

### Informatives

#### Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

#### Traffic Regulation Order (TRO)

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward, involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk)

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

#### Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement 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.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

#### Street Trees

All new streets must be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

#### Public Right of Way Impacted

There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) to arrange a temporary closure of the right of way for the duration of any works. We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

### Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

### Protection of Visibility Splays

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

### Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

### Planning Obligations

Specific Purpose – Travel Plan Bond and Monitoring

Contribution - £65,250.00

Trigger – Prior to the First Occupation of any Dwelling

Retention Period – 10 Years from the First Occupation of Any Dwelling

Specific Purpose – Public Right of Way Enhancement, Connection to Merlin Way

Contribution - £15,000

Trigger – Prior to commencement

Retention Period - 5 years from Receipt

### ***8th March 2022 – updated comments***

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions and financial obligations.

The justification for this decision is provided below.

This application forms part of the Cheltenham Plan, allocation MD 4, the policy details site specific requirements. From a transport perspective the site should provide “safe, easy and convenient pedestrian and cycle links within the site and to key centres” and references the findings of 13/01605/full which was determined by the planning inspectorate to be reflected in any future scheme.

The proposal seeks to provide 350 dwellings which are served off 2 vehicle access points from the Shurdington Road. The accesses proposed are a priority junction and a new roundabout. The roundabout proposal also realigns Kidnappers Lane. No other vehicle accesses are proposed external to the site. The proposal also includes a series of walking and cycling connections to the existing community and within the proposal itself.

The applicant has prepared a Transport Assessment which considers the impact of the proposal from a multimodal perspective, this includes modelling on the potential impact on the Shurdington Road which is recognised as a congested corridor. It also considers routes to key destinations and how access to those services could be improved.

The local and national policy for access focuses on prioritising walking and cycling trips, we must also consider the vehicle impact, but this must be read against the NPPF tests of “severe” or have “an unacceptable impact on highway safety”. In principle the proposal is acceptable as it provides the anticipated number of dwellings in the Cheltenham Plan, and consequently the traffic generation from the allocation was considered at the time of the adoption of the plan. It still remains necessary to consider the impact on local junctions and what mitigation might be required.

The proposal is expected to generate approximately 127 departures and 51 arrival vehicle trips in the AM peak and 79 departures and 126 arrivals in the PM peak, these are 08:00-09:00 and 17:00-18:00 respectively. This is split between the 2 access points and the transport modelling shows trips are dispersed around the network.

This has potential implications at the junctions of Moorend Park Road and Leckhampton Lane.

With regards to Moorend Park Road there is already a consented scheme in place to improve this junction associated with the Farm Lane development. A further improvement has been suggested for this junction recognising the competing demands of different road users. The applicant proposes to provide a contribution to the Highway Authority so that should the additional works be required that funds are available to implement it. This approach safeguards the delivery of the “I-Transport” proposal and ensures that the modelling and mitigations align. Consequently, the impact of the development is mitigated and could not be considered to be severe.

The Leckhampton Lane Junction is proposed to be amended to provide a degree of space for right turning traffic. There is a balance to be had in providing more capacity and maintaining pedestrian space and considering the needs to pedestrians is a key priority as such the reduction of footway width is not acceptable. Furthermore, increasing capacity could result in an increase of rat running whereas the A46 is the more suitable route. Therefore, the proposal looks to provide an improvement within the current kerblines. This approach is considered to be acceptable.

The Kidnappers Lane junction with Shurdington Road is proposed to be closed and replaced with a cycleway. An alternative roundabout junction is proposed, this is considered to be a more suitable solution recognising the additional turning movements the development will generate alongside the new secondary school trips. It also allows for improved walking and cycling infrastructure to be provided as more space becomes available.

The proposal gives significant potential to reduce the walking distances from the existing residential communities to the new Leckhampton Secondary School. New and improved connections will be made from Merlin Way, Shurdington Road and Kidnappers Lane, the routes in the site accommodate pedestrians and cyclists, and provide more attractive routes than otherwise would exist. The proposal also provides missing footway infrastructure on the A46. This is considered to be a benefit of the scheme and contributes to its sustainability credentials.

The proposed streets within the proposal create a low-speed environment which includes measures to prioritise walking and cycling movements. Car and bicycle parking provision is agreed including electric vehicle provisions, but some refinement of details on these points is required so conditions are proposed to address this. The proposal also includes a travel plan which will be secured by planning condition and ensured through a financial bond.

The proposal does require a consultation for highway legislation beyond any planning consultation to enable the development, and the proposal is reliant on this occurring. It is therefore necessary to include conditions which limit the developments construction until those processes have been progressed and orders implemented. The applicant should submit details of the required traffic regulation order to prohibit driving along the length of Kidnappers Lane which is to be closed at their earliest opportunity given the timescale associated with the implementation of such an order.

Overall, the proposal is considered to be acceptable and proposes suitable mitigation through offsite improvements, enhanced walking and cycling connections and planning obligations.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

**Officer comment** [Please note the conditions/informatives are repeated/unchanged in the updated comments with the exception of the Planning Obligations which now include the following:

Specific Purpose – Junction improvement A46/Moorend Park Road  
Contribution - £86,567.35  
Trigger – Prior to occupation of the 175th dwelling  
Retention Period – 5 years from Receipt

**Ryder Landscape (acting as Council's Specialist Landscape Advisor)**

***2nd February 2021***

See Appendix B

***12th November 2021 – updated comments***

See Appendix C

***22nd November 2021 – further update***

See Appendix D

**Housing Enabling**

***2nd February 2021***

See Appendix E

### ***1st October 2021 – revised comments***

#### Level of Affordable Housing Provision

The Joint Core Strategy Policy SD12: Affordable Housing states that “on sites of 11 dwellings or more... a minimum of 40% affordable housing will be sought within the Borough of Cheltenham”.

This application will comprise of approximately 350 residential units. Therefore at 40% in line with JCS Policy SD12: Affordable Housing the Council will be seeking 140 affordable homes.

The latest LHNA that has been commissioned also requires a mix of approx. 70:30 rented to intermediate housing.

The majority of the principles surrounding affordable housing delivery on this scheme have been covered in the Housing Enabling comments dated 02.02.21.

#### Dwelling Mix

The Council and applicant (Miller Homes) are in agreement regarding the affordable housing mix to be provided on this scheme, captured in the dwelling mix table below. To be clear, having regard to local needs and affordability considerations, we will seek the following mix of affordable dwellings on this scheme:

#### Clustering and Affordable Housing Distribution

	40%	Social Rent	Affordable Rent (Capped at LHA)	Shared Ownership	Total	%
1b2p M4(2) Cat 2 flat, 50m2.		12	0	0	12	9%
1b2p flat, 50m2.		12	0	0	12	9%
1b2p Bungalow, M4(3) (2)(b), 60m2.		4	0	0	4	3%
1b2p Bungalow M4(2) Cat 2 , 50m2.		4	0	0	4	3%
1b2p House, 50m2.		0	0	4	4	3%
2b4p House, 71m2.		0	18	18	36	26%
2b4p House, M4(2) Cat 2, 79m2.		0	14	0	14	10%
2b4p Bungalow M4(2) Cat 2, 71m2.		0	4	0	4	3%
3b5p House, 82m2		0	10	12	22	16%
3b5p M4(2) Cat 2 House, 93m2		0	3	0	3	2%
3b6p House, 93m2.		0	8	8	16	11%
4b7p House, 108m2.		6	0	0	6	4%
4b7p House, 121m2, Cat 2.		1	0	0	1	1%
5b8p House, 121m2.		2	0	0	2	1%
Total		41	57	42	140	100%
%			98 (70%)	42 (30%)	100%	

Examining the clustering and affordable housing distribution, this officer is satisfied that the revised affordable housing plan (reference CB\_70\_064\_004 Affordable Housing Plan REV G-OVERALL) meets the majority of our affordable housing requirements.

Nevertheless, to facilitate the creation of resilient communities, this officer would strongly suggest making the following alterations to the affordable housing plan, as set out below:

- Swapping Plots 250/251/252 with Plots 244/245/246
- Switching Plot 308 with Plot 128
- Switching Plot 307 with Plot 109
- Switching Plots 93/94 with Plot 170/171

Discussions with our Registered Provider partners has supported relocating these homes to assist in creating sustainable communities.

This officer is happy to discuss with the agent to reach a practical solution to this issue.

#### Accessibility

This Officer would expect the proposed 4 x 1b2p M4(3) wheelchair accessible homes (60m<sup>2</sup>) to meet M4(3)(2)(b) wheelchair accessible standards. This point should be reflected within the Section 106 agreement, affordable housing schedule and accompanying affordable housing plan.

#### **22nd November 2021 – further revised comments**

Following on from this Officer's previous Housing Enabling comments concerning the Land off Shurdington Road, Planning Reference 20/01788/FUL dated 02.02.2021 and 01.10.2021 respectively, the Council and Miller Homes (represented by Pioneer Property Services) have agreed with the Housing Strategy and Enabling Officer on the following affordable housing mix, comprised of 41 social rented homes, 57 affordable rented homes and 42 shared ownership homes: (please refer to table below).

The affordable housing mix agreed between the Housing Strategy and Enabling Officer and Miller Homes satisfies the policy requirements of JCS Policy SD12: Affordable Housing.

Description	Persons	Sqm	Sqft	Social Rent	Affordable Rent	Shared Ownership	Total
1-bed flat M4(2)	2	51	544	24	0	0	24
1-bed bungalow M4(3)(2)(b)	2	60	647	4	0	0	4
1-bed bungalow M4(2)	2	50	539	4	0	0	4
1-bed house	2	51	549	0	0	4	4
2-bed coach house	4	71	764	0	0	6	6
2-bed house	4	71	764	0	18	12	30
2-bed house M4(2)	4	79	850	0	14	0	14
2-bed bungalow M4(2)	4	72	779	0	4	0	4
3-bed house	5	84	908	0	3	4	7
3-bed house	5	83	893	0	7	8	15
3-bedhouse M4(2)	5	93	1001	0	3	0	3
3-bed house	6	93	1001	0	4	8	12
3-bed house	6	95	1021	0	4	0	4
4-bed house	7	118	1274	6	0	0	6
4-bed house M4(2)	7	121	1303	1	0	0	1
5-bed house	8	127	1372	2	0	0	2
<b>Grand Total</b>				<b>41</b>	<b>57</b>	<b>42</b>	<b>140</b>

For ease of reference, the affordable housing mix captured in Table 1 above will supersede all previous discussions between the Housing Strategy and Enabling Officer and Miller Homes and represents the final agreed affordable housing mix.

#### Amendments to Affordable Housing Mix dated 01.10.21

Above and beyond previous comments provided by the Housing Enabling Officer relating to this scheme, Miller Homes have agreed that 4 x 1b2p Social rented M4(3)(2)(b) bungalows will be provided on this scheme (subject to planning permission being granted), instead of 4 x 1b2p Social Rented M4(3)(2)(a) bungalows. In summary, this will mean that disabled households can immediately access these properties, instead of waiting in potentially unsuitable accommodation for minor adaptations to be made to these new properties.

In exchange for this agreement regarding the M4(3) bungalows, the Council has not to make any further changes to the latest proposed scheme layout (Revised Affordable Housing Layout, Reference CB\_70\_0064\_003 G, dated 31.08.21).

#### Section 106 Agreement

The Council will ensure that both the latest affordable housing planning layout, referred to above, and the final Affordable Housing Mix table (see Table 1) are captured within the final iteration of the Section 106 agreement relating to this scheme. This will give the Council confidence that the affordable homes will be delivered as agreed.

### **Architects Panel**

***8th December 2020***

#### Design Concept

The panel had no objection to the principle of this large housing development and believed the site provided a great opportunity for a high quality design solution that could set the standard for future housing schemes in Cheltenham.

The main criticism of this scheme is that the laudable statements made in the Design and Access Statement, setting out the designer's good intentions, have not been followed through in the submitted proposals. The scheme has certain commendable aspects, for example the central "green corridor", the public orchard and the allotments, the linking footpaths and cycle routes, but the built areas don't meet up to the design expectations promised.

The overall impression of the development is that it is a series of very similar private housing estates connected together by a string of non-descript access roads with no unique sense of place.

Page 5.4 of the D&A refers to four distinct "character areas" that define the design. The panel couldn't see these manifested in the submitted design proposals. The scale, layout and type of architecture is too similar to generate different character areas of interest. The resultant scheme puts too much emphasis on the network of roads and the needs of the private car and not enough on unique place making requirements set out in the Cheltenham Borough Council Guidance Notes.

The D&A talks of a wide range of different types of housing but the scheme doesn't offer the variety that could be made available or how these enhance the character and sense of place. The panel felt the introduction of more apartments or even terrace housing would increase the number of dwellings, add more variety of built form as well as opportunities for more open amenity spaces. A better, more 'design' and 'character' led approach, with greater variety, areas with a higher density and less traffic and road domination should be encouraged as more units could be accommodated within a better overall environment.

### Design Detail

The architecture is not offensive but rather bland. Attempts to add interest by applying different cladding materials to standard house types is not enough to create variation of form and certainly doesn't relate in any way to the local architecture of Cheltenham as the D&A suggests.

Given current concerns over global warming, the panel was surprised that sustainable design did not have more of an influence over the design of the houses and the overall site layout. The reluctance to consider on site renewable energy options but to rely on "fabric first" high levels of insulation to satisfy sustainability policy, needs to be questioned in more detail. Statements disregarding Codes for Sustainable Homes, and simply saying the design will exceed the Building Regulations, are not enough and full construction details should be submitted and properly appraised by the planning authority to ensure this development goes a long way to meet government targets. Promoting the use of UPVC windows, for example, is not going to reduce the impact of global warming.

The landscaping proposals along the main access roads and where the streets are narrow is not fully resolved. Hedges planted right against house external walls is not an appropriate way to provide token greenery, and many trees look too close to some properties which will threaten their long term survival. Incorporating access roads that are predominantly pedestrianised could enable space for more planting and prevent additional road parking which will be inevitable with the current road design.

The quality of the detailing and materiality are essential to the success of any scheme of this scale, on a site leading into historic areas of Cheltenham and in a location as prominent as Shurdinton Road. The panel felt sufficient detail must be provided to assess proposals and to secure a high quality of materials and detailing (eg articulation of brickwork) in the planning application and through the use of planning conditions if the LPA are minded to approve a scheme of this scale and importance.

Overall the panel felt the scheme represented a wasted opportunity in that what is proposed is not particularly special but rather yet another mediocre housing scheme. With a little more imagination the development could be so much more exciting architecturally, introduce more variety and thus create a more unique sense of place.

### Recommendation

Not supported

## **Cheltenham Civic Society**

***8th December 2020***

The Civic Society supports the principle of developing this plot, but this scheme has been designed for the benefit of the developers rather than the people who will be living here for years to come. It needs more attention to detail to make it somewhere people will want to move to, and to stay.

### Traffic

We share the concerns expressed by many commenters about the traffic issues that will be generated by this development, as well as by the planned secondary school and other neighbouring new residential developments. The roundabout at the western end of the development is a positive development. However, the north-eastern access is likely to be used by more than half of the traffic from the new houses, a minimum of 400-500 vehicle movements a day, a significant proportion of which will be making a right turn towards Cheltenham. There needs to be more thought given to this junction.

There are no shops or services on site or within easy walking distance. The nearest shops in Woodlands Road are nearly a mile away. Morrisons and the nearest pharmacy are twice

that distance away. The adjacent Redrow development is also entirely housing. This will create the need for many more car journeys.

The service entrance to the Cheltenham Secondary School designated for "Staff, Deliveries/Coach Vehicular Entrance" will also feed onto Kidnappers Lane to the west of the entrance to the Millers site. Kidnapper's Lane currently has no pavements along its full length from Farm Lane to Church Road. The 'school side' of Kidnapper's Lane consists of a wide tree and vegetation filled verge which could be widened as part of the current construction work. The lack of at least one pavement on this part of the road alongside the Millers development would be a considerable risk to the increased pedestrian and cycling traffic. This matter was raised during public comments on the school's proposals but needs to be made again. The pedestrian crossing points improve access to the bus stops on Shurdington Road.

### Space Standards

This is a very high density development: the result of trying to fit 350 units onto the site. This has resulted in some very small units, more appropriate to a city centre development than this semi-rural location. If you compare the size of plots and properties surrounding this site, the proposed density is immediately visible.

If these proposed houses are to provide a sustainable lifetime home for residents they need more space. This could be just by increased plot area to allow space for future extension and privacy. The pandemic lockdown has highlighted the need to be able to work from home, children requiring space in their bedrooms for home schooling, worries about food supply encouraging people to grow some of their food, and difficulties of crowded households and relationships. There needs to be space for securely storing bikes, recycling boxes and wheelie bins, gardening equipment, possibly a greenhouse or conservatory, and desk space for adults and children to work.

The lack of capacity for residents to adapt their homes to their changing needs will lead to a high turnover of occupants, which is detrimental to sustaining a community.

### Community spaces

We welcome the innovative plans for a community orchard and allotment space. We would like more detail on how they will be managed, and for this to be pinned down in the planning permission.

Given this innovative green infrastructure, perhaps Miller Homes should consider working towards the Building with Nature accreditation scheme. This could give it a wider, national profile and could be a selling point when marketing houses - and would encourage the developers to do even better.

The play areas are limited and there is no space for informal games, e.g. football within the development. Has there been any discussion with the new secondary school as to whether leisure facilities can be made available?

Other than the green infrastructure, this development is all houses. There are no community or commercial buildings. The lack of a centre will make it hard to create a community. Residents will have to travel the best part of a mile away to access goods and services. The distance to local services means this is likely to be a very car dependent community as mentioned earlier.

### Carbon emissions

This development makes no contribution to Cheltenham's Carbon neutral goal: indeed, it is likely to be a net producer of carbon emissions.

Given it is a very car-dependent development, could EV charging points be built into every home?

There is a lot of emphasis on the high standard of insulation, but not on the sources of the energy. Despite the government commitment to no new gas boilers being installed after 2025, Miller Homes' Energy & Sustainability Statement assumes that all dwellings will be provided with gas fired heating systems. Instead the estate should be built with its own Combined Heat and Power (CHP) system or ground source heat pumps, and solar panels wherever possible. These measures would make a positive contribution to carbon neutrality and could be a selling point for potential buyers.

**Severn Trent Water Ltd**  
**22nd November 2020**

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

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

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

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

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call the office on 0345 266 7930

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

**CBC Tree Officer**  
**15th December 2020**

- 1) Agree with most quality categorisations (as per BS 5837)-regarding the quality of all trees, hedgerows and groups of trees.
- 2) The quality of most trees within such groups, hedges and individually are not high but cumulatively, they are significant and the area has a significant arboricultural texture-ie tree cover is significant. Much cover is non-native trees-some of which have an incongruous

nature for the setting, but most will have arboricultural merit. The Tree protection plan is helpful, but unless studied in detail does not give a clear "snapshot" of the extent of tree removals and retention. A clearer tree removal/retention plan would be welcome.

3) To mitigate for lost countryside, some open space is earmarked for designation. However the tree planting potential is limited within these open spaces as there will be pressure for land not only from trees.

4) Other than open space, there appears to be insufficient scope for street trees as soft landscape features within the proposed built up areas. Deer were seen whilst on site on 24/11/20. As such, it will be necessary that all new tree planting is sufficiently protected from deer.

5) Many trees on the boundary and alongside the brook are in a poor state of repair and are in an inappropriate structural condition for retention without significant remedial works. For example, whilst the re-pollarding of many of the willow trees will be necessary, future management needs to consider significant costs of future management. The same can be said for trees on the boundary and their management into the future. This has been referred to in para 4.3.6 of the Arb Impact Assessment, but there is no detail

6) G61-small (B2-moderate quality) apple copse-recent very heavy handed "pruning"/topping has taken place leaving the trees as 1.5-2metre poles. This has significantly reduced their visual amenity and arboricultural value.

7) It is noted that there is to be several incursions into the proposed Root Protection Area of several individual and groups of trees. A method statement for low impact construction methods is necessary as a part of any application process.

8) There is no landscape plan-such a plan should be included as a part of the application and not left to be a planning condition.

### Conclusion

- It is considered that whilst much of the arboricultural fabric of the boundary and alongside the brook is to be retained, there appears to be little scope for new tree planting to mitigate for anticipated losses. The reduction in the number of dwellings would facilitate a less compact application and more potential for greater planting
- A clearer tree removal/retention plan should be produced so as to be more easily able to visualise the scale of tree retention and loss.
- More detail is necessary to address the current condition of trees to be retained if the areas in which they are located are to be retained as public open space.
- A full landscape plan is required.
- Details of service runs and their location should be submitted as a part of the application.
- Foundation design of all structures must take account of local soil type and tree species

### **29th September 2021 – revised comments**

The revised removal and retention drawing is helpful and it is now easier to understand the full implications of existing on site trees.

Whilst there is no objection to proposed tree removals (such trees are mostly of limited value individually), it is unclear as to what is being planted to mitigate for their removal.

Whilst there is indicative tree planting shown on the updated Planning Layout (Drawing no CB\_70\_064\_101Rev N/K/N) and the proposed street trees are welcome, it is unclear what species of tree are to be planted and generally, it is considered that there is insufficient tree planting numbers being proposed within the street scene.

Where possible, a rich palette of new trees should line Shurdington Road. Significant potentially very large landscape trees eg Sequoiadendron/Quercus sp/Pinus sp (giant redwood/oak species/pine species) could also make a positive statement and local landmark if planted on the roundabout entrance into the estate.

It is noted that many trees are to be planted within the proposed open spaces. Again there is little/no detail.

It would be much preferable if a detailed landscaping scheme is submitted as a part of the application rather than being left as a condition attached to any permission. Such a landscape scheme must show species, sizes, locations, protection (taking account of the local deer population) and tree pit details. Where trees are to be planted within the street scene, new topsoil should be incorporated into tree pits and trees should be protected temporarily with wire cages. The use of root deflectors should also be incorporated so as to help ensure new trees are not under pressure for removal following root related surface disruption. The palette of trees to be planted should be a mix of native and exotic trees and take account of the proposed site, and adjacent constraints (lamp columns, parking areas/honey dew, falling tree debris etc. Similarly there are no trees shown to be planted within proposed new rear gardens. This should be reconsidered and new appropriate species should be planted within larger rear gardens as a minimum.

It is noted that the TPOd trees (T33, 34, 36+ 38 (3 oak + an ash)) are to be retained.

Paragraph 5.6.1 of the tree survey /AIA states that "the proposed hard surfaces encroach into the RPA's of sixteen trees (T9, T18, T19, T22, T23, T26, T28, T32, T52, T56, T57, T59, T60, T63, T66 & T69) however for thirteen of these trees the encroachment is well within the Design Recommendations set out in BS5837:2012 which states that up to 20% of the RPA can be surfaced without adversely affecting trees. For ten of these trees the percentage of encroachment ranges from 0.3% to 8.9% and for T18, T56 & T60 it is 14.7%, 13.4% & 12.4% respectively". A Method Statement should be created detailing how such hard surfaces are to be laid down within the Root Protection Area of all of the above and any other retained trees. This Method Statement should incorporate the use of hand digging and the avoidance of severing any roots with a diameter greater than 25mm.

Such a Method Statement should also describe a timetable of arboricultural monitoring so as to ensure construction conundrums are addressed by a suitably qualified and experienced arboriculturist.

The Tree Protection Plan shows the location of tree protective fencing is not shown to the BS5837 (2012) standard. It is essential that such robust protection is clearly stipulated so as to help ensure retained trees are successfully retained with no significant impact during the course of any construction.

It is noted that many of the retained trees are located along the course of the brook bisecting the site. Whilst the majority of these trees are "B" class trees, a high proportion of them are willow and ash. It is anticipated that many/most of the ash will succumb to ash die-back and as such their management must become under a formal management regime. Similarly, many of the willow are very large and have not been actively managed for many years. As such, it is necessary that a short, medium and long term management plan is submitted and agreed so as to ensure trees along the brook can be safely retained into the future, not only as a source of ecological diversity but also as an acceptably safe play space for children.

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

***25th November 2020***

I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation.

### Flood Risk

As discussed in the Flood Risk Assessment (June 2019), hydraulic modelling has been carried out and approved by the Environment Agency. The layout has been designed so that

all the properties and sustainable drainage features are outside of flood zone 2 and the areas at risk of surface water flooding according to the Risk of Flooding from Surface Water map.

#### Surface water management

##### Discharge strategy

The site is on Charmouth Mudstone, which is not conducive for infiltration. The proposal is therefore to discharge surface water into the Hatherley Brook and its tributary.

##### Discharge rates

The maximum surface water discharge rate (56.1 l/s for the 1 in 100 year rate plus 40% for climate change) will be limited to approximately the greenfield runoff rate for QBar (47.5 l/s).

##### Drainage strategy and indicative plan

Surface water will be stored in three ponds that serve the three hydraulic catchments on the site. They have been designed to store water in events up to the 1 in 100 year rainfall event plus 40% for climate change and simulations of the network on MicroDrainage show that they are a suitable size. The ponds will offer management of water quality and the opportunity for providing amenity and biodiversity benefits.

The MicroDrainage simulations show that the development will not flood in a 1 in 30 year rainfall event and that the flooding of the network in a 1 in 100 year rainfall event will be confined to the highways. Although this meets the Non-statutory technical standards for sustainable drainage, the flooding from manhole SB11 (Catchment B1) appears to be directed off the site onto the Shurdington Road. While this is an acceptable strategy for exceedance flows, in events up to 1 in 100 year rainfall event, surface water should not be leaving the site in this manner.

##### Exceedance flow paths

In rainfall events that exceed the design of the drainage, surface water will be directed along the highways to the balancing ponds and to their respective watercourses or off the site at the two access points.

##### LLFA Recommendation

The applicant has demonstrated that the strategy meets national standards for sustainable drainage and should not be putting the development itself or elsewhere at increased risk of flooding. If the applicant is able to minimise the flooding at manhole SB11 (Catchment B1), as described above, then the LLFA will recommend no objection subject to the following condition:

Condition: No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

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

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

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

**27th September 2021 - revised comments**

I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation.

In addition to our previous comments from 25th November 2020 the LLFA also recommends the following condition for the management of surface water during the construction period of the development. There have been a number of recent developments that have caused surface water issues to neighbouring properties during their construction and considering the location of this development in the upper part of the catchment, it is important that surface water is managed appropriately.

Condition: No development shall commence on site until a Construction Phase Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will outline what measures will be used throughout the period of the construction of the development to ensure surface water does not leave the site in an uncontrolled manner and put properties elsewhere at increased risk of flooding. The construction phase shall be implemented in accordance with the approved plans until the agreed Sustainable Drainage System Strategy is fully operational.

Reason: To ensure the construction phase of the development has a satisfactory means of drainage that does not increase the risk of flooding from the site.

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

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

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

**7th December 2021 – further revised comments**

I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation.

Following the LLFAs comments on the 25 November 2020 and 27 September 2021, another Drainage Plan (B17427-PPL-501-P4) has been submitted. This shows that the pipe between manholes SB1-11 and SB1-12 has been upsized, which will minimise the amount of highway flooding in the 1 in 100 year rainfall event plus 40% for climate change.

**LLFA Recommendation**

As before, the LLFA has no objections subject to the following conditions:

Condition: No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

Condition: No development shall commence on site until a Construction Phase Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan will outline what measures will be used throughout the period of the construction of the development to ensure surface water does not leave the site in an uncontrolled manner and put properties elsewhere at increased risk of flooding. The construction phase shall be implemented in accordance with the approved plans until the agreed Sustainable Drainage System Strategy is fully operational.

Reason: To ensure the construction phase of the development has a satisfactory means of drainage that does not increase the risk of flooding from the site.

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

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

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

## **Environment Agency**

**26th November 2020**

Thank you for referring the above consultation, which we received on 6 November 2020. Based on the information submitted, we do not object to the proposed development and would offer the following comments to assist your consideration at this time.

### Flood Risk

Having assessed the Flood Risk Assessment (FRA) submitted by Patrick Parsons dated June 2019 in conjunction with the hydraulic modelling addendum prepared by Jeremy Benn Associates (JBA) dated 28 April 2017, we can confirm that the modelling work undertaken by JBA has been reviewed by the Environment Agency as part of an official flood map challenge and the subsequent outlines incorporated within the Flood Map for Planning.

Hence the extents shown within Figure 1.1 of the FRA are deemed to be representative of the current flood risk and show the majority of the site located in Flood Zone 1.

The addendum prepared by JBA also looked at the impacts of the latest climate change guidance as set out in Table 1.1 of the FRA as well as potential blockage scenarios.

Neither of these additional runs impacts upon the proposed layout as shown in the "Overall Planning Layout" dated 23.09.20. However, for the record we would wish to point out that there are inaccuracies within the penultimate paragraph of text of the FRA document within the introductory section of chapter 2.1.

For "More Vulnerable" development the considered lifetime of the development is 100 End years, not the stated 50 years. As a result the relevant climate change uplifts for such developments are 35% and 70% as set out in Table 1.1 and not the 20% and 40% quoted. Fortunately the modelling report has used the correct allowances.

In conclusion as all extents for all forms of flooding will be contained within the green open space corridors either side of the watercourses, we have no objections to the proposals from a flood risk perspective.

I trust the above will assist in your determination of the application and please do not hesitate to contact me if you have any queries.

**29th September 2021 – revised comments**

Thank you for referring the above consultation, which we received on 9 September 2021. Based on the revised plans and additional information submitted, we have no further comments to add in addition to those provided in our letter dated 26 November 2020 (reference SV/2020/110793/01-L01).

For completeness however, we would just raise the following:

On 27 July 2021 the guidance on considering climate change in Flood Risk Assessments (FRAs) and planning decisions was updated to reflect the latest projections in UK Climate Projections 2018 (UKCP18) relating to peak river flow allowances. Where a valid planning application has already been submitted to the Planning Authority we will not raise concerns on the use of the previous allowances. However, in the interests of longer term sustainability, you may wish to use the new allowances where practicable. More information is available here: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>. Any new or future applications, including variations, will need to use the new allowances.

**GCC Archaeology**  
**27th November 2020**

Thank you for consulting the archaeology department on this application.

An archaeological evaluation was undertaken by Cotswold Archaeology between October and November 2011 within the proposed development site. The evaluation has identified a limited number of archaeological features within the site, comprising ditches, pits and postholes. Although a number of the features encountered remain undated, the remainder ranged in date from the Romano-British to the modern period and included a Roman ditch, an area of medieval activity, and agricultural features dating to the medieval, post-medieval and modern periods.

The evaluation has established there is potential for archaeological remains within the proposed development site as outlined in the Heritage Statement submitted with the application. I therefore recommend that a programme of archaeological investigation is made a condition of planning permission so to ensure archaeological remains impacted by the proposed development can be investigated and recorded. Details will need to be discussed with this department.

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, ie;

'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.

**22nd June 2021 – revised comments**

Thank you for consulting the archaeology department on the additional details submitted with the application. Further archaeological evaluation was carried out in February 2021 in the northern part of the site and the report has been submitted with the application. The subsequent evaluation identified further pits and ditches dating to the medieval period.

My advice provided previously on this application remains the same, for an archaeological condition to be placed on planning permission to allow for programme of archaeological investigation (excavation) in areas where archaeological remains of interest have been identified in the two phases of evaluation within the site. For convenience I reiterate the recommended condition:-

'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.

**1st October 2021 – revised comments**

Thank you for consulting the archaeology department on the additional information submitted in regards to this application. I can confirm that I have no further comments to make from those made previously.

**Ramblers Association**

**22nd November 2020**

The inclusion of non-motorised routes across the proposed development is welcome however the plan falls short and should commit to further developments to fully support and implement the objectives of the Gloucestershire Strategy for Walking and Cycling and the DEFRA Rights of Way Circular 1/09. The objectives of the DoT Gear Change document should also be included.

The development plan should explicitly recognise the need to improve connectivity with the existing extended PROW network and develop for the future, recognising the potential for further development. The the development should actively seek to enhance the network to encourage the use of the network for walking, and cycling, for recreational and commuting of all age groups. Footpath green route should be established not only within the development but to link with the neighbouring areas.

The connection to PROW ZCH80 is an obvious corridor for members of the school adjacent to the southern boundary of the site. The bridge over the Hatherly Brook must be widened and the surfaces improved to facilitate connection with CHL6 and the new hoggin path.

It clearly wrong that development on the scale that is proposed here should not seek to enhance the amenity of the PROW CHL6 and the further links to the PROW network.

The plan should also recognise the importance of the development as route to the school and improve the alignment with school entrances, enhance width to safely accommodate cycling and walking where necessary, improved crossings and pavement widths. It is noted

that the track running from the Shurdington Road along the eastern edge of the 'Brooke Cottage' development is marked as an existing right of way, although this is not how on the Gloucestershire definitive map. It is important that the developer secures the permanent status of the new routes as PROWs.

Major developments such as this should be championing the future direction of increased use of walking routes and facilitate this through the design and implementation of improved non-motorised routes.

### **Building Control**

**9th November 2020**

Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

### **Parish Council**

**4th December 2020**

See Appendix A

### **18th October 2021 – revised comments**

The Parish Council is grateful for being given the extra time to make these comments. They should be read in conjunction with the Parish Council's main comments submitted on 4 December 2020. All of those earlier comments remain apposite except that the revised plans have addressed the issue of the cycle track and footpath which should now be able to run all the way from Merlin Way to the new secondary school.

These additional comments are in response to documents added to the application documents since that date including points raised in the Miller Homes covering letter to the revised plans. The Parish Council is also responding to representations made by local residents to the earlier consultation. Particular concerns of residents are over the possible risk of flooding to areas west of the A46 and the problem of traffic congestion and road safety taking into account also the new secondary school adjacent to the site.

#### **Risk of flooding during the construction phase**

The issue of flood risk to the development and to downstream areas of Cheltenham has been discussed in detail in the Parish Council's response of 4 December 2020. The Council would like however to strongly support the comments by the Lead Local Flooding Agency on the need for a Construction Phase Surface Water Management Plan particularly to avoid any the risk of flooding to properties along the A46 during construction, through for example heavy water flows down roads onto the A46. Storms with rainfall of around 40 mm/hr occur several times a decade on the scarp of Leckhampton Hill feeding into Hatherley Brook and Moorend Stream. It must be anticipated that such a storm will occur at least once during the construction phase with heavy rainfall on the site as well as high flow along the two watercourses.

There are underground water flows in the gravel and sand beds in the area and some houses on the west side of the A46 experience water flow into their gardens coming under the A46. Residents are concerned that this might be made worse by the development disturbing possible underground flows within the site. It might be prudent during construction to note any gravel beds and flows that are encountered. Residents are also concerned to ensure that there is provision for management of the balancing ponds for the whole life of the development because of the overflow risk to housing along the A46 and along Hatherley Brook and Moorend Stream.

#### **Leckhampton with Warden Hill Parish Council**

In its comments of 4 December 2020 the Parish Council recommended that the longer term flooding risk to downstream housing along Hatherley Brook might need to be considered. This was not because of risk of flooding due to runoff from the site but because building on

the site will remove any future option to build very large retention ponds on the site in order to help protect downstream housing from flood flow in Hatherley Brook caused by the more severe storms expected with global warming.

Highways and traffic congestion Taking into account the likely extra traffic generated by the new secondary school, the traffic congestion on the A46 is a major impediment to sustainable development. Although the Miller Homes covering letter seems to suggest that the traffic issues are nearly resolved there are no revised plans showing how the traffic congestion can be successfully mitigated. Enough time must be allowed for public consultation on any future traffic proposals before the application can go forward to the planning committee. The validity of the MD4 allocation, of which the Miller development is part, also depends on meeting the condition set by Inspector Burden that the proposed traffic mitigation at the A46/Moorend Park Road junction must be shown to work. An additional highways issue has arisen more recently over the multitude of crossing points and traffic lights proposed to be installed on the A46 between the Moorend Park Road junction and Kidnappers Lane. We understand that this issue has arisen because the Kendrick Homes development was given outline planning permission ahead of the Miller Homes development and was allowed a separate access to the A46. We believe there is still time to reduce the associated road crossings and we also believe that the two developments ought to share a single road access onto the A46.

Future of the northern part of the smallholdings The issue over the northern part of the smallholdings, which was covered in the Parish Council's response of 4 December 2020, remains unresolved. Following that response the Council drafted a letter to each of the smallholders seeking to ascertain whether they would be interested in continuing as tenants if that option was available. The land agents, Bruton Knowles, agreed to forward the letters to the tenants but then changed their mind. The Council understands this was on the instruction of the landowner. The Council has therefore been unable to clarify the position in the way agreed previously with Miller Homes. Even if the existing tenants did not want to continue their tenancies others might be interested including residents in the new housing. Part of the northern smallholdings along the public footpath could easily be converted into a line of allotments. But it is not clear that this would actually conserve the rural character and interest of the path. The way forward needs to be resolved urgently if the application is to go to the Planning Committee in the near future.

#### Open space and local footpath network

The additional response from Natural England dated 11 October 2021 asks for 6.5 ha of on site green and open space to be designed, delivered and managed for the lifetime of the development. The figure of 6.5 ha corresponds to the proposed open space shown in the Revised Overall Planning Layout if one includes the balancing ponds, course of Hatherley Brook and roadside green area. The purpose of this 6.5 ha area is to provide sufficient recreation space to make it less likely that residents would want to drive to the Cotswold Beechwoods for walking and dog walking.

A whole session of the Local Plan Examination in Public (EIP) in 2019 was devoted to this issue of protecting the Cotswold Beechwoods reflecting their high national priority for conservation. The biggest threat to the Beechwoods comes from residents of the Gloucester - Cheltenham area driving up to the Beechwoods for country walking and dog walking. The residents who do this regularly, rather than walking closer to their homes, are motivated by wishing to walk in open countryside.

In the EIP session in 2019 attention was drawn to the proximity of the Miller Homes and Kendrick Homes developments to the footpath network of the Leckhampton Fields Local Green Space (LGS). Some 2 ha of the LGS is actually included in the 6.5 ha of open green space within the Miller Homes site. The open countryside and footpath network provided by the LGS is a big asset to the Miller Homes application. But conversely the public footpath through the Miller site is very important to the footpath network providing local walking routes for the very many existing residents that walk on the Leckhampton Fields. This emphasises

the importance of keeping the LGS and its footpath network as rural as possible not just for the future residents in the Miller Homes estate but for the very many existing local residents who might otherwise be more inclined to drive up into the Beechwoods.

Encouraging residents to walk locally is very beneficial to health and wellbeing and helps to reduce carbon emissions compared to driving into the Cotswolds. The Council notes that the footpaths through the community orchard and allotments and through the other green space areas in the site will contribute to the footpath network. This is an important benefit of the development to the wider community.

The application is proposing to try to preserve the rural character of the public footpath as it passes through the site by planting a tall hedgerow along the north side of the path to screen the housing from view from the path. In addition overhanging trees could be planted that could create an avenue. But it will take many years for hedges and trees to grow to sufficient height. One might therefore also want to consider something quicker growing to provide screening in the short term such as a trellis fence supporting vigorous climbing plants. A construction phase plan is needed to ensure that use of the footpath network is not interrupted during construction and so that the beauty and rural character of the path is preserved over both the short term and long term.

There must be maximum retention of existing hedges and trees. Currently the revised plans show the existing hedge being removed along the public footpath at its western end where the path turns south to run through Robinswood Field. The plans show only a small hedge in this area or no hedge at all so that the public footpath would be passing directly by houses. The plans need to retain the whole of the existing hedgerow either side of the public footpath in this area and also along the footpath in Robinswood Field where the hedge contains a wide variety of trees including damsons and sloes.

#### Protection of other hedgerows and trees

The Revised Overall Planning Layout, like the original layout dated 15 Oct 2020, raises concerns over protection of the hedgerows. In particular the tall dense hedgerow along the public footpath in Robinswood Field is barely shown in either layout and this raises concern over whether there might be some intention to remove or severely cut back this hedgerow. The hedgerow is shown more boldly in the revised land use plan, but nevertheless there seems to be an ambiguity between the plans that needs to be corrected. Not only must this hedgerow be shown appropriately in the plans but there must be very clear instructions and safeguards to ensure its full protection. The hedgerow is protected by law (<https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>) as a countryside hedgerow for its length and age and the land on both sides is also valued landscape.

Unfortunately it is well known that developers do often cut down protected hedgerows and trees accidentally and sometimes deliberately, for example to damage landscape in the hope of gaining planning permission or to improve the saleability of properties by opening up views. When Inspector Ord in her JCS findings in July 2016 ruled that development should be confined to the Northern Fields the developers (Bovis Homes and Miller Homes) immediately erected a 1.9 metre chain link fence along the footpath in Robinswood Field. Given the height and cost of this fence its only realistic purpose was to urbanise the landscape in the hope of countering the JCS decision. It was Bovis Homes that did this and not Miller Homes, but it shows the need to avoid any ambiguity and to have strong safeguards. The hedgerows along Kidnappers Lane are also very important for screening the housing from view from Leckhampton Hill and Miller Homes in discussion with the Parish Council undertook to protect and reinforce them. These hedgerows are clearly shown as being retained on the revised layout.

The CBC Tree Officer in comments dated 29 September 2021 has recommended that many more trees should be planted within the development include more large trees. The Parish Council strongly supports this recommendation. As far as the Council can discern the site

layout does conserve the existing large trees on the site except in the east corner of the site adjacent to the Moorend Stream footpath where a significant tree seems to be missing from the revised overall planning layout. This tree is at the point where the Hoggin footpath through the community orchard is supposed to connect to the public footpath along Moorend Stream. This footpath connection also seems to be missing from the layout. This may simply be because the public footpath is not clearly shown, but it is important to remove any ambiguity and ensure that the Hoggin path does link to the Moorend Stream path so that the community orchard can form part of the wider footpath network. This was certainly the clear intention of Miller Homes in earlier discussions with the Parish Council.

#### Electric vehicle charging points

The proposal to include EV charging points is very sensible and welcome. However the Parish Council is puzzled by the strategy which appears to be to install charging points only for those houses that have their own driveway. It seems more important to provide collective charging points for those houses that do not have driveways and instead use collective parking spaces. Houses that have their own driveway can easily connect cars directly to their home electricity supply and fast charging is not needed for vehicles parked at home on the drive. The opposite is true for vehicles parked in the collective parking spaces where charging would otherwise require running a long electricity cable across pavements and roads potentially creating serious hazards. Given the government policy to phase out petrol and diesel it would surely make best sense to install EV charging that serves all properties.

#### Valued landscape and development on area R2/R3

In its response of 4 December 2020 the Parish Council argued that development cannot be permitted on areas R2/R3 because they are valued landscape. The covering letter from Miller dated 20 August 2021 seeks to rebut this argument on the basis that R2/R3 are in the allocation and the valued landscape designation should not be used to exclude them. However the Parish Council is not arguing for R2/R3 to be removed from the allocation but only that the land cannot be used for housing or any other purpose that does not sufficiently protect the valued landscape. The land can be used for green and open space like the other green and open space within the site. As noted in the Parish Council's response of 4 December 2020, Inspector Ord in her JCS findings explicitly excluded R2/R3 from the area where she recommended that housing could be permitted. In the final JCS session on Leckhampton she strongly rejected arguments from the JCS team to allow further development saying that it would cause too much damage to the landscape.

#### Neighbourhood Plan Policies

The Council's draft neighbourhood plan that is currently at the Reg 14 consultation stage and is emerging evidence in the planning system has a section of policies on protecting the valued landscape and development on the Northern Fields that bears directly on the application. This is in addition to the policy on MD4 in the Cheltenham Plan that "development at this location will need to take into account landscape impacts, highways issues and green space". Also relevant is the Cheltenham Plan Policy L1: Landscape and setting - "Development will only be permitted where it would not harm the setting of Cheltenham including views into or out of areas of acknowledged importance." This applies particularly to areas R2/R3 and the need to preserve a good urban edge as viewed from Leckhampton Hill and to not allow development to break through this edge.

#### **Gloucestershire Centre for Environmental Records**

**29th November 2020**

Biodiversity report available to view.

#### **Historic England**

**20th November 2020**

Thank you for your letter of 10 November 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any

comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

***16th September 2021 – revised comments***

Thank you for your letter of 8 September 2021 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

**Natural England**

***25th March 2021***

Thank you for your consultation on the above dated 28 January 2021 which was received by Natural England on the same day. We are sorry for the delay replying.

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

**SUMMARY OF NATURAL ENGLAND'S ADVICE - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES – HABITATS REGULATIONS ASSESSMENT (HRA - STAGE 2 'APPROPRIATE ASSESSMENT') NEEDED**

As submitted, the application could, in combination with other new residential development in the Council's area, have potential significant effects on The Cotswolds Beechwoods Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- (i) Further consideration of how the proposed open/green space on the application site will accommodate the recreation needs of new homeowners.
- (ii) Measures to safeguard the SAC through education and awareness raising among new homeowners.

The Council should carry out an appropriate assessment of the proposed scheme and associated safeguarding measures.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

The application site lies within the setting of the Cotswolds Area of Outstanding Natural Beauty (AONB) and we provide comments on this theme and other natural environment issues below.

**Protected landscapes – Cotswolds Area of Outstanding Natural Beauty (AONB)**

The proposed development is for a site within the setting of a nationally designated landscape namely the Cotswolds AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

We note the application site's inclusion in the adopted Cheltenham Plan. Your decision should be guided by paragraph 042 of the National Planning Policy Framework Policy Practice Guidance which states:

*How should development within the setting of National Parks, the Broads and Areas of Outstanding Natural Beauty be dealt with?*

*Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.*

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies e.g. SD7 of the Gloucester, Cheltenham and Tewkesbury joint core strategy (JCS). Chapter 8 of the Council's adopted plan (July 2020) also refers.

We also advise that you consult the Cotswolds Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Internationally and nationally designated sites – additional information required

The application site is within a zone of influence around a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is within 5.5Km of the Cotswolds Beechwoods Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as the Cotswold Commons & Beechwoods Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Please see the subsequent sections of this letter for our advice relating to SSSI features.

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

Natural England notes that the Council's ecology advisors have stated that an HRA is required (email 8.2.21). As competent authority under the provisions of the Habitats Regulations, it is your responsibility to produce the HRA.

Natural England therefore advises that an Appropriate Assessment should now be undertaken, and the following information is provided to assist you with that assessment and to identify what information you may need from the applicant to inform your assessment:

Policy SD9 'biodiversity & geodiversity' of the adopted Gloucester, Cheltenham and Tewkesbury JCS and Cheltenham policy BG11 refer. Most recently a visitor survey of the SAC has been published<sup>2</sup> indicating a 15.4km zone from within which visitors travel to the site, most often by private car. Work has been commissioned by the collaborating Local Planning Authorities to identify suitable mitigation measures within the zone. Until those measures have been identified and agreed we advise that the following should be considered in an HRA when determining applications for residential development within the zone of influence:

- Distance between application site and nearest boundary of SAC
- Route to SAC/mode of transport
- Type of development (E.g. use class C3)
- Alternative recreation resources available – on site and off site
- Education and awareness raising measures – e.g. Suitable information in the form of a Homeowner Information Pack.

With regard to alternative recreation resources available within the site and off site, consideration is needed in respect of residual effects and how these may be mitigated. In terms of off-site recreation provision reference should be made to the adopted Joint Core Strategy Green Infrastructure Strategy (2014) for contextual information regarding potential enhancements that support new or improved informal recreation opportunities in the locality. Our separate advice below regarding green infrastructure is also relevant may serve to support mitigation measures addressing recreation pressure both on the SAC and local designated sites with public access (our SSSI advice refers below).

With respect to Homeowner Information Packs (HIP); in terms of format the HIP should present information describing informal recreation opportunities in the following sequence:

- Public space on your doorstep
- A short drive by car or bus
- Further afield – e.g. The Cotswolds, the Severn Estuary, the Forest of Dean.

The proposed HIP leaflet for Hunts Grove, Quedgeley (produced by Crest Nicholson. Gloucester City Council and FPCR provides a useful example).

Please re-consult Natural England when your appropriate assessment is available.

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

The following SSSIs with public access lie within 5km of the application site:

- Leckhampton Hill & Charlton Kings Common SSSI
- Cleeve Common SSSI
- Crickley Hill & Barrow wake SSSI
- Cotswold Commons & Beechwoods SSSI (& National Nature Reserve)

Our advice above in relation to the Cotswold Beechwoods SAC applies similarly to these SSSIs. Provided that suitable safeguarding, education and awareness raising measures are incorporated into the proposed scheme we would not anticipate damaging effects on the notified features of these SSSIs.

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

## Green infrastructure

Multi-functional green infrastructure (GI) can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England notes the incorporation of GI into this development.

Adopted Joint Core Strategy policy INF3 and the JCS Councils' Green Infrastructure Strategy 2014 refer.

Careful consideration should be given to what opportunities exist to integrate green infrastructure delivery with measures that serve to offer alternative walking, running and cycling routes for new residents. Such measures may form part of a package that positively manages additional recreation pressure on local resources such as the SSSIs named above and the Cotswold Beechwoods SAC.

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

If you have any queries relating to the advice in this letter please contact me on 07554 459452.

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

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

### **11th October 2021 – revised comments**

Thank you for your consultation on the above dated 09 September 2021 which was received by Natural England on the same day. We are grateful for the extra time to reply.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. This advice letter supplements and updates our previous response dated 25.3.21 (our reference 341806).

### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

#### **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would, in combination with residential and tourist related development in the wider area:

- have an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which the Cotswolds and Commons and Beechwoods Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

Mitigation as set out in the submitted 'shadow' Habitats Regulations Assessment (HRA) Appropriate Assessment must be secured.

- (i) 6.5Ha of on site green and open space to be designed, delivered and managed for the lifetime of the development
- (ii) Education & awareness raising measures in the form of a Homeowner Information Pack for each new dwelling.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

Natural England notes that the Habitats Regulations Assessment (Including stage 2 - Appropriate Assessment) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this appropriate assessment to fulfil your duty as competent authority.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Note - In order to secure the proposed green and open space illustrated in the submitted 'Planning Layout' drawing a suitable Landscape and Ecology Management Plan (LEMP) should be drawn up. This should include the final design details of the green and open space and reference suitable provision for its creation, management, monitoring and funding for the lifetime of the development. A suitable planning condition should be drawn up to secure the LEMP.

Note – With regard to section 5.7 of the Shadow HRA and associated Appendix A (Alternative Green Space Assessment) we draw the Council's attention to the following important information about the creation of a suitable Homeowner Information Pack:

In terms of format the Homeowner Information Pack should present information describing informal recreation opportunities in the following sequence:

- Public space on your doorstep
- A short drive by car or bus
- Further afield – e.g. The Cotswolds, the Severn Estuary, the Forest of Dean.

The proposed HIP leaflet for Hunts Grove, Quedgeley (produced by Crest Nicholson. Gloucester City Council and FPCR provides a useful example).

Sites of Special Scientific Interest (SSSI)

Our previous advice in relation to SSSI still stands, i.e:

The following SSSIs with public access lie within 5km of the application site:

- Leckhampton Hill & Charlton Kings Common SSSI
- Cleeve Common SSSI
- Crickley Hill & Barrow wake SSSI
- Cotswold Commons & Beechwoods SSSI (& National Nature Reserve)

Our advice above in relation to the Cotswold Beechwoods SAC applies similarly to these SSSIs. Provided that suitable safeguarding (provision of on site green and open space) ,

education and awareness raising measures are incorporated into the proposed scheme we would not anticipate damaging effects on the notified features of these SSSIs.

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

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

If you have any queries relating to the advice in this letter please contact me on 07554 459452.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

## **Vision 21**

***2nd December 2020***

This proposal has just come to my attention and Vision 21 has serious concerns about it.

Irrespective of an inadequacy in transport infrastructure provision surrounding this development, if permission is given, 350 new houses will be built in the next few years. Vision 21 is concerned that they will be built only to current standard energy specifications, which we know are much lower than what we realistically now need to have in place if we are to meet the Government target of a net zero carbon UK by 2050, let alone meet Cheltenham's 2030 climate ambitions. As such, this development needs to be built with the future in mind and it needs to be net carbon neutral.

The approach that the energy and sustainability consultants have recommended is as follows:

It is proposed that following current national policy guidance and local planning requirements as set out, the dwellings are constructed to meet - and exceed where possible - the appropriate national standards through an approach which seeks to consider a range of sustainable construction issues.

This sounds good but the statement lacks ambition and is nothing more than a grouping of weasel words. This is evident by the fact that there isn't any commitment to install electric vehicle charging points as standard. There is no mention of installing any micro-generation technology (solar panels or heat exchangers for example), nor any mention of installing any district heat and power system. They are planning to instal gas boilers to heat the homes.

This latter point is particularly galling, since in its Spring Statement the Government has announced that by 2025, all new homes will be banned from installing gas boilers and will instead be heated by low-carbon alternatives. The ban is inspired by an attempt to reduce Britain's carbon emissions and follows recommendations from the Committee on Climate Change in their recently published report "UK housing: Fit for the future?" that fossil fuel heating be replaced with renewable alternatives such as heat pumps.

This development needs to be a demonstration of how Cheltenham intends to develop a carbon neutral future, which means the scheme, as presently put forward, must be rejected and replaced with a new proposal that lives up to Cheltenham Boroughs' aspirations in which:

- All homes should be insulated to a standard that allows for them to be heated by heat exchange
- Heat exchangers (air, ground or water) should be installed in all of them (some use of water may be possible given the creation of several water bodies in the scheme)
- Solar panels should be installed on all south facing roofs
- Electric vehicle charging points should be installed on every home

I hope you are able to give the matter your consideration.

## **Environmental Health**

***22nd October 2021***

### AIR QUALITY

Initial response due to report being wrong - using corrupted data.

Revised report has corrected the data used in its modelling and assessment, but still has some errors:

AQMA changed September 2020. This is referenced in Sections 4.4 - 4.7, which are considerably out of date. Details of the revised AQMA have been available on the CBC website for a considerable time, along with a copy of a Detailed Modelling Report, prepared in October 2019. The report uses 2015 monitoring data, which again is slightly out of date, as data up to 2020 is available via the CBC website, although the 2020 monitored levels were considerably abnormal, due to prolonged periods of lockdown. The 2015 data set does include monitoring points in closer proximity to the application site, so its use is appropriate, here. Together, these factors mean this report makes a conservative assessment of predicted pollution levels.

Appendix B1 details "Model Verification". Results of modelling reported in Table B2 suggest a lack of accuracy in the model used to predict levels of NO<sub>x</sub> (and hence NO<sub>2</sub>). So modelled NO<sub>2</sub> results are factored by the "trend line gradient" to produce the values in another table labelled B2 on pg. 66 (this should actually be Table B3, I presume). These results show better correlation between the model and measured results, which are just within the 25% error recommended in LAQM TG16, with the exception of one location. Therefore we can consider the modelled results a valid estimate of levels of pollution affecting the area and its surroundings.

### Off-site effects of development

#### NO<sub>2</sub> 2022 Prediction

Table 6.1 details predicted changes in annual NO<sub>2</sub> levels at existing residential receptors. This shows negligible changes at all locations, and predicted levels are well below legal limits (none are within 10% of limit.)

#### PM<sub>10</sub> & PM<sub>2.5</sub> 2022 Prediction

Similarly the predicted changes to levels of PM<sub>10</sub> and PM<sub>2.5</sub> are deemed "negligible", and within current limits.

#### 2026 Prediction

Table 6.4 Includes predicted levels of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at the same locations. These also all fall within current legal limits.

#### New Population Exposure

Similar to the above modelled effects, the report indicates in Table 6.5 predicted levels of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at residential locations within the development. As with off-site effects, predicted levels are expected to be well within legal limits.

In considering all the modelling outlined above, we must note that this report indicates compliance with current legal limits. There is widespread expectation that legal limits are likely to be reduced in coming years, and WHO has recently published revised Air Quality Guideline (AQG) Levels which are considerably lower than current legal limits, but this has not been adopted into UK law at this stage. Therefore there are no valid local air quality reasons to refuse this application.

#### Impacts during construction

The "Dust Impact Risk Assessment" provided indicates a medium risk of impact on sensitive properties. I would therefore suggest a condition is attached to any permission for this development to include a requirement for the developer to submit a dust management plan for approval before the commencement of works on site. Alternatively, this may form part of a larger Construction Management Plan. The dust management plan should include, as a minimum mitigation measures identified in section 7.2 of this report.

#### *6th October 2021 - Noise Control*

The detail is noted of the applicant's Acoustic Design Statement ref JAE11502\_Report01\_Rev0. The document outlines a scheme to control noise at the development, principally from traffic on Shurdington Road.

It is noted that the elevated daytime, external noise levels indicate that external amenity areas of housing should not be located on the North-west edge of the site alongside the road. Furthermore, additional mitigation is required to reduce daytime noise exposure at those properties.

It is noted that the elevated night-time, internal noise levels also require that a good acoustic design process must be demonstrated in this development. In particular,

- o there is a likely need to follow the recommendations of the submitted acoustic report outlined in:-
  - o the Acoustic Design Statement (Section 4 of the report)
  - o Appendix C: Façade Schedule, with respect to those plots identified as requiring improved façade design.
  
- o Evidence of the scheme to be submitted to the Local Planning Authority should include suppliers' test data confirming the performance of the details of glazing systems and ventilation provisions.

The following recommended condition takes account of the requirements for suitable and sufficient noise control:-

#### Condition

##### Noise attenuation scheme

Before use of the development commences, a noise mitigation scheme shall be submitted in writing and approved in writing by the Local Planning Authority detailing measures to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance. The scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.

Reason: To protect the amenity of the locality, in accordance with Local Planning Policy.

#### Land Contamination

Given past employment use at the site, the following three Contaminated Land Conditions should be applied:-

#### Condition CLN08A

##### Site invest risk assess and remediation

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).

#### Condition CLN09A

##### Implementation of remediation scheme

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

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

#### Condition CLN10A

##### Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures

for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination.

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

## **GCC Community Infrastructure Team**

**7th October 2021**

### SECTION 1 – General Information

This application has been assessed for impact on various GCC community infrastructure in accordance with the “Local Development Guide” (LDG). The LDG was updated in March 2021 (following a targeted consultation which took place in Spring 2020). The LDG is considered a material consideration in the determination of the impact of proposed development on infrastructure.

<https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-localdevelopment-guide/>

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

In support of the data provided please note the following: -

### Education

Following a recent Planning Appeal Decision, Gloucestershire County Council (GCC) has undertaken to review its Pupil Product Ratios (PPRs) which are used to calculate the impact of new development on school capacity and in turn justify the developer contributions being sought towards the provision of additional education infrastructure.

GCC is committed to undertaking a full review of its Pupil Product Ratios (PPRs), which will subsequently be consulted upon. In the meantime, GCC has reviewed its PPRs, taking account of comments made by the Planning Inspector in the above appeal, and, using information that is currently available adjusting its calculations per 100 dwellings. This information can be found in the Interim Position Statement on PPRs which was published by Gloucestershire County Council in June 2021. The Interim Position Statement (IPS) is available on Gloucestershire County Council’s website which you can access on the below link.

<https://www.gloucestershire.gov.uk/education-and-learning/school-planning-and-projects/gloucestershireschool-places-strategy-and-projects/>

The latest School Places Strategy 2021 – 2026 is also available on the Gloucestershire County Council website (see the link above). The School Place Strategy (SPS) is a document that sets out the pupil place needs in mainstream schools in Gloucestershire between 2021-2026. The SPS examines the duties placed upon GCC by the Department for Education (DfE) and it explains how school places are planned and developed. The 2021-2026 update was approved by Cabinet on 24 March 2021 and came into effect on 1 April 2021.

Cost Multipliers - The DfE has not produced cost multipliers since 2008/09, so in the subsequent years GCC has applied the annual percentage increase or decrease in the BCIS Public Sector Tender Price Index (BCIS All-In TPI from 2019/20) during the previous 12 months to produce a revised annual cost multiplier in line with current building costs, as per

the wording of the s106 legal agreements. GCC calculates the percentage increase using the BCIS indices published at the start of the financial year and uses this for all indexation calculations during the year for consistency and transparency.

This assessment is valid for 1 year, except in cases where a contribution was not previously sought because there were surplus school places and where subsequent additional development has affected schools in the same area, GCC will reassess the education requirement.

Any contributions agreed in a S106 Agreement will be subject to the appropriate indices.

### Libraries

- Under the provisions of the Public Libraries and Museums Act 1964, Gloucestershire County Council is a Library Authority and has a statutory duty to provide a comprehensive and efficient library service for all persons desiring to make use of it. This duty applies not only to the existing population of the County, but also to new residents generated through new development which add to the demand on a specific library which those new residents can be expected to use.
- New development will be assessed by the County Council to determine its likely impact on existing local library services and the scope of resultant mitigation works that are required.
- Consideration will be given to the existing capacity of the library using the national recommended floorspace benchmark of 30 sq metres per 1,000 population (as set out in the Public Libraries, Archives and new development: A Standard Charge Approach, 2010).
- Planning obligations required towards improving customer access to services within the footprint of an existing library will be in the form of a financial contribution, and calculated using the County Council's established per dwelling charge of £196.00.
- Planning obligations required towards new library floorspace and fit out (i.e. extension to an existing building or construction of a new library building) will be considered by the County Council on a case-by-case basis.

### SECTION 2 – Education and Library Impact - Site Specific Assessment

A summary of the likely contributions (note these figures can be subject to change over time because of for example; updated multipliers and education forecasts) is found below.

Education: SUMMARY: Developer Contributions for 20/01788/FUL Land At Shurdington Road Cheltenham

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Multipliers	Total Pupil Yield from QD	Contribution Requested (£)	Number of places requested
Primary	Hatherley-Leckhampton Primary Planning Area	350	£14,954	134.75	£796,300.50	53.25 places (Surplus places have been credited to development.)
Secondary - 11-16	Cheltenham Secondary Area	350	£19,312	59.50	£0.00	0 places
Secondary - 16-18	Cheltenham Secondary Area	350	£22,803	21.00	£0.00	0 places

Calculation: Multiplier x Pupil Yield = Maximum Contribution

GCC has included the planning area for each of the phases of education as without further investigation of the schools; an appropriate project may not be achievable on a particular site.

Please see further clarification of this education summary below.

This application is for a full planning application for a residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other associated infrastructure.

- 9161840 Hatherley-Leckhampton Primary Planning Area
  - o 9161800 Swindon Road Primary Planning Area
  - o 9161810 Whaddon Primary Planning Area
  - o 9161970 Brockworth Primary Planning Area
- 9162500 Cheltenham Secondary Planning Area
  - o 9162600 Gloucester Secondary Planning Area (for catchment school)

The schools factored into the review are determined by identifying the site from the LPA planning portal and then identifying the closest schools using the following publically available tools to provide straight line distance, before calculating travel distances (if further information is required please refer to tab 2 of the corresponding excel education data sheet)

- <https://www.gloucestershire.gov.uk/education-and-learning/find-a-school/>
- <https://get-information-schools.service.gov.uk/>

#### Primary Places Impact:

The proposal is for 350 dwellings. This number of dwellings would be expected to generate an additional demand for 134.75 primary places. There is some surplus capacity available across the primary schools <=2 miles which has been credited to the development. Gloucestershire County Council is seeking a primary contribution of £796,300.50 towards places arising from this development (if further information is required, please refer to tab 3 of the corresponding excel education data sheet).

- The closest school to the development location is Warden Hill Primary School (0.4 miles) in the 9161840 Hatherley-Leckhampton Primary Planning Area. All of the 8 schools in this primary planning area are <=2miles from this development.
- There are 6 other schools <=2miles, including one school which has selective admissions based on faith.  
All 14 schools have been included in the assessment.
- Schools should be considered to be full at 95% capacity to allow for some flexibility for in-year admissions; see Local Development Guide <https://www.gloucestershire.gov.uk/planning-andenvironment/planning-policy/gloucestershire-local-development-guide/> page 14, pt. 56.
- When assessing forecast surplus or shortfall we look to the penultimate year of forecasts as they are calculated using NHS GP data; therefore the final year of forecasts will not include all births for that forecast year.
- When considering forecast data and the schools within the scope for a development we can determine 95% of the relevant forecast year to ascertain the level of surplus/deficit of places in order to calculate whether there are places to credit to a development.

	Closest School	Planning Area Schools	All Schools <=2 miles
Total Capacity	420.00	3150.00	4613.00
95%	399.00	2992.50	4382.35
Forecast year 2023/24 for school(s)	411.00	2911.00	4307.00
<b>Surplus places available to credit to development</b>	-12.00	81.50	75.35
<b>Primary Yield from proposed development</b>	<b>134.75</b>	<b>134.75</b>	<b>134.75</b>
<b>Number of places required</b>	<b>134.75</b>	<b>53.25</b>	59.40



### Library Impact - Site Specific Assessment

The nearest library to the application site, and the library most likely to be used by residents of the new development, is Up Hatherley Library.

The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of £68,600 is therefore required to make this application acceptable in planning terms.

The financial contribution will be put towards improvements to existing library provision to mitigate the impact of increasing numbers of library users arising from this development.

A contribution to GCC of £68,600 is required (based on 350 dwellings), and which would be used at Up Hatherley Library to improve customer access to services through refurbishment and upgrades to the existing building, improvements to stock, IT and digital technology, and increased services.

### SECTION 3 – Compliance with CIL Regulation 122 and paragraphs 54 and 56 of the NPPF (2021)

Regulation 122(2) of the Community Infrastructure Levy Regulations, 2010 provides that a planning obligation may only be taken into account as a reason for granting planning permission where it meets the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

Amendments to the Community Infrastructure Levy Regulations 2010 were introduced on 1 September 2019. The most noticeable change of the amendment is the 'lifting' of the 'pooling restriction' and the 'lifting' of the prohibition on section 106 obligations in respect of the provision of the funding or provisions of infrastructure listed on an authority's published 'regulation 123 list' as infrastructure that it intends will be, or may be, wholly or partly funded by CIL (as a result of the deletion of Regulation 123).

Any development granted planning permission on or after 1 September 2019 may now be subject to section 106 obligations contributing to infrastructure that has already benefited from contributions from five or more planning obligations since 6 April 2010 and authorities are allowed to use funds from both section 106 contributions and CIL for the same infrastructure. However, the tests in Regulation 122 continue to apply.

The Department for Education has updated its guidance in the form of a document entitled "Securing developer contributions for education (November 2019), paragraph 4 (page 6) states:

*"In two-tier areas where education and planning responsibility are not held within the same local authority, planning obligations may be the most effective mechanism for securing developer contributions for education, subject to the tests outlined in paragraph 1 [ the 3 statutory tests set out in 1.3 above]. The use of planning obligations where there is a demonstrable link between the development*

*and its education requirements can provide certainty over the amount and timing of the funding you need to deliver sufficient school places. We recommend that planning obligations allow enough time for developer contributions to be spent (often this is 10 years, or no time limit is specified)”*

Regulation 122 test in relation to education contributions required for 20/01788/FUL Land At Shurdington Road Cheltenham

The education contribution that is required for this proposed development is based on up to date pupil yield data and the Interim Position Statement is necessary to fund the provision of the additional primary places generated by this development. The proposal is for 350 dwellings all of which are qualifying dwellings for education.

This number of qualifying dwellings would be expected to generate an additional demand for 134.75 primary places. There is some surplus capacity available across the primary schools <=2 miles which has been credited to the development. Gloucestershire County Council is therefore seeking a contribution of £796,300.50 towards 53.25 places. This primary contribution will be allocated and spent towards primary provision in the Hatherley-Leckhampton Primary Planning Area.

The primary contribution that is required for this proposed development is directly related to the proposed development in that the contribution has been calculated based on specific formulas relative to the numbers of children generated by this development.

This developer contribution is fairly and reasonably related in scale and kind to the development. The contribution requirement has been calculated using an up to date formula related to pupil yields data and the scale of growth and based only on the numbers of additional pupils arising from the proposed qualified dwellings.

Regulation 122 test in relation to the library contributions required for 20/01788/FUL Land At Shurdington Road Cheltenham

The contribution is necessary to make the development acceptable in planning terms as it will be used on improvements to existing library provision to mitigate the impact of increasing numbers of library users arising from this development.

The contribution is directly related to the development as it is to be used at the library nearest to the application site which is at Up Hatherley Library and is based on the total number of new dwellings generated by the development (350 dwellings).

The contribution is fairly and reasonably related in scale and kind to the development as it is calculated using GCC's established per dwelling tariff (£196). The calculation for library contributions is £196 multiplied by the total number of proposed dwellings (in this case 350 dwellings x £196 = £68,600).

SECTION 4 – CIL/S106 Funding Position

There are currently no mechanisms or mutually agreed financial arrangements in place between the LPA as CIL Charging Authority and GCC to fund GCC strategic infrastructure from the CIL regime to mitigate the impact of development as it occurs.

The level of CIL charged on a development does not cover the amount of developer contributions that would be required to contribute towards the strategic infrastructure necessary to mitigate the impact of that development.

**Wild Service (acting as Council's Specialist Ecological Advisor)  
8th February 2021**

I have reviewed the Preliminary Ecological Appraisal (HDA 2020) and my response with regards to Ecology is provided below.

## Ecology

### Sites of Nature Conservation Concern

The site is located within 5.4km of the Cotswolds Beechwoods SAC also lies near Leckhampton Hill SSSI (1.6km) and Badgeworth SSSI (2.5km). Current knowledge indicates that the proposed development of 350 dwellings could result in a small contribution towards a cumulative increase in recreational pressure in combination with other plans or projects. The proposed green spaces included in the plan will provide on-site public open green spaces, which while welcomed will not be extensive in size.

It will therefore also be necessary for a Home Owner Information Pack (HIP) to be provided to each household detailing local green spaces and links to them via public transport, footpaths and cycle tracks. The HIP should also highlight the sensitivities of nearby site of nature conservation concern and provide guidelines on how visitors can minimise their impact on such sites.

It may also be necessary for developer contribution towards maintaining Chiltern Beechwoods SAC and Leckhampton Hill SSSI in order to mitigate for the predicted small rise in visitor numbers to these areas, which in combination with the increases in visitor numbers to these sites from nearby new developments such as Redrow's development on Church Lane, Redrow's proposed development on Farm Lane and Hitchen's proposed development on Kidnappers Lane; will impact negatively on these protected and sensitive sites. It is advised that other developers in the area would also be requested to contribute to a protected sites management fund, with the proportion contributed to be proportional to the number of houses to be built (and hence the predicted visitor pressure on sensitive sites)

### Habitats and Species

The habitats of highest nature conservation interest directly associated with the site are the Hatherley Brook and its woodland which flows through the centre of the site, and the unnamed stream which flows along the eastern site boundary will be retained and enhanced. Measures to protect the integrity of this receptor are recommended in the Ecology report including provision of appropriate buffers, and measures to avoid adverse effects of lighting, recreation, invasive species, pollution and changes in hydrology. However, some woodland will be lost due to development.

The traditional orchard is also a valuable ecological feature and Priority Habitat under the NERC Act 2006 and some of this habitat will be lost due to the development. The network of established and hedgerows (some of which are species rich and qualify as 'important' under the Hedgerow Regulations 1997 – e.g., hedgerows 30 and 31 along southern boundary) provide valuable habitat. Some species rich hedgerows will be lost due to the development. Recommendations for the enhancement of associated woodland, woodland edge and grassland habitats are also provided.

Bat surveys undertaken in 2019 have confirmed bat roosts in trees T15, T5, T47 and building B23. The wooded brook corridor, hedgerows and tree lines provide foraging habitat for various species including particularly light sensitive lesser horseshoe, brown long-eared and barbastelle. The retention and protection (including avoidance of lighting) of such foraging corridors and at roosts is recommended. It is noted that T15 and B23 will need to be removed in the current proposals and application for a Bat Mitigation Licence from Natural England with details of mitigation and compensation is proposed.

The reptile surveys undertaken in 2019 (based on six rather than seven visits) recorded a large slow-worm population on site. The site is considered to be of local value to slow-worms and retention and enhancement of suitable habitat for this species is recommended.

Badger surveys in 2019 revealed two used outlying setts C and D, while outlying setts B and E were not in use during the surveys. Under the current development proposals sett C needs to be closed and sett D needs to be temporarily closed under a Natural England badger

licence. No update surveys have yet been undertaken to confirm current activity levels at these setts.

While the terrestrial habitat on site was identified as being suitable for great crested newts (GCN), surveys undertaken in 2017 did not find evidence of GCN being present in any of the ponds within 500m of the site. No update surveys have been undertaken.

A dormouse survey undertaken in 2017 did not find any evidence of dormice and no update surveys have been undertaken.

No evidence of water vole or otter using the watercourses was found during the surveys for these species undertaken in 2019.

The breeding bird survey undertaken in 2010 reported an assemblage of bird species of moderate ecological value with 13 notable bird species. The avian habitats of greatest interest within the site were identified to be the hedgerow, treelines, scrub, orchard and woodland, occurring on field boundaries and around the site margins. Mitigation and enhancement/planting recommendations to enable the recorded bird species to survive on the site are recommended in the Ecology report. No update surveys undertaken.

### Recommendations

1. While the Ecology report outlines the impacts of the development on nearby protected sites particularly the SAC, a formal shadow Appropriate Assessment (AA) report should be prepared by the applicant's ecologist and should assess the impact of this proposed development in combination with other developments in the area (recently undertaken and proposed developments as mentioned above). The AA should also confirm the production of a HIP and consider whether developer contribution to the management of Cotswolds Beechwood SAC and Leckhampton Hill SSSI is necessary in order to mitigate for recreational pressures of the development on the SAC and SSSI. (Any proposed contribution to be decided following discussion between the developer and Cheltenham Borough Council (CBC).) This shadow Appropriate Assessment would be required prior to determination.

2. The HIP should be submitted to CBC for review prior to commencement.

3. Updated dormouse surveys are required to establish the presence or absence of dormice, due to the former dormouse surveys being over three years old and the recent discovery of dormouse on the Leckhampton School site in 2019. The results of these surveys along with the updated mitigation and landscaping recommendations should be submitted to CBC prior to determination.

4. Should dormice be present then it will be necessary to obtain an EPS Mitigation Licence from Natural England. Confirmation of an EPS licence for dormice will need to be sent to CBC prior to commencement.

5. The bat surveys of suitable roosting features were undertaken in 2019 and should any of these features need to be removed (such as known roosts Building B23 and Tree T15, T5, T47) then the bat surveys will need to be updated to confirm the presence or absence of roosting bats. The results of these surveys along with the updated mitigation and landscaping recommendations and should be submitted to CBC prior to determination.

6. Should bats be roosting in any features to be removed (i.e., currently B23 and T15), then it will be necessary to obtain an EPS Mitigation Licence from Natural England. Confirmation of an EPS licence for bats will need to be sent to CBC prior to commencement.

7. An update badger survey of the site should be undertaken to confirm current activity levels at the four outlying setts and confirm that no new setts have been excavated recently. The survey results along with updated mitigation recommendations should be submitted to CBC prior to determination.

8. Confirmation of a Natural England badger licence to destroy Setts C and temporarily close Setts D will need to be sent to CBC prior to commencement.

9. Surveys of ponds within 500m of the site found no evidence of GCN in 2017, however, Habitat Suitability Index assessments of ponds within 500m of the site (not separated by major dispersal barriers) should be updated. Any ponds identified as average or above suitability for GCN should be surveyed to determine presence/absence of GCN from ponds (eDNA or bottle trapping methods are acceptable). These updated results should be used to update the GCN mitigation recommendations in the Construction and Ecological Management Plan (CEMP) and the habitat enhancements in the LEMP. The survey results along with updated mitigation recommendations should be submitted to CBC prior to determination.

10. As the site currently supports a very good population of slow-worms of local importance, it is essential that sufficient tall grassland areas are retained/created to enable this species to survive, especially considering the development of neighbouring areas will reduce the available habitat. This habitat should be incorporated into the Landscape and Ecological Management Plan (LEMP).

11. The breeding bird surveys were undertaken in 2010 and no update survey has been carried out since. Prior to determination, confirmation from the project ecologists is required to explain whether the current habitats on site have changed sufficiently to require an updated breeding bird survey or not. Should the project ecologists deem it necessary to update the breeding bird survey, then the results of the updated bird survey are required prior to determination.

12. Hedgehogs have been recently recorded on the nearby Leckhampton School site (2019) and as the current development proposals could risk harming this NERC Priority Species, mitigation and enhancement for hedgehogs is recommended (e.g., hedgehog tunnel installation as base of fences). Mitigation for hedgehogs should be incorporated into the Construction Ecological Management Plan and Landscape and Ecology Management Plan. To be submitted to CBC prior to commencement.

13. Retention and protection of watercourses, woodland, hedgerows (especially species-rich) and orchard is recommended and where it is not possible to retain these habitats in their entirety, compensatory planning is required in order to achieve positive Biodiversity Net Gain (see point 13 below).

14. A Construction and Ecological Management Plan should be submitted to CBC for approval prior to commencement. The CEMP should include and expand on the mitigation recommendations for protected/notable species and ecologically valuable habitats (including orchards, Hatherley Brook, wooded areas, hedgerows) outlined in the Ecology reports. This should include an invasive species method statement for those Schedule 9 species found on site, a reptile translocation and mitigation strategy, bat mitigation, bird mitigation, badger mitigation, hedgehog mitigation including hedgehog tunnels in fencing (as this species is known to be present in the locality) and dormouse mitigation (as this species is now known to be present in the locality). The CEMP should also include a bat sensitive lighting plan for the scheme as outlined in the Ecology report of 2020. The lighting plan should show light spill around the site in lux and must demonstrate that bat foraging corridors and roosting features will not be illuminated.

15. A 10-year Landscape and Ecology Management Plan should be submitted to CBC for approval prior to commencement. The LEMP should expand on the habitat enhancement and creation recommendations outlined in the Ecology reports. The LEMP must include detailed management prescriptions for retained and created habitats (including for Hatherley Brook, the stream, the orchards, hedgerows and wooded areas, grassland).

16. It is noted that some areas of valuable habitat (parts of the traditional orchard, species rich hedgerow and woodland) will be lost due to the development. Therefore, a Biodiversity Net Gain (BNG) report is required in order to demonstrate that the development can achieve positive biodiversity net gain using the DEFRA metric. Should positive net gain not currently be possible, the current scheme will need to be modified to achieve this. The BNG report should be submitted to CBC for approval prior to commencement.

*National Planning Policy Framework (NPPF) and Local Plan Policy (Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031) (adopted December 2017) Context:*

- *NPPF Para 170 – 177 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework*
- *SD9 Biodiversity and Geobiodiversity*
- *INF3 Green Infrastructure*

*Wildlife legislation context:*

- *Wildlife and Countryside Act 1981 (as amended)*
- *Conservation of Habitats and Species Regulations 2017*
- *Natural Environment and Rural Communities Act (NERC) 2006*
- *Protection of Badgers Act 1992*

#### **7th April 2021 – updated comments**

I have made revisions to the following comments, which I have identified by the number given in my original planning reply:

3. Dormouse surveys are out of date and will need to be updated this year, 100 tubes to be set out to double survey effort and thus shorten standard survey time to determine presence/absence. We would need to review dormouse report detailing mitigation/enhancements prior to determination.

5. Bat surveys currently relatively up to date, so update bat surveys to confirm presence/absence of roosting bats on trees/buildings to be removed prior to works should be conditioned. As part of that condition we would need to review a bat report detailing mitigation/enhancements to confirm that surveys had occurred along with any mitigation and if/once planning permission granted we would need to see any bat mitigation licence if bats were found to be present.

7. Badger surveys are relatively up to date, so update badger surveys of any setts to be removed prior to works should be conditioned. As part of that condition, we would need to review a badger report to confirm surveys had occurred along with any mitigation/enhancements and once/if planning granted we would need to see the badger licence as a condition.

9. Pond 340m away will need update Habitat Suitability Index assessment and report with suitable recommendations for mitigation/enhancements/further surveys as necessary will need to be submitted to us for review prior to determination.

11. Breeding bird survey is out of date, however, as site is now considerably smaller than when the previous survey was undertaken one update survey visit is considered proportionate. The bird report detailing mitigation/enhancements will need to be submitted to us for review prior to determination.

#### **6th October 2021 – additional comments**

I have reviewed the Newt Technical note and appreciate that it was not possible to survey the pond 4 as no access permission was given. However, the Newt Technical Note has provided further information/analysis relating to the GCN query. I therefore can agree with

the applicant's ecologist's conclusion that it is considered highly unlikely that Great Crested Newts (GCN) would be present at the site based on their latest review of survey information and other local projects.

It is also noted that the reptile mitigation methodology (translocation) will minimise the risk of any GCN (in the unlikely event any are found) being harmed during the works. (Presumably this reptile mitigation will be conditioned.)

In the unlikely event that a Great Crested Newt is encountered during site works, then works should stop and the project ecologist should be contacted on how best to proceed. (This could be a condition too)

I have also reviewed the updated bird survey report, which concluded that 'the site is considered to be of no higher than moderate local interest for birds on the basis of the quality and extent of habitats present, the species of nature conservation interest recorded and their respective abundance'. However, the proposals for the site should seek to maintain and enhance opportunities for bird species of nature conservation interest recorded during the survey and in order to maximise biodiversity net gain for the project. It is noted and recommended that habitats of higher ornithological interest including woodland edges, hedgerows, scattered mature trees, orchard and scrub, will be largely retained along the Hatherley Brook corridor and other areas of public open space.

The recommendations for natural habitat retention and creation in Sections 6.5 of the Bird Survey report should be followed and could be conditioned. These are outlined below:

- Retention of mature trees, hedgerows and scrub within the development areas where possible to do so;
- Enhancement of retained habitats within the stream corridors including woodland, scrub and grassland habitats through the provision of replacement/complementary species-rich native tree and scrub planting, retention of deadwood habitats where safe to do so, and sensitive management of the existing woodland, scrub and retained semi-improved grassland to improve sward diversity;
- Creation of 'ecotone' habitats bordering the retained woodland associated with the Hatherley Brook corridor comprising a gradation from woodland to scrub to rough and meadow grassland habitats;
- Inclusion of new native tree, species-rich scrub, hedgerow and orchard planting within the landscape scheme;
- Use of high value plants for foraging birds within the landscape planting scheme. This should include fruit and nut producing species in addition to those with high pollen and nectar yields (attracting invertebrate prey); and
- Provision of a range of bird boxes situated on new buildings and/or existing trees within the site.

In addition, the bird mitigation recommendations of Sections 6.6 and 6.7 of the Bird Survey Report should also be followed and could be conditioned, as outlined below:

- It is recommended that any hedgerow, scrub or tree management works should be carried out during January and/or February, in order to allow the majority of fruit and nuts to be eaten by birds prior to removal and to avoid impacts on nesting birds (see below).
- All breeding birds should be afforded the basic level of protection provided by the 1981 Wildlife and Countryside Act (as amended), i.e. protection of nest sites during the breeding season. It is recommended that any tree felling, ground clearance, hedgerow management, scrub clearance and building demolition works are done outside of the bird nesting season (generally taken as March to September inclusive) to avoid risk of an offence being committed. In the event that this is not possible, these

works should be overseen by a suitably qualified ecologist who would check for nesting birds prior to and during works. In the event that nesting birds are present, it will be necessary to delay works in the vicinity of an active nest until nesting is complete.

**19th November 2021 – additional comments**

I have reviewed the Dormouse report and note that sufficient survey effort was used and no dormice were found to be present.

However, due to the known presence of this species to the south of the site, it is considered possible that Dormice may use the site on an occasional or transitory basis. In the event that site clearance is delayed for a period of more than two years after the 2021 Dormouse survey was undertaken, in view of the close proximity of a Dormouse population to the site it is recommended that the site be re-surveyed for dormice (using dormouse tubes with a search effort of 20 points or more as described in the Dormouse conservation handbook) to confirm the continued absence of this species.

As a precautionary measure, in case any displaced dormice south of the site move to the development site, it is recommended that any sections of hedgerow, woodland, orchard and scrub to be removed are carried out in accordance with the precautionary Reasonable Avoidance Measures (RAMs) set out in the Dormouse Report and included below in order to minimise risk of killing/injuring dormice:

- Woody vegetation removal works should be undertaken between October and May inclusive which is outside the Dormouse breeding season (with due regard given to potential presence of nesting birds if works are carried out between March and May).
- Clearance should only be carried out during periods of dry weather when the air temperature remains above 5°C.
- Any woody vegetation to be removed should be carefully cut down using hand held tools prior to removal from the site. Where trees are to be removed, consideration should be given to use of soft felling techniques (i.e. gentle lowering of cut vegetation to ground level).
- Contractors should be briefed prior to works to ensure that cutting is carried out in a sensitive manner, and that evidence of Dormouse (e.g. nests) can be identified if found during works.
- A suitably qualified ecologist should be present during vegetation cutting to check clearance areas for the presence of Dormouse nests or other evidence of Dormouse prior to and during works.
- In the unlikely event that a Dormouse is encountered, the works must stop and Natural England notified to agree an appropriate course of action.

The above measures should also be detailed in the CEMP along with other mitigation methods, which should be submitted to CBC prior to commencement.

Considering the disturbance caused by the ongoing development to the south of the site, retention and inclusion of dormouse habitat planting is necessary, to ensure that future populations of dormice can expand into this area. This could also serve as an enhancement/biodiversity net gain for the area. The Biodiversity Net Gain (BNG) report should demonstrate that the development can achieve positive biodiversity net gain using the DEFRA metric, especially for dormouse habitats. Should positive net gain not currently be possible, the current scheme will need to be modified to achieve this. The BNG report should be submitted to CBC for approval prior to commencement.

More specifically, in order to maintain suitable habitat for Dormouse at the site, opportunities provided by the existing hedgerows, woodland, scrub and orchard habitats should be included within the scheme and these habitats should be retained where possible. Where appropriate, new native tree, native species-rich hedgerow and native shrub planting should

include native fruit and nut producing species of high value to foraging Dormice and other wildlife, and should seek to enhance connectivity provided by habitats along the site boundaries. Habitat retention and creation of new habitats should be detailed in the LEMP, which should be submitted to CBC prior to commencement.

As dormice are nocturnal and sensitive to light pollution, the lighting scheme design for the proposed development should avoid light spill onto areas of scrub, trees, woodland, orchard and hedgerow habitat within and adjacent to the site, in order to avoid potential impacts on nocturnal wildlife such as dormice. A lighting plan showing light spill as lux contours and demonstrating avoidance of illuminating hedgerows and other dormouse habitat, should be submitted to CBC for approval prior to commencement.

## **Cheltenham and Tewkesbury Cycling Campaign** **2nd February 2022**

Comments: Cheltenham & Tewkesbury Cycling Campaign would like to object to the proposed development on land at Shurdington Road (20/01788/FUL) on grounds that the proposed additions and modifications to the highway network will not deliver the ambitions of the submitted transport plan, nor are they aligned to the local transport plan, CBC's CP5 sustainable transport policy, and the council's declared council emergency.

Whilst we note there has been engagement with Gloucestershire County Council highways department, we wish to highlight three key areas of concern that are not considered in their response;

1) The proposed north-south cycling link, a vital piece of infrastructure within the development boundary, is shown as a 3.5 shared use path. LTN 1/20 key principle 2 recognises that 'cyclists must be treated as vehicles and not pedestrians'. Section 6.5 of the same guidance recognises that shared use paths are now inappropriate in urban environments due to the very different needs of pedestrians and cycle users, and this is reflected in the Gloucestershire local transport planning document PD2.1 section 3.3.8 which states " It is also clear that cycling and walking - as two vital active travel modes - should not conflict with each other". LTN 1/20 Section 6.5.5 further advises "Where a shared use facility is being considered, early engagement with relevant interested parties should be undertaken, particularly those representing disabled people, and pedestrians and cyclists generally. Engaging with such groups is an important step towards the scheme meeting the authority's Public Sector Equality Duty". There is no evidence that such duty has been disposed.

This will be a route with periods of very high pedestrian use as children and families make their way to school, and to be a viable and desirable route, we recommend there should be a planning condition for separation of a pedestrian footpath and a discrete cycleway, the latter of which guidance recommends should be of minimum 3m width.

2) We have separately raised concerns with Gloucestershire County Council about the proposed highways modifications that enable the development. In summary here, we record that whilst there are elements of modern cycle infrastructure, there are substantial gaps in the network which, when assessed against current cycle safety standards fall well short. This includes pinch points on cycle routes, frequent requirements to stop and wait for traffic signals, sharp ninety degree turns, and extensive use of narrow shared paths contrary to current guidance highlighted above. The general strategic road geometry surrounding the development is loose, enabling motor vehicles to retain high speeds even at key crossing points for pedestrians, and at points of conflict with cycle users. The A46 Shurdington Road carries over 10,000 vehicles per day, including heavy goods traffic, and compounded by the decision to retain a 40mph limit, the proposed development will be separated from the majority of trip destinations in Cheltenham by undesirable and low quality cycle infrastructure, increasing reliance on motor vehicle use even for short trips. We believe that the shared paths represent no more than a token gesture and that a revised approach is required. If there is no ability to downgrade the strategic A46 route or create sufficient separated space

west to east within the development, then fresh consideration of modal filtering to create accessible parallel routes is likely to be required.

3) We note particular concern for the proposals at the junction of Shurdington Road and Moorend Park Road which create several new points of conflict between different street users. The design here also fails to make any provision for cyclists making a return journey towards the development from the town centre. We believe that a planning condition should specify the requirement to review this junction in light of the LTN 1/20 safety standards, and to make proposals appropriate for a junction with high volumes of strategic network traffic.

The campaign is happy to work with the developed to support them in meeting their duty to engage with local stakeholder groups, and to provide appropriate infrastructure in support of their stated transport plan ambitions.

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 On initial receipt of the application, letters of notification were sent to 100 nearby properties. In addition, 8 site notices were posted and an advert was published in the Gloucestershire Echo.
- 5.2 On receipt of revised plans, further letters were sent to 224 neighbours/objectors, and revised site notices were posted.
- 5.3 During the course of the application, in response to the publicity, 144 representations have been received; 135 of which are objection. There have also been a number of repeat and additional objections from some local residents. All of the comments have been made available to Members separately but the main concerns are summarised below:
  - impact on the local highway network / increase in traffic on Shurdington Road
  - use of shared pedestrian and cycle routes
  - new toucan crossing
  - lack of infrastructure to support the development
  - landscape impact
  - increased air pollution
  - biodiversity impacts
  - loss of green space
  - drainage and flooding /sewerage
  - overdevelopment
  - design is out-of-keeping with surrounding developments
  - lack of sustainability credentials
- 5.4 The applicant also undertook their own consultation exercise prior to the submission of the application. A public exhibition was held in September 2018 at the Brizen Young People's Centre which was attended by 182 people including local residents, representatives from local societies and groups and Borough and Parish Councillors. Other engagement methods used included a freephone telephone line, project website and dedicated e-mail address for interested parties to receive further information and provide feedback. The feedback mostly centred on highway impacts (specifically the A46) and the lack of local infrastructure to support the additional dwellings.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The key issues in determining this application are:

- the principle of developing the site for housing;
- design, layout and sustainability;
- access, parking and highway safety impacts;
- drainage and flooding;
- landscape and visual impact;
- ecological impacts;
- amenity impacts;
- affordable housing and developer contributions / s106 obligations.

### 6.2 Policy Background / Principle of Development

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

6.2.2 Paragraph 11 of the National Planning Policy Framework sets out a presumption in favour of sustainable development which in decision making means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i) *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.*

6.2.3 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS).

6.2.4 Material considerations include the National Planning Policy Framework 2021 (NPPF), and Planning Practice Guidance (nPPG).

6.2.5 JCS policy SD10 advises that *“Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans”*.

6.2.6 As previously noted, this site forms part of the Leckhampton mixed-use allocation in the CP (policy MD4); the policy includes the following site specific requirements:

- Approximately 350 dwellings on land north of Kidnappers Lane
- Provision of a secondary school with six forms of entry on land to the south of Kidnappers Lane

- Safe, easy and convenient pedestrian and cycle links within the site and to key centres
- A layout and form that respects the existing urban and rural characteristics of the vicinity
- A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development
- A layout and form of development that respects the visual sensitivity and landscape character of the site as part of the setting for the AONB

6.2.7 It is acknowledged that outline planning permission for up to 12 dwellings has already been granted on a small parcel of land within the MD4 site boundary (but excluded from this application); however, the figures given in policy MD4 are approximate.

6.2.8 Furthermore, although part of the site falls with the Leckhampton LGS wherein CP policy G11 seeks to prevent development “*unless there are very special circumstances which outweigh the harm to the Local Green Space*”; the application does not propose any buildings within the LGS.

6.2.9 As such, the general principle of the proposed development must be acceptable subject to other material considerations addressed in the report below.

### 6.3 Design, Layout and Sustainability

6.3.1 Chapter 12 of the NPPF places great emphasis on the importance of design in decision making, and states at paragraph 126 that “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”.

6.3.2 CP policy D1 requires all new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development, and the character of the locality and/or landscape. The policy reiterates the requirements of JCS policy SD4 which calls for proposals for development to:

- respond positively to, and respect the character of, the site and its surroundings, and be of a scale, type, density and materials appropriate to the site and its setting;
- create clear and logical layouts;
- avoid or mitigate any potential disturbance, including visual intrusion, noise, smell and pollution;
- ensure that landscaped areas are of a high quality design;
- be designed to contribute to safe communities including reducing the risk of fire, conflicts between traffic and cyclists or pedestrians, and the likelihood and fear of crime;
- provide access for all potential users, including people with disabilities, and ensure the highest standards of inclusive design; and
- be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes.

#### *Layout*

6.3.4 The Design and Access Statement (DAS) which accompanies the application sets out how the layout has evolved during the design process, with the layout now proposed largely agreed at pre-application stage; albeit further changes have been secured during the course of the application. The layout seeks to respond to the constraints and opportunities of the site, with the development addressing a central green corridor, and existing landscape features given prominence within the development.

6.3.5 The DAS also states that the layout has been designed to deliver a sequence of routes, streets and blocks of varying character to ensure that the development creates a distinctive sense of place, but one that responds and connects physically and visually to surrounding development and the wider landscape setting. Four character areas are proposed across the site, the DAS going on to state that *“The aim of the character areas is not to provide stark variation, but subtle detail, tonal and occasional material changes,...to ensure that the development has an overall cohesive sense of place and is distinctive in terms of high quality and indigenous features.”*

6.3.6 The site would be accessed from the Shurdington Road in two places. The eastern access would serve the eastern part of the site only; whilst the main access to the west would also serve the new secondary school to the south of the site.

6.3.7 A network of pedestrian footways and cycleways would provide linkages throughout the development with desire lines to and from the school to the site and surrounding development having dictated the routes to enable safe routes for children and parents that are overlooked by development and enable walking and cycling opportunities.

6.3.8 Improvements have also been secured during the course of the application to include a footpath/cycleway up to the site boundary to the east with a view to improving connectivity through to Merlin Way; albeit GCC would need to use their powers to complete the link on third party land. The layout also now provides for a footway up to the boundary with the smaller development site to the north that benefits from outline planning permission, to ensure the potential for a future link in this location. Moreover, throughout the site, the cycleways have been widened from 3m to 3.5m, and enhanced cycle crossing points have been introduced to make cycling safer and a more desirable mode of transport than the car.

6.3.9 In addition, the layout provides for a Locally Equipped Area of Play (LEAP) located along the Hatherley Brook corridor, with two further Local Areas of Play (LAPS).

6.3.10 SuDS infrastructure comprising three balancing ponds would also be located alongside the green corridors; and would, in addition to providing surface water attenuation, provide amenity and biodiversity benefits.

6.3.11 Additional green open space, community orchards and allotments would be provided on the designated LGS land.

6.3.12 The majority of buildings proposed across the site are two storeys in height with single storey garages; however, some limited focal buildings within the site are up to three storeys high. The general scale of the buildings is considered to be appropriate in this context and largely consistent with nearby developments. Accommodation across the site ranges from one bedroom apartments to five bedroom houses.

6.3.13 The layout has been designed to ensure that the affordable homes are integrated with open-market homes to promote social inclusion, and are distributed throughout the site.

### *Design*

6.3.14 The buildings themselves take a relatively traditional pitched roof form which is considered to be appropriate for the context. The DAS sets out that a simple palette of external materials is proposed, with subtle variations in brick type and roofing tile, that would *“present a defined and attractive development”*.

6.3.15 Officers are satisfied that such a simple but varied palette of materials would ensure that overall the development would have a coherent appearance and create an identity of its own, whilst responding to nearby developments.

6.3.16 The external design of the affordable units, in terms of elevation, detailing and materials, is broadly consistent with the open market homes to ensure that visually they are seamlessly integrated into the wider scheme.

### *Sustainability*

6.3.17 NPPF paragraph 152 states that:

*The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*

6.3.18 NPPF paragraph 154 b) goes on to state that new development should be planned for in ways that “can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards”.

6.3.19 JCS policy SD3 also requires development proposals to be designed and constructed in such a way as to maximise the principles of sustainability, and to:

- demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, minimising waste and avoiding the unnecessary pollution of air, harm to the water environment, and contamination of land or interference in other natural systems. In doing so, proposals...will be expected to meet national standards;
- be adaptable to climate change in respect of the design, layout, siting, orientation and function of both buildings and associated external spaces; and
- incorporate principles of waste minimisation and re-use.

6.3.20 The policy also requires major applications to be accompanied by an Energy Statement that indicates the methods used to calculate predicted annual energy demand and association annual Carbon Dioxide (CO<sub>2</sub>) emissions.

6.3.21 The Energy Statement (ES) which initially accompanied the application set out that the scheme would achieve a 1.29% CO<sub>2</sub> reduction beyond that required by Part L of the Building Regulations through improved fabric measures.

6.3.22 However, during the course of the application, in response to concerns raised by a number of parties, the ES has been updated to include feasibility appraisals of additional renewable or low carbon energy systems. As a result, it is now intended to include solar PV panels on those dwellings which have suitable roof orientations; a Solar Analysis Plan demonstrates that 146 of the properties are suitable.

6.3.23 The revised ES sets out that following the introduction of the solar PV panels, the scheme would now deliver an overall reduction in site wide CO<sub>2</sub> emissions of 20% over the 2013 Part L Building Regulations standards.

6.3.24 The application now also proposes an electric vehicle (EV) charging point for every dwelling with an allocated parking space, and 1 EV charging point per 10 spaces for those properties sharing communal parking areas.

6.3.25 Officers are therefore satisfied that, following the introduction of solar PV panels and EV charging points, the sustainability credentials of the proposed development are now acceptable and would go some way to meeting Cheltenham’s ‘Climate Emergency’

commitments. It is important that the scheme achieves a high level of sustainability while remaining a viable and deliverable development.

6.3.26 Accordingly, as a whole, the proposed scheme is considered to meet the requirements of CP policy D1, and JCS policies SD3 and SD4.

#### 6.4 Access, Parking and Highway Safety

6.4.1 Adopted JCS policy INF1 requires all development proposals to provide safe and efficient access to the highway network for all transport modes; and provide connections where appropriate, to existing walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. The policy states that planning permission will only be granted where the impacts of the development are not considered to be severe, and requires developers to assess the impact of proposals through a Transport Assessment.

6.4.2 The above policy generally reflects the advice set out within the NPPF at Section 9; however, the following paragraphs of the NPPF set out additional relevant requirements:

*110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

*111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

*112. Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

*113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a*

*transport statement or transport assessment so that the likely impacts of the proposal can be assessed.*

6.4.3 As previously noted, the application proposes two vehicle access points from Shurdington Road; a priority junction and a new roundabout. The roundabout proposal also realigns Kidnappers Lane, with the existing junction with Shurdington Road proposed to be closed and replaced with a cycleway.

6.4.4 A new Toucan Crossing point is proposed to the east of the site on the Shurdington Road which would form part of a series of wider infrastructure improvements.

6.4.5 From a highways perspective, the access, parking and highway safety impacts associated with the proposed development have been fully assessed by the Highways Development Management Team (HDM) at the County Council, as the Highway Authority acting in its role as Statutory Consultee, and their full comments can be read in Section 4 above.A.

6.4.6 In their initial response, HDM requested a deferral to allow for continued discussions to take place with the applicant to ensure that the Transport Assessment and scheme designs reflect current national and local policy, and that the proposals were complementary to the consented secondary school highway works.

6.4.7 Subsequently, HDM have now responded to advise that no highway objection is raised subject to conditions and financial obligations.

6.4.8 With regard to the highways impact of the development, particularly on the Shurdington Road, which has been raised as a concern by many of the objectors, HDM set out that the applicant has prepared a Transport Assessment which considers the impact of the proposal from a multimodal perspective, to include modelling on the potential impact on the Shurdington Road which is recognised as a congested corridor. It also considers routes to key destinations and how access to those services could be improved.

6.4.9 In terms of trip generation, the proposed development is expected to generate 127 departures and 51 arrival vehicle trips in the AM peak (08:00-09:00) and 79 departures and 126 arrives in the PM peak (17:00-18:00); and these would be split between the two access points. The transport modelling shows the trips would be dispersed around the network and this has potential implications at the junctions of Moorend Park Road and Leckhampton Lane.

6.4.10 With regard to the Moorend Park Road junction, HDM advise that there is already a consented scheme in place to improve this junction associated with the Farm Lane development.

6.4.11 They further advise that the Leckhampton Lane junction is proposed to be amended to provide a degree of space for right-turning traffic but there is a balance to be had in providing more capacity whilst maintaining pedestrian space. In considering the needs of pedestrians as a key priority, a reduction in the footway width is not acceptable. Furthermore, increasing capacity could result in an increase of rat running whereas the A46 is the more suitable route. The proposal therefore looks to provide an improvement within the current kerblines, and this is considered to be acceptable.

6.4.12 In addition, HDM acknowledge that the proposal has the significant potential to reduce walking distances from the existing residential communities to the new Leckhampton High School; with new and improved connections made from Merlin Way, Shurdington Road and Kidnappers Lane. Within the site, the proposal would create a low-speed environment which includes measures to prioritise walking and cycling movements; the proposed pedestrian and cycle routes providing more attractive routes than would otherwise exist.

The proposal also provides missing footway infrastructure on the A46 which is considered to be a benefit of the scheme and contributes to its sustainability credentials.

6.4.13 HDM therefore conclude that:

*Overall, the proposal is considered to be acceptable and proposes suitable mitigation through offsite improvements, enhanced walking and cycling connections and planning obligations.*

*The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.*

6.4.14 Officers are therefore satisfied that the proposed development is acceptable in highway terms, and is compliant with JCS policy INF1 and the relevant paragraphs of the NPPF.

## 6.5 Drainage and Flooding

6.5.1 Adopted JCS plan policy INF2 advises that development proposals must avoid areas at risk of flooding, and must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. Additionally, where possible, the policy requires new development to contribute to a reduction in existing flood risk; and to incorporate Sustainable Drainage Systems (SuDS) where appropriate.

6.7.2 The application has been accompanied by a Flood Risk Assessment (FRA) which has been reviewed by the Lead Local Flood Authority (LLFA) at the County Council, as a statutory consultee for surface water flood risk and management. Again, the comments can be read in full at Section 4 above.

6.7.3 The FRA sets out that detailed hydraulic modelling has been carried out to assess the existing flood risk to the site, to include blockage analysis of culverts crossing the A46, Shurdington Road. The outcome of this model has been reviewed by the Environment Agency (EA), with the published Flood Zones subsequently updated to reflect this.

6.7.4 Much of the site is located within Flood Zone 1. Where parts of the site fall within areas of Flood Zone 2, the layout has been designed so that the housing and sustainable drainage features are located outside of zone 2 and areas at risk of surface water flooding.

6.7.5 It is proposed that surface water would be discharged into the Hatherley Brook and its tributary; with surface water stored in three SuDS ponds serving three hydraulic catchments on the site. The LLFA have confirmed that *"They have been designed to store water in events up to the 1 in 100 year rainfall event plus 40% for climate change and simulations of the network on MicroDrainage show that they are a suitable size"*.

6.7.6 In their initial response however, the LLFA also highlighted that:

*The MicroDrainage simulations show that the development will not flood in a 1 in 30 year rainfall event and that the flooding of the network in a 1 in 100 year rainfall event will be confined to the highways. Although this meets the Non-statutory technical standards for sustainable drainage, the flooding from manhole SB11 (Catchment B1) appears to be directed off the site onto the Shurdington Road. While this is an acceptable strategy for exceedance flows, in events up to 1 in 100 year rainfall event, surface water should not be leaving the site in this manner.*

6.7.7 The Drainage Strategy has therefore been updated to show an increase in the size of the pipe between manholes SB1-11 and SB1-12 which the LLFA have welcomed; confirming that this *“will minimise the amount of highway flooding in the 1 in 100 year rainfall event plus 40% for climate change.”*

6.7.8 The LLFA therefore raise no objection subject to conditions; one of which requires a Construction Phase Surface Water Management Plan to be submitted. The LLFA noting that *“There have been a number of recent developments that have caused surface water issues to neighbouring properties during their construction and considering the location of this development in the upper part of the catchment, it is important that surface water is managed appropriately”*.

6.7.9 In addition, the application has been reviewed by the Environment Agency who conclude that *“as all extents for all forms of flooding will be contained within the green open space corridors either side of the watercourses, we have no objections to the proposals from a flood risk perspective.”*

6.7.10 It is noted that some local concerns have been raised in relation to sewerage and Severn Trent have been consulted on the application. In their response they raise *“no objections to the proposals”* subject to the subsequent approval of a detailed scheme for the disposal of foul and surface water.

6.7.11 Officers are therefore satisfied that the proposed development is acceptable in relation to flooding and drainage, and is compliant with JCS policy INF2 and the relevant paragraphs of the NPPF.

## 6.6 Landscape and Visual Impact

6.6.1 JCS policy SD6 advises that all development proposals must consider the landscape and visual sensitivity of the area in which they are located or which they may affect; and this is reiterated in CP policy L1.

6.6.2 Additionally, JCS policy SD7 requires all development proposals within the setting of the Cotswolds AONB *“to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities”* and be consistent with policies set out in the Cotswolds AONB Management Plan (CMP).

6.6.3 The relevant CMP policies are CE1 and CE11. Policy CE1 requires development proposals that are likely to impact on the landscape of the Cotswolds AONB, to have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced.

6.6.4 Policy CE11 goes on to advise that proposals for major development in the setting of the AONB, including site allocations in Local Plans, must comply with national planning policy and guidance, and have regard to guidance on major development provided in Appendix 9 of the CMP.

6.6.5 Whilst the application site is not within the AONB, or Green Belt, it is in reasonably close proximity and, as such, the landscape impacts associated with the development must be considered.

6.6.6 The application has been accompanied by a Landscape and Visual Appraisal (LVA) and Green Infrastructure Strategy (GIS) both of which have been reviewed, in conjunction with the other documents that support the application, by Ryder Landscape Consultants (RL) acting as the Council’s specialist Landscape Advisor.

6.6.7 In their initial review of the application (see Appendix B), RL highlighted a number of anomalies and missing information in the submission, and further design detail and additional information was sought to address the concerns.

6.6.8 Following the submission of additional information, and subsequent reviews by RL (Appendices C and D), officers are satisfied that, overall, the landscape and visual impacts of the development are acceptable. With regard to the landscape effects on the AONB, particularly on views from Leckhampton Hill, RL comments that *“these have been assessed fairly and as debated at Inquiries and summarised by different Planning Inspectors the landscape and visual effects on the AONB are deemed acceptable.”*

6.6.9 With regard to local landscape changes, RL considers the effect on the application site to be *“Moderate at least and the type of effect will be Adverse”* but acknowledges that *“This landscape effect is inevitable as a result of development and I know was taken into account when the area was allocated under MD4.”* They go on to consider the impact on the nearby Lotts Meadow site to be Minor, and the effect on the land north of the new secondary school to be Minor/Negligible.

6.6.10 RL also agrees with the LVA conclusions that the majority of quality trees and hedgerows have been retained as landscape features and that the scheme makes the most of the two brooks that cross the site as Green Infrastructure associated with the development.

6.6.11 They also welcome the additional street trees that have been incorporated into the proposals during the course of the application in response to paragraph 131 of the updated NPPF.

6.6.12 As such, whilst RL have some residual concerns, officers are satisfied that specific matters of detail can be resolved through the discharge of conditions.

## 6.7 Ecological Impacts

6.7.1 JCS policy SD9 seeks to ensure that all development, wherever possible, makes a positive contribution to biodiversity and geodiversity, and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development. The policy reflects the advice set out within the NPPF at paragraph 180.

### *Protected species*

6.7.2 As submitted, the application was accompanied by an Ecological Appraisal (EA), Badger Survey, Bat Survey, Dormouse Survey, Reptiles Survey, and Water Vole and Otter Survey; all of which have been reviewed by Wild Service (the Ecological Consultancy for the Gloucestershire Wildlife Trust) acting as the Council’s specialist Ecological Advisor (WS). Their detailed responses can be read in full at Section 4 above.

6.7.3 The surveys confirmed bat roosts in some trees and one building on site; a large slow-worm population; and Badger setts. No evidence was found of Great Crested Newts, dormice, or water vole or otters.

6.7.4 The Dormouse Survey, however, was undertaken in 2017 and therefore an updated survey was requested and subsequently submitted. WS in reviewing the updated survey were satisfied *“that sufficient effort was used and no dormice were found to be present”*. An updated Bird Survey Report was also requested and reviewed.

6.7.5 WS advise that a Construction and Ecological Management Plan (CEMP) would need to be conditioned should permission be granted to include and expand on the mitigation recommendations for protected/notable species and ecological valuable habitats (including

orchards, Hatherley Brook, wooded areas, hedgerows) outlined in the various reports. This should include an invasive species method statement for species found on site, a reptile translocation and mitigation strategy, bat mitigation, bird mitigation, badger mitigation, hedgehog mitigation including hedgehog tunnels in fencing (as this species is known to be present in the locality) and dormouse mitigation (as this species is now known to be present in the locality). The CEMP would also need to include a bat sensitive lighting plan for the scheme as outlined in the Ecology report of 2020.

*Cotswolds Beechwoods Special Area of Conservation (SAC) and Cotswold Commons & Beechwoods Site of Special Scientific Interest (SSSI)*

6.7.6 Natural England (NE) have been consulted on the application. In their initial response, they raised concerns that the proposed development, in combination with other new residential developments in the area, could have potential significant effects on The Cotswolds Beechwoods Special Area of Conservation (SAC) and therefore sought additional information in order to determine the significance of these impacts and the scope for mitigation.

6.7.7 Following the submission of additional information, NE now raise no objection to the proposed development subject to appropriate mitigation being secured by condition; namely, the provision of the 6.5 ha of on-site green open space, and the provision of Homeowner Information Packs providing information on informal recreation opportunities within the local area.

6.7.8 NE also highlight the need to secure a CEMP as per the advice of the Ecological Advisor.

## 6.8 Amenity Impacts

6.8.1 Adopted CP policy SL1 states that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality. CP paragraph 14.4 advising that:

*In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise, smells, dust, fumes, vibration, glare from artificial lighting, hours of operation, and traffic / travel patterns.*

6.8.2 Adopted JCS policy SD14 reiterates this advice and also seeks to ensure high quality developments that “*protect and seek to improve environmental quality*”.

6.8.3 In addition, paragraph 130 of the NPPF highlights the need to ensure that developments achieve a high standard of amenity for both existing and future users.

### *Air Quality*

6.8.4 As submitted, the application was accompanied by an Air Quality Assessment (AQA); however, there were a number of errors in the original report, as identified in an objection from Clean Air Cheltenham. The Council’s Senior Environmental Health Officer (EHO) agreed with the points raised in the objection and confirmed that whilst data was taken from the Council’s website, a series of errors were made in transposing the data and therefore the modelled data was wholly incorrect.

6.8.5 The Air Quality Assessment has therefore been updated during the course of the application to address these errors and subsequently reviewed again by the EHO whose comments can be read in full at Section 4. The EHO concludes that

*In considering all the modelling outlined above, we must note that this report indicates compliance with current legal limits. There is widespread expectation that legal limits are likely to be reduced in coming years, and WHO has recently published revised Air Quality Guideline (AQG) Levels which are considerably lower than current legal limits, but this has not been adopted into UK law at this stage. Therefore there are no valid local air quality reasons to refuse this application.*

6.8.6 The EHO has however advised that the assessment of Construction Dust in the AQA indicates a medium risk of impact on sensitive properties; and therefore suggests a condition requiring the submission of a Dust Management Plan, should permission be granted, to include, as a minimum, the mitigation measures identified in section 7.2 of the AQA.

#### *Noise*

6.8.7 From a noise perspective, the Acoustic Design Statement submitted with the application has been reviewed by the EHO who notes *“that the elevated daytime, external noise levels indicate that external amenity areas of housing should not be located on the North-west edge of the site alongside the road”* and that *“additional mitigation is required to reduce daytime noise exposure at those properties”*. They go on to note that *“the elevated night-time, internal noise levels also require that a good acoustic design process must be demonstrated in this development.*

6.8.8 A condition is therefore recommended that requires a suitable noise mitigation scheme to be submitted and agreed, should permission be granted.

#### *Land Contamination*

6.8.9 Additional conditions relating to contaminated land have also been suggested by the EHO but no fundamental objection is raised in this respect.

#### *Toucan crossing*

6.8.10 The amenity concerns raised by the resident at 104 Shurdington Road in relation to the proposed Toucan Crossing outside his home have been duly noted; however, the transport statement sets out this is the preferred location in order to allow for vehicles to be able to turn right out of the development onto Shurdington Road whilst the lights are red to traffic. Detailed design matters would need to be agreed through a S278 agreement with the local highways authority.

### 6.9 Affordable Housing and Developer Contributions / S106 Obligations

#### *Affordable housing*

6.9.1 Paragraph 60 of the NPPF states that to support the government’s objective of boosting the supply of homes, the needs of groups with specific housing requirements must be addressed. Within this context, paragraph 62 goes on to state that the size, type and tenure of housing needed for different groups in the community should be reflected in strategic policies.

6.9.2 JCS policy SD12 seeks the provision of affordable housing in new residential developments. In Cheltenham, outside of Strategic Allocation sites, a minimum of 40% affordable housing is sought on sites of 11 dwellings or more.

6.9.3 As previously noted, this application proposes a policy compliant level of affordable housing, which equates to 140 dwellings.

6.9.4 The affordable housing provision has been amended during the course of application in liaison with the Council's Housing Enabling Officer, whose comments are set out in full in Section .

6.9.5 The agreed affordable housing mix comprises 41 social rented homes, 57 affordable rented homes and 42 shared ownership homes, and satisfies the policy requirements. The affordable housing provision would be secured via an S106 Agreement.

#### *Developer contributions*

6.9.6 JCS policy INF6 states that where site proposals generate infrastructure requirements, new development will be served and supported by adequate on and/or off-site infrastructure and services which are fairly and reasonably related to the scale and type of development proposed. Regard to the cumulative impacts on existing infrastructure and services must also be considered. Planning permission should only be granted where sufficient provision has been made to meet the needs of new development and/or which are required to mitigate the impact of the development upon existing communities.

6.9.7 In addition, JCS policy INF7 advises that financial contributions will be sought through the S106 and CIL mechanisms as appropriate. The S106 mechanism being used to secure site-specific obligations.

6.9.8 For a development of this nature, contributions towards education and libraries will normally be sought.

6.9.9 Gloucestershire County Council have commented on the proposed development and set out the infrastructure and services requirements for education and libraries provision arising from the development and the contributions required to make the development acceptable in planning terms. Their comments are set out in full at Section 4.

6.9.10 The contributions sought by the County are £796,300.50 towards primary education, and £68,600 towards improvements to existing library provision.

6.9.11 The necessary education and libraries contributions towards an off-site provision would be secured via an S106 agreement. There are no formal mechanisms or agreed financial arrangements currently in place between CBC (as CIL Charging Authority) and GCC to fund the required strategic (education and libraries) infrastructure from CIL.

6.9.12 The following Highways contributions are also required.

Specific Purpose – Travel Plan Bond and Monitoring  
Contribution - £65,250.00  
Trigger – Prior to the First Occupation of any Dwelling  
Retention Period – 10 Years from the First Occupation of Any Dwelling

Specific Purpose – Public Right of Way Enhancement, Connection to Merlin Way  
Contribution - £15,000  
Trigger – Prior to commencement  
Retention Period - 5 years from Receipt

Specific Purpose – Junction improvement A46/Moorend Park Road  
Contribution - £86,567.35  
Trigger – Prior to occupation of the 175th dwelling  
Retention Period – 5 years from Receipt

### *Other S106 obligations*

6.9.12 Other obligations to be secured via the S106 agreement relate to the management and maintenance of the public open space, LAPS, allotments, and community orchard.

### 6.10 Other considerations

#### *Public Sector Equalities Duty (PSED)*

6.10.1 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;
- 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.

6.10.2 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.

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

## **7. CONCLUSION AND RECOMMENDATION**

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

7.2 Furthermore, paragraph 11 of the National Planning Policy Framework 2021 sets out a presumption in favour of sustainable development which in decision making means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i) *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.*

7.3 The site to which this application relates forms part of the Leckhampton mixed-use allocation in the Cheltenham Plan 2020 (policy MD4); as such, the general principle of developing the site for approximately 350 houses has already been established and remains acceptable.

7.4 The application has been submitted following extensive pre-application discussions, and has been subject to additional design refinements during the course of the application. Officers are therefore satisfied that the overall design and layout of the scheme is acceptable and would result in a high quality development that will create an identity of its own, whilst responding to nearby developments, and will be a good place to live.

- 7.5 The application proposes a policy compliant (40%) level of affordable housing; and would make a valuable contribution to the borough's housing stock.
- 7.6 The sustainability credentials of the proposed development have been improved during the course of the application to include solar PV panels and EV charging points, which will go some way to meeting Cheltenham's 'Climate Emergency' commitments, whilst ensuring that this remains a viable and deliverable scheme. Overall, as amended, the scheme would achieve a site wide 20% reduction in CO2 emissions over that required by the 2013 Part L Building Regulations standards.
- 7.7 The proposed development has been fully assessed by the Highways Development Management Team (HDM) at the County Council, as the Highway Authority acting in its role as Statutory Consultee. The applicant has worked closely with HDM to ensure that the Transport Assessment and proposal reflect current national and local policy, and that the proposals are complementary to the consented secondary school highway works. HDM now raise no highway objection subject to a number of conditions and financial obligations, concluding that "*Overall, the proposal is considered to be acceptable and proposes suitable mitigation through offsite improvements, enhanced walking and cycling connections and planning obligations.*"
- 7.8 The application has been accompanied by a Drainage Strategy and Flood Risk Assessment (FRA) which have been reviewed by the Lead Local Flood Authority (LLFA) as a statutory consultee. Following the submission of revised information, the LLFA raise no objection to the proposals subject to conditions. The LLFA are satisfied that the "applicant has demonstrated that the strategy meets national standards for sustainable drainage and should not be putting the development itself or elsewhere at increased risk of flooding."
- 7.9 The FRA has also been assessed by the Environment Agency (EA) who conclude that "as all extents for all forms of flooding will be contained within the green open space corridors either side of the watercourses, we have no objections to the proposals from a flood risk perspective." In addition, Severn Trent raise no objection subject to a condition.
- 7.10 The application has been reviewed by Natural England and Wild Service (the Council's specialist Ecology Advisor) and the ecological impacts of the proposed development have been found to be acceptable subject a number of conditions, to include the submission of a 10-year Landscape and Ecology Management Plan (LEMP) prior to the commencement of development. The LEMP would be required to expand on the habitat enhancement and creation recommendations outlined in the Ecology reports, and include detailed management prescriptions for retained and created habitats (including for Hatherley Brook, the stream, the orchards, hedgerows and wooded areas, grassland).
- 7.11 With regard to the landscape and visual impacts of the development, officers are satisfied that, overall, the impacts are acceptable. Ryder Landscape Consultants (acting as the Council's specialist Landscape Advisor) have reviewed the application and, whilst there are some residual concerns, officers are satisfied that specific matters of detail can be resolved through the discharge of conditions.
- 7.12 With all of the above in mind, taking into account the economic, social, and environmental aspects of the application, officers are satisfied that the proposed development would be in accordance with relevant national and local planning policy.
- 7.13 The officer recommendation is to grant planning permission subject to a signed S106 legal agreement, and the following schedule of conditions:

## 8. SUGGESTED CONDITIONS

- 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, a phasing plan which indicates the phases through which the development hereby approved shall be delivered on site shall be submitted to and approved in writing by the Local Planning Authority.

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

- 4 Prior to the commencement of development within each phase, a Construction Method Statement or Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The approved plan/statement shall be adhered to throughout the construction process and shall include, but not be restricted to:

- i) Provision of parking for vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- ii) Any temporary access to the phase;
- iii) Locations for the loading/unloading and storage of plant, waste and construction materials;
- iv) Measures to control the emission of noise, dust and dirt during demolition and construction;
- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles;
- vii) Arrangements to receive abnormal loads or unusually large vehicles;
- viii) Joint highway condition survey; and
- ix) Methods of communicating the Construction Management Plan or Construction Method Statement to staff, visitors, and neighbouring residents and businesses.

Reason: In the interests of the safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, and to prevent any loss of amenity to neighbouring land users, having regard to adopted policy SL1 of the Cheltenham Plan (2020), policies SD14 and INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 5 Prior to the commencement of development within each phase, drainage plans for the disposal of foul and surface water flows for that phase shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the phase is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, 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.

- 6 Prior to the commencement of development within each phase, a Construction Phase Surface Water Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall outline what measures will be used throughout the construction period of the development to ensure that surface water does not leave the site in an uncontrolled manner and put properties elsewhere at increased risk of flooding. The construction phase shall be implemented in strict accordance with the approved plans until the agreed Sustainable Drainage System Strategy is fully operational.

Reason: To ensure the construction phase of the development has a satisfactory means of drainage that does not increase the risk of flooding from the site, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 7 Prior to the commencement of development within each phase (other than development or works required by this condition), a programme of archaeological works for that phase 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 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.

- 8 Prior to the commencement of development within each phase, a site investigation and risk assessment shall be carried out for that phase 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 for the phase shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development within that phase.

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

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

- 10 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).

- 11 Prior to the commencement of development within each phase, a Noise Mitigation Scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail measures to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance. The scheme shall thereafter be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and policy SD14 of the Joint Core Strategy (2017).

- 12 Prior to the commencement of development within each phase, full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting for that phase, shall be submitted to and approved in writing by the Local Planning Authority. All street tree planting shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality, having regard to policy GI3 of the Cheltenham Plan (2020), policy INF3 of the Joint Core Strategy (2017) and paragraph 131 of the National Planning Policy Framework (2021).

13 Prior to the commencement of development within each phase, the following information for that phase 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.

14 Before each phase of development is brought into operation, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include, but not be limited to, the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management, including mitigation and enhancement for species identified on site
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
- g) Details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation; and
- h) Ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met.

The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure the protection and enhancement of the landscape and biodiversity value of the site, in accordance with adopted policies SD6 and SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, and paragraphs 8, 174 and 180 of the National Planning Policy Framework (2021). This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

15 Prior to the commencement of development within each phase, including preparatory works, a Construction Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- a) a risk assessment of potentially damaging construction activities;
- b) identification of biodiversity protection zones (e.g. buffers to areas of retained habitat);

- c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within any areas of retained habitat);
- d) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular);
- e) the times during construction when specialist ecologists need to be present on site to oversee works (as required);
- f) responsible persons and lines of communication; and
- g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless the ECoW otherwise sets out alternative details which are subsequently agreed by the Local Planning Authority.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policy SD9 of the Joint Core Strategy (2017), ODPM Circular 06/2005, and paragraphs 8, 174 and 180 of the National Planning Policy Framework (2021). This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

- 16 Prior to the commencement of development within each phase, full details of a hard and/or soft landscaping scheme for that phase 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 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 prior to first occupation of that phase 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.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 17 Prior to first occupation of the development within each phase, a SuDS Management and Maintenance Plan for that phase, for the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, The approved plan shall thereafter be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and to avoid flooding, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 18 No external facing or roofing materials shall be applied unless in accordance with: a) a detailed written specification of the materials; and b) physical samples of the materials. The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with adopted policy D1 of the Cheltenham Plan (2020), and adopted policy SD4 of the Joint Core Strategy (2017).

- 19 No boundary treatments, including boundary walls, fences or other means of enclosure shall be constructed within a phase unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the approved details prior to first occupation of the phase.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with saved policy D1 of the Cheltenham Plan (2020), and adopted policy SD4 of the Joint Core Strategy (2017).

- 20 No dwelling shall be occupied until the access, parking and turning facilities from that individual building to the nearest public highway have been provided in accordance with Drawing No. CB\_70\_064\_001 Rev R.

Reason: To ensure that safe and suitable access is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 21 The part of the development served from the proposed southern (roundabout) access shall not be occupied until the following highway improvements works have been constructed and completed:
- a) Roundabout, realignment of Kidnappers Lane, crossings and active travel infrastructure as shown on Drawing No. 04649-PA-001 Rev P08; and
  - b) Closure of the junction of Kidnappers Lane and A46 Shurdington Road.

Reason: To ensure the safe and free flow of traffic onto the highway, having regard to policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 22 The part of the development served from the proposed northern (priority junction) access shall not be occupied until the following highway improvements have been constructed and completed:
- a) Priority Junction, crossings and footway improvements as shown on Drawing No. 04649-PA-002 Rev P06.

Reason: To ensure the safe and free flow of traffic onto the highway, having regard to policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 23 The 50th dwelling hereby approved shall not be occupied until the following highway improvements works have been constructed and completed:
- a) Junction improvement at Leckhampton Lane as shown on Drawing No. 04649-PA-003 Rev P04.

Reason: To ensure the safe and free flow of traffic onto the highway, having regard to policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 24 The development shall not be occupied until the following highway improvements works have been constructed and completed:  
a) Controlled Crossing as shown on Drawing No. ITB2049-GA-056 Rev C

Reason: To ensure the safe and free flow of traffic onto the highway, having regard to policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 25 No dwelling shall be occupied until sheltered, secure and accessible bicycle parking has been provided for that dwelling in accordance with details which shall have first be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities, having regard to policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 26 Notwithstanding the submitted details, no dwelling shall be occupied until at least 1 parking space for that dwelling, or 1 per 10 spaces for communal parking areas, has 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, having regard to policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 27 The approved Residential Travel Plan (i-Transport Ref: MG/AI/ITB12049-102A R, dated 9th October 2020) shall be implemented and monitored in accordance with the regime contained within the plan. In the event of failing to meet the targets within the plan, a revised plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The plan shall thereafter be implemented and updated in agreement with the Local Planning Authority, as amended.

Reason: To reduce vehicle movements and promote sustainable travel, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 28 Prior to first occupation of the development, details of a Homeowner Information Pack (HIP) providing information on recreation resources in the locality shall be submitted to and approved in writing by the Local Planning Authority. The pack should present information describing informal recreation opportunities in the following sequence:

- On the doorstep
- A short drive by car or bus
- Further afield – e.g. The Cotswolds, the Severn Estuary, the Forest of Dean.

Each dwelling shall be provided with an approved HIP on occupation.

Reason: To ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the proposal are suitably addressed, having regard to adopted policies SD9 and INF3 of the Joint Core Strategy (2017), policy BG1 of the Cheltenham Plan (2020), and paragraphs 180, and 181 of the National Planning Policy Framework (2021).

## **INFORMATIVES**

- 1 The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement  
A Monitoring Fee  
Approving the highway details  
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 2 You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward, involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed, contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk)

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

- 3 The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement 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.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

- 4 All new streets must be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.
- 5 There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) to arrange a temporary closure of the right of way for the duration of any works. We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic. This permission does not authorise additional use by motor vehicles, or obstruction, or diversion.
- 6 The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 7 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- 8 It is expected that contractors are registered with the Considerate Constructors Scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community" which states:

Constructors should give utmost consideration to their impact on neighbours and the public by:

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The Construction Environmental Management Plan (CEMP) should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site

coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.