

<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		

## Officer update

### 1. OFFICER COMMENTS

1.1 As Members will be aware, this application was deferred at last month's committee meeting on the following grounds;

- to ensure that the scheme make the fullest contribution possible to the mitigation of climate change, with reference to JCS Strategic Objective 6;
- to allow for the lack of a contribution towards off-site communality facilities and services to be revisited, with reference to JCS policy INF4; and
- to secure a condition in relation to the Moorend Park Road junction improvements.

1.2 The applicant's response to members, having heard the debate at the committee, is attached in full at Appendix 1.

#### *Climate change*

1.3 With regard to climate change, the applicant acknowledges the concerns of the planning committee regarding the use of gas boilers and confirm that they have previously looked into not including gas boilers within the proposals, but that it is simply not viable to do so. The additional costs associated with the few alternatives to gas boilers that are currently available are significant and far exceed the costs of conventional heating systems.

1.4 That said, the applicant, mindful of the concerns raised by the planning committee, has submitted a further revised and updated Energy and Sustainability Statement (Appendix 2) which now includes proposals to achieve a 31.9% reduction in CO2 emissions over above the current building regulations; the scheme previously achieving a 20% reduction over that required by the 2013 Part L Building Regulations standards.

1.5 An additional 10 dwellings have also been identified as being suitable to incorporate solar PV panels.

1.6 It is also noteworthy, as set out in the applicant's letter, that whilst new building regulations will be coming into force in June this year, the transitional arrangements mean that the requirements to achieve a 31% reduction in CO2 emissions do not come in to force until June 2023. The proposed scheme therefore now brings additional benefits in terms of less CO2 emissions.

- 1.7 Officers are therefore entirely satisfied that the proposed development would now make the fullest contribution possible towards the mitigation of climate change, whilst still remaining a viable scheme, and therefore achieves Strategic Objective 6 within the JCS.
- 1.8 The requirement to fulfil the 31.9% reduction in CO2 emissions, in accordance with the updated Energy and Sustainability Statement, could be achieved by way of an additional condition, as suggested by the applicant in their letter.

#### *Community facilities*

- 1.9 As per the officer report to committee last month, and additional advice given at the meeting, officers are satisfied that the proposed development fully accords with the requirements of JCS policy INF4. The proposed scheme would provide for a number of community facilities including children's play provision, open space, allotments and a community orchard, together with contributions to education and libraries, which would be secured through the s106 legal agreement.
- 1.10 Any additional off-site contributions to existing community services or facilities could only be secured where there is evidence of an existing identified need within the local area, and it can be demonstrated that the development would be required to help to address this need.
- 1.11 The applicant's letter also sets out that the monies from the sale of the land will be managed by the landowning charity; whose objective is to support and enable the mission and ministry of the Church of England in and around Gloucestershire.

#### *Moorend Park Road junction improvements*

- 1.12 In accordance with the advice given to members at last month's committee meeting, officers remain of the view that it is not necessary or reasonable to attach a condition to secure the Moorend Park Road junction improvements; the matter can be adequately dealt with through the s106 legal agreement. Planning obligations run with the land, are legally binding, and enforceable.

#### *Conclusion*

- 1.13 As such, officers remain satisfied that the proposed development would be in accordance with all relevant national and local planning permission and continue to recommend that planning permission be granted subject to conditions and a signed s106 legal agreement.

## **2. RECOMMENDATION**

- 2.1 APPROVE for the reasons set out in the March 2022 Planning Committee Report attached at Appendix 3 including the entering into a Section 106 agreement and the updated schedule of conditions below.
- 2.2 Please note that as well as the additional condition requiring the development to be carried out in accordance with the revised Energy and Sustainability Statement, the condition requiring an Archaeological Written Scheme of Investigation (WSI) to be submitted has been updated following the submission of a WSI which has been agreed with the County Archaeologist.

## **3. UPDATED SCHEDULE OF 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, 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).

- 8 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).

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

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

- 10 Prior to the commencement of development 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).

- 11 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).

- 12 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.

13 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.

14 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.

- 15 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.

- 16 The programme of archaeological works shall be carried out in accordance with the approved Written Scheme of Investigation dated 22nd March 2022.

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.

- 17 The development shall be carried out in accordance with the proposals set out in the Energy and Sustainability Statement dated 31st March 2022.

Reason: To ensure that the development makes the fullest contribution possible towards the mitigation of climate change, having regard to Strategic Objective 6 and policies SD3 and INF5 of the Joint Core Strategy (2017).

- 18 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).

- 19 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).

- 20 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).

- 21 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).

- 22 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).

- 23 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).

- 24 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).

- 25 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).

- 26 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).

- 27 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).

- 28 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).

- 29 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).