

Gloucestershire County Council Community Infrastructure Planning Application Representations

Date: 9 th February 2023
To: Emma Pickernell
From: GCC Developer Contributions Investment Team
S106 Monitoring and Compliance Officer: Tina McCausland
Application Ref: <u>20/00759/FUL</u>
Location: Elms Park Tewkesbury Road, Cheltenham
Proposal: Erection of new residential development (266 dwellings) (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure
Education Assessment Date: 2 nd November 2022
Summary: Contributions will be required to make the development acceptable in planning terms

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-local-development-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

SUMMARY: Developer Contributions for: 20/00759/FUL - Elms Park Tewkesbury Road, Cheltenham Gloucestershire

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 stated below.

Education: SUMMARY: Developer Contributions for 20/00759/FUL - Elms Park Tewkesbury Road, Cheltenham Gloucestershire

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Multiplier	Total Pupil Yield from QD	Contribution Requested (£)	Number of places requested
Primary	Swindon Road Primary Planning Area and Hester's Way Primary Planning Area	243	£18,133.00	93.56	£0.00	0 places
Secondary age 11-16	Cheltenham Secondary Planning Area	243	£23,775.00	41.31	£982,145.25	41.31 Places
Secondary age 16-18	Cheltenham Secondary Planning Area	243	£23,775.00	14.58	£137,895.00	towards 5.80 places shortfall

(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.

Clarification in relation to education summary on previous page regarding 20/00759/FUL - Elms Park Tewkesbury Road, Cheltenham Gloucestershire

The contributions stated above are the maximum number of contributions which could be requested based on the number of qualifying dwellings. Any discount for surplus places will be calculated when an application is received.

The demolition of a dwelling and the erection of 266 dwellings, new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure. The application includes 23 x 1-bed non-qualifying dwellings. The site impacts on the following education planning areas:

- 9161800 Swindon Road Primary Planning Area
- 9161820 Hester's Way Primary Planning Area
- 9162200 Tewkesbury Secondary Planning Area
- 9162500 Cheltenham Secondary Planning Area

The schools factored into a review are determined by identifying the site from the LPA planning portal and then identifying the closest schools using the following publicly available tools to provide straight line distance, before calculating travel distances.

- <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 266 dwellings, of which 243 are qualifying dwellings. This number of dwellings would be expected to generate an additional demand for 93.56 primary places which can currently be accommodated at local schools. Therefore, Gloucestershire County Council is not seeking a primary contribution towards places arising from this development, at this time.

The closest primary school for this site is Swindon Village Primary School in the 9161800 Swindon Road Primary Planning Area.

There are a total of 11 primary schools within the 2 miles or less statutory walking distance; all are in the 9161800 Swindon Road and 9161820 Hester's Way Primary Planning Areas, the data for all schools has been provided using the most up-to-date information available to us.

The closest schools currently show adequate spare capacity to accommodate children arising from this site. We must recognise the cumulative yield from permitted developments for schools in the planning areas and keep in mind that the timing of future developments can have an impact on surplus places.

It should also be noted that two of the schools cannot be expanded to accommodate additional children – those schools being, Christ Church CofE Primary School and Gloucester Road Primary School.

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-and-environment/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 year. The table below shows an extract from the assessment data.

	All Schools Total
Total Capacity	3570.00
95%	3391.50
Forecast year 2023/24 for school(s)	2988.00
Surplus places available to credit to development	403.50
Cumulative yield from permitted development	80.85
Surplus places remaining to credit to development	322.65
Primary Yield from proposed development	93.56
Number of places requested	0.00

Secondary (age 11-16) Places Impact:

The proposal is for 266 dwellings, of which 243 are qualifying dwellings. This number of dwellings would be expected to generate an additional demand for 41.31 Secondary age 11-16 secondary places. Therefore, Gloucestershire County Council is seeking a Secondary age 11-16 places contribution of £982,145.25 towards places arising from this development, at this time.

All Saints Academy is the closest secondary school (1.1 miles) for the development postcode; this school is in the 9162500 Cheltenham Secondary Planning Area.

Cleeve School, in the 9162200 Tewkesbury Secondary Planning Area, is the catchment school for this development postcode; there is no school transport catchment for this site.

Cleeve School is the 5th closest school (3.3 miles); it should be noted that the school is the closest and catchment school for the many Bishops Cleeve housing developments and has already been expanded to accommodate the local children arising from these developments. Places are likely to be awarded based on proximity.

The High School Leckhampton is a new school for local families; initially opened in September 2021 on a temporary site for Y7 only, construction is now complete and the school is open for Y7 and Y8. The opening PAN was 120, it will eventually grow to 180. It does not have a 6th form.

As with primary, we review based on 95% capacity being considered to be full to allow for some flexibility.

The relevant forecast year is already in excess of 95% capacity before factoring in any cumulative yields, supporting the request for contributions.

	All Non Selective Schools	Total All Schools
Total Capacity	8115.00	9315.00
95%	7709.25	8849.25
Forecast year 2027/28 for school(s)	7661.00	8947.00
Surplus places available to credit to development	48.25	-97.75
Cumulative yield from permitted development	91.29	91.29
Surplus places remaining to credit to development	-43.04	-189.04
Secondary Yield from proposed development	41.31	41.31
Number of places requested	41.31	41.31

Post 16 Places Impact:

The proposal is for 266 dwellings, of which 243 are qualifying dwellings, which will generate additional demand for 14.58 secondary age 16-18 places. There is some surplus capacity which can be credited to this development, leaving a shortfall of 5.80 places. Therefore, Gloucestershire County Council is seeking a Secondary age 16-18 contribution of £137,895.00 towards 5.80 places arising from this development, at this time.

6th Form Data		Current May 2022		6th Form Forecast 2022						
Secondary School	6th form capacity	Y12	Y13	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
All Saints' Academy	250	104	69	169	166	205	235	242	234	213
Cheltenham Bournside School	460	125	155	289	345	366	372	363	347	333
Cleeve School	350	148	147	279	294	332	344	353	385	381
Balcarras School	361	172	193	364	378	393	391	368	365	367
Pate's Grammar School	450	242	229	487	371	524	519	519	525	536
		791	793							
Total for Y12 and Y13		1584		1588	1554	1820	1861	1845	1856	1830
Total 6th Form Capacity	1871									

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 **Hesters Way 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 **£52,136.00** is therefore required to make this application acceptable in planning terms.

The financial contribution will be **to improve customer access to services through refurbishment of the library 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) (NPPF updated July 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)"

**CIL Reg 122 tests in relation to the education contributions required for 20/00759/FUL - Elms Park
Tewkesbury Road, Cheltenham Gloucestershire**

The education contributions that are required for this proposed development are necessary to fund the provision of the additional secondary age 11-16 places and secondary age 16-18 places generated by this development.

The proposal is for 266 dwellings of which 243 are qualifying dwellings for education. This number of qualifying dwellings would be expected to generate an additional demand for 41.31 secondary age 11-16 places. The Cheltenham Secondary Planning Area is forecast to be full. Gloucestershire County Council is therefore requesting a secondary age 11-16 contribution of £982,145.25 towards the provision of these places to be used in the Cheltenham Secondary Planning Area.

Furthermore, this number of qualifying dwellings for education would be expected to generate an additional demand for 14.58 secondary age 16-18 places. There is some surplus capacity which can be credited to this development, leaving a shortfall of 5.80 places. The combined sixth form provision presented shows secondary age 16-18 provision is forecast to be full. Gloucestershire County Council is therefore requesting a secondary age 16-18 contribution of £137,895.00 towards the provision of these places.

The education contributions that are required for this proposed development are directly related to the proposed development in that the contributions have been calculated based on specific formulas relative to the numbers of children generated by this development. These contributions will be allocated and spent towards creating new secondary school age 11-16 and secondary age 16-18 places either at the local existing schools and/or within the planning area to enable children from this development to attend a local school. In this instance, contributions will be used in the Cheltenham Secondary Planning Area for secondary age 11-16 and secondary age 16-18 provision.

The developer contributions are fairly and reasonably related in scale and kind to the development. The contribution requirements have 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.

**CIL Reg 122 Tests in relation to the library contributions required for 20/00759/FUL - Elms Park
Tewkesbury Road, Cheltenham Gloucestershire**

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 **Hesters Way Library** and is based on the total number of new dwellings generated by the development (**total of 266 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 net 265 dwellings x £196 = £52,136.00).

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.

Date: 02 July 2020
Our ref: 318517
Your ref: **20/00759/FUL**



Cheltenham Borough Council
For the attention of Craig Hemphill

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Craig

Planning consultation: Demolition of a dwelling and the erection of 260 dwellings (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure
Location: Elms Park Tewkesbury Road Cheltenham

Thank you for your consultation on the above dated 02 June 2020 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
REQUIRED**

We note the application site's location within Adopted Joint Core Strategy strategic allocation A4 North-West Cheltenham.

As submitted the application could, in combination with other new residential development in the authority area, have potential significant effects on the **Cotswold Beechwoods SAC**

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

An appropriate assessment in recognition of the application site's location relative to the SAC and the strategic status of the allocation as indicated at policy A4 of the adopted JCS.

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

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

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

Cotswold Beechwoods SAC - Additional Information required

Internationally and nationally designated sites

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').

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 have¹.

Further information required

Natural England notes that the Habitats Regulations Assessment² has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this appropriate assessment to fulfil your duty as competent authority.

The HRA provided by your authority does not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority in respect of the European Site described above.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. We draw the Council's attention to recent case law³ dealing with the treatment of mitigation measures during the HRA process.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you take account of the following information to help undertake an Appropriate Assessment:

Cotswold Beechwoods SAC

Our advice letter dated 22.8.18 provides baseline information⁴. A visitor survey of the SAC has since been published⁵ indicating a 15km 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:

¹ Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

² Please refer to FPCR Ecological Appraisal (Jan 2020) – Section 7.0 Discussion – Statutory sites

³ People over Wind & Sweetman –v- Coillte Teoranta (CJEU ref C-323-17)

⁴ 'Gloucester City, Cheltenham and Tewkesbury LPA areas – Evidence gathering in relation to recreation pressure on European Sites - Information to inform an interim approach to Habitats Regulations Assessment of planning applications'

⁵ Weblink - https://www.stroud.gov.uk/media/1120947/beechnwoods-visitor-survey-final_redacted.pdf

- Distance between application site and nearest boundary of SAC
- Route to SAC
- Type of development (E.g. use class C3)
- Alternative recreation resources available – on site and off site
- Education & awareness raising opportunities e.g. Homeowner Information Packs

With regard to alternative recreation resources available on and off site, we note the application site's relationship with the strategic allocation A4 North West Cheltenham⁶. Your appropriate assessment should clarify the application site's contribution to the green infrastructure resource forming an integral part of this new development and how this will contribute to mitigating the impacts of additional recreation pressure on the SAC. Policy SD9 Biodiversity and Geodiversity, INF3 Green Infrastructure and INF7 Developer Contributions refer.

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).

Please re-consult us when the Appropriate Assessment is available.

Nationally designated sites

The following SSSIs with public access lie close to or between the application site and the Cotswold Beechwoods SAC:

- Cleeve Common
- Leckhampton Hill & Charlton Kings Common
- Crickley Hill and Barrow Wake
- Cotswolds Commons & Beechwoods (also a National Nature Reserve)

When addressing the recreation related theme described above in respect of the SAC a holistic approach should be adopted to ensure key information for new homeowners also covers relevant designated sites in the locality including the SSSIs listed here. Provided that this is satisfactorily addressed we do not anticipate the development damaging the notified feature(s) of this/these SSSI(s).

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.

⁶ Cheltenham, Gloucester & Tewkesbury Adopted Joint Core Strategy

Other advice

Green infrastructure

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

Adopted Joint Core Strategy policies A4 North-West Cheltenham, INF3 Green Infrastructure and the JCS Councils' Green Infrastructure Strategy 2014 refer. The Cheltenham Plan [policy GI1 and supporting text](#) may also be relevant.

Consideration should be given to what opportunities exist to integrate the strategic allocation's 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.

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 452 459.

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.

Yours sincerely

Antony Muller
Lead Adviser – West Midlands Planning for a Better Environment Team

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

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

Protected Species

Natural England has produced [standing advice](#)⁷ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)⁸. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

⁷ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

⁸ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

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

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

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

Access and Recreation

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

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

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Date: 12 April 2022
Our ref: 379173
Your ref: **20/00759/FUL**



Cheltenham Borough Council
For the attention of Emma Pickernell

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Emma,

Planning consultation: 'Shadow' Habitats Regulations Assessment (HRA) - Erection of new residential development (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure

Location: Elms Park Tewkesbury Road Cheltenham Gloucestershire

Thank you for your consultation on the above dated 01 March 2022 which was received by Natural England on the same day. We are sorry for the delay responding.

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 IN RELATION TO HABITATS REGULATIONS ASSESSMENT STAGE 2 – 'APPROPRIATE ASSESSMENT'

As submitted, the application could, in combination with other new residential development in the authority area, have potential significant effects on the Cotswold Beechwoods Special Area of Conservation (SAC) and land functionally linked to the Severn Estuary Special Protection Area (SPA). 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 the extent, design and delivery of open/greenspace available to future residents living in the proposed development.
- (ii) Confirmation of suitable mitigation measures and mechanisms to secure these.

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

Additional Information required - Internationally designated sites

The application site is within a zone of influence around a European designated site, 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:

- (i) Lies within the identified zone of influence around the Cotswold Beechwoods Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Cotswold Commons and Beechwoods. Please see the subsequent sections of this letter for our advice relating to SSSI features.
- (ii) Lies within close proximity of the Coombe Hill Meadows Nature Reserve (including Coombe Hill Canal SSSI), land functionally linked to the Severn Estuary Special Protection Area (SPA).

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 have¹. 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.

Further information required

Natural England notes that the Habitats Regulations Assessment (HRA)² has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended) 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 HRA to fulfil your duty as competent authority. Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

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 your assessment, and the measures proposed to mitigate for any adverse effects, Natural England's advice is that your assessment is not sufficiently rigorous or robust to justify this conclusion and therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We advise that your authority should not grant planning permission at this stage.

We advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

Cotswold Beechwoods SAC

Cheltenham Borough Plan policy BG1 Cotswold Beechwoods SAC refers alongside the overarching Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (Policies SD9, INF3 and INF7)³.

Natural England acknowledges that the shadow HRA has been submitted without reference to the unpublished, draft Cotswold Beechwoods SAC Mitigation Strategy. The strategy is approaching the implementation stage and a copy of the draft final version is available from the Council's planning policy team. The following key points are relevant in terms of allowing the Council to add to and consolidate the information presented in the 'shadow' HRA and appropriate assessment:

¹ Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

² FPCR – 'Swindon Farm NW Cheltenham Phase 1A Shadow Habitats Regulations Assessment' – February 2021

³ Policies = SD9 – Biodiversity & Geodiversity, INF3 Green Infrastructure and INF7 Developer Contributions.

- The nature of recreational disturbance pressure is cumulative and in combination. As a result suitable mitigation is needed to address a net increase in dwellings within the identified zone of influence (15.4km).
- Relevant case law⁴ requires that mitigation measures are set aside at the initial screening stage of the HRA process. The proposal in Table 4 of the shadow HRA to screen out the effects of recreation pressure at the ‘test of likely significant effect’ stage is therefore incorrect.

Appropriate assessment is needed in order to assess the mitigation measures offered by the new development and the following information is provided to help with your appropriate assessment accordingly:

- The shadow HRA’s description of woodland habitats’ comparative resilience in the face of recreational disturbance pressure (para 4.4) needs to be modified to take account of our advice letter to the collaborating LPAs dated 2.12.19. We enclose a copy for ease of reference.
- The draft mitigation strategy sets out two key themes whereby mitigation of recreational disturbance is to be achieved:
 - Strategic Access Management and Monitoring measures (SAMM) – Dedicated staff; Signs and interpretation; Education & awareness raising; Measures to address contamination; Parking and travel related measures; Monitoring.
 - Suitable Alternative Natural Greenspace (SANG) – the creation or enhancement of alternative greenspace in order to relieve pressure on the SAC. Larger developments such as those forming part of strategic allocations will generally be expected to provide SANG at a rate of 8Ha/1000 residents.

In terms of next steps we advise that particular consideration is given to the informal recreation/greenspace provided within the new development or available nearby to new residents. The proposal’s status as an initial phase in the development of a wider strategic allocation is particularly relevant. We recommend that the Council adopts a holistic approach to the design and delivery of suitable mitigation, with reference to existing concept plans for green and blue infrastructure delivery wherever appropriate.

- On site (and off site) open greenspace – as the development appears unable to deliver on site open greenspace meeting the 8/Ha/1000 residents extent metric⁵ the Council should consider the information available for the wider strategic allocation e.g. illustrative masterplan or equivalent green/blue infrastructure plans.
 - A Landscape and Ecology Management Plan (LEMP) may offer a suitable mechanism to secure suitable safeguard/s and should do so for the lifetime of the development.
- We agree with the proposal to provide new homeowners with suitable ‘Homeowner Information Packs’ offering information on recreation opportunities at a range of distances from their new homes and suitable ‘Countryside code’ type messaging.

Severn Estuary SPA and functionally linked land

Context - Special Areas of Conservation (SACs) are designated for rare and vulnerable habitats and species, whilst Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats may be used by SPA/SAC populations or some individuals of the population for some or all of the time. These

⁴ People over Wind – CJEU case ref 323/17

⁵ See Shadow HRA Table 5 – Checklist item – ‘Alternative recreation resources available onsite’.

supporting habitats can play an essential role in maintaining SPA/SAC species populations, and proposals affecting them may therefore have the potential to affect the European site.

It should be noted that some of the potential impacts that may arise from the proposal relate to the presence of (SPA) interest features that are located outside the site boundary. Natural England advises that the potential for offsite impacts should be considered in assessing what, if any, potential impacts the proposal may have on European sites.

Our advice on this theme relates primarily to land at the Gloucestershire Wildlife Trust Coombe Hill Meadows nature reserve (NR). This nature reserve includes land notified as the Coombe Hill Canal Site of Special Scientific Interest (SSSI). Recent research shows that this land is important for curlew during their breeding season⁶. Curlew is a wading bird classified as part of the Severn Estuary SPA's 'waterbird assemblage'.

We note the shadow HRA's extensive reference to the planning inspector's decision relating to an appeal in respect of land at Coombe Hill (20/00140/OUT⁷). Notwithstanding the inspector's conclusions regarding the SPA's integrity we draw the Council's attention to his observation regarding the need to have regard to the restoration of the SPA's conservation objectives when assessing the effects of relevant development proposals. Specifically his decision clarifies that:

"The burden of seeking to restore the contribution which the Coombe Hill area could make to restoring the integrity and objectives of the SPA does not fall to this appeal development alone. The responsibility lies in combination with other developments in the area whose residents are also likely to make visits to the area and so disturb wildfowl unless their presence is properly managed."

Consistent with the above Natural England is working with the six Gloucestershire LPAs to gather evidence in support of their ongoing local plan reviews. This evidence gathering relates to recreational disturbance around the SPA and across a suite of functionally linked sites, including Coombe Hill Meadows NR. The county's LPAs and Natural England are now engaged in a two stage joint commission and stage 1 is almost complete. This comprised face to face surveys of visitors at representative destinations in order to inform a suitable mitigation strategy. A visitor survey report is expected in late May and work on the mitigation strategy will follow during the summer and early autumn.

In recognition of the ongoing strategic work on this theme we recommend that your approach to the revised appropriate assessment addresses the emerging evidence on recreational disturbance at Coombe Hill Meadows nature reserve. Your planning policy team has a copy of preliminary maps illustrating visitor post code locations and numbers of interviews at the various visitor destinations surveyed. We recommend that your appropriate assessment narrative and mitigation proposals address recreational disturbance in relation to both the Cotswold Beechwoods SAC and land at Coombe Hill Meadows NR functionally linked to the Severn Estuary SPA.

Please re-consult us when the Appropriate Assessment is available.

Sites of Special Scientific Interest (SSSI)

We note the shadow HRA report's reference to alternative visitor destinations including the following SSSI (see Shadow HRA Table 5):

- Cleeve Common
- Leckhampton hill and Charlton Kings Common
- Crickley Hill & Barrow Wake

⁶ Report title – 'Identification of land with proven or possible functional linkages with the Severn Estuary SPA/SSSI – Phase 5 (Gloucestershire and Worcestershire)' – Natural England – unpublished at the time of writing. Due for publication imminently.

⁷ Appeal reference – APP/G/1630/W/20/3257625

The Cotswold Beechwoods SAC also partially overlaps the Cotswold Commons and Beechwoods SSSI and National Nature Reserve (NNR).

Our comments above in relation to the Habitats Sites designations apply similarly to these SSSI. Provided that a holistic approach is adopted to mitigate the potential impacts of recreational disturbance on these designated sites we do not anticipate adverse effects on their notified interest.

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 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.

Yours sincerely

Antony Muller
Lead Adviser – West Midlands Planning for a Better Environment Team

Date: 02 December 2019
Our ref: Cotswold Beechwoods SAC
Your ref: N/a



Gloucestershire District and Borough Local Planning Authorities

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Colleague

Cotswold Beechwoods Special Area of Conservation (SAC) – Recreation pressure and the local plan making evidence base – Updated advice following the survey of a sample of the SAC’s underlying SSSI units during Summer 2019

Prior to the publication of the draft visitor survey funded by the collaborating LPAs Natural England undertook to review the condition of the SAC. This advice letter updates the partners on the work we have done on this theme so that it can be taken into consideration when reviewing the conclusions of the visitor survey report and deciding on next steps.

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.

During Summer 2019 Natural England assessed the condition of a representative sample of four of the SAC’s management units¹ (Pope’s Wood and Kites Hill, Cranham, Buckle and Witcombe Woods). This survey followed a similar exercise by Natural England’s Field Unit in 2017 and for consistency was carried out by a member of the unit involved in the 2017 assessment work. This summer’s assessment confirmed the presence of the types of damage we have reported previously², as follows:

- Compaction and erosion of woodland soils
- Trampling and erosion of associated ground flora
- Physical disturbance of soils and flora through the creation of tracks and structures.

In terms of extent and severity our assessment concluded that the most damaging symptoms of recreation were associated with mountain bike riding on mainly steeply sloping terrain. This has caused localised compaction, erosion and physical disturbance (including creation of artificial structures). Key example locations comprise the hollows of former borrow pits and the steepest sections of the SAC where the scarp edge dips way downhill.

¹ For management and recording purposes the Cotswold Beechwoods SAC and underlying Site of Special Scientific Interest are divided into a number of smaller units.

² Advice letter 22.8.18 - ‘Gloucester City, Cheltenham and Tewkesbury LPA areas – Evidence gathering in relation to recreation pressure on European Sites - Information to inform an interim approach to Habitats Regulations Assessment of planning applications’ (Subsequently shared with the remaining Gloucestershire district/borough LPAs)

On more level areas of the SAC a wider range of recreation uses is evident in the form of well used paths and tracks. The clarity of these signs of recreation pressure varies with the type of vegetation cover. In areas with ground flora, understorey trees and shrubs the trampling of vegetation and related compaction of soils clearly show where pressure is being concentrated and new routes created. However significant areas of the SAC comprise a 'high forest' structure where the mature canopy trees (mainly Beech) cast deep shade. These conditions lead to a much more limited ground flora / shrub layer and here the extent of adverse impacts can be masked. These areas need closer attention and a consideration of how disturbance to the leaf litter and soils affects this part of the woodland ecosystem.

At the time the survey was carried out no formal methodology existed for the specific assessment of recreation impacts in broadleaf woodlands. This is because the normal approach to assessment of SSSI habitats, a methodology known as 'common standards monitoring', focuses attention on surveying the most representative parts of the habitat in question. It is left to the discretion of the surveyor to note any unusual or noteworthy points relevant to the site's management. At this site Natural England field unit staff have therefore used their professional judgement to identify and record the impacts described above. However in recognition of the need for suitable, repeatable survey methodology Natural England is developing a suitable approach focusing on the symptoms of recreation and taking account of the special challenges presented by the SAC's woodland characteristics (e.g. areas with a paucity of ground flora) . We will update you as this work progresses.

Based on the existing level of impact and absence of a formal, agreed assessment protocol we will not downgrade the SSSI woodland units surveyed this year to 'unfavourable condition'. Nonetheless the recorded symptoms of recreation indicate a continuing negative trend which, in the absence of mitigation, is likely to undermine the achievement of the SAC's conservation objectives in the near future:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- *The extent and distribution of qualifying natural habitats*
- *The structure and function (including typical species) of qualifying natural habitats, and*
- *The supporting processes on which qualifying natural habitats rely*

In view of the scale of housing development arising from the adopted and emerging local plans of the collaborating LPAs Natural England believes that additional recreation visits to the SAC by new homeowners will have a significant effect on the European Site unless mitigation measures are identified and implemented.

We therefore welcome the positive approach taken by the collaborating LPAs in recognition of the potential for new growth to significantly affect the Cotswold Beechwoods SAC. The commitment to evidence and information gathering is supported and it is apparent that cross boundary working and a plan led approach to ensuring that the SAC is not adversely affected by new growth is the most appropriate and constructive way forward. This view reflects the scale and distribution of the issue, which is a cumulative and in-combination risk from development in a number of LPAs *and* because the most effective impact management measures are unlikely to be deliverable by individual developments. In addition this cross-boundary/plan led approach should lead to fair, consistent and proportionate outcomes.

For any queries relating to the specific advice in this letter only please contact me on 020 802 60939. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours sincerely

Antony Muller
Lead Adviser – West Midlands Planning for A Better Environment Team

Date: 05 September 2022
Our ref: 345835#2
Your ref: **20/00759/FUL**



Cheltenham Borough Council
For the attention of Emma Pickernell

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Emma,

Planning consultation: Revised shadow Habitats Regulations Assessment (sHRA) - Rev B 2022

Location: Swindon Farm North West Cheltenham Phase 1A

Thank you for your consultation on the above dated 29 June 2022 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.

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 and land functionally linked to the Severn Estuary Special Protection Area (SPA) i.e. land at/around Combe Hill Canal SSSI and the associated Gloucestershire Wildlife Trust (GWT) Coombe Hill Meadows Nature Reserve.
- 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 Assessment¹ must be secured.

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

¹ 'Persimmon Homes – Swindon Farm, NW Cheltenham Phase 1A - Shadow Habitats Regulations Assessment – Rev B - June 2022' FPCR

Further advice on mitigation

Natural England notes that the revised Habitats Regulations Assessment (Including stage 2 - Appropriate Assessment) has not been produced by your authority, but by the applicant ('Shadow' HRA and appropriate assessment). 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 an appropriate assessment of the proposal has been undertaken 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 revised 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.

- Homeowner Information Packs (HIP)

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).

Note – We recognise that the revised shadow HRA has not been informed by a consideration of the final Cotswold Beechwoods SAC Mitigation Strategy. However please note that adopted policies for the SAC exist in the relevant local plans². In addition Natural England has written to the collaborating LPAs today to update them with our advice regarding the implementation of the agreed strategy measures.

Sites of Special Scientific Interest (SSSI)

The following SSSIs with public access lie close to or between the application site and the Cotswold Beechwoods SAC:

- Cleeve Common
- Leckhampton Hill & Charlton Kings Common
- Crickley Hill and Barrow Wake
- Cotswolds Commons & Beechwoods (also a National Nature Reserve)

² Policy SD9 'biodiversity & geodiversity' of the adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, Gloucester City local plan policy E8 , Cheltenham local plan policy BG1, Tewkesbury Borough local plan policy NAT5, Cotswold District Local Plan policy EN9 and Stroud District local plan policy ES6 refer.

When addressing the recreation related theme described above in respect of the Habitats Sites a holistic approach should be adopted to ensure key education and awareness raising information for new homeowners also covers relevant designated sites in the locality including the SSSIs listed here. Provided that this is satisfactorily addressed we do not anticipate the development damaging the notified feature(s) of this/these SSSI(s).

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 can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Adopted Joint Core Strategy policies A4 North-West Cheltenham, INF3 Green Infrastructure and the JCS Councils' Green Infrastructure Strategy 2014 refer. The Cheltenham Plan policy GI1 and supporting text may also be relevant.

We note the revised shadow HRA report's reference to the GI resource proposed as integral to the wider Elms Park scheme³. Consideration should be given to what opportunities exist to integrate the strategic allocation's 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.

If you have any queries relating to the advice in this letter please contact Rob Sargent on 020 802 60872.

Should the proposal change, please consult us again.

Yours sincerely

Antony Muller
Lead Adviser – West Midlands Planning for a Better Environment Team

³ Paragraphs 4.30 & 4.31

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

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

Protected Species

Natural England has produced [standing advice](#)⁴ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)⁵. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

⁴ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

⁵ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

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

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

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

Access and Recreation

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

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

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

SWINDON PARISH COUNCIL

PLANNING APPLICATION COMMENTS

1 DOCUMENT INFORMATION

Planning Reference:	20/00759/FUL	Application Date:	14 th May 2020
Application Title:	Demolition of a dwelling and the erection of 260 dwellings (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure		

2 SUMMARY OF COMMENTS

Swindon Parish Council object to this application and wish to have our comments and concerns fully reviewed and taken into account when the determination of this application is made.

We also wish to be notified of any additional documentation and revisions to currently submitted documentation and to be given the opportunity to comment on such documents and their impact, prior to them being approved.

2.1 ALIGNMENT WITH OUTLINE APPLICATION & PHASING

- 2.1.1 Many of the documents submitted with this application contain reliance on commitments made in the Elms Park outline application (16/02000/OUT). We do not accept this full application for Phase 1 should be reliant on the parameters of an outline application which has yet to be determined. There is considerable risk that the outline application will never be consented.
- 2.1.2 A design brief for the entirety of Elms Park needs to be provided that details the requirements, in terms of supporting infrastructure, sustainability and other commitments, for different phases of the complete development.
- 2.1.3 We underline the importance of this Phase 1 application setting a precedent for future application's impact on our community.

2.2 DESIGN & VISUAL IMPACT & HERITAGE

- 2.2.1 The application's drawings do not reflect the topography of the site.
- 2.2.2 The appearance of the buildings does not reflect the character of the conservation area.

2.3 TRAFFIC & ACCESS

- 2.3.1 The site access deviates from commitments made in the outline planning application (16/02000/OUT).
- 2.3.2 The traffic assessment fails to validate (through lack of appropriate and realistic modelling) that the existing road network (including Manor Road) will not be adversely impacted by the development.
- 2.3.3 The traffic assessment fails to include local, committed developments which we expect to have a significant impact on traffic and congestion.
- 2.3.4 There is a lack of design information and justification for the proposed emergency vehicle access.

2.4 FLOODING & GROUND CONDITIONS

- 2.4.1 The flooding assessment fails to acknowledge the local experience of flooding within the area.
- 2.4.2 The flooding assessment fails to substantiate the proposed design through best practice fluvial and pluvial modelling.
- 2.4.3 The correspondence received from Severn Trent (April 2020), on which the flooding assessment is based, provides no indication whether it applies to the proposed application of 260 houses or the entirety of the Elms Park development.

2.5 SUSTAINABILITY

- 2.5.1 The application does not meet the minimum requirements as it does not include an energy policy.
- 2.5.2 We expect the planning application to fully reflect the sustainability that was proposed within the outline planning application, and aligned with the planning inspectorate process in the joint core Strategy and the Cheltenham Plan.
- 2.5.3 We encourage the developer to work collaboratively to establish a community that is sustainable in every respect and meets sustainability definitions (economic, environmental and social) agreed through legal, The National Planning Policy Framework (NPPF) and Joint Core Strategy (JCS) resolutions through the planning inspectorate's process.

3 ALIGNMENT WITH PLANNING POLICY, ELMS PARK OUTLINE APPLICATION & PHASING

- 3.1.1 Section 4.4.6 of the Planning Statement states:

“For CBC, the latest Five-Year Housing Land Supply Position Statement (December 2019) provides a figure of only 3.7 years. In this assessment, the Elms Park proposal was not considered to be able to deliver the trajectory produced in the JCS.”

The Parish Council notes that Permissions Homes Ltd confirms in this statement that it will not be delivering the whole site development of Elms Park within five years. This underlines that it would be unacceptable to allow Phase 1 to proceed without a commitment regarding how and when the offered cycle paths, transport initiatives, travel plans, bus services, schools and other required services will be delivered.

- 3.1.2 Section 5.1.1 of the Planning Statement states:

“This section includes a review of the following material considerations which are considered relevant in the determination of this planning application, as well as demonstrating how the proposed development conforms with them:

- ***The National Planning Policy Framework (NPPF)***
- ***The emerging Cheltenham Plan 2011-2031***
- ***Compliance with Controlling Parameters”***

The Parish Council recognises that it is important that the consideration of this application requires that each of the documents is considered in full and applied to the application site.

It is not acceptable to submit an application for full planning consent based on the Outline Application for the whole Elms Park, when the outline application has not yet been determined and contains parameters but not details and therefore has limited relevance to the application under consideration. From a number of the proposals contained in the documents submitted with this application it is clear that Persimmon Homes Ltd is proposing that a number of the requirements of the NPPF and requirements of the emerging Cheltenham Plan do not need to be satisfied for this Phase.

Whilst Persimmon Homes Ltd have made a reference to the parameters of the Outline Application, they have not provided any details or timescale for when these parameters will come into effect. Nor have they provided any indication of how many properties or how many square metres of floor area will be constructed before these promised parameters are provided.

The Parish Council understands from the descriptions and the phrasing of the statements and documents that have been submitted for Phase 1 that the promised parameters will only be provided with the development of the whole of the Elms Park Site.

The Parish Council object most strongly to this development of 260 houses proceeding without having its own:

- Sustainable Transport Plan,
- Detailed Travel Plan,
- Green Transport Plan, etc.

And without including:

- Cycle Way Provision
- Safe Pedestrian Routes
- Provision for Buses.

It appears that Persimmon Homes Ltd do not believe that it is necessary for the inclusion of many of the requirements / parameters for this first phase of the development of Elms Park, despite this application seeking consent for 260 dwellings and a link to a consented light industrial development adjoining the site.

3.1.3 Section 5.2.1 of the planning application states:

“Paragraph 2 of the NPPF (Update 2019) states that the Framework ‘is a material consideration in planning decisions.’”

The Parish Council agrees with the statement and wishes to underline that “is a material consideration in planning decisions” is a reference to ALL planning applications regardless of whether they are for a whole site or a single phase.

As previously stated the whole Elms Park proposal is an outline application which has not yet been determined. Therefore, this Phase must be considered independently, particularly as Persimmon Homes Ltd has chosen not to link the proposed phase through to the wider site area. Constructing a road to boundary within a larger development is not an uncommon occurrence as many ransom strips are produced by this method.

3.1.4 The Parish Council highlights that as the outline application for Elms Park has not yet been permitted this application cannot claim to benefit from the proposed mitigation described within the outline application. If the outline application, and the accompanying mitigations, are never permitted, there would be a long term, adverse impact on the Parish.

The Parish Council acknowledge the NPPF’s presumption in favour of sustainable development. Section 9 – Paragraph 102 of the NPPF’s lists a number of requirements which include:

- c) Opportunities to promote walking, cycling and public transport use are identified and pursued;***
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains;***

Additionally, Section 9 – Paragraph 108 states:

“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; and,***
- c) 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.”***

As far as the Parish Council is aware these should be considered for all developments or parts of a development.

3.1.5 Section 5.2.4 of the Planning Statement states:

“In addition, paragraph 11d, footnote 7, states that in applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Parish Council acknowledges the contents of this paragraph, but would underline that this footnote does not suggest that developments should therefore be permitted without taking into account all relevant requirements of the NPPF. Also, it does not suggest that an application should be consented on the basis that an adjoining development will meet the relevant standards. It does not appear to differentiate between a site phase or a whole site development.

- 3.1.6 The Parish Council objects to the promise of the parameters for the Elms Park Development being used as a reason for not considering a number of issues that are important for a development of 260 houses.

It is not clear from the Site Layout Proposals whether this applicant will construct the adjoining phases, or when the remainder of the development will take place. It is very likely that it could take a number of years to develop the Elms Park site. This will prevent compliance with, and implementation of, some or all of the controlling parameters for considerable time. This is not acceptable as the same arguments may be put forward in future applications for other phases.

Phase 1 in its current format is clearly self-contained and therefore could be constructed whilst the applicant decides on when they are in a position to develop the remainder of the site.

For reasons described in responses to other documents and sections the Parish Council do not accept the proposal to rely on Car Share, to be managed by the County Council, as an acceptable solution. The Parish Council notes the failure of the GCHQ car share strategy to provide a solution.

- 3.1.7 Section 6.1.6 of the Planning Statement states:

“The proposal accords with the relevant policies of the development plan and are in general conformity with the Strategic Allocation Policy A4. For these reasons it is requested that planning permission is granted for the proposed development.”

The Parish Council do not agree with this statement. The Parish Council considers that this application requires greater clarification, through the provision of more detail, before it can be determined.

4 DESIGN, LAYOUT, & CHARACTER

4.1 DESIGN & CHARACTER

- 4.1.1 The Parish Council wishes to highlight that various observations and reconditions within the Heritage statement have not been fully addressed and incorporated in the balance of the application.
- 4.1.2 The Design and Access Statement states (pg. 40):

“A key design principle will be for Swindon Farm to create a character of its own but integrated into the wider Elms Park development when it is developed. Swindon Farm will have its own identity driven by appearance, public open space design, urban structure and land uses.”

We wish to draw attention to the fact that this application is for Phase 1 of the Elms Park development which, through the Heritage Statement, suggests that areas of Phase 1 should take into account the proximity of the new buildings to the existing conservation area and should be designed to limit the negative compact that the proposed Phase 1 development and buildings will have on the character and rural nature of the existing conservation area.

This requirement should be reflected in the Phase 1 proposals and not the parameters proposed in the ‘yet to be determined’ outline planning application for the full Elms Park development.

- 4.1.3 The summary (pg. 3) of the Heritage statement states:

“A full setting assessment has concluded that the Site is an element of the wider setting of the Swindon Village Conservation Area that currently makes a positive contribution to its significance. As such, development within the Site would likely result in less than substantial harm to the significance of the Conservation Area through alteration of its setting.”

The style and character of the proposed structures and buildings that will see and be seen from the conservation area should be designed and use materials that do not unnecessarily emphasise their presence. They should not become an unsuitable focal point which detracts from the existing rural character of the conservation area.

4.1.4 The buff brick is certainly not reflective of the area and should not be included in this phase of the development. It may become acceptable in future phases.

4.1.5 Slate is used locally, but so are tiles. Therefore a greater variation in roofing materials should be provided. The street scene illustrations show a mixture of slate on the roofs with roof-lights and dormers and tiles on the other pitched roofs. This variation would be a lot more acceptable.

4.1.6 Section 5.22 of the Heritage statement states:

“The proposed development will cause a change in use and in character to a part of this wider setting, from agricultural fields to a residential estate, whose presence can be mitigated through landscaping and the inclusion of green spaces. Nevertheless, the proposed development will result in a small negative contribution to the significance of the Conservation Area through those changes, including further erosion of its legible separation from Cheltenham and dilution of its rural character.”

It is important to minimise the negative impact. We hope that Persimmon Homes Ltd will be willing to discuss their proposals with the Parish Council to adjust their proposals wherever possible to reduce the impact that phase 1 and all future phases will have on the conservation area.

4.1.7 There is a trend to use ‘timber’ cladding which can be overused on some developments resulting in a Cape Cod or Nordic appearance which has its place but would not create a harmonious link between this phase of the development in this location and the existing architecture. We are therefore pleased to note from the street scenes that it is only being used for detailing. This is a material that, when new, can have a crisp and pleasant appearance, but it does fade and look tatty and uncared for quite quickly. If cladding is to be used it should be through colour composite cladding and not stained, painted or coloured natural timber / wood. Natural timber has a limited life span and requires regular recoating and maintenance and, unless this is attended to, there is a chance that the appearance of the properties could become shabby within 10 years.

4.1.8 The three storey units on Street Scenes 1 and 3 have the appearance of the houses built on the site adjoining GCHQ and do not reflect the character of the other buildings within the development, the buildings within the conservation area, or the wider Parish.

4.1.9 Section 4.4.4 of the Planning Statement states:

“Policy SP2 also directs the focus of new development to Gloucester and Cheltenham, “including urban extensions to these areas”

We note that Permission Homes Ltd is referring to this extension into the Greenbelt as an ‘urban extension’. The Parish Council wish to point out that it is their proposed development of Elms Park that will be completely changing the character of the area from Rural to Urban.

4.2 LAYOUT

4.2.1 The Design and Access Statement states (pg. 40):

“The proposals at Swindon Farm will create a place that is easy to get to and move through utilising public rights of way and connections from.”

The above statement relates to the whole site development of Elms Park but it is not duplicated in the submitted proposals for the Phase 1 development.

4.2.2 The Design and Access Statement states (pg. 44):

“Retention of existing hedgerows, particularly along the western edge”.

The western edge of Phase 1 is a proposed Spine Road which presumably will eventually have other properties facing on to it. We seek a commitment that this will not be altered by future applications.

The Phase 1 proposal contains a secondary emergency vehicle access which will necessitate the removal of more existing hedgerow, which is contrary to the above statement.

4.2.3 The Design and Access Statement states (pg. 46):

“The affordable units are located in different areas and in small clusters including within the centre of the site and around the edges facing open spaces.”

And:

“The layout has aimed to focus the affordable units close to the central green space, in particular, to make it easily accessible and overlooked.”

Affordable housing should not be constructed in such a way as to create a segregated community. Affordable housing should be distributed throughout the development and not just in the least desirable inward looking and overlooked areas.

4.2.4 The Design and Access Statement states (pg. 48):

“The Scheme Layout has a variety of different tenures and house sizes to meet local demand, provide interest within the street scene and add to good place making.”

The design access statement fails to define “local” when used in the above context. There is a significant difference in local demand across the parish, let alone NW Cheltenham. The application should clarify this.

4.3 ELEVATIONS

4.3.1 The Design and Access Statement states (pg. 50):

“The Scheme Layout has a variety of building heights to add interest to the street and aid legibility through the new development. Building heights range from 1 storey up to 3 storey.”

Figure 1: View looking towards Furzen Hill from the Amenity Area within the Conservation



Area (photo taken by Swindon Parish Council).

The Parish Council do not believe that the levels of Furzen Hill within the development area are reflected in the heights of the elevations and street scenes of the submitted drawings.

The submitted scheme drawings should reflect the final levels of the proposed floors and ridges which are likely to rise above each other as the properties move back into the site towards the Gallagher Retail Park and up the gradients of Furzen Hill.

Unless the final levels are reflected in the street scenes and site sections it will not be possible to obtain an overview that accurately reflects the appearance and heights of the Phase 1 properties or to gauge the impact of the proposed buildings and their the overall appearance on each other or their relationship with the surrounding and neighbouring areas and the conservation area. It has been noted in the Heritage Statement that Furzen Hill will raise up the proposed buildings which will increase their potential to have a negative impact on the Conservation Area.

4.3.2 The Design and Access Statement states (pg. 50):

“The development is mostly comprised of 2 storey houses which are located along main streets and being part of key frontages onto public open spaces and green areas, 2.5 storey houses are located on important corners, along key frontages and adding variety to the street scene through changes in roofline and 3 storey around important corners and key spaces particularly overlooking the Play Area.”

2.5 storey units with dormers (as featured in new developments throughout the Parish) would be more reflective of the rural character of the area, particularly in the area of Furzen Hill of the Phase 1 site as they will be raised above adjoining buildings and become dominant.



Figure 2: Extract from Page 47 of the Design & Access statement identify the number of stories for each building.

1.1.1 Section 5.25 of the Heritage statement states:

“Although the Conservation Area includes important views (Fig. 11, CBC 2007) looking towards its exterior it is considered that with an appropriate landscaping scheme no views of the development should be available from the Conservation Area’s boundary (Photo 7).”

The view (Photo 7) of the conservation area from the site that has been included on page 37 of the report is misleading because it has very obviously been taken at almost ground level and the angle of the view is not towards the buildings in the conservation area.

The downward gradient of Manor Road from Sainsbury’s to the Runnings Road junction is very noticeable and for most of its length it is possible to see the tower of St Lawrence’s Church. It is still possible to see it between the Spirax Sarco buildings when walking along Runnings Road.

The development area for the 260 houses is in a location known and recorded on the Tithe Plan as Furzen’s Hill, which, as the name suggests, will result in the development being higher than the surrounding area because the ground rises quite steeply. This rise in levels is very obvious from the amenity area (see Figure 1). As a result of the hill the houses on the new development will be very visible from the conservation area and therefore it is suggested that any 3 storey or 2.5 storey houses along the south and east boundaries of the development are replaced by 2 storey houses. As the Heritage Statement points out in a number of paragraphs, this development will have a negative impact on the Village and on the Conservation Area. It is therefore important to minimise the impact as much as possible. The Parish Council therefore believes that, prior to any decision being made, the proposed levels on the site should be reflected on the drawings, the street scenes, elevations and site sections. Site sections and views into the development should be provided in order to properly assess the visual impact that this development may have on the Conservation Area and the Village. Only then would it be possible to review and minimise the negative impact discussed in the Heritage Statement.

4.4 HERITAGE

4.4.1 The summary (pg. 3) of the Heritage statement states:

Considering the archaeological resource for the Site and surrounding area this assessment has identified that the Site has potential for prehistoric, Romano-British, medieval and post-medieval deposits... the heritage impacts of their truncation and / or removal could be mitigated by a programme of appropriate and proportionate archaeological works to be agreed with the Gloucestershire County Council in line with local policy SD8.”

We would like to be kept informed of the programme and progress of the archaeological works that will be agreed with Gloucestershire County Council and would like to receive a copy of the reports on completion of the works.

5 TRAFFIC, ACCESS, FOOTPATHS AND TRAVEL PLAN

5.1 SITE ACCESS

5.1.1 In the 2013 Design and Access Statement for the Elms Park Outline planning application (16/02000/OUT) the following statement was made regarding the Elms Park second access point from Manor Road:

“This access was specifically requested by the local authority to increase local access to the central green space within the site. However, vehicular access has been removed and restricted to pedestrian and cycle access only.”

This application reverses this agreement by including a roundabout junction with Manor Road that serves the 260 houses directly via a single spine road. The original 2013 statement should be adhered to. The main access for this part of the Elms Park development during and after construction should be from Tewkesbury Road.

5.1.2 The site proposed in this application will be connected to the rest of the wider Elms Park development via extensions to the proposed internal site roads. Upon completion of the other phases of development, the exit onto Manor Road is potentially accessible to over 4100 homes and businesses. The number of new houses served by the new junction with Manor Road should not be permitted to exceed the number that is proposed for this application.

5.1.3 Section 7.4.4 of the Transport Assessment states:

“A solution has been designed which would provide access to the consented light industrial site from the estate roads within the residential site.”

The proposed access to the adjoining, consented land (19/01260/OUT) is indicated in this application. However, no details have been submitted by the owners of this consented land or by Persimmon Homes Ltd for the new roundabout shown on this application's drawings that falls outside the scope of either application.

It is our opinion that the proposed road cannot be considered as a 'solution' until the totality of this proposal has been submitted for comment and approval by the relevant land owners.

Despite being included as a part of the underlay of the 4 sheets for the swept path analysis, none of the swept paths submitted are for the road contained on the adjoining development land. We acknowledge that there is a depiction on many of the submitted site layout plans and on the Proposed Site Access drawing showing the link from the Persimmon access road into the adjoining site. However, no details have been supplied regarding this link road and roundabout which fall outside of the scope of the application by Persimmon Homes Ltd.

We therefore suggest that until an application for this road has been submitted, the reference to it is omitted from this application's documentation to avoid it being considered by Persimmon Homes Ltd as having received consent.

As the road would be a change to the originally submitted scheme for that site, the Parish Council would expect to be consulted of any submission, particularly as many of our concerns regarding the application for the development of that land were related to vehicular access and the proposal by that applicant to link through land that they did not own to Manor Road.

5.1.4 The developer has sought to conceal their intent to construct a second access to the north of the existing gas house in Manor Road.

5.1.5 Section 3.1.9 of the Planning Statement states:

“A further pedestrian and cycle access (and emergency access) will be provided onto Manor Road at the north-eastern boundary of the site.”

And Table 1 of the Compliance Statement states:

“Access: In addition, an emergency vehicular access route is proposed to the northeast of the site off Manor Road. This will provide cycle and pedestrian access in compliance with Parameter Plan 01.”

We object to this additional access for emergency vehicles. It would be difficult to prevent its use by other vehicles. This was not included in the Revised Parameter Plan 01 and it is a surprise that the emergency vehicles will not have access via the new access formed with Manor Road.

The access is only described roughly in text and has not been indicated on any of the drawings. It is unacceptable that no details or drawings have been included with this application for this junction.

There is a narrow path illustrated, but not labelled, to the north of the existing gas house. If this is the proposed emergency access it is unlikely to be deemed acceptable for emergency vehicle access.

The 'S' shape bends along the North East boundary of the site make this an unsafe location for any form of vehicular egress or access. The gas housing will mean that there will be reduced visibility for any driver travelling north along Manor Road of any cyclist, pedestrian or vehicle exiting the site.

Such a junction will require adequate visibility and crossing points to be provided for pedestrians, cyclists and disabled/semi-ambulant people.

There is an existing route along Dogbark Lane that can be used by pedestrians, cyclists and disabled/semi-ambulant people. This can be connected to the various turning heads in the site without having to construct an additional access. Therefore, the only reason for creating the emergency access would be to provide an additional vehicular connection onto Manor Road. This would become the route favoured by the new residents because it would be perceived as a means of by-passing the other new junction. At peak times the new junction would be an undesirable transit location as traffic can be very heavy.

The description (planning statement) lists it as an access point for pedestrians and cyclists. To accommodate this use it would be necessary to include crossing points and methods of reducing the speed of traffic to make it safe. Localised narrowing of the road and the provision of tegular paving, lowered kerbing together with signage would be the minimum requirements.

5.2 TRAFFIC MODELLING

5.2.1 Section 7.1.7 of the Transport Assessment, states:

“Due to the application timescales, the Paramics modelling will not be completed prior to submission. It is intended the model results would follow-on shortly after submission as a separate addendum.”

The submission of an incomplete and unsubstantiated proposal due to commercial time constraints is unacceptable. Due to the lack of modelling the Transport Assessment is unable to demonstrate there will not be a significant degradation of local car journey duration and reliability. It is likely that any future modelling will require a revised road access scheme further delaying the development of this scheme. The application provides no commitments on timescales for the model or any subsequent design revisions based on its results.

5.2.2 Section 8.1.4 of the Transport Assessment states:

“Previous analysis using strategic modelling has demonstrated that the local highway network can accommodate travel demand associated with the proposed development.”

However, sections 7.1.4 of the Traffic Assessment states:

“The previous modelling was based upon provision of four access points rather than the single Manor Road access proposed. Saturn modelling, which is a strategic tool, is less detailed at a local level.”

The conclusion stated in Section 8.1.4 has not been substantiated. The previous modelling relied on four access points along Tewksbury Road. The proposed scheme in this application utilises an access via Manor Road. The Central Severn Vale Saturn model results cannot be used to demonstrate the impact of this scheme. As such, Persimmon Home Ltd has failed to undertake any relevant traffic modelling as part of this application. It is also noted that the Central Severn Vale Saturn modelling will not have considered more recent significant applications (see section 5.3.3)

5.2.3 Section 7.1.6 of the Transport Assessment states:

“Where necessary, additional standalone junction models will be prepared to understand the impact of the development.”

This modelling and impact assessment must form part of this planning application. The local road network frequently experiences heavy traffic and congestion. Specific roads that experience heavy traffic and congestion include:

- Manor Road, Runnings Road and Swindon Road during peak times.
- Swindon Road, specifically, the narrow railway bridge at Road during peak times.

- The entire local road network suffers delays when there is a traffic incident or roadworks on Princess Elizabeth Way or the M5. This is a regular occurrence.

5.2.4 The Transport Assessment provides a summary of the Draft Gloucestershire Local Transport Plan Review key points in section 2.3. However, it fails to set out that detailed traffic investigations and modelling covering Manor Road and the proposed site access location form part of the draft plan. This modelling is still being finalised and we await the conclusions from Highways England. The application must take account of these results.

5.2.5 There is already considerable congestion in Manor Road at peak traffic times due to the increase in usage of the local retail parks, including Gallagher Retail Park, and the increased traffic activity at Kingsditch Industrial Park, particularly related to the industrial units along Runnings Road. With the addition of 260 homes and a new junction, we expect any traffic modelling to demonstrate that the existing road network cannot support the proposed scheme as the current network cannot support the existing demand during peak times.

5.2.6 Section 4.4.12 of the Planning Statement states:

“The traffic distribution analysed in the Transport Assessment shows that it is unlikely that the development would exacerbate existing queuing at the southbound off-slip of J10 of the M5 which Highways England considers to be a safety issue.”

Further, section 7.4.4 of the Transport Assessment states:

“Based upon review of the traffic distribution in Table 6-6, only a small proportion of these arrivals would be via M5 J10. It is therefore unlikely that the development would exacerbate queuing at the junction, although this will be confirmed by the outputs of the Paramics model.”

This conclusion is flawed. The unsafe queuing on the southbound hard holder of the M5 at J10 is due to the congestion experienced along the Tewkesbury Road corridor into Cheltenham, including the junction with Manor Road. Due to the lack of adequate modelling, the Transport Assessment fails to take into account the impact of all journeys to and from this site on this corridor, and the junction with Manor Road (off which the entrance to this site is located).

Swindon Parish Council have clearly stated during the consultations on the Cheltenham Plan that additional traffic alleviation is required in the wider area including 4-way access on the M5 Motorway, Princess Elizabeth Way, Village Road, the level crossing at Swindon Lane and the railway bridge at Swindon Road. The specific details of these must be committed to before this planning application can be approved.

5.3 TRAFFIC AND CUMULATIVE IMPACT

5.3.1 The length of Manor Road between Runnings Road and Tewkesbury Road is one of the primary access routes between Bishops Cleeve and Tewkesbury Road (and M5 junction 10). Traffic near the sites access point is already often heavily congested along Manor Road and Runnings Road. It is impeded by long delivery vehicles / transporters delivering to the Industrial units on Manor Road and Runnings Road. These vehicles block one carriage way which results in delays of up to 15 minutes at peak times. This is further exacerbated by traffic queuing on the existing roundabout to access Sainsbury's, Lidl and the shops on Gallagher Retail Park.

5.3.2 Residents have already requested that measures be implemented to control the speed of traffic through the Village and deter it being used as a 'rat run'. Traffic travelling from the M5 Motorway and Tewkesbury Road utilises Church Road, running through the centre of Swindon Village as a way to avoid congestion. The additional junction and conflicting movements is likely to increase the flow of traffic through the village. There have also been requests to improve pedestrian safety at the crossing point to Dog Bark Lane.

5.3.3 Section 7.3.3 of the Transport Assessment states:

“There may be other committed developments within the Paramics model area. However, the traffic impact of the proposals will be relatively localised, and it is not therefore considered that it is necessary to explicitly include any other sites.”

This conclusion is flawed. Significant additional traffic movements are expected from a number of local developments that have been consented. These include:

- Redevelopment of the former Vibixa site (19/02009/FUL)
- Development of the adjoining land to provide light industrial units adjacent to this proposed site (19/01260/OUT)

While the impact of these developments may be localised, they are local to the proposed development, with 19/01260/OUT sharing the same access. These industrial units are expected to house shops open to the public. They will therefore generate significant traffic movements. This planning application should assess the cumulative impact of these developments.

5.4 ROAD IMPROVEMENTS

5.4.1 Reducing the speed limit to 30mph along Manor Road should be a condition of approval to take into account the close proximity of the roundabout to the existing junction. This is a 2 lane narrow road, with a very narrow footpath on the west side used by pedestrians and cyclists. The new roundabout junction is in close proximity to the junction of Manor Road and Runnings Road. The portion of the road running through the village should be limited to 20mph.

5.4.2 Section 5.3.3 of the Transport Assessment states:

This report provides an assessment to determine whether any of the measures proposed by the wider Elms Park site are required to mitigate the effects of the proposed development.

Further, section 4.2.3 to section 4.2.5 of the Travel Plan states:

“The planning application for the Elms Park site proposed a substantial package of highway improvements to mitigate the effects of the development and to enable the sustainable transport strategy”

The Transport Assessment and Travel Plan fail to provide any reasoned assessment as to whether any of the proposed highways, walking or cycling infrastructure is required to support the application. The application fails to commit to providing any of the proposed mitigations. Given the likely impact of the proposal, this is unacceptable.

5.4.3 Section 5.3.1 of the Transport Assessment states:

“Replacement of the Manor Road / Runnings Road junction with traffic signals.”

This is welcomed and should be made a condition of acceptance. This traffic light controlled junction should include a traffic light controlled pedestrian crossing as this is a particularly dangerous crossing point.

5.4.4 Section 5.3.1 of the Transport Assessment states:

“Replacement of the Runnings Road / Kingsditch Lane / Wymans Lane double mini-roundabout with traffic signals”

This is welcomed since this is a very difficult place for pedestrians and cyclists to cross and may impede people from walking to town.

5.5 FOOTPATHS & RIGHTS OF WAY

5.5.1 The Design and Access Statement states (pg. 44):

“Retention of the public right of way running along a new street from south west to north east.”

We note that the public rights of way have been altered to minimise their impact on the proposed layout as opposed to providing the optimum reinstatement of the current alignments.

5.5.2 Section 4.4.10 of the Planning Statement states:

“New footpaths and cycle routes are proposed within the site which will provide linkages to Cheltenham in accordance with Policies CP4 and INF6.”

There do not appear to be any identified cycle routes or footpath links that accord with the referenced policies. The only provision is the footpaths that edge the roads in the residential development.

5.5.3 Ownership of the maintenance of the footpaths in the application site during the period of development must be clarified.

5.6 PARKING

5.6.1 The amenity area should also include a layby such that cars that park locally to use it do not cause congestion by parking in the road.

5.6.2 We welcome the proposed parking scheme of two spaces per house and one space per flat.

5.6.3 Additional visitor or delivery parking to ensure no parking on the road / pavements blocking the highways on the site must be provided.

5.6.4 Electric vehicle charging ports should be part of the parking provision.

5.7 SUSTAINABLE TRANSPORT

5.7.1 Section 2.6 of the Travel Plan states:

“The proposed development will support the sustainable objectives set out in the NPPF and details of this will be provided in this Travel Plan.”

We disagree with the statement because the proposals for Phase 1 do not, in the opinion of the Parish Council, meet the required standards set out by the NPPF and listed in section 2.1.1 to 2.1.5 of the Travel Plan.

5.7.2 The Travel Plan relies heavily on mitigation proposed for the “wider site”, meaning the full Elms Park development. However, the NPPF Section 9, Paragraphs 102 to 111 promote sustainable transport for all developments regardless of its size. A separate Sustainable Transport Plan should be provided for this application that supplies further details and commitments for the proposed mitigations.

5.7.3 The number of parking spaces on the proposed site and the lack of any provision for buses indicates that this application does not consider that this phase will benefit in any way from changes in transport technology or that there will be any beneficial opportunities from existing or proposed transport infrastructure in the Manor Road area.

5.7.4 There is no evidence that Persimmon Homes Ltd has made efforts to engage the local community to develop attractive opportunities to promote walking, cycling and the use of public transport.

5.7.5 NPPF Section 9, Paragraphs 109 states:

“Development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be severe.”

Whilst the term ‘severe’ is open to interpretation, the impact of traffic from further developments of the Elms Park site on the site spine road and junction with Manor Road cannot be ignored and would have severe consequences on the existing road network and on road safety.

5.7.6 Section 3.4.6 of the Travel Plan states:

“Manor Road benefits from footways with dropped kerbs at crossing points along the western side, within the vicinity of the development site. The footway continues north on the eastern side of Manor Road, after the junction with Runnings Road, providing a connection to Swindon Village.”

The misleading way in which this paragraph has been written suggest that the footpath provision is more than adequate. At the point where the poor quality dropped-kerb crossing point crosses to the North East side of Manor Road the width of the footpath reduces to approximately 1.0m. This is the only pedestrian link into the Village and it, together with Manor Road, is often flooded when there is heavy rain because of inadequate drainage.

There is only one poorly maintained narrow footpath on the south west side of Manor Road between the proposed access and Gallagher Retail Park. This is the only pedestrian link between the Village and the Retail Park and there are times when it is blocked by car transporters while their cargos are off-loaded into the car sales showrooms.

5.7.7 Section 3.4.7 of the Travel Plan states:

“South of the site, Manor Road benefits from footways on either side, providing a connection to Gallagher Retail Park and the employment area of the Kingsditch Trading Estate.”

This is incorrect. There is only one poorly maintained narrow footpath that runs along Manor Road between the south west end of the site and Gallagher Retail Park. Similarly, there is only one footpath on the opposite side of the road to the eastern edge of the development site at the junction of Manor Road and Runnings Road. It is some distance before there is a second footpath on Runnings Road. The existing footpath does not meet accessibility requirements for the disabled; an issue which has directly affected parish residents.

Section 3.4.8 of the Travel Plan states:

“Controlled crossing facilities are provided across the signalised junction of Manor Road/A4019 Tewkesbury Road/Hayden Road to provide a safe crossing point for facilities located south of the Tewkesbury Road.”

This statement is correct, but this controlled crossing facility is too far from the site to be of any benefit to phase 1 until they link to Tewkesbury Road. Due to the heavy volume of traffic on the new junction, it is very likely that when Persimmon Homes Ltd has constructed a junction onto Tewkesbury Road the phase 1 vehicles will use the Elms Park junction to connect to Tewkesbury Road. This will avoid the traffic congestion on the Phase 1 roundabout in Manor Road.

5.7.8 Section 3.4.9 of the Travel Plan states:

“The proposed development site is located within close proximity to a range of local services and facilities. These include local food stores, cafes, restaurants, primary school and leisure facilities. The site is also adjacent to the Kingsditch Trading Estate which is a key local employment area. The main local facilities located in the vicinity of the development site are listed in Table 3-2 and highlighted within Figure 3-2.”

The above statement is correct but there are no links being provided to these facilities from Phase 1. The only link that will be available for the proposed 260 houses will be via Manor Road and its single footpath.

5.7.9 With reference to section 3.4.12, 3.4.13 and 3.4.14 of the Travel Plan which discuss accessibility by cycle, the application does not include any links to the cycle paths listed. It is therefore wrong to claim any benefit from these cycle paths. Direct links to these cycle paths should be provided.

5.7.10 Section 3.5.4 of the Travel Plan states:

“The walking distance to the bus stops on Tewkesbury Road is beyond the ‘typical’ 400m threshold for access to bus services. However, the routes that can be accessed from these stops are frequent and direct services into Cheltenham Town Centre, providing an alternative to the ‘H’ service.”

A development of 260 houses, the size of Phase 1, should include bus stops on the site’s constituent roads. This should be suitable for use by a publicly accessible bus service and for school bus

services as pupils travel to schools in Gloucester, Tewkesbury, Winchcombe and Stroud as well as the local schools in Cheltenham.

Considering that this is the first phase of a substantial development of 4,100 houses, Persimmon Homes Ltd should honour its commitment to sustainable alternative means of transport by including onsite bus services which expand through each phase.

The threshold distances of travel are set not just for able-bodied people but also for elderly and infirm people, children and parents with children who do not welcome struggling along busy and dangerous roads. Not only is this issue related to sustainable transport it also relates to safety and health and wellbeing.

- 5.7.11 In anticipation of development of the wider Elms Park site and the introduction of new bus services, the site's central road should include a layby that in future can be used as a bus stop.
- 5.7.12 With regard to bus links to other services, the Elms Park 4,100 house development together with the proposed employment land development should be large enough to enable expanded bus services to be negotiated. Services linking the development to Cheltenham, Tewkesbury, the railway station, and Gloucester should be implemented. Initially for phase 1 it would be understandable that bus services would be limited but commencing negotiations for a link to the railway station and to the centre of Cheltenham should be part of the conditions.
- 5.7.13 Section 3.5.5 of the Travel Plan states:

“Cheltenham Spa railway station is 3.5km south-west of the site, and offers regular regional and national services to destinations including Bristol, Cardiff and Birmingham. The station provides 178 car parking spaces and 134 cycle parking spaces.”

This statement is correct; however, it is unrealistic to expect residents of the site to cycle or to use public transport with direct links from the development to the railway station. This will only contribute to the inevitable congestion along Manor Road (the route to the railway station).

- 5.7.14 Section 4.2.1 of the Travel Plan states:

“The wider Elms Park site will deliver local facilities, new off-site highway infrastructure and public transport services.”

This is not acceptable. As the outline planning application for the full Elms Park development has not yet been consented, it is unacceptable to rely on “promised” facilities that do not form part of this application. The above sentences imply that there will only be any public transport services after the 4,100 houses have been constructed.

- 5.7.15 Sections 5.1.1 and 5.1.2 of the Travel Plan states:

“This Residential Travel Plan will sit within the wider FTP for the entire Elms Park site. This document has been prepared to incorporate the FTP measures and targets. It is intended that GCC will adopt the role of Travel Plan Co-ordinator (TPC) for the wider site once planning permission has been granted. Until that point, Persimmon Homes will take responsibility for the TPC role.”

The statement appears to imply that the Residential Travel Plan will come into existence following the consenting of the full 4,100 house development. Phase 1 is of a size that has made it necessary for Persimmon Homes Ltd to submit a Travel Plan specifically for Phase 1. However, the detail provided within it is wholly inadequate and unrealistic for a development of this size.

- 5.7.16 Section 7.1.3 of the Travel Plan states:

“The target model split is based upon the full transport strategy for the wider site – including new public transport services, cycling infrastructure and on-site facilities. It is therefore not anticipated that these targets will be met until the wider site is delivered and interim targets will be agreed with GCC.”

This is unacceptable. The proposed modal shift targets should be part of the consented application. Manor Road already suffers from heavy congestion leading to long journey times and low journey reliability during peak times. It is essential that ambitious, but substantiated modal shift targets are included within the application. This will require investment by Permissions Homes Ltd.

6 AIR QUALITY, NOISE & ECOLOGY

6.1 AIR QUALITY

6.1.1 Section 5.5 of the Air Quality Assessment states:

“Based on the findings of the assessment prepared in 2016, and the continued improvement in baseline pollutant concentrations in the study area, it is judged that the air quality effects of the proposed development will be ‘not significant’. This will, however, be confirmed through dispersion modelling.”

The Parish Council believes that the air quality impact of this site needs to be fully modelled and substantiated before the development commences and it should be taken into account when deciding on the best location for the exit point from the Phase 1 development.

The proposed site entrance and associated additional traffic will likely lead to significant congestion. As noted in section 5.2 detailed traffic modelling has not been undertaken. As such it is impossible to assess the air quality impact on local receptors. The Air Quality modelling should include sensitivity analysis based on traffic movements to assess different scenarios.

6.1.2 Air quality and odour issues from Wingmoor farm are a significant problem in this area. The application considers the distance of that landfill site from the proposed development (1.4km) as too far for there to be any issue. Swindon Parish Council works with the Wingmore Farm liaison group and can provide contrary evidence. Odour issues and related complaints are frequently recorded in the wider area including the proposed development areas.

6.1.3 Section 6.2 of the Air Quality Statement states:

“A Framework Travel Plan has been prepared for the proposed development to promote sustainable transport modes to help reduce the reliance of future residents on car use. Strategies to encourage walking, cycling and public transport use are included within the Framework Travel Plan. The package of measures will help to reduce emissions associated with the proposed development.”

As noted in Section 5.7, the Travel Plan’s assumption on modal shift as a result of the proposed mitigations are extremely unrealistic and unsubstantiated. No credit from these measure should be included with the Air Quality Statement.

6.2 NOISE

6.2.1 The Parish Council believe that the noise impact must be considered fully before this application is approved. This can not be completed until a detailed and reliable traffic model has been developed and validated.

6.3 ECOLOGY

6.3.1 It is essential that there is a firm commitment not to disturb trees T93 and T9 (high quality trees, which are not designated for removal). T93 protection measures need a full Arboriculture Method Statement (AMS). The Arboriculture Assessment states

“It is recommended that the AMS is conditioned as part of any future planning consent; to be submitted to and approved by the LPA prior to the commencement of construction”

We fully agree with this and expect to receive a copy before site preparation work commences.

6.3.2 The application calls for the removal of trees T45, T48, T92, H2, H3. This is a very high percentage of Category B trees (70%). The plan is also to remove 87% of Category C trees. This is an extremely large reduction in tree cover which will have an impact on biodiversity and amenity for people (trees and green features are positive for mental health). Sections of hedgerow are also to be removed, and we consider this to be a negative impact on the area. The ecological appraisal report states: "Hedgerows provide the habitat of greatest biodiversity value on site". There are also dormice living in the hedgerows. We therefore argue that more hedgerows and trees should be retained in addition to the planting of new trees and hedgerows.

6.3.3 Section 5.17 of the Arboriculture Assessment states:

"It is considered that all such tree and hedgerow losses can be mitigated through the provision of an adequate volume of new tree and hedgerow planting within areas of public open space. To this end, the loss of trees and hedgerows on site should not be considered a constraint to the proposals. For recommendations in terms of new planting see Section 6."

This application should include details and firm commitments regarding the planting of new trees and hedgerows, implementing the recommendations provided in Section 6.

6.3.4 It should be a condition of consent that badger monitoring be carried out immediately before building.

6.3.5 It should be a condition of consent that bat boxes and habitat for birds and other wildlife in the green areas of the site be provided.

7 FLOODING & DRAINAGE

7.1.1 The Parish Council is concerned that this application does not consider the impact of the flood mitigation proposed in the wider Elms Park development. The proposals in this application should be demonstrated as consistent with the proposed full site drainage scheme.

7.1.2 The draining of the attenuation pond into the Swilgate may have implications for flooding downstream or for the river ecology. Supplementary evidence to prove that the proposed flood alleviation from Fluvial and Pluvial flooding and water treatment plans are sufficient should be provided.

7.1.3 A condition of the planning approval must be a total review of the surface road drainage in Manor Road. Today, Manor Road frequently floods near Dog Bark Lane, with flood water flowing south on Manor Road towards the area of development. During heavy rainfall the existing drainage is unable to cope with the surface water. This must be factored into the development.

7.1.4 The Design and Access Statement states (pg. 44):

"The Scheme Layout for this full planning application is shown opposite. Its main elements include ... A surface water attenuation basin located in the north of the site adjacent to the River Swilgate."

The Parish Council are concerned about the proposed method of dealing with storm water and the proposed location of the attenuation basin which will need to be checked against the flooding and drainage strategies to see if the impact includes the occasional flushing of the lake in Pittville Park.

8 SERVICES & UTILITIES

8.1.1 With the exception of telecommunications, the Utility Statement and the Construction Environmental Management Plan fail to provide details of the work required to connect to existing utilities and how the impact of these activities will be managed to mitigate excessive impact on the community. This is unacceptable. Manor Road, at peak, is heavily congested. Previous work has significantly impacted journey time and travel reliability throughout North West Cheltenham.

8.1.2 The Utility Statement does not provide details of the type and speed of the broadband connection to be provided. The Parish Council encourages the developer to explore options for offering superfast fibre to houses in support of the Government's Building UK's Digital scheme. This could significantly contribute to the modal shift presented in the Travel Plan.

8.1.3 Section 4.3 of the Utility Statement states:

“There is a requirement for a dismantlement and alteration to the WPD network. This consists of dismantling an 11KV main and an alteration to an existing property”.

Details of these alterations are not included within this application.

8.1.4 Section 5.1 of the Utility Statement states:

“There are existing BT mains located in Manor Way.”

The Parish Council objects to residents of the development being limited to a single network provider as it reduces residents future's choice, and costs. There should be provision for Fibre To The Home (FFTH) suppliers to service this development (e.g. Gigaclear or Virgin Media).

8.1.5 Section 5.3 of the Utility Statement states:

“It is also anticipated that there will be diversion works required when the 278 works take place.”

No details of the work required, diversions, and expected impact has been provided. This is unacceptable. Manor Road is a significant travel corridor for NW Cheltenham. Previous work has significantly impacted journey time and reliability throughout North West Cheltenham.

Section 3.4.11 of the Travel Plan states:

“The above assessment demonstrates that there is a primary school located within the preferred maximum walking distance. The Gallagher Retail Park and Sainsburys Convenience Store are located within acceptable walking distances to facilities ‘elsewhere’, whilst the majority of those listed at Table 3-2 are located within the preferred maximum distance; including food stores, restaurants and leisure facilities.”

We note that the Swindon Village Primary school is already operating to capacity and has little room for on-site expansion. The walk between Phase 1 and the school is not a safe trip for young children. There is no controlled crossing, and there are no traffic reduction measures proposed for Manor Road as part of this application. Church Road, opposite the school, already experiences significant on street parking during school arrival and departures times. This has caused a number of traffic accidents and near misses. The situation has also resulted in a number of incidents of anti-social behaviour requiring a police presence. Without the provision of adequate and safe walking routes (notably the crossing of Manor Road) this development will make the current situation worse as families will be forced to drive to the school.

9 SUSTAINABILITY, ENERGY & WASTE

9.1.1 There is a distinct lack of specific evidence to support the implied notion that this application is a sustainable development.

9.1.2 An Energy Policy is required by the NPPF for an application of this scale. None has been provided. We expect to receive an energy policy as part of this application.

9.1.3 There are many positive sweeping statements regarding infrastructure provision as part of the development site, however there are no specific commitments to provision of specific services or facilities by specific time periods and no commitment to give assurance that they would be in place before residential occupancy. There are gaps in specific information which are said to be addressed later in reserved matters, but for this application to be approved they must be identified now.

9.1.4 The document is correct in stating that Policy SD3 does not establish energy efficiency targets or renewable energy generation targets for new residential development. In the absence of such a policy one is directed to national policy. The NPPF includes a presumption in favour of sustainable development, and specifically benchmarks this to national standards. Paragraph 150, NPPF states:

“New development should be planned for in ways that...can help reduce greenhouse gas emissions, such as through location, orientation and design. Any local requirements for sustainability of buildings should reflect the Government’s policy for national technical standards.”

In July 2019 Cheltenham Borough Council declared a climate emergency so this development as the first phase in one of the largest ever to be built on previously green belt agricultural land should set the standard for carbon neutral development. This development should lead by example, going beyond the minimum standards set out in the NPPF, targeting significantly reduced emissions per building.

During development of the JCS and the outline application for the whole Elms Park development the proposals were promoted as sustainable development. This development as phase 1 of approx. 4100 homes and additional industrial and retail units must adhere to that statement. More details are required to support sustainable development. The details included in the Sustainability and Climate Emergency Statement should include specific measures to achieve carbon neutral status in this development.

All the homes should meet the Passivhaus standards (see Passivhaus Trust).

9.1.5 The Persimmon Website states “We use the latest construction techniques and renewable energy sources such as solar panels and air-source heat pumps to make your home future-proof” but this application does not specify any such measures.

10 COMPLIANCE

10.1.1 Section 1.1.4 of the Compliance Statement states:

“An outline application (known as ‘Elms Park’) was submitted in line with this allocation in October 2016 (16/02000/OUT) and is yet to be determined. Swindon Farm is located within Phase 1 of that site.”

As stated in paragraph 1.1.4, the outline application for the whole Elms Park site has yet to be determined and the detail of some of the topics listed in the bullet points of paragraph 2.1.2 are still under consideration.

The parameters that will eventually form part of the outline consent are, as stated, parameters and by definition are variables that are given a series of arbitrary values. Therefore the parameters are an indication of the information and topics that will be required in detail for each submission that is made.

It is therefore necessary for Persimmon Homes Ltd to illustrate how Phase 1 meets the parameters that have been identified in the Outline Planning Application (16/02000/OUT) and to provide the detail required to illustrate that Phase 1 is compliant with the relevant standards, legislation and regulations.

10.1.2 Table 1 of the Compliance Statement states:

“Red Line Boundary: The proposed development falls entirely within the limits of the red line shown on the Elms Park Site Boundary Plan (ref: 21614:9001F).”

This is false. The proposed site access requires modification to land outside the red line boundary (see section 5.1.3 for details).

10.1.3 Table 1 of the Compliance Statement states:

“Land Use: The proposed development is in broad compliance with the land uses shown on Parameter Plan 01 submitted with the Elms Park application (ref: 16/02000/OUT). The Parameter Plan shows residential development within the northern parcel of the site and mixed-use development (including residential / business / retail) as options within the southern parcel.”

The summary that has been made in Table 1 is false. The colour coding of Parameter Plan 01 shows that the proposed usage allocation for the southern parcel is Residential, Education and Commercial (to include business, retail and residential). By comparing the Revised Parameter Plan 01 with the Housing Mix Plan of the current application it appears that 73 houses will be constructed on the

identified mixed use area at the southern end of the current application site. This is approximately 28% of the total number of houses proposed for construction on the current application site. Whilst we appreciate that the area already has Commercial, Retail and Business use, we believe it is very important that the commitment to educational use should be retained and incorporated into this proposal. This development will overburden the existing schools and facilities in the area and the development should be providing some support for the incoming young families as a means of reducing at least some of the burden on the existing facilities. We believe that this could be achieved by the provision of a nursery school with facilities for secure outside play, parking and safe dropping off and collecting of children.

10.1.4 Table 1 of the Compliance Statement states:

“Land Use: As the proposed development includes housing, it is in broad compliance with the Parameter Plan. High quality housing is proposed along the frontage adjacent to Manor Road, while future business and retail uses will not be prejudiced in future phases of the wider Elms Park development, including the 10ha business park.”

The phrase ‘broad compliance’ is not acceptable because the application should illustrate compliance. The term ‘broad compliance’ has been used to say that out of all the uses listed on the Revised Parameter Plan the developer’s intent is only to provide residential and brushes aside all other uses. This totally ignores the commitment to education that is listed on the Revised Parameter Plan for this site.

As this is the first detailed application for a site that has only received outline consent it is worrying that, at such an early stage in the submission of development proposals, a term such as ‘broad compliance’ is used to sweep aside all uses other than residential.

Whilst housing is needed, so are various support facilities for housing, including: business, retail, commercial and very importantly education. New housing on this scale should not overwhelm existing services and facilities to the detriment of both existing and new communities.

10.1.5 Table 1 of the Compliance Statement states:

“Access: The proposed development is in compliance with the access arrangements shown on Parameter Plan 01. A secondary access is proposed from Manor Road via a mini-roundabout junction in the approximate location that it is indicated on Parameter Plan 01.”

The location of the proposed access shown in Revised Parameter Plan 01 is much further to the South West of where it is now shown in application 20/00759/FUL. The creation of a new site access junction in the location proposed in Revised Parameter Plan 01 would be much safer as it would be further away from the junction of Manor Road and Runnings Road. The slightly increased distance would reduce the issues that are likely to arise as a result of a new roundabout being constructed too close to the ‘T’ junction format of the Manor Road / Runnings Road junction.

10.1.6 Table 1 of the Compliance Statement states:

“Density: Parameter Plan 02 indicates that the site should include residential development of higher densities of up to 60 dwellings per hectare (dph). In compliance with this, the proposed development has a density of approximately 40 dph.”

The density relates to the proposal contained within the outline application (16/02000/OUT) and the provision of a junction with Tewkesbury Road combined with other control measures. However, this Phase 1 application will not benefit from any of these measures in the short term. If the full Elms Park development is never completed (noting the outline application has yet to be determined), the proposed control measures will never be implemented.

If a phase is constructed on the West and / or South west sides of the proposed spine road, prior to the Tewkesbury Road junction being constructed, the number of vehicles exiting onto Manor Road via the proposed roundabout junction will be considerable and result in significant traffic and congestion. The design limitations, not only of the proposed roundabout junction, but also of the other

junctions along Manor Road, need to be fully modelled and detailed in order to establish the maximum acceptable traffic flow that can be accommodated from the Phase 1 development (see section 5.2 for further details).

The submitted Travel Plan states that the Travel Plan is part of the Full Site Outline Planning Application and will only be activated when the full Elms Park development is under construction. No Sustainable Transport Plan has been submitted for this development. Therefore, as none of the measures that are contained within the yet to be determined Outline Application are included in this application, the proposed density of this phase and the number of residents, vehicles, cycles and pedestrians that will be generated by the 260 houses is too high.

10.1.7 Table 1 of the Compliance Statement states:

“Green Infrastructure: Parameter Plan 03 shows only a small L-shaped area of Green Infrastructure to be created within the site, in the approximate location of the overhead electrical cables in the east of the site. The proposed development goes above and beyond compliance with this by extending the Green Infrastructure under the entire length of the overhead electrical cables. In addition, an attenuation basin surrounded by an area of green space is proposed at the north-west of the site. The Parameter Plan also shows the retention of hedgerow along the north western boundary of the site as Green Infrastructure. The proposed development will retain this hedgerow and is therefore in full compliance with Parameter Plan 03.”

Unfortunately Persimmon Homes Ltd have decided to include an additional emergency vehicle access along Manor Road which will result in the loss of additional hedgerow. No details have been submitted for this junction and no reason has been given for the need to include it from Manor Road.

10.1.8 Table 1 of the Compliance Statement states:

“Transport & Accessibility: It was agreed through draft Condition 14 (see Appendix 1) of the Elms Park application that access to and through the site should be in general accordance with the Access and Movement Strategy on pages 110 and 113 of the Elms Park Design and Access Statement. In accordance with this strategy and Parameter Plan 01, the proposed scheme will provide secondary access from Manor Road via a mini-roundabout junction. An emergency vehicular access route is proposed to the north-east of the site off Manor Road which will also provide cycle and pedestrian access.”

The location of the proposed access shown in Revised Parameter Plan 01 is much further to the South West of where it is now shown in application 20/00759/FUL. The creation of a new site access junction in the location proposed in Revised Parameter Plan 01 would be much safer as it would be further away from the junction of Manor Road and Runnings Road. The slightly increased distance would reduce the issues that are likely to arise as a result of a new roundabout being constructed too close to the ‘T’ junction format of the Manor Road / Runnings Road junction.

We are also concerned that as the larger expanse of Elms Park is developed that the spine road shown on the Phase 1 plan will be extended to link to all areas of the larger development site enabling even higher numbers of vehicles to link to the proposed Phase 1 roundabout junction with Manor Road. In addition to being a through-route for the Elms Park development it is very likely to become a link between Tewkesbury Road and Manor Road that will be used by motorists wishing to avoid the traffic light controlled junctions along Tewkesbury Road and the roundabout junction with Gallagher Retail Park and Sainsbury’s. We are concerned about the dangers of this and the negative impact which will result in:

- An unacceptable increase in traffic movements through Swindon Village
- An exceedance of the design capacity of the proposed roundabout and other junctions (e.g. the double mini-roundabouts at the junction of Kingsditch Lane and Runnings Road) during peak times leading to increase journey times and reduced journey reliability
- A related increase in noise and reduction in air quality in a mostly residential area

10.1.9 Table 1 of the Compliance Statement states:

“Transport & Accessibility: A realignment of the existing public right of way between Dog Bark Lane and the existing farm track is proposed in order to retain links through the site, in accordance with the Main Pedestrian and Cycle Access Points Plan on page 111 and the Street Hierarchy Plan on page 113 of the Elms Park Design and Access Statement. As part of the agreed mitigation strategy, draft Condition 16 outlines the need for junction improvements. However, the accompanying Transport Assessment indicates that the development does not trigger the need for any of these junction improvements.”

As we demonstrate in section 5.2, the accompanying Traffic Assessment fails substantiate that the additional traffic movements resulting from the development will “not trigger the need for any of these junction improvements”. This statement is factually incorrect and misleading.

10.1.10 Table 1 of the Compliance Statement states:

“Surface Water Drainage: The Flood Risk Assessment (FRA) submitted with the Elms Park application showed that all built development is proposed within Flood Zone 1, including at the Swindon Farm site. There have been no identified changes to baseline conditions since this FRA and the proposed development still lies within land assessed as Flood Zone 1. Following consultation with the Environment Agency (EA) and the Lead Local Flood Authority (LLFA), a condition was agreed (draft Condition 11) to allow for a phased approach with each development parcel coming forward to include provision for detailed surface water drainage proposals. A Drainage Strategy has therefore been prepared as part of the application which proposes an attenuation basin at the north-west corner of the site to discharge to the River Swilgate.”

It is not acceptable at such an early stage in the development of Elms Park to ignore the impact that later phases of the development may have on the current Phase 1 proposals. The existing River Swilgate regularly floods and ponding occurs regularly on the road at the point where the River Swilgate passes beneath Manor Road. We would hope that the existing local issues are addressed as part of the proposals of the current application.

We note that the letter of response to Travis Baker Ltd from Severn Trent Water dated the 21st February 2020 was suggestive only, noting the following extract:

“Should the above method prove unsuccessful, a surface water discharge into the River Swilgate to the north of the site would be the preferred option, If both options have been exhausted, we may consider a connection to the existing 750mm dia public surface water sewer to the east of the site may be acceptable subject to formal S.106 approval (see later). In accordance with the SGN (Greenfield site) agreed with the LLFA. Please note the following comments.....”

As for the foul sewer, the letter from Severn Trent Water does not confirm whether this comment relates to the whole of the Elms Park Site or just to this Phase 1 development. Therefore, the Severn Trent letter raises obvious concerns regarding the storm water drainage not only of the Elms Park development but also that of the adjoining developments. When the proposed development of Elms Park was reviewed through the examination process of the JCS it was generally agreed that any proposals for Elms Park should take into account any known adjoining development proposals. We believe that it is necessary to ensure that a Site Wide indicative scheme is included to provide future design parameters on which all future phases are based. We are seeking confirmation that the proposals have taken into account the use of the River Swilgate as an outlet when the Lake at Pittville Park is drained.

10.1.11 Table 1 of the Compliance Statement states:

“Foul Drainage: A phased approach to foul drainage has been taken in compliance with draft Condition 12 (see Appendix 1). Draft Condition 12 Foul Drainage: Prior to the commencement

of development for each phase, a Neighbourhood Foul Drainage Strategy for that phase shall be submitted to the Local Planning Authority. Thereafter, reserved matters applications for each sub-phase or development parcel shall include detailed foul drainage proposals to be in accordance with the Neighbourhood Foul Drainage Strategy unless otherwise agreed in writing with the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No dwelling shall be occupied until the foul drainage scheme for that parcel has been implemented in accordance with the approved details. A Sewer Capacity Assessment has been completed and confirms that there is capacity at the Hayden Sewage Treatment Works.”

Copied below in black italic text is the response received by Travis Baker Ltd from Severn Trent Water dated the 21st February 2020:

“According to the sewer records, The nearest public combined sewer is 600mm combined water public sewer located within the proposed site. A gravity foul connection from your proposed site ,The anticipated flows from the site of 5.17l/s(Houses and commercial unit) should be able to be accommodated in this sewer, with no adverse effect on the public sewer. Please note a sewer of this size carries a 10m no build zone, 5m either side of the pipe and your development should be designed that this and any other public sewer are not within gardens of the proposed properties and should be incorporated into either highway or open space on the proposed development.”

What is not clear from the Severn Trent Letter is whether their response is related to the current application site only and therefore is restricted to the proposed 260 houses or whether it is a response to the whole development of Elms Park and also any additional adjoining development proposals for, residential, commercial, trade, educational, retail, business or employment uses. It was agreed, when this proposed development was reviewed through the examination process of the JCS, that any proposals for Elms Park should take into account any known development proposals. Therefore, we should be grateful to receive confirmation that the above response is a confirmation of adequate capacity based on the complete development of Elms Park plus the known adjoining developments along the Tewkesbury Road. Hopefully the letter is not simply confirming that the existing sewer has the capacity to serve the 260 proposed houses.

The reason for raising this issue is to ensure that, should it be necessary in the future to increase the capacity, treatment capacity, number and size of the foul sewer provision in order to accommodate the developments and to avoid any detrimental impact on the existing developments (both on and off the site) that it should be taken into account now. A development guidance document should be produced as part of the development briefs for all future phases and external future developments outlining the requirements for those developments.

10.1.12 Table 1 of the Compliance Statement states:

“Economy: Within Parameter Plan 01, the southern parcel of the site is proposed as mixed-use development including residential and employment uses. While it is proposed that this parcel will only include residential use, it will not prejudice the delivery of employment land in future phases that come forward, including the development of a 10ha business park.”

As stated in the foregoing comments Parameter Plan 01 defines the proposed use allocation for this southern parcel of the Elms Park site as Residential, Education and Commercial (to include business, retail and residential). The heading of this section is ‘Economy’ and the intent is that all people should be able to work whether from home or by travelling to work. In order to do this and to be able to raise a family or ‘grow old’, the facilities required to achieve this should not be swept aside. The Parish Council believe that it is important that education should include nurseries and we can see no reason why a nursery provision could not be incorporated into Phase 1 of the development of Elms Park. The Elms Park development will overburden the existing schools and facilities in the area until it has fulfilled its agreement to construct a new school. However, not only should the Phase 1

development be required to include some support and provision for the incoming young families it should also recognise the need to include facilities that will help to reduce the burdens on the existing communities and the facilities of those communities. Therefore, whilst we appreciate that the area around Manor Road already has Commercial, Retail and Business use, we fully believe that it is very important that the commitment to Educational use should be retained and incorporated into this proposal. We believe that this should be achieved by the provision of a nursery school with facilities for secure outside play, parking and safe collecting and off-loading of children. This would reduce the need for small children to have to travel or be taken long distances.

By comparing the Revised Parameter Plan 01 with the Housing Mix Plan of the current application it appears that 73 houses will be constructed on the identified mixed use area at the southern end of the current application site. This is approximately 28% of the total number of houses proposed for construction on the current application site.

- 10.1.13 We do not believe that the Compliance Statement (Planning) produced by White Peak Planning has demonstrated that the full planning application by Persimmon Homes Ltd. for Phase 1 of the Elms Park development encompasses or adequately reflects compliance with the controlling parameters of the 'as yet to be determined' outline application for the whole site.

The Parish Council is concerned that so many of the parameters are reliant on the development of the wider site that little or no provision is being included in Phase 1 which is a large development of 260 houses that will impact on the local area and its communities.

The outline application for the full Elms Park includes an indicative plan and a number of parameters which phase 1 does not mirror in its Layout, Access Positions or Land Use. Therefore, there does not appear to be a drawing or document that has been submitted with the outline application that can be referenced with certainty when reviewing this or other future proposals.

11 LOCAL ENGAGEMENT

- 11.1.1 The Design and Access Statement states (pg. 32):

“Persimmon Homes are committed to effective and meaningful community engagement regarding proposals for Swindon Farm.”

Under Further Updates it states:

“Since 2013, key stakeholders have been kept informed directly and a meeting was also held in Swindon Village in February 2015, with the Swindon Village Parish Council and local residents to make them aware of changes made following the 2013 consultations and allow the opportunity for comment.”

Further, the Planning Statement states:

“Pre-application meetings were held with CBC in February and March 2020 and these have informed the proposed layouts.”

The engagement by Permissions Homes Ltd with Swindon Parish Council has been minimal. The only presentation delivered to the Parish Council was by a team who were unable to answer basic questions due to the absence of key people. The information focused on the benefits to the residents who would live on the development; no indication was given about how the development would integrate with the existing communities. No information was forthcoming on traffic management or how the parish would be protected from the numbers of vehicles that this development would generate.

The Parish Council have written and requested an opportunity to discuss its concerns regarding the management of traffic, pedestrian and vehicular access, with the highways engineer's, planning officers and developers. With the exception of the discussion of Local Green Space, we do not feel that the Permissions Homes Ltd has had any effective and meaningful community engagement with the Parish Council despite our best efforts.

The Parish Council would have welcomed a presentation by the developer and their team and to be given an opportunity to discuss our concerns and to obtain a better understanding of their proposals before the submission of this application.

11.1.2 Section 4.4.34 of the Planning Statement states:

“In accordance with Policy IN7, financial contributions towards services and infrastructure required as a consequence of the development will be negotiated through a Section 106 agreement and the Community Infrastructure Levy (CIL).”

The Parish Council, along with representatives from the Swindon Village Hall Committee, would like to be involved in any discussions that relate to the financial contributions.

11.1.3 The Parish Council would like to invite Permissions Homes Ltd to establish a regular forum with the Parish Council to discuss matters associated with this application and the wider Elms Park development. Such a forum would be beneficial for both parties. Permissions Homes Ltd would benefit from local knowledge regarding sensitive issues, allowing mitigations to be incorporated into their applications, ultimately de-risking the planning application process. The Parish Council, would benefit from being able to help shape the wider Elms Park development to better support current and future residents. We seek to work collaborative with Permissions Homes Ltd and other developers to ensure that the Elms Park development provides a sustainable environment for our future community.

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25 REFERENCES

SWINDON PARISH COUNCIL

PLANNING APPLICATION COMMENTS

1 DOCUMENT INFORMATION

Planning Reference:	20/00759/FUL	Application Date:	25 th February 2021
Application Title:	Demolition of a dwelling and the erection of 265 dwellings (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure.		

2 INTRODUCTION

Swindon Parish Council objects to this planning application Ref 20/00759/FUL.

The following sections set out our specific objections. Many of our comments from the previous consultation and the preceding planning application remain unchanged (see section 3). Our additional comments regarding the specific changes made to the application since the previous document are provided in Section 4 to 10.

We are disappointed with the lack of collaborative discussion from the developers for this application. There has been no interaction with Swindon Parish Council on this specific application. We **again** invite the developer to engage with us. Such engagement will ensure that the proposed development is of the highest quality and supports the local community.

3 PREVIOUS COMMENTS BY THE COUNCIL

Swindon Parish Council has previously tendered comments regarding the original 20/00759/FUL proposal submitted on the 14th May 2020. While the developer has amended the proposal, we believe that many of our original comments have not been addressed and are still very much relevant and important when determining this revised application. These include:

- Section 3 – Alignment with Planning Policy Elms Park Outline Application & Phasing, particularly with regard to the continued use of parameters presented in the Elms Park outline application (16/02000/OUT), which is inappropriate as it has yet to be determined.
- Section 5 – Traffic, Access, Footpaths & Travel Plan, specifically the complete lack of any credible evidence or substantiation using appropriate modelling tools that demonstrate journey time and reliability on the local road network will not be adversely impacted.
- Section 6 – Air quality, Noise & Ecology, noting that we welcome the inclusion of a noise impact assessment in this revised proposal and have included comments on this in section 6.
- Section 9 – Sustainability, Energy & Waste.
- Section 10 – Compliance.
- Section 11 – Local Engagement.

4 DESIGN, APPEARANCE & CHARACTER

4.1 SITE SECTIONS, LEVELS AND CONTEXT

- 4.1.1 The proposed application for 260 houses is a significant development and the submitted details and information should reflect the considerable change that will result from its construction. The submitted drawings do not enable an evaluation to be made of the impact that this development will have on the area or enable comparisons to be made with the levels, heights and proximity to

the existing levels, heights and positions of the buildings and infrastructure. Such information is required to understand how the proposed buildings rise through the steeply sloping site.

4.1.2 Some of the street elevations show gradual gradients but there is no common datum to act as a reference to all of the street elevations, there are no ridge levels provided or section levels indicated and there is insufficient detail to be able to compare the levels of one street elevation with the levels of the other street elevations.

4.1.3 The proposed building heights, the stark and blocky massing of the proposed building blocks and the considerable rise in levels across the site should all be reflected in a way that they can be fully understood.

4.1.4 The submitted site sections and street elevations should:

- Be provided using a common and consistent datum for all elevations.
- Include Dog Bark Lane, Manor Road, adjoining land and green spaces.
- Illustrate the locations, heights and of proximity of the commercial / industrial buildings that the applicant has stated should dictate the character of the proposed development.
- Include levels.
- Should clearly indicate the relationship between the heights and levels of the proposed buildings and the existing buildings, roads, and footpaths.

4.2 DOG BARK LANE

4.2.1 Prior to this application being considered we request that the planning committee should visit the site and view the levels on the development site and how visually and physically remote Dog Bark Lane is from the tall and blocky commercial and industrial units referred to by the developer.

4.2.2 Figure 1 to Figure 5 illustrate that the point that Dog Bark Lane has a very rural character despite the access being located on the opposite of Manor Road from Spirax Sarco. At the junction of Dog Bark Lane with Manor Road there are almost no visual references to the wider commercial elements along Manor Road and Runnings Road. We firmly believe that this location is an extremely important and sensitive link between Elms Park and Swindon Village and therefore the houses proposed for Dog Bark Lane should reflect a residential and varied character similar to those in new residential developments in other areas such as Winchcombe. We also believe that the blocky style is inappropriate.



Figure 1: View south from Manor Road towards Dog Bark Lane and Elms Park.



Figure 2: Entrance to Dog Bark Lane

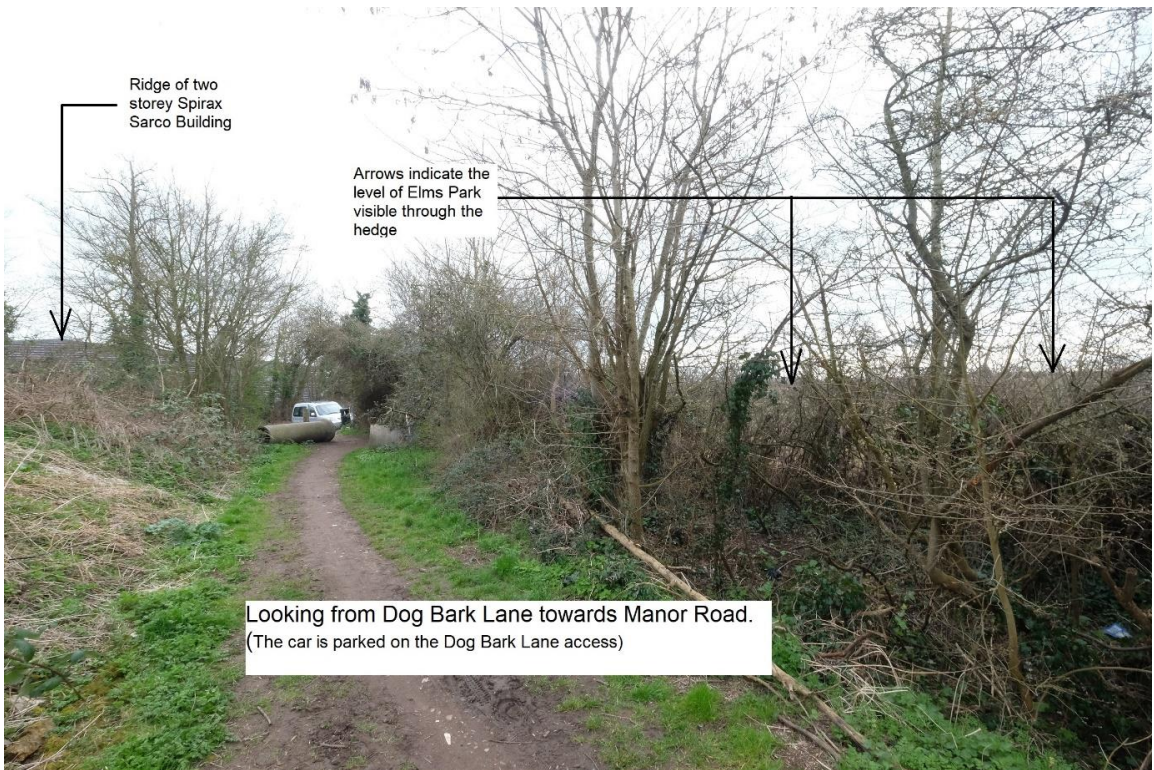


Figure 3: View East along Dog Bark lane, towards Spirax Sarco.

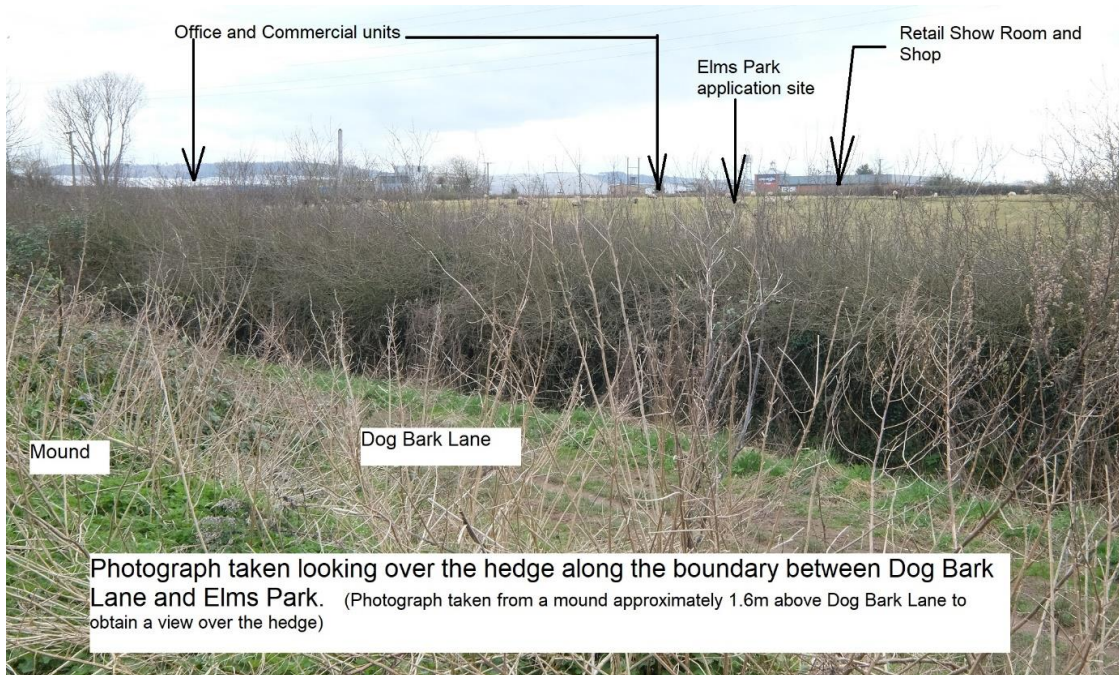


Figure 4: View South West from Dog Bark Lane.



Figure 5: View North East along Manor Road, opposite Spirax Sarco.

4.3 POSITIONING OF THE THREE STOREY BLOCKS

This proposal does not acknowledge the following statement contained in the Heritage Statement submitted in response to the original submission for this development: *'A full setting assessment has concluded that the Site is an element of the wider setting of the Swindon Village Conservation Area that currently makes a positive contribution to its significance. As such, development within the Site would likely result in less than substantial harm to the significance of the Conservation Area through alteration of its setting.'*

- 4.3.1 The developer has chosen to focus in their Design Approach, stated on page 58 of their Design and Access Statement, on *'An increased scale, linear/boxy massing, and industrial vernacular of the built form will mirror characteristics of the adjacent uses to help ease the transition into a residential area.'*
- 4.3.2 If the developers stated Design Approach is to be accepted, it should result in the taller 'linear/boxy units being placed on those boundaries that are nearest to the industrial and commercial units. This would allow for a stepping down in the heights of the proposed buildings and their perceived massing as the development extends towards the North East and South East boundaries and would create the *promised 'ease of transition into a residential area'* stated in the above quoted extract from the developer's Design Approach.
- 4.3.3 The Design Approach should result in units being constructed on the North East and South East boundary being residential in appearance and having a reduced massing (see . Instead of this

the developer is proposing to construct the repetitive, three storey dwellings in the most sensitive location facing the River Swilgate, the Conservation Area and the Open Ground between Elms Park and the Village.



Figure 6: The proposed building heights that the council believe adhere to the proposed design approach along Dog Bark Lane

4.4 MISLEADING INFORMATION

- 4.4.1 On page 37 of the Developers revised Design Compliance Statement there is a site layout plan that indicates that the terrace facing the junction of Dog Bark Lane with Manor contains a mix of 2 and 3 storey units.
- 4.4.2 Pages 62 and 63 of the developers revised Design and Access Statement contain a plan and Dog Bark Lane elevation D-D which only proposes three storey units. With two tall long blocks without gables or features to create any interest in the proposed façade.
- 4.4.3 The developer's proposal seeks to extend the industrial character and appearance of the trading estate along and important historic waterway and bridleway and shows a lack of interest in creating a link to the existing community.

4.5 PRECEDENCE

- 4.5.1 It is generally acknowledged that there is no such thing as precedence because each application is judged on its own merits. However, page 58 of the developer's revised Design and Access Statement Persimmon have provided photographs of three storey blocks from some distant location that they suggest provide precedence. The photographs are not of the industrial/commercial buildings that are in the Manor Road / Runnings Road area, possibly because there are many two storey units or tall single storey units in the area around the site.
- 4.5.2 We presume that Persimmon intend that the because units in the photographs illustrate a style that has been used elsewhere that it should automatically be accepted that the style of houses indicated should be used on this development. We disagree.
- 4.5.3 It is important that the character and scale of any proposed development from the should be considered not only in terms of avoiding a negative impact on the Conservation Area and the wider village but also that they respect the locations in which they are to be placed and the visual impact that they will have on those locations and their character.

4.6 THE DEVELOPERS DESIGN APPROACH

- 4.6.1 For the reasons set out below we believe that the positioning of the three storey blocks, particularly those that are proposed along Dog Bark Lane and those on the corner of Dog Bark

Lane and Manor Road are unacceptable. The houses along Dog Bark Lane should not exceed two storeys.

- 4.6.2 The design proposes that there should be an almost continuous ribbon of three storey blocks along Manor Road and Dog Bark Lane with the units that have the greatest visual mass being proposed along Dog Bark Lane. This is not only contrary to the developers own Design Approach statement but is in ignorance of the Heritage Statement. The developer is proposing that in this most important and sensitive of location to create the tallest barrier and make the most detrimental impact upon the area possible.
- 4.6.3 The proposed units will result in a 3-storey wall of housing enclosing the Elms Park development and visually shielding the Elms Park development from the Industrial developments on the outside.
- 4.6.4 As these units will be taller than the units on the opposite side of Manor Road their presence will not only emphasise the industrial prominence in the area but will also create a visual barrier between the existing community and the proposed development.
- 4.6.5 The prominence of the three storey blocks will become dominant not only in their height and massing but also in their intended boxy character and the existing rural character of Dog Bark Lane would be lost against the wall of urban 3-storey blocks.
- 4.6.6 Not only will the three storey houses be visible from the conservation area but being located along Dog Bark Lane they will dominate the skyline and become the prominent feature on the periphery of the Village and the Conservation Area. This would result in the Village becoming subservient to the new development.
- 4.6.7 The developer's proposal is to turn its back on the existing community and not to promote two-way integration and pedestrian flow.
- 4.6.8 We acknowledge that the three storey and two-and-a-half storey units proposed along elevation E-E (page 64 in the revised Design and Access Statement) will not have the same negative impact on Dog Bark Lane, the Village or the Conservation Area.

4.7 DESIGN COMPLIANCE STATEMENT

- 4.7.1 We do not concur with the conclusions reached on page 14 of the developer's revised Design Compliance Statement. The proposals for the submitted application only look inwards towards the submitted new development and the wider Elms Park scheme and do not consider the impact that the development will have on the existing green infrastructure that is enjoyed by existing residents along the River Swilgate or the impact that the new development will have on the existing Village.
- 4.7.2 This is underlined by such statements as: *'The development will be focused around an active and vibrant green space running through the middle of the site out into the countryside. This will be the main part of a sequence of green links and spaces located throughout the scheme. A Green Cushion of open space and planting will be delivered around the edges of the wider Elms Park development.'*
- 4.7.3 The Green Cushion referred to is located to the North of the wider development.
- 4.7.4 The developer's revised Design Compliance Statement does acknowledge that the existing Bridle Way and Public Right of Way that runs between Manor Road in Swindon Village and Lowdilow Lane in Elmstone Hardwicke and is routed alongside the River Swilgate will provide a green connection but there is very little recognition of the importance of this route within the developers proposals.
- 4.7.5 The map on page 16 of the developer's revised Design Compliance Statement contains a thick green line which we had thought traced the route of the existing Bridleway but it appears that it only follows the route for half of its length

4.8 DESIGN AND APPEARANCE

- 4.8.1 In stating their reasons for the 3 storey elements in their proposal the developer has referenced their intent to reflect the massing and character of the industrial units and have not acknowledge the need to create a residential link between the existing community of Swindon Village and the Commercial Park.

- 4.8.2 There is no acknowledgement that from the area of Dog Bark Lane there are no views to the wider commercial estate that would justify this approach. And yet the developer has proposed the 3 storey units with the greatest mass, blockiest and most repetitive for this location where they will be sited in close proximity to the existing bridle way and footpath which would completely overshadow it. Visually the mass and appearance of these units will have a negative impact on the existing rural character of the village and the conservation area.
- 4.8.3 The proposed 3 storey flat top units achieve the commercial appearance promoted by the developer in their Design Approach stated on page 58 of their Design and Access Statement and does reflect the 1960s and 1970s appearance of some of the older office buildings and blocks of flats on the local commercial/trading estates and in other parts of Cheltenham. The flat top buildings are listed as key buildings and they will stand out. Presumably as key buildings they are to be considered as being the most important feature buildings or perhaps creative links between the commercial and the residential. We presume that they are key to the industrial/commercial units rather than a 'nod' to the residential villas and older apartment blocks around Pittville Park.
- 4.8.4 We would prefer that the design of the development should seek to reflect the residential nature of the site and not to try and emulate the industrial and commercial developments.
- 4.8.5 The taller industrial units in close proximity to Elms Park are two storey and not three storeys. The three storey industrial units are far enough away from Elms Park for them not to influence the heights of the buildings particularly those along Dog Bark Lane.
- 4.8.6 If three storey units are to be included in this development, they should be on the boundary between the development and Gallagher Retail Park and only those units along Manor Road that face the unit currently occupied by Bence Builders Merchant.
- 4.8.7 Whilst we acknowledge that there are buildings that are designed and constructed using modern modular construction methods which can result in them being repetitive if they are not carefully designed. But we do not believe that methods of construction should result in either repetitive or a boxy appearance.
- 4.8.8 Neither do we that we should be asked to accept such industrial designs in areas of the site where they cannot be justified and where the buildings should reflect the residential nature of the area.
- 4.8.9 We should like to think that the developer would still be seeking to promote high standards of design with variations in materials, treatment and appearance and seek to promote a style of architecture that promotes harmony and interest.
- 4.8.10 As previously stated, the proposed street elevations do illustrate quite a high degree of repetition both in style and materials. We do not agree that this is appropriate and where the buildings are further away from the commercial and trade park buildings, we believe that there should be a greater variation in design, height and character which are not reflected in either the proposed residential themed buildings or in the industrial themed buildings that are proposed.
- 4.8.11 We believe that the buildings that face Dog Park Lane, the Village, the Green Open Spaces, the Conservation Area and the Flood Plain should be residential in appearance with a less repetitive style as is reflected in recent residential developments that have been constructed in other locations such as Meadow Fort Grange in Winchcombe.

4.9 STREET LIGHTING

- 4.9.1 The Village has a policy of no street lighting and we would like to be assured that streetlights will not be erected along the Dog Bark Lane Corridor.
- 4.9.2 We should also like to suggest that consideration should be given to the use of low-level bollard lighting within this phase of the development.

5 TRAFFIC, ACCESS, FOOTPATHS AND TRAVEL PLAN

5.1 TRAFFIC AND ROAD ACCESS

- 5.1.1 P.g. 22. Revised Design Compliance statement: 'Access to the site is proposed via a miniroundabout junction in the general location that a 'Secondary Vehicular Access' point is indicated on the Parameter Plan.' It is essential to note that this access point is defined as

Secondary Vehicular Access. However, this access point will be the primary and only access point for this development. As the outline application for Elms Park is yet to be approved, there is no guarantee that such primary access will ever be constructed. Even if it is, there will be a considerable time while the access via Manor road will be the primary access to site at time when the local road infrastructure is beyond its design capacity resulting congestion and extended journey times.

- 5.1.2 We note that Highways England has provided no objection; however their response relates to the strategic road network, in this case, the M5. They are not responsible for the local road network which this development will significantly impact; this being the responsibility of Gloucestershire County Council's Highway Team.
- 5.1.3 Our comments and recommendation in respect of this first phase application should not be misconstrued as advice in respect of the application for the wider site, which is still separately under consultation. A comprehensive transport assessment of the whole Elms Park site is still required to be undertaken.

5.2 FOOTPATHS & RIGHT OF WAY

- 5.2.1 We support that the cycle route has been given priority across the adjoining roads at their junctions with the spine road, as is the case currently on Princess Elizabeth Way.
- 5.2.2 The revised Layout Highways Note v3 Paragraph 4.1.2 states: *'The proposed cycle route terminates to the west of the proposed access roundabout. From here it is intended that cyclists can cross to the southern estate road, and re-join Manor Road from here to avoid using the roundabout (Figure 1).'* While it's positive that cyclists are provided with a direct route to manor road to avoid using the roundabout, we object to the placement of the termination of the cycle route, which is directly opposite a junction. This makes crossing what is presumed to be a busy road (as the main spine road into the development) directly into a junction. We suggest the cycle path terminates before the junction, and a crossing is provided.
- 5.2.3 Whilst we acknowledge the importance of considering safety for cyclists, we also promote the needs and safety of pedestrians of all abilities. This is a proposal that is only going to benefit cyclists arriving at and leaving Elms Park without any consideration being given to the impact that this proposal is going to have on people using the footpath.
- 5.2.4 The existing footpath along Manor Road is narrow and pedestrians that use it already struggle to find it a safe route. It would be unacceptable for pedestrians to have to beware of cyclists popping through the hedge in both directions to either access Manor Road or to access Elms Park.
- 5.2.5 Any Cyclist who chooses to exit the Elms Park development onto Manor Road would probably sit astride the footpath whilst they wait for a break in the traffic (especially if turning right). It is not acceptable that pedestrians should be deprived of the only footpath along Manor Road.
- 5.2.6 Similarly, any cyclist choosing to access the Elms Park development from the opposite side of Manor Road is very likely to cut across pedestrians who may not be aware that such a manoeuvre is going to occur.
- 5.2.7 The developer has proposed to increase the width of the footpath but the proposed point of penetration through hedgerow into Manor Road is just metres outside of the end of the developers intended extent of the proposed footway improvement works. Therefore, the developer does not indicate any works to create a safe link across the existing footpath and into Manor Road.
- 5.2.8 It is important that developers should, together with the Parish Council and Local Authorities, be working towards a network of linked cycleways a hedge hop-through does not in any way indicate any commitment to the creation and integration of a sustainable and co-ordinated linked network of footways and cycle routes.
- 5.2.9 Developments that are the size Elms Park and have a mixture of uses should design the ends of all pedestrian routes and cycleways through their developments to be able to connect to future cycle ways.
- 5.2.10 We believe that the developer should include a proper cycle path alongside their proposed footpath following the around the roundabout. There appears to be sufficient land to the north-east of the arm of the roundabout that gives access to the development to be able to move the proposed junction to include a cycle way. A connection point could be created on both sides of

Manor Road to allow cyclists to wait for a space without interfering with the flow of pedestrians. This cycle path could be used for others wishing to link through the Elms Park development.



Figure 7: Proposed Cycle and Pedestrian Path

5.2.11 The Proposed Pedestrian Access from the site on the bend in Manor Road between Dogbark Lane and the section of Manor Road leading to Tewkesbury Road. The design and suggested location for the pedestrian access that is proposed on to the bend in close proximity to Dog Bark Lane is unacceptable for the following reasons:

- It that has limited visibility for the drivers of vehicles approaching from Tewkesbury Road and Kingsditch Lane.
- There is already a pedestrian crossing at the junction opposite Spirax Sarco. This existing pedestrian crossing is in desperate need of upgrading to accommodate pedestrians, cyclists and disabled users.
- The construction of the access would necessitate the removal of a length of historic hedge that should be retained.
- This access was originally identified as an access and although not labelled as a vehicular access on the current drawing we would like to be certain that, should the pedestrian access be permitted, there would be no later agreement to an amendment to upgrade the access to accommodate vehicles.

6 NOISE

6.1.1 Spirax Sarco plant operating patterns are varied. Some operation generates significantly greater noise than others. The developers should confirm the operation modes that were present during the noise study to confirm that the results are reflective of the typical operational pattern. This is supported by qualitative evidence from local residents that the plant operation can be easily heard on the eastern stretches of Dog Bark Lane running along the boundary of the proposed development.

6.1.2 It is noted that traffic data from modelling assessing the cumulative impact of this development, alongside several other local developments has not been used to assess the noise impact. This is a significant shortfall in the application and does not represent best practise in the environmental assessment.

7 FLOODING & DRAINAGE STRATEGY

- 7.1.1 There is a recommendation that the attenuation pond is adopted by Severn Tent – but there must be a formal agreement of this before plans can be approved.
- 7.1.2 The Scheme Layout illustrates the location of an attenuation feature, which forms part of the proposals for drainage. Full details of the revised drainage proposals will be provided separately and delayed to the submission of this document. This is not acceptable. The full details regarding drainage provision and flood alleviation should be provided within this proposal (p73) to allow the planners to make an accurate assessment of the design to ensure sufficient flood alleviation methods will be in place.

8 ARBORICULTURE

- 8.1.1 Paragraph 2.6 of the Statutory Conditions (Page 23) contains the statement ‘The presence of any Tree Preservation Orders or Conservation Area designations that may affect the site has yet to be confirmed by Cheltenham Borough Council. Once this information has been received, the report will be updated accordingly.’ This is incorrect because a Heritage Statement was produced in response to the original submission for this application and includes the statement: “A full setting assessment has concluded that the Site is an element of the wider setting of the Swindon Village Conservation Area that currently makes a positive contribution to its significance. As such, development within the Site would likely result in less than substantial harm to the significance of the Conservation Area through alteration of its setting.’
- 8.1.2 Paragraph 4.9 of the Revised Arboricultural Assessment states: ‘*The hedgerows on site were largely unremarkable...The value of the hedgerows on site from an arboricultural perspective was therefore owed to their landscape contribution. This was due to their intact, wide habit and therefore their prominence within the landscape.*’
- 8.1.3 We agree that the hedges are of great value and that as well as defining routes and boundaries they promote biodiversity by supporting and providing a habitat for wildlife. Some of the hedges are more than 100 years old and add to the segregation of the residential areas from the commercial developments.
- 8.1.4 We acknowledge the intent to retain the hedges around the boundaries of the development including the hedge along Dog Bark Lane but we are concerned that the close proximity of some of the turning heads to the hedges may result in them being continuously cut back, damaged or even worse removed resulting in patches or lengths of new hedging.
- 8.1.5 Some developers offer to replace ancient trees and hedges with new planting but an ancient wood or hedge is irreplaceable and we would wish the developer to preserve as many of the hedgerows and trees as possible both in this application phase and in the wider Elms Park development.
- 8.1.6 The importance of the hedge along Dog Bark Lane is confirmed by the fact that it is probably a lot more than a hundred years old and that it is a wild life corridor with considerable biodiversity and that it is an amenity for both the old and new village. The Hedgerow Regulations Act of 1997 specifies that a hedge with 7 woody species in a 30m length is automatically important. (There is an unproven theory that this makes it 700 years old).
- 8.1.7 We are aware that the first 30 or 40 m of Dog Bark Lane are less interesting than the rest of it. The first 30 or 40m of the hedge are mostly blackthorn and hawthorn but there is the possibility that it could contain ash, elder, maple, hazel oak and privet but we cannot be sure until they are in leaf. Beyond the first 30 to 40m there are many different trees. We have not kept any records but in a count for Butterfly Conservation some years ago Dog Bark Lane turned out to be a very good site for butterflies and by inference lots of other insects. In a few weeks it will be the best place to hear the dawn chorus near the village and the flora is exceptionally good.
- 8.1.8 With reference to 8.1.2 paragraph 5.17 of the Revised Arboricultural Assessment, we accept that the quality of a hedge is reliant on good management and that at some stage in the life of a hedge that it will be trimmed. The trimming of hedges is carried out for many reasons including neatness, to thicken the hedge, to keep it under control, and, in situations where there is a health and safety risk for example alongside a road. The constant long term trimming of a hedge at the same height places a hedge under stress and can lead to a deterioration in condition but with sympathetic trimming can indeed thicken a hedge by creating new points from which growth can tiller out. Therefore, whilst we accept the need to trim hedges back to facilitate

construction we should like to be assured that the future management of the hedges will be carried out in such away to encourage their retention and continued presence and not to be perceived as a nuisance to be removed in the future.

- 8.1.9 With references to Hedgerow and Tree Losses detailed in paragraphs 5.21 to 5.26 we should like to know if consideration has been given to the relocation of any of the existing trees that have been identified for removal in this section of the document. The considerable length of hedge that separates the two halves of this proposed phase of the wider Elms Park development has been identified for removal. We should like to receive confirmation that, where possible, sections of the hedge will be used to reinforce and extend the lengths of retained hedge.
- 8.1.10 The report from Gloucestershire Wildlife Trust's Hedgehog Highways project in Swindon Village, hedgehogs have been identified as an important species which has a strong presence in the area - habitats include hedges and scrub, some of which will be lost through this proposed development. Hedgehog access must be provided through gardens, along with sympathetic garden and greenspace landscaping across the development, to retain this important habitat for hedgehogs.

9 SUSTAINABILITY

- 9.1.1 The provision of passive infrastructure is welcome but additional details of what is meant this phrase should be provided. The design should incorporate a 3-phase supply to each house as standard.
- 9.1.2 The local electricity distribution network distribution design should provide sufficient capacity to deliver support the maximum EV charging demand. This should be established by the developer as part of their application, along with any calculations and assumptions.
- 9.1.3 In this updated full application, there is no specific update regarding the Energy efficiency improvements to be made in response to the L Gov regulation 24 - future homes standard consultation. According to Government approved document L conservation of fuel and power, a new dwelling must be built to a minimum standard of total energy performance. Given that the developer already has visibility of this government standard, Swindon Parish Council expect that this site must follow this standard as setting the standard for the wider Elms Park development to future proof the homes and avoid future cost prohibitive retro fitting. More information can be found here: <https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>

10 SCHOOL PLACE PROVISION

- 10.1.1 According to outline plans in according with the Joint Core Strategy, the Elms Park development was promoted to deliver sufficient schooling and medical provision. There is no school or medical provision during this phase 1 for 265 homes just a reference that this will be part of the wider Elms Park Development (page 18 design and access statement) yet no formal indication of when this provision will be made. The Closest school, Swindon Village Primary, has confirmed that it is currently full (420 children) and has no plans to expand.

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Comments on Planning Application 20/00759/FUL

Summary

Swindon Parish Council is disappointed that some substantial comments previously raised by the Parish Council remain unresolved. Swindon Parish Council still objects to this planning application.

We remain disappointed at the lack of collaborative discussion, engagement and publicity from the developer for this updated application.

Alignment With Outline Application & Phasing

1. The proposal continues to rely on commitments made in the Elms Park outline application (16/02000/OUT). We do not accept this full application for Phase 1 should be reliant on the parameters of an outline application which has yet to be determined. There is considerable risk that the outline application will not achieve consent or that consent will be given with parameters different to those on which this full application relies.
2. Swindon Parish Council continues to request a updated Design and Access Statement for not only this specific application but an updated design brief for the entirety of Elms Park which details the requirements, in terms of supporting infrastructure, sustainability and other commitments, for different phases of the complete development.

Traffic & Access & Sustainable transport

1. The traffic assessment fails to validate (through lack of appropriate and realistic modelling) that the existing road network (including Manor Road) will not be adversely impacted by the development.
 - a. The detailed LinSig Model (presented in Appendix F) does not include the junction with the Tewksbury Road, which is capacity limited. Therefore, the assumptions regarding traffic flow departing south from the junction are incorrect. This stretch of road already experiences significant congestion during peak times due to the lack of capacity for traffic to exit onto Tewksbury Road. The model must be updated to include this constraint.
 - b. The model fails to incorporate the impact of COVID-19 on model shift.
 - c. The traffic assessment fails to include local, committed developments which we expect to have a significant impact on traffic and congestion. This has been raised previously but has not yet been addressed.
 - d. The modelling only considers a single scenario and does not provide any sensitivity modelling to identify cliff-edge effects.

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Signals on junction of Manor Road / Runnings Road

The proposal to add signals at this junction will create unacceptable delays to people driving in / out of Swindon village, especially when taken with the creation of a new roundabout and two signalised crossings on Manor Rd. This is one of two main routes in/out of the village and at busy times cars can be queuing from the lights at Tewkesbury Road all the way to Runnings Road and sometimes beyond. The traffic study was conducted on a Tuesday and isn't reflective of these busy periods which often happen on Fridays / bank holidays.

An alternative solution that we believe will be safer for pedestrians and wheelchair users and improve traffic flow, would be to amend the existing T junction with priority from Manor Road into Runnings Road turning right. In addition, provision should be made of wider footpaths along the junction area plus a Zebra crossing further up Manor Road towards Swindon Village.

Cycleway

We support the ambition to upgrade the cycleway and create a network of uninterrupted active travel corridors from the proposed development to other sites such as the retail park and further down the Tewkesbury Road towards Cheltenham town. However, the proposed cycleway has a number of issues.

In addition, this application must include details of how the cycleway provision will specifically link up with the wider cycle network in the surrounding area including those already proposed within the M5 J 10 improvement scheme.

The proposed cycle infrastructure and connections to the existing cycle network is incomplete. The design is undesirable and, in practice, unusable for cycles and other non-motorised modes of transport.

The section of Manor Road from the junction with Runnings Road to the roundabout by the entrance to the retail park is approximately 384m and currently takes less than one minute by bike on the road (Strava data has times as low as 28 seconds). The proposals for two toucan crossings on this stretch would introduce unacceptable delays. In addition the proposed shared path is narrow and the crossings would create tight turns at these points of 90 degrees, which would be even more difficult in non-standard cycles.

The crossing of the proposed cycle route at the entrance to the retail park is also likely to present safety concerns. An uncontrolled crossing at the entrance / exit of a roundabout is inappropriate given the volumes of traffic expected, particularly if planning application 21/02120/FUL (drive-through restaurant) is approved.

The diagram on page 30 of the document Response to GCC Consultation states that no amendments to the crossing at the junction of Manor Road / Tewkesbury Road are proposed. However, this is currently a puffin crossing and is therefore not accessible to cyclists. In addition, those heading North on Tewkesbury Road or continuing West onto Hayden Road would be required to dismount to continue their journeys beyond Manor Road.

As a whole, therefore, the above points would create unacceptable delays with up to 6 crossings of the carriageway in a stretch of road less than 500m, which on the road currently takes a couple of minutes. This would lead to many either choosing not to cycle, or to remain on the road where their safety is risked by drivers who perceive they should be on the cycle path provided.

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The proposed cycle route to/from the development on Manor Road does not consider cyclists continuing past the access road and into Swindon Village, which is a popular leisure cycling route as well as providing a main route for commuting. The shared path heading East on the North side of Manor Road terminates just before the roundabout, forcing cyclists to join traffic at a pinch point. From the other direction, cyclists turning into Manor Road from Runnings Road will be on the south side of Manor road, and unable to join the shared path without crossing oncoming traffic, until the point of the first Toucan crossing. This will create a situation where there are potentially cyclists both on the road and on the shared path, creating confusion.

A better option would be to provide a continuous dedicated route on one side of Manor Road, with dedicated crossings at the development access road and into the retail park, and with clear onward progression at both ends of Manor Road.

Within the development itself, the revision from a two way cycleway to one way cycleways on either side of the spine road is welcome. However there must be provision for those heading north to be able to exit the cycleway to turn right into any of the roads leading from the spine road, for example drop kerbs or exits from a segregated cycleway.

Footpath along Manor Road

The proposed footpath on to the North of Manor Road is welcome as an improved route to the local primary school. Further provision of an active travel corridor along this route would also be welcome, as it would be an ideal cycling distance to school.

The developer has reduced the width of the footpath along Manor Road to the South East of the development (plots 26-34) to allow for the provision of a cycle path. The footpath must maintain a minimum width (approx. 2 metres) suitable for pedestrians to pass a wheelchair / pushchair safely. The footpath must extend to meet the existing footpath at the rear of the existing Carpet Right store. The cycle path must be extended to connect with the existing cycle path on Tewkesbury Road.

The public right of way through the development

This is a popular walking route to the retail park and there should be a crossing of the spine road along the right of way.

Flooding & Ground Conditions

While we note the inclusion of the revised drainage strategy, we expect to see the strategy substantiated by a detailed modelling to show the impact of the proposed design on existing and proposed residential and commercial properties and the existing watercourses.

Sustainability

According to outline plans in accordance with the Joint Core Strategy, the Elms Park development was promoted to us as sustainable. We do not feel that our previous comments have been incorporated in the updated documents. In light of the net zero commitment by 2030 that Cheltenham Borough Council has given it is imperative that this development leads the way as the first phase of Elms park to achieve that ambition.

As a minimum we expect:

- Sustainable heating solutions as opposed to the use of gas boilers.

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- The energy efficient heating systems should be compatible for conversion to hydrogen.
- Provision of PV generation for all homes. In addition the provision of PV in public areas to provide green energy for public areas.
- The provision of electric car charge points at all houses is welcome however the same should be installed for all public parking spaces.

Education

The provision of sufficient capacity at Education facilities is a key pre requisite of this proposed sustainable development. Some statements made in the Elms park application are historic and inaccurate.

The development should either include provision of a new primary school or facilitate additional capacity at the existing Swindon Village Primary School, the only school within walking distance. We also understand that the nearest secondary school (All Saints Academy) is also at capacity.

Response to GCC Consultation, Section 3.2.1:

"It has been confirmed that there is local education capacity to accommodate the proposed Development".

If this is referring to available capacity at Swindon Village School, this is contrary to the engagement Swindon Parish Council has had with the school. Please see the attached letter. No other local primary schools fall within the acceptable walking distance to primary school education.

". In the longer term, new primary and secondary schools will be provided within the Elms Park development."

This claim cannot be substantiated. The Elms Park development has not been granted outline planning permission. Until this occurs, so benefit cannot be claimed from future school provision.

Response to GCC Consultation page 3 states that "Comments from the Education Authority confirm that there is no immediate capacity at this school to cater for the increased number of pupils that this site generates, therefore pupils will be displaced to more distant schools in the absence of a new education facility placing further burden on the transport network as the walking distances would be excessive."

It is not clear therefore how the applicant goes on to say "It has been confirmed that there is local education capacity to accommodate the proposed development. In the longer term, new primary and secondary schools will be provided within the Elms Park development". It would appear that the applicant is relying upon the provision in the wider Elms Park, which is yet to be determined and therefore should not be relied upon.

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Design, Visual Impact & Heritage

Increase in Development Density

There has been an increase in the development density by replacing smaller units with larger house types and by removing the curtilage parking from many of the plots which has resulted in an increase in the number of on-road parking spaces.

Dog Bark Lane Street Scene D-D (previously Street Scene 8)

In our previous comments we requested that the houses along Dog Bark Lane were reduced from 2.5 storey to 2 storey. We are very disappointed to see that these comments were ignored, and in fact, the reverse was done so that buildings were increased to 3 storeys. We object to the increased density and taller buildings proposed in the revised scheme for Dog Bark Lane and we ask again that the height be reduced to 2 storeys. Dog Bark Lane is an important community asset at the very heart of the parish landscape so 3 storey building provision significantly degrades the visual aesthetics.

In our previous statement we had not been against three storey units along Manor Road but had requested a more sympathetic approach to this edge of the development which is close to the Conservation Area of the village.

The area enclosing the SUDS pond has been increased which has led to a 'squeezing' of the properties between the SUDS pond and Manor Road.

To avoid a reduction in development density along this route the developer has removed all two storey dwellings and the gaps between them and has replaced them with three storey houses that do not have sufficient space between them for cars to park.

The result of this is to create a hard urban edge along the most important of development boundaries where the maximum emphasis should be on creating a link between the existing Village setting and the proposed development.

We also note that the three storey houses contain a high percentage of Wykeham house types which have a balcony at second floor level. At that height they will have a direct view towards the sides of the existing houses to the North of Dog Bark Lane

With a development site of this size there are a number of areas where the density of the buildings can be increased and where the location of denser development is less sensitive.

We request that this is reviewed and would like to see the reinstatement of two storey houses.

The street scenes and the layout plans conflict. The flats are shown with flat roofs in the street scene and are shown with pitched roofs in the layout plans. We request that all flats have pitched roofs in keeping with other residential buildings in the rest of the parish.

We are also concerned that some of the larger houses in the development no longer have any on plot parking or integral garages. With the latest planning requirement that all new individual houses are to have their own electric vehicle charging point the revision to the layout and loss of curtilage parking could result in charging leads along footpaths and cycle ways becoming a dangerous obstacle.

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River Swilgate – Street Scene E-E (previously Street Scene 7)

We note that the density of units along Street Scene E-E has also increased because of the use of units with a larger floor plan. We also note that the originally intended 3 storey units have been removed.

Despite the reference to the River Swilgate, Street Scene E-E is set a long way back from this very important watercourse. Whilst we welcome the removal of the three storey units and accept an increase in the development density in this location, we also feel that this treatment should extend along Street Scene D-D. (Dog Bark Lane)

Materials

We welcome the confirmation of the use of more sustainable and low maintenance materials.

Design statement

We note that the existing design statement document dated 13th May 2020 has been superseded but a replacement has not been included. This must be rectified.

Biodiversity

This development provides an opportunity to significantly improve the biodiversity in the parish and set the standard for the wider Elms Park development and developments within the Joint Core Strategy area.

The hedgerow along manor road is an important divider between commercial and residential areas and provides appropriate screening as well as being a protected habitat. We request that removal of hedgerows are minimised, and that any loss is replaced.

Ecology

We reference the Ecology comments on 1st December 2021. We are disappointed that the comments regarding reptiles not being mentioned in the report have still not been actioned.

Revised Arbocultural Statement

We request that this is updated with specific volumes and species of trees in identified locations

As more detail on tree planting is included Swindon Parish Council would like to be included in the consultation.

Street Naming, Lighting and Signage

Swindon Parish Council request to be consulted in these matters before decisions are made.