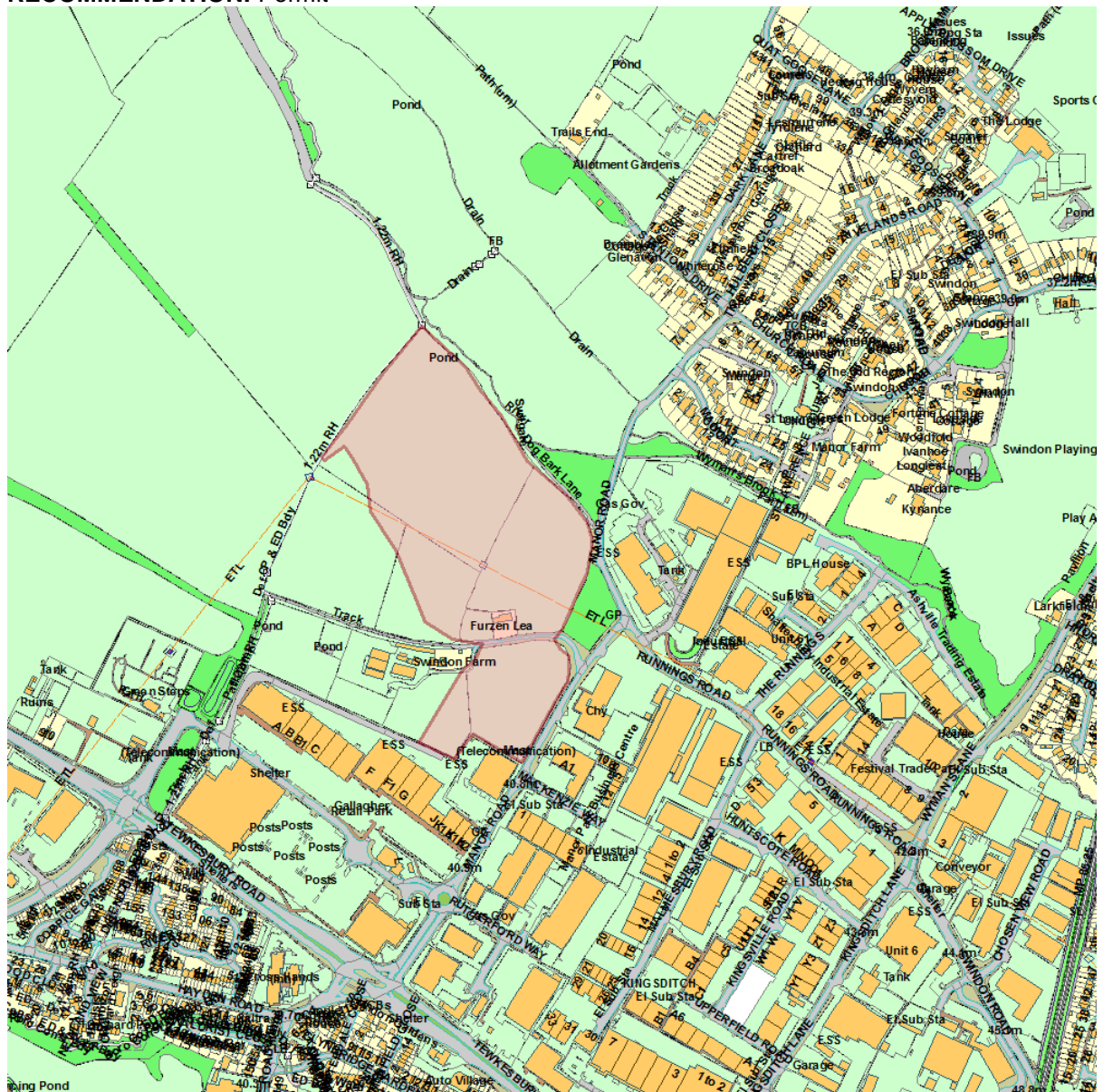


# Committee Report

<b>APPLICATION NO:</b> 20/00759/FUL		<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 14th May 2020		<b>DATE OF EXPIRY:</b> 13th August 2020/Agreed Extension of Time 27 <sup>th</sup> March 2023
<b>DATE VALIDATED:</b> 14th May 2020		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Swindon Village		<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	Persimmon Homes Ltd	
<b>AGENT:</b>	White Peak Planning	
<b>LOCATION:</b>	Elms Park Tewkesbury Road Cheltenham	
<b>PROPOSAL:</b>	Erection of new residential development (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure	

## RECOMMENDATION: Permit



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

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The applicant (Persimmon Homes) seeks full planning permission for the erection of 266 dwellings, new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure. The application proposal is Phase 1A of the current 'Elms Park' outline planning application and North West Cheltenham Strategic Allocation site under Policy A4 of the JCS.
- 1.2 The application site is an irregular shaped parcel of land measuring some 8.3 ha. The site is located on the north western edge of Cheltenham, north of the A4019 Tewkesbury Road, east of Gallagher Retail Park and south west of Swindon Village. The River Swilgate and Dog Bark Lane run close to the north eastern site boundary of the site which is also bound by established hedgerow. Land to the east and north is in agricultural use. A small area of land east of the site and adjacent the Manor Road and Runnings Road junction, has recently been cleared of trees and is subject to outline planning permission for light industrial units. An overhead electricity line, with one pylon, runs through the centre of the site.
- 1.3 The site is currently accessed off Manor Road via an old farm track and the Dog Bark Lane public right of way. Presently, the site is undeveloped and comprises of open fields in mixed pastoral and arable agricultural use and divided by native hedgerow. The farm buildings, dwelling and other structures associated with Swindon Farm have been demolished.
- 1.4 The site is wholly within the administrative boundary of Cheltenham Borough Council although it does directly adjoin Tewkesbury Borough Council (and Uckington Parish Council) land to the north west. The site is also within the administrative area of Swindon Parish Council. Representations have been received from all neighbouring authorities and are set out in full in the Consultations section of the report.
- 1.5 Elms Park Strategic Allocation
- 1.6 As aforementioned, although outside of the Principal Urban Area of Cheltenham (PUA), the application site falls within an area of land allocated for development in the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). Policy SA1 sets out the requirements for the seven JCS wide strategic allocations which will deliver the scale and distribution of development set out in Policies SP1 and SP2. Policy A4 is a site specific policy for the North West Cheltenham Strategic Allocation and allocates a large area of land (falling within both Cheltenham and Tewkesbury Borough Council administrative areas) for development which will be expected to deliver:
  - i. Approximately 4,285 new homes
  - ii. 10 hectare B-class office park
  - iii. 13 hectares of predominantly non B-Class employment generating land for local centre(s) including the provision of an appropriate scale of retail, healthcare and community facilities to meet the needs of the new community;
  - iv. New primary and secondary education schools and facilities;
  - v. A green infrastructure network of approximately 100 hectares which will conserve the River Swilgate and Hyde Brook corridors, protecting important trees and hedgerows where appropriate, and contribute to water quality enhancements;
  - vi. Protection to key biodiversity assets including through the development of a Biodiversity Management Plan;

- vii. Adequate flood risk management across the site and ensure that all more vulnerable development is located wholly within flood zone 1
- viii. A layout and form of development that respects the landscape character and separation of the villages of Brockhampton, Elmstone Hardwicke, Swindon Village and Uckington.
- ix. A layout and form that respects the character, significance and setting of heritage assets that may be affected by development;
- x. A layout and form that respects areas of high landscape character and visual sensitivity, including key views into the site from the surrounding key visual and landscape receptors
- xi. Primary vehicle accesses from the A4019 Tewkesbury Road, secondary access from Runnings Road / Manor Road, and public transport only access to Swindon Village via Quat Goose Lane
- xii. Measures necessary to mitigate the traffic impact of the site, including the use of travel plans to encourage the use of more sustainable transport modes;
- xiii. High quality public transport facilities and connections within and adjacent to the site, including a multi-use transport hub with circa 350 parking spaces;
- xiv. Safe, easy and convenient pedestrian and cycle links within the site and to key centres, providing segregated links where practical;
- xv. Take into account of the indicative Local Green Spaces identified on the Policies Map with consideration of the special features of that area which make it suitable for this designation.

**1.7** The Elms Park (cross boundary with Tewkesbury Borough Council) outline planning application, made jointly by Persimmon Homes and Bloor Homes, is also under consideration (16/02000/OUT). This application forms part of the Strategic Allocation A4 and proposes (in outline with all matters reserved apart from access):-

*Up to 4115 new homes providing a range and choice of mix and tenure, including affordable housing (C3) and elderly persons accommodation (C2 up to 200 rooms), 24 ha of employment generating uses including 10 ha B1 business park (up to 40,000 sqm), a hotel (C1 up to 100 rooms), and mixed use centres providing retail uses and community facilities (A1 - A5 up to 6,150 sqm, D1/D2 up to 1,000 sqm) A transport hub and public transport inter change, primary and secondary school education (D2), new areas of green infrastructure including areas of play sports hub, woodland planting, allotments and habitat at creation, creation of new means of access onto Tewkesbury Road and Manor Road, new footways and cycleways, and drainage infrastructure.*

**1.8** The application sites for 16/02000/OUT and 20/00759/FUL overlap; the proposed 266 dwellings forming part of the above 4115 homes provision for Elms Park. The proposals have therefore been designed to 'align' with the larger area identified by the outline application and should therefore meet the design, layout and infrastructure parameters of this earlier submitted scheme. Similarly, revised plans were submitted for application 16/02000/OUT in May 2022 to show consistency with the Swindon Farm proposals. The extent to which the proposed development meets these objectives and those of Policy A4, is discussed later in the report.

- 1.9 It should be noted that the relevant JCS policies do not prevent elements of the site coming forward at different times, however as you will note from the detail of this report, officers have worked to ensure alignment to meet the requirements of Policy SA1 and the provision that “*Development proposals should enable a comprehensive scheme to be delivered across the developable area within each Strategic Allocation*”. This matter is discussed in more detail at paragraphs 6.50-54.
- 1.10 In light of the above, Members should note that, although forming a part of the wider strategic allocation land, this application is being determined before and separately from the Elms Park outline application. Should planning permission be granted, the 266 proposed dwellings are anticipated to be delivered ahead of the remainder of the Elms Park development. With this in mind, officers requested a joint statement from the applicants for the Swindon Farm and Elms Park schemes (Persimmon and Bloor Homes), seeking assurances from both as to their future collaborative working and agreement to the potential delivery of the 266 dwellings at Swindon Farm ahead of the remainder of Elms Park.
- 1.11 In response a letter was received from Persimmon Homes (Swindon Farm), dated 4<sup>th</sup> January 2023, which confirms Persimmons Homes’ agreement to the inclusion of the proposed M5 Junction 10 contribution of £2.5 million in the s106 Agreement and assurance that Persimmon Homes and Bloor Homes are continuing to collaborate to bring the wider Elms Park site forward and that Bloor Homes are comfortable with the Swindon Farm application. Although designed to be self-sufficient in movement terms, the letter also sets out aspects of the design and layout of the proposals and various revisions to the scheme which align with the wider Elms Park proposals. Bloor Homes responded in a similar fashion on 25<sup>th</sup> January 2023 and confirmed that Bloor and Persimmon Homes have entered into a Collaboration Agreement which should ensure that approval of the 266 dwellings will not prejudice the comprehensive development of the wider Elms Park scheme. Both letters are attached as an Appendix to this report.
- 1.12 Should planning permission be granted for the 266 proposed dwellings, officers will need to full consider the implications for application 16/02000/OUT in relation to matters such as site wide s106 planning obligations, including highways infrastructure. But notwithstanding these considerations, officers are of the opinion that the two planning applications are compatible and capable of being implemented alongside each other and at different times.
- 1.13 The cross boundary Elms Park outline application (16/02000/OUT) is progressing and likely to presented to the Planning Committee in summer 2023. Final agreement on the s106 obligations may continue beyond the summer, which will delay the issue of any decision until later this year.

## **2. CONSTRAINTS AND RELEVANT PLANNING HISTORY**

### **Constraints:**

Airport Safeguarding over 45m  
Strategic Allocations Red Line Boundary  
Landfill Sites boundary

### **Relevant Planning History:**

#### **16/02000/OUT      PCO**

Up to 4115 new homes providing a range and choice of mix and tenure, including affordable housing (C3) and elderly persons accommodation (C2 up to 200 rooms), 24 ha of employment generating uses including 10 ha B1 business park (up to 40,000 sqm), a hotel (C1 up to 100 rooms), and mixed use centres providing retail uses and community facilities (A1 - A5 up to 6,150 sqm, D1/D2 up to 1,000 sqm) A transport hub and public

transport inter change, primary and secondary school education (D2), new areas of green infrastructure including areas of play sports hub, woodland planting, allotments and habitat at creation, creation of new means of access onto Tewkesbury Road and Manor Road, new footways and cycleways, and drainage infrastructure.

**20/00771/FTP 15th March 2021 WDN**

Application for formal right of way diversion (Road number CH515)

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

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 10 Supporting high quality communications

Section 11 Making effective use of land

Section 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

#### **Adopted Cheltenham Plan Policies**

D1 Design

L1 Landscape and Setting

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

BG2 Cotswold Beechwoods Special Area Of Conservation Air Quality

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

CI1 Securing community infrastructure benefits

CI2 Sports and open space provision in new residential development

CI3 Statutory and Non-Statutory Allotments

CI4 Broadband provision

#### **Adopted Joint Core Strategy Policies**

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD12 Affordable Housing

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

INF3 Green Infrastructure

INF4 Social and Community Infrastructure

INF5 Renewable Energy/Low Carbon Energy Development

INF6 Infrastructure Delivery  
INF7 Developer Contributions  
SA1 Strategic Allocations Policy  
A4 North West Cheltenham

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

Swindon Village Conservation Area Character Appraisal & Management Plan (February 2007)

Cheltenham Climate Change (2022)

## **4. CONSULTATIONS**

All consultation responses are set out in full at the end of the report or as an Appendix to the report. To avoid repetition and for ease of reading of the most up to date responses, some earlier consultation responses are indicated as available to view online.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>97</b>
Total comments received	<b>31</b>
Number of objections	<b>28</b>
Number of supporting	<b>1</b>
General comment	<b>2</b>

- 5.1** The application was advertised by way of 97 letters sent to neighbouring properties and businesses, site notices displayed at several publicly accessible locations adjacent and near to the site, and an advert placed in the Gloucestershire Echo.
- 5.2** During the course of the application a total of 31 third party representations were received, the majority in objection to the proposed development. Neighbouring properties/businesses were also notified in writing of the revised scheme submitted in 2021.
- 5.3** All of the comments have been made available to Members separately but the main comments and concerns raised are summarised as follows:
- Increase in traffic and congestion on Manor Road and other local roads and inadequate junction arrangements. Existing road network constraints exacerbated.
  - Existing schools oversubscribed
  - Loss of wildlife/biodiversity and long term impacts on retained trees
  - Lack of facilities proposed for proposed increase in Parish population
  - Land adjacent to Flood Zone 3/submitted Flood Risk Assessment and Drainage strategy lacks assurance against flooding
  - Proposed development relies on infrastructure, transport modelling and facilities forming part of the larger Elms Park development
  - Transport Assessment must be complete prior to any development on wider Elms Park site, including Swindon Farm
  - Volume of traffic using the proposed new junction and vehicular access onto Manor Road. Vehicular access should be via Tewkesbury Road only as per Elms Park outline application.
  - No on site road safety measures to reduce traffic speeds
  - Poor cycle path provision cycle and connections to the existing cycle network are incomplete
  - Potential for rat running and long driving/walking distances to schools

- National Highways/J10 works not yet commenced
- No safe pedestrian crossing to Swindon Village
- Proposed three storey height buildings and external facing materials out of character with surrounding area
- Countryside character of Swindon Village would change
- Some consultee comments relate to this site and not wider Elms Park development
- Sustainability measures and proposed low carbon technologies insufficient
- Local Green Space not identified clearly within the proposals
- Site located in (former) Green Belt and a flood plain which should be afforded greater protection

**5.4** Representations have also been received from Swindon and Uckington Parish Councils and the Civic Society. Their respective comments are set out in full in the Consultations section of the report.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** There has been significant officer intervention in this application that has led to a series of design reviews of the application; the December 2021 revisions involving substantial amendments to house design/type, green infrastructure and site layout. There has been a continuing dialogue between the applicant and Housing Enabling team to secure, through a s106 obligation, an appropriate affordable housing provision in terms of tenure mix, house size and location within the site. There has also been significant engagement with GCC highways, recognising the issues raised through the various objections.

**6.3** During the lifecycle of this application, the Council has adopted the Climate Change SPD that resulted in further engagement with the applicant on a range of matters. This necessitated several revisions to the applicant's Sustainability Statement and the addition of further measures to significantly reduce energy demand and CO2 emissions beyond Building Regulations Part L. The proposals should therefore achieve a 55.88% reduction in CO2 emissions. The proposals now include a non-gas heating strategy with low carbon air source heat pumps (ASHPs) installed for all dwellings, plus solar PV panels installed on all buildings.

**6.4** The key issues (in no particular order of importance) for consideration are

- Environmental Impact Assessment
- the Policy Framework and Principle of Development
- Affordable Housing
- Community and Highways Infrastructure
- Design and Layout
- Impact on neighbouring amenity
- Access and Highway Safety
- Sustainability and Climate Change
- Drainage and Flood Risk



- Ecology/Biodiversity and Green Infrastructure
- Landscape and Visual Impact
- Trees and Landscaping
- Heritage, Conservation and Archaeology
- Section 106 Obligations
- Other considerations – Noise and Utilities

## **6.5 Environmental Impact Assessment (EIA)**

**6.6** The application proposal is schedule 2 development as defined within the Environmental Impact Regulations 2017 (as amended). Upon receipt of such applications the LPA is required to produce a screening opinion as to whether an EIA is required. Whilst the applicant was verbally advised that an EIA was not required this was not confirmed in writing. Note, an EIA is submitted as part of the 2016 outline planning application, which includes the current application site area.

**6.7** The time period for issuing a screening opinion has now passed. The applicant has therefore made a request for a screening opinion to the Secretary of State (SoS) which is currently under consideration. The LPA would not be able to issue any decision on this application prior to receipt of the SoS EIA screening opinion.

**6.8** Members are therefore being asked to consider the officer recommendation with suggested conditions and resolve to either grant or refuse planning permission (subject to completion of the s106 agreement). The decision notice would be issued upon conclusion of the EIA screening process.

## **6.9 Policy Framework and Principle of Development**

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

**6.11** The development plan comprises of the saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP), adopted policies of the Cheltenham Plan 2020 (CP) and the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the National Planning Policy Framework 2021 (NPPF), and Planning Practice Guidance (nPPG).

**6.12** Policies D1, SL1, CI1 and CI2 of the Cheltenham Plan and policies SP1, SP2, INF1, INF2, INF6, INF7, SD3, SD4, SD10, SD11, SD12, SD14 and A4 of the JCS are most relevant.

**6.13** JCS policy SD10 advises that '*Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans*'. The application site forms part of the JCS, Policy A4 North West Cheltenham Strategic Allocation. As such, the general principle of residential development on this site must be acceptable.

**6.14** Paragraph 11 of the NPPF states '*Plans and decisions should apply a presumption in favour of sustainable development....and for decision making this means approving development proposals that accord with an up-to-date development plan*'. Where policies which are most important for determining the application are out-of-date, the NPPF at

paragraph 11(d) advises that planning permission should be granted '(i) unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. This is referred to as the 'tilted balance' and the government's approach to ensuring delivery of housing nationally.

- 6.15** Footnote 7 of paragraph 11 of the NPPF explains further that for applications involving the provision of housing, relevant policies must be considered out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing.
- 6.16** Cheltenham Borough Council is currently unable to demonstrate a five-year supply of housing land and at the time of writing, the latest published figure sits at 2.9 years.
- 6.17** Notwithstanding the above, the application site is sustainably located within the strategic allocation of adopted JCS policy A4. The contribution of 266 (market and affordable) dwellings towards alleviating the above housing land supply shortfall carries significant weight and is a material consideration in the determination of this planning application.
- 6.18** Notwithstanding the above and the site forming part of the larger strategic allocation, the site specific issues and merits of the proposed development require careful consideration in order to determine whether the proposals are acceptable overall. This will include consideration of the wider implications for the Elms Park/North west Cheltenham strategic allocation site's location, the proposed tenure mix, design, layout and scale of the proposed development and their impacts upon the character and appearance of the wider locality, highway safety and any potential impact upon the amenities of neighbouring land users.

#### **6.19 Affordable Housing/s106 Obligations**

- 6.20** Policy SD12 of the JCS seeks a minimum provision of 35% affordable housing for all strategic allocation sites. In addition, Policy SD11 requires housing development to provide an appropriate mix of dwelling sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced market, having regard to local housing needs, as evidenced by the latest evidence bases on housing need.
- 6.21** The applicant proposes a policy compliant scheme in that 93 dwellings would be delivered as affordable 1-4 bed units, with a tenure mix of (65 no.) social rented housing, (23 no.) first homes and (5 no.) shared ownership houses. This equates to a housing mix of 70% social rented and 30% affordable home ownership. Dependent on the views of the Council's preferred provider partners, the 30% affordable home ownership element would be delivered in the aforementioned shared ownership and First Homes mix.
- 6.22** The Council's Housing Enabling Officer (HEO) supports the applicant's commitment to delivering 35% affordable housing on this site and is in broad agreement with the proposed tenure mix and the categories, size and space standards of the dwellings. The distribution and clustering of affordable units across the site is acceptable and the appearance, build quality and materials would be indistinguishable from the market dwellings.
- 6.23** Although none of the proposed house types are full wheelchair user designed, the applicant has confirmed the delivery of M4(2) Cat 2 level access homes. In officers' opinion, any shortfalls in house type category is outweighed by the benefits of delivering 93 new affordable dwellings, with the delivery of 65no. social rented homes being of particular importance given the significant identified need for these homes, the current cost of living crisis and past undersupply. Moreover, delivering 65 homes at social rent

levels is always welcomed and will help to create sustainable tenancies and strong communities in perpetuity.

- 6.24** Following extensive discussions with the applicant (Persimmon Homes), the clustering and distribution of the affordable units across the site has also been amended to ensure that the proposed affordable homes are evenly and seamlessly distributed throughout the development. In practice therefore, the shared ownership/First Homes and rented properties would be evenly distributed across the site and the design and appearance of the dwellings would achieve a tenure blind scheme.
- 6.25** The HEO's full comments are set out in full in the Consultations section of the report.
- 6.26** The applicant has entered into a s106 agreement to secure the provision of 35% affordable housing on this site and in accordance with the submitted and agreed Affordable Housing Layout. The s106 includes triggers for the phased delivery of affordable units; specifically requiring that the owner shall not permit or cause the occupation of more than 50% of the open market homes before 50% of the affordable housing units have been made available for occupation and have been transferred to an Affordable Housing Provider (for the social rented and shared ownership homes).
- 6.27** Additionally, the s106 includes a trigger which prevents the occupation of more than 90% of the open market homes until all (100%) of the affordable housing units have been completed and have made available for occupation.
- 6.28 Community and Highways Infrastructure/s106 Obligations**
- 6.29** JCS policy INF6 states that where site proposals generate infrastructure requirements, new development will be served and supported by adequate on and/or off-site infrastructure and services which are fairly and reasonably related to the scale and type of development proposed. Regard to the cumulative impacts on existing infrastructure and services must also be considered. Planning permission should only be granted where sufficient provision has been made to meet the needs of new development and/or which are required to mitigate the impact of the development upon existing communities.
- 6.30** JCS policy INF7 advises that financial contributions will be sought through the s106 and CIL mechanisms as appropriate; in this case, the s106 mechanism being used to secure site-specific obligations.
- 6.31** Having regard to the objectives of JCS policies INF1, INF6, INF7 and A4 (and Cheltenham Plan policies D1 and C11), contributions towards the provision of education and library facilities are required as a consequence of the proposed development. Financial contributions towards off site highway improvements works and road infrastructure, including a (proportionate) contribution towards the M5 J10 improvement scheme, are also necessary. In this case, financial contributions are sought through a s106 Agreement. The off-site highway works are discussed in more detail from paragraph 6.60.
- 6.32** The County Council (GCC) has assessed the impact of the proposed development on various community infrastructure, in accordance with the Local Development Guide (LDG) and with regard to CIL regulations. GCC in its capacity as education and libraries authority, requests financial contributions towards (41no.) secondary school places provision in the Cheltenham school catchment area for pupils aged 11-18. GCC has concluded that there is sufficient capacity within the local primary schools (Primary Planning Areas) to accommodate the expected increase in population arising from the proposed development.

**6.33** The development would generate a need for additional library resources (through refurbishment of the building, stock and IT improvements) at Hesters Way Library. GCC therefore requests a libraries contribution; costed on the basis of the 266 proposed dwellings.

**6.34** At the time of writing, a draft s106 Agreement to secure the above highway improvement works, the education and libraries provision, affordable housing delivery and other required contributions, is largely agreed by all parties and nearing completion. Additional obligations to be secured via the S106 agreement include the provision and future management/maintenance of the proposed public open space and LEAP.

### **6.35 Design and Layout**

**6.36** Section 12 of the NPPF sets out that good design is a key aspect to achieving sustainable development and creating better places to in which to live. Similarly, Policy SD4 and the relevant criteria of Policy A4 of the Joint Core Strategy (JCS), require development to respond positively to and respect the character of the site and its surroundings, including in the case of A4, a layout and form of development that respects the landscape character and separation of Swindon Village and takes account of the indicative Local Green Space and the special features of that area. These objectives are reiterated in Policy D1 of the Cheltenham Plan which requires development to achieve a high standard of architectural design that complements neighbouring development.

### **6.37 Layout**

**6.38** In addition to the Elms Park allocation specific requirements of Policy A4, Policy SA1 sets out 8 points in relation to the delivery of strategic allocations. Point 4 states that proposals should enable a comprehensive scheme to be delivered across the developable area of the strategic allocation. Sites must provide an appropriate scale and mix of uses, in suitable locations, to create sustainable developments that support and complement the role of existing communities. The proposed use of the site for housing is, in part, in line with the JCS indicative layout for Elms Park. However, the extent to which the proposals align with and would help deliver a comprehensive scheme across the allocation is a key consideration of this application. In this respect, point 5 of SA1 requires that proposals be accompanied by a comprehensive masterplan for the entire SA. This should demonstrate how new development will integrate with and complement its surroundings whilst taking into account the wider development and infrastructure needs of the SA and without prejudicing the delivery of the wider allocation. This is particularly important in relation to connection points and green infrastructure linkages. Elms Park will provide a mixed use local centre and as such, there will be a need to secure future connections from the Swindon Farm site and existing neighbouring communities into Elms Park.

**6.39** The proposed development comprises of 266 (market and affordable) dwellings, distributed across the site in roughly three parts; two areas either side of the River Swilgate and a smaller parcel of housing south of the main spine road which runs along the western edge of the site, with a hierarchy of estate roads leading off. The main vehicular access into the site would be via a new mini roundabout junction off Manor Road and the primary route (Enhanced Street) through the site includes a dedicated pedestrian and cycle path and is wide enough to accommodate bus traffic. The retained PROW along the western site boundary would be contained within proposed public open space. There would also be several other informal pedestrian and cycle connections linking the various parts of the site and off site cycle routes.

**6.40** The design and layout of the scheme has been influenced by certain site constraints and features plus the need to align with the wider objectives and design parameters of the SA. These include the retention of the public right of way (Dog Bark Lane), no build area

surrounding the overhead power lines, buffer between housing and the River Swilgate, the retention of trees and important hedgerow plus suitable access to the site and connectivity (in terms of movement and green infrastructure) with the wider Elms Park site.

- 6.41** In response to officer and Architects Panel concerns, aspects of the scheme design and layout were substantially revised in 2021; the revisions limited to house type and design alterations, the amount and form of open space provision and structural landscape features. The number of character areas has been reduced from 6 to 5 and house design amended to respond better to local character. The three storey houses fronting Dog Bark Lane have been relocated to the south of the site and, in this location, would create a more urban character and appearance to the site entrance and Manor Road gateway frontage; this area set within a commercial building context.
- 6.42** The spine road was also altered to provide better permeability and vehicular and pedestrian/cycle separation. The height of the proposed raised table along the spine road has been adjusted and street trees have been added. Other scheme revisions relating to drainage, access, public right of way, affordable housing and trees are discussed in the relevant sections of the report.
- 6.43** Green infrastructure would be provided in the form of retained and new structural landscape features; a central corridor of public open space, which dissects the site roughly east/west and retention and replacement of hedgerow along the site boundaries. The main access road now incorporates a central avenue of trees and a large attenuation basin in the north east corner of the site would provide further public open space and recreation facilities. In addition to recreational opportunities, these features would form part of the SuDS drainage and biodiversity site strategies.
- 6.44** A Locally Equipped Area of Play (LEAP), located centrally within the site and appropriate bin and cycle storage for all dwellings are also provided. The provision and future management and maintenance of the LEAP and all public open space would be secured by way the agreed s106 provisions (the responsibilities transferred to a management company).
- 6.45** House types are a mix of 1 and 2 bed apartments and 2 to 5 bedroom, detached and semi-detached dwellings. Several of the proposed dwellings and flatted development (occupying prominent corner/end plots) have been designed to act as feature buildings within the street scene. These buildings are larger in scale and would incorporate higher quality materials and additional architectural design detail. Building heights range from one to three storey buildings; the majority of the three storey buildings located along the site peripheries facing onto the main access road, open land and the River Swilgate. All proposed dwellings would be provided with allocated parking, in the form of (front or side) on plot parking/garages, parking courts or allocated street parking.
- 6.46** House type design also varies across the site and includes a mix of traditional pitched and hipped roofed detached and semi-detached dwellings, some with gable projections on the front elevation. The Manor Road frontage would consist of the taller three storey buildings with gable fronted town houses and pitched and flat roofed blocks of flats. Properties fronting Dog Bark Lane would also be three storey in height.
- 6.47** The proposed external materials palette consists of artificial grey slate roof coverings, facing (dark red multi, red/orange and buff) brickwork with the use of render in dwellings fronting the attenuation pond feature and Dog Bark Lane. Wood grain effect, composite cladding is also a feature within some elevations. The proposed street scene elevations demonstrate a general uniformity in house types, materials palette and building heights within individual streets. In other words, there is variety across the site but with road frontages and areas within the site displaying distinct place making characteristics. The

accompanying Design and Access Statement includes a series of helpful viewpoint images to illustrate the intended creation of distinct character areas within the site.

- 6.48** The relatively traditional design approach is considered appropriate for the context and although distinct character areas would be created, the general conformity in materials palette and building form, would result in a coherent appearance across the site as a whole. Furthermore, the proposed affordable units, in terms of elevation detailing and materials, would be consistent with the open market dwellings and thereby seamlessly integrated into the wider scheme.
- 6.49** In conclusion, officers are satisfied that the proposals achieve an acceptable standard of design and layout that adheres to the wider objectives for the delivery of the North West Cheltenham Strategic Allocation.
- 6.50** Conformity with Elms Park outline application
- 6.51** The applicant has submitted a Compliance Statement to demonstrate the proposal's compliance with the Parameter Plans of the Elms Park outline application (16/02000/OUT).
- 6.52** In summary and as discussed in the report introduction, the proposed development complies with all Parameter Plans and relevant parts of the Environmental Statement (ES) of the outline application, including land use, access, green infrastructure, landscape and biodiversity, site contamination, drainage, noise and housing density.
- 6.53** The land to the north of Swindon Farm is proposed as a Green Infrastructure Corridor and would therefore provide an appropriate boundary with adjoining development. Adjacent land to the west is proposed for mixed-use development (residential, business, retail, education and infrastructure) and therefore compatible with the Swindon Farm residential scheme. The proposed Manor Road mini roundabout junction is the secondary access serving Elms Park and the spine road has two spurs at the boundary with Elms Park allowing connectivity between the two sites.
- 6.54** The land outside of the red line and immediately to the east of the proposed Manor Road mini roundabout was the subject of outline planning permission for light industrial use (19/01260/OUT) but falls outside of the Elms Park and North West Cheltenham SA. Some of the submitted drawings include this area and show an spur and mini-roundabout providing access to this site off the main spine road; to demonstrate that the proposed development at Swindon Farm would not prejudice this land coming forward for future development.
- 6.55 Impact upon Neighbouring Amenity**
- 6.56** Section 12 of the NPPF requires development to create places with a high standard of amenity for existing and future users. Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users or the locality. In assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, light and outlook. The policy is consistent with adopted JCS policy SD14.
- 6.57** The nearest residential properties are located to the north east of the site in Manor Road and Manor Court, Swindon Village. All other surrounding development is in commercial use.

- 6.58** All the concerns raised by local residents are duly noted. These concerns include the traffic impacts associated with the proposed development, during both the construction phase and once the development is occupied. Highway safety and transport matters are discussed in detail at paragraphs 6.60-74 of the report. The construction phase would be temporary in nature and therefore any noise, disturbance and disruption during this period can only be afforded limited weight. A Construction Management/Environmental Plan, which would include measures to minimise noise, dust and pollution and manage construction traffic and deliveries etc., would be approved prior to commencement of development and secured by planning condition.
- 6.59** Given these separation distances, the proposal should not result in an adverse impact in terms of noise and disturbance, overlooking, loss of privacy, light or outlook, shading or overbearing appearance. Overall, the proposals would have an acceptable impact upon the amenities of neighbouring land users.
- 6.60** The living conditions of future occupiers of the proposed dwellings have also been considered. The layout of the proposed development, plot and garden sizes, distances between property boundaries and any facing windows are acceptable and, where relevant, meet the (policy SL1) minimum recommended distances.
- 6.61** For the above reasons, the proposals are considered to be in accordance with section 8 of the NPPF, policy SL1 of the Cheltenham plan and policy SD14 of the JCS.
- 6.62 Access and Highway Safety**
- 6.63** Paragraph 11 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 6.64** Policy INF1 of the JCS reiterates the stance of the NPPF and states that proposals should ensure that safe and efficient access to the highway network is provided for all transport modes. In turn, points (xi-xiv) of Policy A4 require various measures to mitigate the traffic impacts of the North West Cheltenham allocation, as set out in paragraph 1.7.
- 6.65** The applicant has submitted a Transport Assessment (TA), a revised TA and TA updates addressing transport modelling issues and other consultee concerns, including those of the Parish Council.
- 6.66** National Highways and Gloucestershire County Council, acting as Local Highway Authority (HA), have reviewed the proposals (as revised) alongside the submitted transport related documents. Throughout the application, the HA has worked collaboratively with the applicant and their transport consultant to resolve the many issues raised. Their respective comments are set out in full in the Consultations section of the report.
- 6.67** By way of background, GCC was successful in a Housing Infrastructure Fund (HIF) bid to secure funding and bring forward an all movements junction at M5 junction 10 and a package of related highway improvement works. These works are subject to the Development Consent Order (DCO) process and include the M5 Junction 10 south facing slips, A4019 improvements, Coombe Hill junction improvements, Arle Court Transport Hub and the West Cheltenham link road.
- 6.68** The junction 10 improvements are identified as necessary within the Gloucestershire Local Transport Plan to accommodate the expected increases in traffic generated by the planned housing and economic growth identified within the JCS. Therefore, a key consideration of this application is when the junction 10 improvements will be delivered and should the proposed scheme for 266 houses come ahead of these works, could the existing M5 corridor junctions accommodate the expected increase in traffic movements

or alternatively, what quantum of development could be accommodated ahead of the junction 10 improvements without impacting on the strategic road network.

**6.69** Other considerations include the connectivity, in movement terms, between the application site and the wider Elms Park development area and wider transport network. An agreed infrastructure mitigation plan for this site will need to be in place alongside a proportionate package of infrastructure which overlaps that of the Elms Park outline application to ensure that abortive highway works do not occur.

**6.70** In response to the concerns raised by the HA and those of the Parish Council, revisions to the scheme include (but are not limited to) the following:

- amended housing and internal estate road layout with associated swept path and visibility analysis
- the provision of a tree lined, central boulevard to the main spine road to separate opposing traffic lanes and reduce traffic speeds. Spine road flanked by footways and cycleways. Imposed 20mph speed limit along spine road.
- Low speed street design in site parcels and cul-de-sacs north and south of spine road. Street trees and varied palette of materials used and side road priority features to encourage active travel.
- Internal street details amended to reduce parking spaces in front of dwellings and increase rear parking,
- design amendments to turning heads for better vehicle manoeuvrability, ensure provision of continuous footways and appropriate priority crossings
- separate junction to serve the future business park within the wider Elms Park development
- car parking provided in accordance with Manual for Gloucestershire Streets Addendum and visitor parking included around clusters of 4 bed houses
- one EV charging point per dwelling
- new footway on western side of Manor Road for pedestrian access to Swindon Village primary school
- funding towards the upgrade of bus stops – bus shelters
- new cycle infrastructure (shared access) scheme on Manor Road to be delivered ahead of Elms Park cycle infrastructure – off-site cycle route from the site access through to Tewkesbury Road and onto the wider cycle network
- controlled crossings on Manor Road
- speed limits reduced to 30 mph between Runnings Road and Tewkesbury Road
- signalised junction at Manor Road/Runnings Road (an element of the Elms Park infrastructure package brought forward
- retention of the Public Right of Way through the proposed public open space

**6.71** A number of matters identified by the HA and Road Safety Audit remain outstanding but these can be addressed post decision and by agreement with the HA; the applicant



having been made aware of the requirements. A Stopping Up Order is also required for the track serving Swindon Farm.

- 6.72** In light of the above, the HA concludes that there would be no unacceptable impact on highway safety or severe impact on congestion. In terms of vehicle impact the level of development does not result in any capacity failing with the mitigations proposed. These include a new roundabout to service the main access to the site and a signal controlled junction at Manor Road/Runnings Road.
- 6.73** The HA has also considered the impact on the A4019 and Junction 10 improvement schemes. Whilst the impact of the Swindon Farm scheme alone is not significant, when considered alongside the other planned growth in the JCS and specifically the strategic allocations, the HA concludes that cumulatively, the proposed development would adversely impact on network capacity. It is therefore necessary and reasonable for the applicant/developer to make contributions towards the M5 junction 10 works.
- 6.74** The HA has prepared a draft methodology to apportion the funding gap associated with junction 10 package of works between those development sites that would be reliant on this infrastructure for their delivery. The draft methodology apportions the cost on the basis of vehicle kilometres travelled by those development sites. The methodology is currently subject to consultation with affected land owners/developers and any viability issues that may arise.
- 6.75** For the Swindon Farm proposal, a provisional cost of £2,541,222.00 is apportioned and included within the s106 Agreement; payable upon first occupation of the proposed development. The HA think it unlikely that this figure will significantly change following the consultation exercise, however a mechanism to deal with any fluctuations in the cost is covered within the s106.
- 6.76** No objection is therefore raised subject to conditions (including Grampian conditions) covering the proposed off site highway works, TRO's, cycle track Conversion Order, street design, street tree planting, EV charging and cycle parking. These conditions and others relating to construction management and implementation of the access, parking and cycle storage arrangements are also included in the below full list of suggested conditions. The agreed apportioned share of funding for the junction 10 improvement package would be secured by a s106 Agreement alongside the implementation and monitoring of a Residential Travel Plan and Travel Plan Deposit.

### **6.77 Sustainability**

- 6.78** NPPF paragraph 152 states that:

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

- 6.79** NPPF paragraph 154 b) goes on to state that new development should be planned for in ways that *'can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards'.*
- 6.80** Policy SD3 of the JCS requires all new development to be designed to contribute to the aims of sustainability by increasing energy efficiency and minimising waste and air pollution. Development proposals are also required to be adaptable to climate change in respect of the design, layout, siting, orientation and function of buildings. Similarly, Policy

INF5 of the JCS sets out that proposals for the generation of energy from renewable resources or low carbon energy development will be supported.

**6.81** The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising buildings over the next decade. For residential development there is an opportunity to improve the environmental performance of buildings through the inclusion of technologies and features such as photovoltaics, heat recovery, permeable (or minimal) hard surfaces, fabric first design approach, insulation renewable and appropriately sourced materials, alternative heating systems (heat pump) and thoughtful kitchen design.

**6.82** This application was submitted prior to the adoption of the SPD but, nonetheless, is accompanied by Sustainability Statement (subsequently revised), as required by SD3. Appendix A of the revised Statement includes a Cheltenham Climate Change SPD Checklist. The revised Statement sets out the proposed approach to sustainable design and measures to reduce carbon emissions, as follows:

- Forecast 55.8% saving in CO2 emission rate over current 2021 Part L Building Regulations.
- SAP calculations undertaken to establish energy demand of proposed dwellings
- High levels of insulation for all homes, exceeding minimum benchmarks and delivering compliance with the Fabric efficiency standard
- Thermal bridging guidance adopted
- Use of waste water heat recovery systems
- Water efficiency standards of 110 litres per person per day or less achieved
- Building orientation and placement and fenestration arrangements to maximise solar gain and control overshadowing
- Glazing specification transmittance value of 0.71 or better
- Use of natural ventilation in all dwellings, using decentralised extract fans.
- Non-gas heating strategy with low carbon air source heat pumps (ASHPs) installed in all dwellings. Heating design will include dual time zone and delayed start thermostats.
- In apartments, hot water sourced from domestic air to hot water heat pump cylinders
- The proposed heating strategy will ensure that 47.90% of the site's regulated energy requirement will be sourced from low carbon technologies.
- Energy efficient lamps installed in all light fittings
- Fabric first approach (compliance with revised Fabric Energy Efficiency Standard) – to minimise heat loss through fabric and unnecessary bridging of insulation measures
- Modern timber frame construction method specification with lower embodied carbon. Sustainable sourcing of FSC rated timber.
- Solar PV panels installed on roof spaces of all dwellings
- Electric vehicle charging for all proposed dwellings
- Adoption of Site Waste Management Plan
- Home office option for each dwelling
- Fixed segregated waste and recycling facilities incorporated into all kitchen designs
- At the first point of occupation each home will be 'zero carbon ready'.

**6.83** These measures are welcomed and should significantly reduce energy demand and CO2 emissions beyond Building Regulations Part L. The proposals should therefore achieve a 55.88% reduction in CO2 emissions, as set out in the Energy and Sustainability Statement. In this respect, officers have utilised the SPD effectively to seek enhancements to the sustainability and low carbon approach to this development.

**6.84** Conditions are added to ensure the implementation and retention of ASHPs and solar PV panels and that the development is carried out in accordance with the measures set out in the revised (August 2022) Sustainability Statement.

## **6.85 Other Considerations**

### **6.86 Utilities**

**6.87** The supporting Utilities Statement confirms that appropriate telecommunications, gas, water and electricity supplies would serve the proposed development; the relevant utilities companies approached by the applicant, where relevant.

### **6.88 Noise**

**6.89** The proposal forms part of a wider allocation for mixed uses, including employment uses. Parts of the site are also in close proximity to existing commercial and industrial units. Although the findings of previous noise report and Environmental Statement submitted alongside the Elms Park outline application did not raise any noise related issues, the applicant for this application has carried out a further site specific noise assessment.

**6.90** The submitted Noise Assessment (NA) identifies several noise sources; the Gallagher retail park delivery yard, the industrial units at Spirax Sarco and road noise, principally from Manor Road. The NA sets out recommendations for suitable road and industrial noise mitigation within a defined building envelope. These include appropriate façade design (glazing and ventilation), a 4 metre acoustic fence to gardens backing onto noise sources (delivery areas) and a 2.5 metre acoustic standard fence to the garden of Plot 4. In addition, alternative ventilation methods will be required for proposed dwellings overlooking Manor Road, the new roundabout and servicing areas of neighbouring commercial units.

**6.91** The NA has been reviewed by the Council's Environmental Protection team who raise no objection to the proposed development on noise grounds, subject to the addition of planning conditions to secure the above recommended noise mitigation.

### **6.92 Drainage/Flood Risk**

**6.93** The application has been assessed in accordance with JCS Policies INF2 and A4 and section 14 of the NPPF; paragraph 167 setting out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and where appropriate, applications should be supported by a site-specific flood-risk assessment.

**6.94** The application site is located in Flood Zone 1 (lowest flood risk) and is not affected by fluvial flooding from nearby watercourses. The application is accompanied by a Flood Risk Assessment and Drainage Strategy; the Drainage Strategy revised to include two attenuation ponds and outfalls that discharge to an existing pond and the River Swilgate.

**6.95** In summary, the drainage proposals (in their revised form) include the attenuation of surface water sewers by two ponds at the northern edge of the site which would discharge to match the two existing greenfield discharge flow routes of the site. In addition, the surface water run-off rate would be restricted to existing greenfield run off rates, via a flow control device. The proposed attenuation pond would be large enough to accommodate the 100 year + 40% climate change storm event. The existing combined sewer located in the middle of the site would be diverted with alternative foul drainage proposed via a combined water sewer and pumping station.

**6.96** The Local Lead Flood Authority (LLFA) has reviewed the FRA, proposed drainage strategy all subsequent revisions. The LLFA raised a number of concerns over the

capacity of the existing pond, surface water flow routes, adjoining landownership and number of proposed outfall points within the existing pond. Following the submission of survey information of the existing pond and the relationship it would have with the proposed attenuation basin, the LLFA is satisfied that the proposed discharging to this feature will be possible. In its revised form (as outlined in paragraph 6.88) , the LLFA has no further objections to the proposal, subject to conditions relating to the detailed design and maintenance schedule for the drainage strategy. All recommended LLFA conditions have been added. The LLFA's comments are set out in full in the Consultations section of the report.

**6.97** The river Swilgate (main river) runs through the site; as such the Environment Agency (EA) was consulted. As first submitted, The EA objected to the proposed development on flood risk grounds. The principles contained in the wider Elms Park/North West Cheltenham development (ref 16/02000/OUT) had not been demonstrated, nor did the drainage scheme contain sufficient detail for a full planning application.

**6.98** In response to the Flood Risk Addendum dated 19 February 2021, the EA is now satisfied that appropriate information has been presented in that the development lies entirely outside of Flood Zone 2 (and Flood Zone 3), and finished floor levels are all above the recommended heights. In its revised form, the EA raise no objection to the proposed development.

**6.99** The LLFA and EA comments are set out in full in the Consultations section below.

**6.100** In terms of foul drainage a phased approach is to be taken. A Sewer Capacity Assessment has been completed and confirms that there is capacity at the Hayden Sewage Treatment Works. Severn Trent raise no objection subject to the inclusion of a condition requiring the submission of drainage plans for the disposal of foul and surface water flows.

#### **6.101** Ecology/Biodiversity and Green Infrastructure

**6.102** Policy SD9 of the JCS seeks the protection and enhancement of ecological networks and across the JCS area, improved community access and for new development to contribute positively to biodiversity and geodiversity whilst linking with wider networks of green infrastructure.

**6.103** JCS policy A4(v and vi) seeks the protection of key biodiversity assets and an appropriate Green Infrastructure network which will conserve the River Swilgate and Hyde Brook corridors and protect important trees and hedgerows where appropriate and contribute to water quality enhancements. A4(xv) also requires consideration of the special features of Local Green Space. Although A4 applies to the wider Elms Park allocation, consideration of the policy's wider objectives, particularly in relation to the River Swilgate corridor and Green Infrastructure links, are relevant and a material consideration of this application.

**6.104** Similarly, NPPF paragraph 174 seeks through development, the protection and enhancement of valued landscapes and sites of biodiversity value and the need to minimise and provide net gains for biodiversity and coherent and resilient ecological networks. Paragraph 175 sets out a mitigation hierarchy in terms of retained and enhanced environmental features that can be incorporated into a development proposal.

**6.105** The application details include a comprehensive (revised) Ecological Appraisal which includes a Phase 1 Habitat Survey, protected and notable species investigations and an assessment of Biodiversity Net Gain (BNG).

**6.106** The 9.50 ha site comprises of improved grassland, poor semi-improved grassland, an arable field and hedgerow. Three statutory designated sites were identified within a 10k of the site; the Dixton Wood and Cotswold Beechwood SACs and the Cotswold AONB.

The impact on these designations and a Shadow Habitats Regulation Assessment (sHRA) are discussed further at paragraphs 6.58-6.65 below.

- 6.107** In summary, the appraisal considers that hedgerows provide the highest on-site biodiversity value and, where possible, this feature has been retained within the proposed green infrastructure of the development, alongside newly planted hedgerow and filling in of gaps within retained areas of hedgerow, thereby increasing connectivity and species composition.
- 6.108** Protected species were recorded within and adjacent to the site. Badger activity (in the form of runs and latrines) was recorded across the site with confirmed extensive use of the wider Elms Park by badgers; the nearest sett being adjacent to the north of the application site. Bat species were also recorded within 2km of the survey area and the site is considered to be of moderate value to bats, with the hedgerow and riparian corridor providing the highest habitat value. The existing dwelling and structures proposed to be removed from the site are considered to offer negligible roosting potential and there is only one (retained) tree identified on site that has limited roosting potential for bats.
- 6.109** Generally, the wider Elms Park survey area supports an unremarkable number of birds species with the Swindon Farm application site being no more than local conservation value to birds. With appropriate mitigation, in the form of new hedgerow planting, and planting associated with residential gardens, drainage features and electricity pylon easements, the proposed development should have a minor positive residual impact on recorded bird species.
- 6.110** Similarly, ecological enhancement measures to ensure the delivery of BNG are included in the BNGr of the Ecological Appraisal. Proposed hedgerow planting is sufficient to compensate for the hedgerow habitat removed and also has a capacity to deliver 10% Biodiversity Net Gain for hedges calculated using DEFRA 3.0. Overall, the proposed landscape strategy has the capacity to deliver a net gain in habitats (BNG) of 9.48% based on the DEFRA 3.0 metric, ensuring a net gain in both habitats and hedgerows on site.
- 6.111** The applicant's Ecological Appraisal was reviewed by the Council's ecology advisor (EO) who requested further information on Great Crested Newts (GCN) and reptile site surveys. A dormice mitigation strategy and an outline mitigation strategy for farmland birds were also requested prior to determination of the application.
- 6.112** In response to an updated Ecological Appraisal (December 2021) and subsequent GCN and reptile surveys, the EO recommends various mitigation strategies that should be included in a (pre-commencement) Construction and Ecological Management Plan (CEMP) and Landscape Environmental Management Plan (LEMP). In addition to a Natural England Licence and a bat mitigation strategy in respect of tree removals, these measures include a pre-commencement badger survey, mitigation strategy for farmland birds, revised dormice mitigation strategy and consideration, and mitigation for hedgehogs (gaps under fences). All of these measures will need to be detailed within the CEMP.
- 6.113** The LEMP will also need to accord with the reported Biodiversity Net Gain (BNG) calculations, include measures for the retention of dormouse habitat and compensatory dormouse habitat, and includes timescales for implementation, management and monitoring of the site.
- 6.114** All recommended mitigation and enhancement measures will need to be set out in the CEMP and LEMP and their implementation secured by way of planning conditions. The EO also recommends that conditions are attached to any planning permission, requiring approval of an external lighting scheme, details of hedgerow coppicing, compliance with all measures set out in the updated Ecological Appraisal and pre-commencement badger survey/check.

**6.115** In addition GCER records also show that important species or habitats have been sighted on or near the application site in the past. These have been considered as part of the supporting Ecological Appraisals discussed above.

**6.116** Habitats Regulations Assessment/Cotswold Beechwoods Special Area of Conservation (SAC)

**6.117** Policy BG1 of the Cheltenham Plan states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network (alone or in combination), and the effects cannot be mitigated.

**6.118** Therefore, in order to retain the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) all development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.

**6.119** Natural England were consulted on the proposals. Recognising the site's location within the North west Cheltenham strategic allocation, HE advised that the application could, in combination with other new residential development in the authority area, have potential significant effects on the Cotswold Beechwoods SAC. An appropriate assessment in recognition of the application site's location relative to the SAC and the strategic status of the allocation should therefore be undertaken. The local planning 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.

**6.120** In response to NE's advice, the applicant subsequently provided a shadow Habitats Regulations Assessment (sHRA) of the site's location relative to the above SAC and Severn Estuary SPA/Ramsar in accordance with the Conservation of Habitats and Species Regulations 2017. NE also sought clarification on the provision of alternative recreational greenspace in the context of the site's location within the (A4) North West Cheltenham Strategic allocation. Clarification on functional linkage impacts in relation to the Severn Estuary Special Protection Area (SPA) connected to Coombe Hill SSSI was also required.

**6.121** The sHRA concludes that, the effects of the proposed development alone, are not likely to lead to a negative impact on the integrity of the SAC or compromise the conservation objectives of the SAC. Visitor surveys suggest that the proposed development is unlikely to generate a significant increase in visitor numbers to the SAC and the greenspace on-site mitigation and options off-site are sufficient to ensure alternative recreational opportunities available to future occupiers of the development. The sHRA concludes that the effects of the proposals in-combination are also not likely to have an adverse impact on the integrity of the SAC and any residual impacts are likely to be 'di minimus'. Nonetheless, it is recommended that further mitigation is secured.

**6.122** The sHRA and its mitigation proposals have been reviewed by officers who consider that suitable mitigation could be secured to minimise recreational pressures and any residual risk to the Beechwoods SAC. This would be provided in the form of a homeowner pack/information leaflet issued to all first occupiers of the dwellings. This would both educate and raise awareness of the SAC and list other recreation opportunities locally and further afield; broadly as set out at paragraph 4.24 of the sHRA. A condition has been attached accordingly.

**6.123** The Shadow sHRA dated February 2021 is therefore considered acceptable and Cheltenham Borough Council as the Competent Authority has adopted the sHRA as the Council's Appropriate Assessment (AA) under the Habitats Regulations.

**6.124** Landscape and Visual Impact

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

**6.126** The site is not located within or adjacent to any special designated area (e.g. AONB, Green Belt), albeit the Swindon Village Conservation area is within 1 km of the site.

**6.127** Landscape matters were considered in detail for the North West SA through the JCS adoption process; the allocation subsequently reduced in size (in the northern section of Elms Park). Landscape issues were not found to be significant in the Swindon Farm area of Elms Park/SA.

**6.128** Notwithstanding the above, landscape impact has been fully considered as part of the Elms Park outline application and the Swindon Farm proposals are considered to be fully compliant with this assessment. The proposals include appropriate Green Infrastructure, landscape buffers, enhancement of the River Swilgate corridor, retention and enhancement of hedgerow, retained and additional trees and demonstrate biodiversity net gain. The landscape and visual impacts of the proposals are therefore considered to be acceptable.

#### **6.129** Trees and Landscaping

**6.130** The Council's Trees Officer (TO) has undertaken a review of the proposed tree and soft landscaping proposals. His comments on the scheme as first submitted and subsequent revisions, are set out in full in the consultation section of this report.

**6.131** During the course of the application, the TO raised a number of concerns regarding remaining Veteran trees and Veteran tree buffer zones, retention and management of hedgerow, the proximity of some proposed houses to retained trees and their root protection areas and appropriate tree species for new planting. Additional tree planting within the proposed linear open space bisecting the site, a management plan for the hedgerow (with mature willow pollards) and footpath north of Swilgate Lane and the retention of some trees (both on and off site) marked for removal were also requested. Of particular concern was the lack of trees proposed within the housing areas of the site, i.e. large, landmark trees, street trees and tree planting within front and rear gardens was missing. Initially, tree planting was largely confined to the peripheries of the site.

**6.132** Upon submission of a revised landscaping scheme, the proposed extensive mitigating planting of trees and soft landscaping within the site is generally welcomed by the TO, subject to some minor amendments to tree and plant species, size of trees in certain locations, and the addition of planning conditions to ensure future hedgerow management and approval of an Arboricultural Method Statement/Tree Protection Plan for works within (TPO) Root Protection Areas.

**6.133** There is now an interesting mix of suitably sized native and exotic tree species, the retention of 6 no. additional mature trees and a number of potentially large trees to be planted at appropriate strategic locations. There are suitable tree species planted along the main arterial routes within the site (albeit in relatively sparse numbers within secondary roads). As requested, the proposed willow in the public open space has been removed and now confined to the wetland site to the north west of the site.

**6.134** In summary, following submission of a revised landscaping scheme, the TO considers the proposed planting appropriate in terms of species and tree locations. The revised scheme also includes tree planting within several private rear gardens. The implementation of the landscaping scheme (and BNG requirement), can be secured by condition. All recommended conditions have been attached accordingly.

#### **6.135** Heritage and Conservation

**6.136**The application site is within 300m of the grade II\* Church of St Lawrence, 1km from a Scheduled Ancient Monument (Moat House) and to the west of the Swindon Village Conservation Area. The submitted Cotswold Archaeology report considers the impact of the proposals on the significance of each of these assets.

**6.137**Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local authority to "*have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses*". Similarly, Section 72 refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. Policy SD8 of the JCS requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

**6.138**Both Historic England (HE) and the Council's Conservation Officer (CO) were consulted on the proposals. Their comments are set out in full in the Consultations section of the report.

**6.139**When commenting on the Elms Park outline application, HE advised that the proposed local green space (to the north of the Swindon Farm site boundary) will help to maintain the setting of Swindon Village Conservation Area and the Church of St Lawrence, and that further detailed analysis would be required to consider the resultant views out from and towards the conservation area.

**6.140**HE raises no objection on heritage grounds and broadly concurs with the applicant's Heritage Statement which concludes that the application site does not form part of the setting of the Grade II\* Church of St Lawrence due to an absence of inter-visibility, intervening topography and built form. However, HE suggest that officers give further consideration to variations in local topography which may allow views of the proposed development and thereby impact on the wider setting of the Church.

**6.141**Officers are satisfied that any partial views of the application site from the Conservation Area and Church would be distant and should not therefore impact on the significance of the heritage assets.

#### **6.142**Archaeology

**6.143**An archaeological evaluation of the land at Swindon Farm was carried out in June 2021; the scope of evaluation first agreed with the County Archaeologist. The site has also been subject to a series of previous archaeological studies and investigations.

**6.144**Archaeological features were identified in several excavated trenches, the majority dated to the Roma period and which corroborated the results of the previous phase of evaluation fieldwork. Some evidence of ridge and furrow was also identified.

**6.145**The County Archaeologist (CA) has reviewed the proposed development and confirms the previous programmes of archaeological evaluation and the presence of Roman settlement and agricultural activity on this site. Due to the presence of an area of archaeological interest, the CA recommends that a programme of archaeological excavation is made a condition of planning permission. A suitably worded condition is included in the suggested conditions list and agreed with the applicant.

#### **6.146**Section 106 Obligations

**6.147**During the course of the application and consideration in respect of the policy framework and material planning considerations, regard has been given to the consultation responses received and the likely impacts that would arise as a result of the development. The Community Infrastructure Levy Regulations (2010) came into effect in 2010 and



Regulation 122 sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- 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.

**6.148** Regard has been given to the CIL Regulations in making a recommendation and the following matters, which are considered in the above paragraphs, are considered to represent obligations that are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

1. Affordable Housing

To be policy compliant the scheme needs to deliver a minimum of Affordable Housing for Local Needs. It is therefore necessary to ensure the delivery of 93 affordable units dwellings with a tenure mix of (65 no.) social rented housing, (23 no.) First Homes and (5 no.) shared ownership houses. This equates to a housing mix of 70% social rented and 30% affordable home ownership. Affordable housing will be delivered in an agreed phased programme of works. Delivery sought at various trigger points.

2. Education provision

The proposed development would generate demand for additional school places within the relevant school catchment area. Financial contributions are therefore sought towards secondary school education provisions for pupils aged 11-18. Payment sought at various trigger points.

3. Libraries provision

The proposed development would generate demand for additional library resource. Financial contributions towards improvements in library provision at Hesters Way library are therefore sought. Payment sought upon first occupation of development.

4. Off-site Highway Works

Financial contributions towards M5 Junction 10 improvement scheme. Payment sought in two parts (occupation of 150<sup>th</sup> and 250<sup>th</sup> dwelling).

5. Residential Travel Plan Implementation and Monitoring/Cash Deposit

Appointment of Travel Coordinator. Financial contribution towards monitoring of Travel Plan. Residential Travel Plan Cash Deposit (as guarantee of performance of the Travel Plan).

6. Public Open Space

Agreement of Green Infrastructure Management and Maintenance Plan for Public Open Space including details of outdoor play space and equipment as shown on the Green Infrastructure Layout Plan in accordance with the approved Green Infrastructure Layout Plan and Public Open Space Phasing Plan. No more than 95% of the dwellings to be occupied until all Green Infrastructure has been laid out in accordance with the Green Infrastructure Phasing Plan and Management and Maintenance Plan.

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

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

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

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise.

**7.2** The relevant policies of the development plan currently in force are out of date due to a shortfall in the five-year supply of housing land. The proposal has therefore been assessed against the guidance contained within the NPPF. Paragraph 11(d) of the NPPF applies a presumption in favour of sustainable development unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

**7.3** The application site forms part of North West Cheltenham Strategic Allocation (JCS Policy A4). As such, and notwithstanding the shortfall in the Council’s housing land supply (HLS), the principle of developing the site to provide 266 new dwellings remains acceptable.

**7.4** In carrying out an objective assessment of the proposals (in line with NPPF paragraph 11d), officers have had to balance any potential adverse impacts of the proposals on the character of the site and wider locality, any implications associated with the delivery of the wider Elms Park development, the amenities of neighbouring land users and highway safety implications, against the positive contribution the proposal would make towards HLS and any wider economic or social benefits that the scheme might bring. In this regard, the contribution of 173 market and 93 affordable dwellings towards meeting the Council’s identified housing needs weighs heavily in favour of the proposals.

**7.5** In their revised form, the design, scale and layout of the proposals are considered acceptable and respond appropriately to the context of the site and the objectives of JCS Policy A4. The scheme incorporates appropriate connected green infrastructure, public open space, habitat creation and wildlife corridors. Suitable pedestrian, cycle and bus routes would offer appropriate sustainable transport opportunities. Following various adjustments to house type design, location and materials palette, and with the use of good

quality facing materials, the proposals should achieve a high standard of architectural design and appearance. In this respect, the proposed development adheres with relevant development plan policy and is considered to be in general conformity with the objectives and criteria of JCS Policies SA1 and A4.

- 7.6** The delivery of much needed housing on this site ahead of the remaining Elms Park development would not prejudice the aims or delivery of the SA. The proposals have been designed to 'align' with the larger area identified by the Elms Park outline application and should therefore meet the design, layout and infrastructure parameters of the outline application. The two schemes are therefore compatible and can be implemented separately and at different times.
- 7.7** The application proposes a policy compliant (35%) level of affordable housing, which would make a valuable contribution to meeting the identified local housing needs of the borough.
- 7.8** The potential for harm to the amenities of neighbouring land users and those of future occupiers of the development would be minimal and the proposals should not harm the significance of the setting of nearby heritage assets.
- 7.9** In response to changes in Building Regulations and the adoption of the Council's Climate Change SPD, the proposed sustainability measures are substantially improved; including all 266 dwellings to be provided with ASHPs, solar panels and EV charging points. Overall, the proposed development would achieve a 58% reduction in CO2 emissions over that required by Part L of Building Regulations.
- 7.10** The proposed development has been fully scrutinised by the Highway Authority alongside detailed collaborative discussions with the applicants for both the Swindon Farm and Elms Park applications, plus the applicants/stakeholders of the West Cheltenham SA. Overall, no objection is raised to the proposed development, subject to various conditions and financial contributions in relation to the M5 J10 improvement scheme and necessary off site highway improvement works, secured by way of a s106 obligation. In movement terms, the proposals would achieve appropriate connectivity with the proposed Elms Park development and surrounding road and cycleway network.
- 7.11** Officers have taken account of the social, economic and environmental benefits of the proposals and having assessed the proposals in accordance with NPPF paragraph 11(d), the 'tilted balance' in favour of sustainable development is engaged in this case and there are no other adverse impacts arising from the proposals that would significantly outweigh the benefits of the scheme and substantiate a refusal.
- 7.12 RECOMMENDATION**
- 7.13** Approve subject to the following conditions and the applicant entering into a Section 106 Agreement to provide:
- Affordable Housing (93 units)
  - Education (secondary 16-18 school places) provision
  - Libraries provision
  - M5 J10 improvement scheme (apportioned contributions)
  - Travel Plan implementation and monitoring
  - Travel Plan Cash Deposit guarantee
  - Public Open Space delivery, management and maintenance
- 7.14** All pre-commencement conditions are agreed with the applicant. The above s106 obligations are agreed between all parties and, at the time of writing, the Agreement nearing completion.

- 7.15 It should be noted that a decision will not be issued by the Council until conclusion of the SoS EIA Screening request. The Planning Committee should therefore resolve to either grant or refuse planning permission.

## 8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 Prior to the commencement of development or, if relevant, prior to the commencement of each phase of the development, a Construction Traffic Environmental Management Plan (CTEMP) and Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTEMP and SWMP shall be adhered to throughout the site preparation, demolition and construction periods unless the Local Planning Authority gives prior written permission for any variation. The plans/statements shall include but shall not be restricted to:

### CTEMP

- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Types, size and numbers of construction related vehicles anticipated daily including arrangements to receive abnormal loads or unusually large vehicles;
- Any temporary access into the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Measures for the control of noise, dust and other air borne pollutants during works of demolition and construction;
- Wheel washing facilities;
- Arrangements for turning vehicles;
- Measures for the control of site lighting (required for safe working or for security purposes);
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the CTEMP to staff, visitors and neighbouring residents and businesses.

### SWMP

- Information on the type and amount of waste likely to be generated prior to and during the construction phase;
- Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and

- Details of the measures for ensuring the delivery of waste minimisation during the construction phase.
- No construction works and/or ancillary operations which are audible at the site boundary shall be carried out on site outside the following hours:
  - Monday to Friday - 8am to 6pm
  - Saturday - 8am to 1pm
- There shall be no working on Sundays or Public or Bank Holidays. Deliveries to, and removal of plant, equipment, machinery and waste from, the site shall only take place within the permitted hours detailed above.

Reason: In the interests of highway safety and to safeguard the amenity of occupiers of neighbouring properties, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and to ensure the effective implementation of waste minimisation in accordance with the Gloucestershire Waste Core Strategy. Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

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

(a) a full site survey showing:

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

(b) full details showing:

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

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

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

- 5 Prior to the commencement of development (other than demolition/site clearance works), full details of a Sustainable Drainage (SuDS) Strategy shall be submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the proposal set out in the approved submission (Drainage Strategy Sheet 1 (20012-10-C) and 2 (20012-11-C); 19th February 2021).

The SuDS Strategy must include a detailed design and a timetable for implementation. The

SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development.

Prior to the occupation of each dwelling, the approved drainage details necessary to drain that dwelling shall be implemented in full.

The surface water drainage scheme shall be implemented strictly in accordance with approved details and thereafter retained as such for the lifetime of the development.

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

- 6 No dwelling shall be occupied until a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall include the maintenance of the existing pond and ditch that lies within the undertaker's responsibility and shall be implemented in full in accordance with the agreed plan.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 7 Prior to the commencement of development, full details for the treatment, routing and disposal of foul water (including pollution control and monitoring measures) for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

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

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

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

b) an assessment of the potential risks to:

- human health

- property (including buildings, crops, livestock, pets, woodland and service lines and pipes)

- adjoining land

- ecological systems

- groundwaters and surface water

- archaeological sites and ancient monuments

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

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

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

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

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

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

- 10 No piling activities shall be carried out at this site until a full pile method statement has been submitted to and been approved in writing by the Local Planning Authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential property, dates and times of piling and details of monitoring measures.

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

- 11 The development shall be carried out in accordance with the following materials and measures specified for noise mitigation (as set out in the 'sharps acoustics' Environmental Noise Assessment dated February 2021), unless otherwise agreed in writing by the Local Planning Authority.

- 4 metre acoustic grade fence to gardens directly backing on to noise sources (delivery areas) (Plots 56/57)
- 2.5 metre acoustic standard fence to the garden of Plot 1
- properties identified as requiring 'Medium' construction methods must meet ventilation requirements with windows closed by way of Mechanical Ventilation systems (MVHR) or pulling the required air from the 'quiet' side of the property

The approved noise mitigation measures shall be installed in full prior to occupation and retained thereafter for the lifetime of the development.

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

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

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

- 13 Prior to the commencement of development an Arboricultural Method Statement and Arboricultural Monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Monitoring scheme shall include details of (i) person(s) to conduct the monitoring; (ii) the methodology and programme for reporting; (iii) a timetable for inspections, and (iv) details of the retention of an arboricultural Clerk of Works. The development and all tree related works shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 14 Prior to the commencement of development, full details of the proposed no-dig method for works within the tree Root Protection Area(s) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the approved details. All paths, parking areas and other forms of hard landscaping that fall within the tree Root Protection Area(s) shall be constructed using a no-dig method.

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

- 15 Prior to the commencement of development (including site clearance works), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and/or hedge protection, indicate where 'no- dig' surfacing methods are to be utilised/located, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

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

- 16 All trees and hedging within the site shall be retained unless shown on the approved drawings as being removed. Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. Any pruning works within the five year period shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).



Reason: In the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

- 17 All landscaping works shall be carried out in accordance with the approved details, including the approved Public Open Space Phasing Plan (drawing No. 050), unless otherwise first agreed in writing by the Local Planning Authority.

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

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 18 Prior to the implementation of any landscaping for individual building plots, full details of a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All soft landscaping works shall be carried out in accordance with the approved details. The proposed landscaping for each individual building plot shall be carried out prior to first occupation of that building unless otherwise agreed in writing by the Local Planning Authority.

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

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

- 19 Prior to the occupation of each dwelling, refuse and recycling storage facilities shall be provided for that dwelling in accordance with the approved plans and shall be retained as such thereafter.

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

- 20 No dwelling hereby permitted shall be connected to mains gas supplies for the purposes of domestic hot water or space heating.

Reason: To ensure that the development contributes towards the mitigation of climate change, having regard to Strategic Objective 6, policies SD3 and INF5 of the Joint Core Strategy (2017) and the guidance set out in Cheltenham Climate SPD (adopted 2022).

- 21 The following highway improvements/site access works shall be constructed in full and in accordance with the approved details and following timescales.

1. Pedestrian and bicycle infrastructure on Manor Road - to be completed before occupation of 10th dwelling
2. New roundabout on Manor Road - to be completed before occupation of 1st dwelling
3. Signal controlled junction at Manor Road and Runnings Road - to be completed before occupation of 50th dwelling

Reason: To ensure the safe and free flow of traffic onto the highway, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and Section 9 of the National Planning Policy Framework (2021).

- 22 No dwelling hereby approved shall be occupied until a traffic regulation order (TRO) relating to a 30 mph speed limit between Runnings Road and Tewkesbury Road has been implemented.

Reason: To ensure the delivery of suitable mitigation, in the interests of highway safety and in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the National Planning Policy Framework (2021).

- 23 No dwelling hereby approved shall be occupied until a traffic regulation order (TRO) relating to a 20 mph speed limit on the proposed on-site streets has been implemented.

Reason: To ensure the delivery of suitable mitigation, in the interests of highway safety and in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the National Planning Policy Framework (2021).

- 24 Prior to occupation of the 10th dwelling a cycle track conversion order relating to the proposed bicycle infrastructure on Manor Road shall be implemented.

Reason: To ensure the delivery of suitable mitigation, in the interests of highway safety and in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the National Planning Policy Framework (2021).

- 25 Notwithstanding the details submitted and prior to the commencement of development, details of the proposed street designs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved.

Reason: To ensure the proposed development is updated to reflect the latest agreement with the applicant and the Highway Authority and to ensure that the proposal provides safe and suitable access, in accordance with adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the National Planning Policy Framework (2021).

- 26 Prior to commencement of development, full details of all proposed street tree planting, root protection systems, a future management plan, and the proposed times of planting, shall be submitted to and approved in writing by the local planning authority. All street tree planting shall be carried out in accordance with the details approved, and in accordance with an implementation scheme which shall be submitted to and approved in writing by the local planning authority prior to commencement of development.

Reason: To ensure the long term health of the street trees in the interests of the amenity and environmental quality of the locality, having regard to adopted policy SD4 of the JCS (2017) and adopted policies D1 and GI3 of the Cheltenham Plan (2020).

- 27 No dwelling shall be occupied until:

- (i) the carriageway(s) providing access from the public highway to that dwelling has been completed to at least binder course level and the footway(s) to surface course level and in accordance with the approved plans; and
- (ii) the car/vehicle parking area, visitor parking and turning space associated with that dwelling (including garages and car ports where proposed) have been completed in accordance with the approved plans.

The access, parking (including garages) and turning areas shall thereafter be kept free of obstruction and available for the access, parking and turning of vehicles associated with the development.

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

- 28 All proposed houses shall be provided with one electric vehicle charging point. Within car courts/parking areas associated with flats or apartments, provision shall be made for 1 active electric vehicle charging point in every 10 parking spaces and passive provision provided to the equivalent of 1 electric vehicle charging point per dwelling served by the car court. The details of the appearance, location and type of electric charging point shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground development. The electric vehicle charging points shall be installed prior to the first occupation of the dwelling to which it relates and shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: In the interests of sustainable development and the reduction of carbon emissions, having regard to Section 9 of the NPPF and the Council's Climate Change SPD (adopted 2022).

- 29 No dwelling hereby approved shall be occupied until secure covered cycle storage for that dwelling has been provided and in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall thereafter be retained available at all times for such use in accordance with the approved details.

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

- 30 Prior to first occupation of the development, details of the proposed arrangements for future management and maintenance of the proposed roads/streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The roads/streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe and suitable access is provided and maintained in the interests of highway safety, having regard adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the NPPF.

- 31 Prior to their installation, a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and agreed in writing by the Local Planning

Authority. No dwelling shall be occupied until the fire hydrant serving that property has been provided in accordance with the agreed scheme.

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

- 32 Prior to first occupation of the development, details of a Homeowner's Information Pack providing information on recreation resources in the locality shall be submitted to and approved in writing by the local planning authority. The pack should present information describing informal recreation opportunities in the following sequence:

1. Public Open Space on Your Doorstep: Information pertaining to both existing POS within the development and any future POS coming forward as part of the scheme. It should detail walking routes on site of different lengths, connections to offsite footpaths and locations of open POS and the facilities (play areas etc.).

2. Public Open Space a Short Drive or Bus Ride: To include formal parks and open spaces within Cheltenham town centre and open space/countryside to visit that are within easy reach by car and/or bus in under 15 mins with visitor facilities and car parking.

3. Visiting the Cotswolds: Provide information on local places to visit within the Cotswolds with car parks and visitor facilities at different scales, focusing on those areas that are most easily accessible and those further afield. Provide general information regarding the country code, keeping to footpaths, reading and following visitor information signs etc.

4. Weekend and Day Visits: Provide several options for visits that are 30mins to 1 hour from Site, that offer scenic views and facilities.

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

- 33 No dwelling shall be occupied until dog bins and an information board showing rights of way and permissive paths have been located at either side of the development on access points to neighbouring footpaths.

Reason: To safeguard important ecological species, to ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the proposal are suitably addressed, having regard to adopted policies SD9 and INF3 of the Joint Core Strategy (2017), policy BG1 of the Cheltenham Plan (2020), and paragraphs 180, and 181 of the National Planning Policy Framework (2021) and to promote healthy communities in accordance with policies SD9 and SD14 of the Joint Core Strategy (2017).

- 34 The development shall be carried out in accordance with the requirements for mitigation set out in the adopted Habitats Regulations Assessment (Shadow Habitats Regulations Assessment, FPCR, June, 2022) and in accordance with the requirements for mitigation and enhancement detailed within the Ecological Appraisal (fpcr, May 2020 as updated by fpcr Ecological Appraisal dated 15th December 2021).

Reason: To safeguard important ecological species in accordance with policy SD9 of the Joint Core Strategy (2017).

- 35 A survey of the site for badgers shall be carried out prior to the commencement of development (including site clearance works). If active badger setts are recorded within

30m of the application site, details of the location of badger sett activity, supported by appropriate mitigation, shall be submitted to and approved in writing by the local authority and prior to the commencement of any site works.

Reason: To safeguard important ecological species in accordance with policy SD9 of the Joint Core Strategy (2017).

- 36 Prior to the commencement of development (including site clearance works), a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local authority. The LEMP must be in accordance with the reported Biodiversity Net Gain (BNG) calculations set out in the Ecological Appraisal (fpcr, May 2020 updated by fpcr Ecological Appraisal Rev A, dated 15th December 2021) and include the updated BNG spreadsheet that confirms positive BNG. The LEMP must also consider the requirements for the retention of dormouse habitat and compensatory dormouse habitat planting. The LEMP should expand on the (fpcr) Ecology Appraisal recommendations for site wide enhancements for identified ecological species and should detail timescales for implementation and persons responsible for managing and monitoring the site.

In addition to the approved LEMP, hedgehog tunnels shall be installed within the bases of some garden or other boundary fences, in accordance with details which shall have been first submitted to and approved in writing by the local planning authority.

The development hereby approved shall be carried out at all times (including during all ground and vegetation clearance works) and thereafter maintained in accordance with the ecological enhancement measures and management and maintenance measures set out in the approved LEMP.

Any modifications to the approved LEMP details, for example as a result of requirements of a protected species license, must be submitted to and agreed in writing by the Local Planning Authority and prior to the implementation of any modifications.

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, in accordance with policy SD9 of the Joint Core Strategy (2017). Approval is required upfront to ensure appropriate mitigation for the protection and enhancement of ecological species during all stages of the development.

- 37 Prior to the commencement of development (including site clearance works), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local authority. The CEMP shall detail the methods, recommendations and ecological protective measures during construction. The development hereby approved shall be carried out at all times (including during all ground and vegetation clearance works) in accordance with the methods, recommendations and ecological protective measures set out in the approved CEMP.

Any modifications to the approved CEMP details, for example as a result of requirements of a protected species license, must be submitted to and agreed in writing by the Local Planning Authority and prior to the implementation of any modifications.

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, in accordance with policy SD6 and SD9 of the Joint Core Strategy (2017). Approval is required upfront to ensure appropriate mitigation for the protection and enhancement of ecological species during all stages of the development.

- 38 Prior to commencement of above ground works (excluding site clearance, utilities and drainage works), an external lighting scheme for the proposed residential units fronting boundary hedgerows, shall be submitted to and approved in writing by the local authority. The scheme shall provide details of the location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan should be completed in conjunction with advice from the project ecologist (particularly with regards to bat activity patterns and dormice).

Reason: To safeguard important ecological species in accordance with policy SD9 of the Joint Core Strategy (2017). Approval is required upfront to ensure the protection of ecological species during all stages of the development.

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

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

- 40 The design and profile of all new windows (including cills, heads and reveals, materials, finish and colour) shall be carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall be accompanied by elevations and section drawings to a minimum scale of 1:5. The windows shall thereafter be retained in accordance with the approved details at all times.

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

- 41 Prior to the implementation of any hard surfaces within the site, including driveways, parking and turning areas, footways and patios, details shall be submitted to and approved in writing by the Local Planning Authority. All new hard surfacing areas shall be permeable or drain to a permeable area and shall be carried out in accordance with the approved details prior to first occupation of any part of the development.

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

- 42 Prior to the implementation of any new boundary treatments, including boundary walls, fences or other means of enclosure, details shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: In the interests of the character and appearance of the area and residential amenity, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 43 The development shall be carried out in accordance with the measures set out in the JSP Energy, Sustainability & Climate Emergency Statement Rev E (dated August 2022). Sustainability Appraisal dated October 2021.

Reason: In the interests of the reducing carbon emissions, having regard to adopted policies adopted policy SD3 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD (2022).

- 44 No dwelling or apartment building hereby approved shall be occupied until the proposed solar PV panels serving that dwelling or apartment building have been fully installed and in accordance with details (to include their operation, design, appearance and positioning on the roof) which shall have been submitted to and approved in writing by the local planning authority. The solar PV panels shall be retained as such thereafter unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of the character, appearance and amenities of the area and reducing carbon emissions, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD3, SD4 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD (2022).

- 45 Details of the type/model, location and predicted noise levels of the proposed air source heat pumps (ASHPs) shall be submitted to and approved in writing by the local Planning authority. An ASHP(s) shall be installed prior to first occupation of each dwelling or apartment building hereby approved and in accordance with the details approved. The ASHPs shall be retained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers and neighbouring properties and to reduce carbon emissions, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020), adopted policies SD3, SD4 and SD14 of the Joint Core Strategy (2017) and guidance set out in Cheltenham Climate Change SPD.

## **INFORMATIVES**

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

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

In this instance, the authority sought revisions to the design, layout and appearance of the proposed development in the interests of local amenity.

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

- 2 The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you

must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

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

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

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

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

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

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

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

- 4 The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

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

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

You should enter into discussions with statutory undertakers as soon as possible to



co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

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

- 5 All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.
- 6 There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) to arrange a temporary closure of the right of way for the duration of any works. We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic. The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.
- 7 The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 8 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- 9 You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247, 248 or 257 of the Town and Country Planning Act 1990. Contact the National Transport Casework team.
- 10 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

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

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also

confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

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

## **CONSULTATION RESPONSES**

### **Cheltenham Civic Society 1**

3rd July 2020 –

#### **OBJECT**

This proposal is one small part of the North West Cheltenham JCS urban extension. It is difficult to comment on this without access to a master plan for the allocation as a whole, including details of the infrastructure that will support the development.

The site's layout has been dictated by the power line and the pylon. This restricts landscaping options. If the power line is allowed to remain, this is likely to have a similar effect on the rest of the North West Cheltenham development. It should be a condition of any planning permission granted that the power cable be buried (we understand that burying a 132 kv power line might cost between £500,000 and £1m a kilometre). The green space could then be distributed throughout the development, and used to create recreational space much more sympathetic to the location, e.g. village green layouts.

There has been no attempt at place making. The street plans and building designs appear to be mass produced with no attempt at making them sympathetic to the area. The apartment block is particularly dismal and inappropriate to the surroundings. The layout and forms of the development should make reference to neighbouring Swindon Village.

The cul de sac layout mitigates against safe and convenient cycle and pedestrian routes both within the site and to neighbouring areas. There needs to be more provision for sustainable transport. There is no mention of measures to ensure that the new estate would contribute towards the CBC target of net zero carbon emissions by 2030.

The balancing pond is a token attempt to address Environment Agency concerns about flood management, and contributes little in the way of landscape or recreational use. We recommend instead that the developers use the Building with Nature (BwN) model for managing water <https://www.buildingwithnature.org.uk/about>.

Far more attention should be given to the landscaping round the perimeter of the development, and within the site, taking into account the surrounding rural area, and again adhering to the BwN principles. We note that Tewkesbury Brough Council has formally adopted the BwN standards in its emerging local plan and urge CBC to do likewise for large new developments like this.

### **Civic Society 2**

14th March 2022 –

#### **OBJECT**

Our original objections still stand. The sustainability issues we raised have not been addressed. The pylons still determine the layout of the development, to the detriment of the overall design, and particularly to the detriment of the amenity space.

Given Cheltenham's limited supply of employment land, we are concerned that the layout of housing abutting the boundary of employment land could potentially kill off the use of that area for employment in the future.

As the first bit of the North West Cheltenham JCS urban extension to come to planning, this scheme should be the standard for the rest of this development.

### **Civic Society 3**

*25th March 2021 –*

The Civic Society Planning Forum stands by its original objection (below). The decision by the developer to keep the power line above ground has seriously compromised the site layout and landscaping. The proposed layout and form do not meet the design standards set out for the North West Cheltenham development in the adopted JCS document.

In addition we note that there has been little effort to incorporate "green" technology and facilities. The pandemic has shown that people need more room in their houses to work from home. The Affordable units are not wide enough to park 2 cars within their curtilage, creating the public path dividing the cars from the house, which results in difficulty in charging electric cars. The gardens are still too small for bike storage, recycling/ rubbish bins, tree planting, trampoline, patios not provided, and there is no space for future extensions/ conservatories. There is insufficient space for the "tree lined streets".

This proposal is one small part of the North West Cheltenham JCS urban extension. It is difficult to comment on this without access to a master plan for the allocation as a whole, including details of the infrastructure that will support the development.

The site's layout has been dictated by the power line and the pylon. This restricts landscaping options. If the power line is allowed to remain, this is likely to have a similar effect on the rest of the North West Cheltenham development. It should be a condition of any planning permission granted that the power cable be buried (we understand that burying a 132 kv power line might cost between £500,000 and £1m a kilometre). The green space could then be distributed throughout the development, and used to create recreational space much more sympathetic to the location, e.g. village green layouts.

There has been no attempt at place making. The street plans and building designs appear to be mass produced with no attempt at making them sympathetic to the area. The apartment block is particularly dismal and inappropriate to the surroundings. The layout and forms of the development should make reference to neighbouring Swindon Village.

The cul de sac layout mitigates against safe and convenient cycle and pedestrian routes both within the site and to neighbouring areas. There needs to be more provision for sustainable transport. There is no mention of measures to ensure that the new estate would contribute towards the CBC target of net zero carbon emissions by 2030.

The balancing pond is a token attempt to address Environment Agency concerns about flood management, and contributes little in the way of landscape or recreational use. We recommend instead that the developers use the Building with Nature (BwN) model for managing water <https://www.buildingwithnature.org.uk/about>.

Far more attention should be given to the landscaping round the perimeter of the development, and within the site, taking into account the surrounding rural area, and again adhering to the BwN principles. We note that Tewkesbury Borough Council has formally adopted the BwN standards in its emerging local plan and urge CBC to do likewise for large new developments like this.

### **Gloucestershire Centre For Environmental Records**

*9th July 2020 – Available to view online*

**Building Control**

19th March 2021 - Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

**Housing Enabling Officer 1**

17th May 2021 – Available to view online

**Housing Enabling Officer 2**

1st March 2022 – Available to view online

**Housing Enabling Officer 3**

11th March 2022 – Available to view online

**Housing Enabling Officer 4**

28th February 2022 –

Please see my final, updated comments for the scheme at Swindon Farm, Planning Reference 20/00759/FUL (265 homes, 35% affordable i.e. 93 units).

I have amended the comments to provide clarification around the Planning Layout (Planning Layout Drawing P-02, Revision G, dated 27/01/22) and Affordable Housing Layout (Drawing Number P-04, Revision B, dated 27.01.22)

The outstanding issues regarding the applicant's proposed AH provision are as follows:

- o AH Mix; the applicants mix of 100% Affordable Rent (capped at LHA) does not meet policy requirement (SD11/SD12), identified needs (as set out in 2020 Gloucestershire LHNA) or account for massive past undersupply of social rented homes (Net -32 SR delivered since 2016/17 vs need to deliver 372 SR dwellings over this period!). The applicant's mix also doesn't accommodate our acute (and longstanding) need to deliver larger 5 bedroom homes (1 x 5b home delivered in past 10 years, 20+ households on Housing Register!).
- o AH Distribution; whilst the distribution of AH across the scheme has been markedly improved, it would be difficult to reasonably describe this as 'seamlessly integrated' across the development scheme as per JCS SD12. For this reason, I have requested minor amendments to the distribution of the Affordable Homes.
- o Size of Affordable Homes; The delivery of 4b6p rented homes and 2b3p rented homes cannot be reasonably described as 'fit for purpose' as per JCS SD4, nor can it provide sufficient flexibility to fully accommodate changing social, requirements (e.g. wfh, family members growing up, storage space etc etc). For this reason I have requested that the size of these particular homes be increased.

I will be having further discussions with the applicant shortly to reiterate our policy requirements as addressed above.

**Historic England 1**

10th June 2020 –

Thank you for your letter of 2nd June 2020 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The application site is within approx 300m of the Church of St Lawrence, 1km from a Scheduled Ancient Monument (Moat House) and to the west of the Swindon village Conservation Area. The significance of each of these assets is covered with the associated Cotswold Archaeology report. The Church of St Lawrence is designated as Grade II\*, and as such is in the top 8% of listed buildings. Therefore, greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

At the time of the Outline application we advised that principle of development as capable of implementation with a negligible impact on the designated assets noted above (in addition of the Church of St Mary's to the west). We also advised that the proposed local green space (to the north of the present site boundary) will help to maintain the setting of Swindon Conservation Area and the Church of St Lawrence, and that further detailed analysis would be required to consider the views out from and towards the conservation area on development of the proposals.

Para 5.7 of the Heritage Statement concludes that the application site does not form part of the setting of the Grade II\* Church of St Lawrence due to an absence of intervisibility, intervening topography and built form. While we have been unable to visit the site due to the current restrictions, we advise that you satisfy yourselves that there are no key views that would include the application site within those of the church. We agree that intervisibility is very unlikely, but variations in local topography may allow views (possibly distant ones) where the development could impact upon the wider setting of the Church.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 189 of the NPPF, the significance of the asset's setting requires consideration. Para 193 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 194 goes on to say that clear and convincing justification is needed if there is loss or harm. When considering development that has the potential to affect setting, Historic England's guidance (Historic Environment Good Practice Advice in Planning - Note 3. The Setting of Heritage Assets) should be referred to. The key steps for the assessment of setting are provided on page 7 of the guidance.

#### Recommendation

Historic England has no objection to the application on heritage grounds. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

**Historic England 2**

*10th March 2021 –*

Thank you for your letter of 2 June 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

### **Historic England 3**

*10th January 2022 –*

Thank you for your letter of 22 December 2021 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

### **Natural England 1**

Natural England

2nd July 2020 – Attached as Appendix.

### **Natural England 2**

*13th May 2021* - Thank you for your most recent consultation on this development proposal. We are sorry for the delay replying.

Objection- Habitats Regulations Assessment HRA (Stage 2 - appropriate assessment) required in order to assess impacts on European Sites and the scope for mitigation

Our previous advice letter dated 2.7.2020 refers and we attach a copy for ease of reference. The revised Design and Access Statement (ecology section) appears to overlook any reference to our previous advice.

In addition to the designated sites named in our 2020 advice letter we would also draw your attention to the Coombe Hill Canal SSSI and Coombe Hill Meadows Gloucestershire Wildlife Trust Nature Reserve with regard to additional recreation pressure from new home building in the locality. Natural England has recently commissioned research into the use of land in the Severn Vale with potential 'functional linkages' to the Severn Estuary Special Protection Area (SPA) and Upper Severn Estuary/Severn Estuary SSSIs. This unpublished report provides information on the use of land such as that at Coombe Hill Canal SSSI and the associated nature reserve by wild birds designated as part of the SPA. Appropriate assessment should address the scope for additional recreation pressure on this SSSI, consistent with recent case law (the 'Holohan' judgement - CJEU reference C461/17). We can provide access to a copy of the pre-publication draft of the report on request.

Please get in touch if you require further information or wish to discuss next steps.

### **Natural England 3**

*13th April 2022 – Attached as Appendix*

### **Natural England 4**

13th September 2022 – Attached as Appendix.

### **GCC Community Infrastructure Team 1**

*25th June 2020 – available to view online*

**GCC Community Infrastructure Team 2**  
*26th January 2022 – available to view online*

**GCC Community Infrastructure Team 3**  
3rd November 2022 – available to view online

**GCC Community Infrastructure Team 4**  
*15<sup>th</sup> February 2023 – attached as Appendix*

**National Highways 1**

*27th October 2020 –*

Referring to the planning application for the 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 at Elms Park, Tewkesbury Road, Cheltenham, Gloucestershire notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection;

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

1 Where relevant, further information will be provided within Annex A.

Highways England Planning Response (HEPR 16-01) January 2016

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk).

**National Highways 2**

*9th March 2021 –*

Thank you for providing Highways England with the opportunity to comment on revised information submitted in support of the above planning application.

We are satisfied that our formal recommendation dated 27 July 2020 remains appropriate and we have no further comments to add. A copy is attached for ease of reference.

**Building Control**

*3rd June 2020* - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

**Swindon Parish Council 1**

*23rd June 2020* - Many thanks for confirming that the above planning application will go to the planning committee and that comments will be accepted after the today's "formal" close of the consultation period. This will give us a better opportunity to consult with our residents in what remain difficult circumstances.

We held a Parish Council meeting last night specifically to discuss the application. I have been asked to submit these preliminary comments whilst my members continue to scrutinise the large number of documents comprising the application.

In summary, to date we have identified the following concerns but expect to submit detailed comments (with references to the applicant's documents where appropriate) within the next two weeks.

Alignment with Outline Application & Phasing

We object to the proposed development on the basis that:

1. Many of the documents submitted with this application rely on commitments made in the outline application. We do not accept that this full application for phase 1 of Elms Park should be reliant on the parameters of an outline application which has yet to be determined.
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.

We underline the importance of this phase 1 application setting a precedent for the future impact on our community of other applications.

### Design & Visual Impact & Heritage

We object to the proposed development on the basis that:

1. The application's drawings do not reflect the topography of the site.
2. The appearance of the buildings do not reflect the character of the conservation area.

### Traffic & access

We object to the proposed development on the basis that:

1. The site access deviates from commitments made in the outline planning application.
2. The traffic assessment fails to substantiate (through lack of modelling) that the existing road network (including Manor Road) will not be adversely impacted by the development.
3. The traffic assessment fails to include local committed developments which we expect to have a significant impact on traffic and congestion.
4. There is a lack of design information and justification for the proposed emergency vehicle access.

### Flooding & Ground Conditions

We object to the proposed development on the basis that:

1. The flooding assessment fails to acknowledge the local experience of flooding within the area.
2. The flooding assessment fails to validate the proposed design through best practise fluvial and pluvial modelling.
3. The correspondence received from Severn Trent (April 2020), upon which the flooding assessment is based, does not indicate whether it applies to this planning application for 260 houses or to the entirety of the proposed Elms Park development.

### Sustainability



We object to the proposed development on the basis that:

1. The application does not meet the minimum requirements as it does not include an energy policy.

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, NPPF and JCS resolutions through the Planning Inspectorate's process.

**Swindon Parish Council 2**

*22nd July 2020* – attached as Appendix

**Swindon Parish Council 3**

26th March 2021 – attached as Appendix

**Swindon Parish Council 4**

27th January 2022 – attached as Appendix.

**Uckington Parish Council 1**

*25th June 2020* -

1. The land subject of the application is currently in agricultural use and the Parish Council consider there should be an application for change of use from agricultural use to residential use.
2. The Parish Council consider the application is premature since the land subject of the application forms part of the North West Cheltenham /Elms Park JCS Strategic Allocation which is subject to an ongoing application for outline permission (16/020000/OUT). Until the outline application is determined it is considered there is no basis to make an application for full permission.
3. The proposed development is fundamentally car dependant. It provides for 474 on-site parking spaces i.e.1.82 cars per household. This additional vehicle usage will inevitably lead to increased congestion, further reduction in air quality and associated issues. The existing road network is already at a breaking point with demands from dwellings, the industrial units, the retail outlets and rat runners. This is compounded by the absence of any provision for cycle routes. If the developers wish to be forward thinking they should have in mind a development that does not have facilities for the car as is the case in some parts of some London boroughs.
4. The Manor Farm Air Quality Statement draws attention to both the existing air quality impact and the increased impacts mainly from Nitrogen Dioxide and particulates arising from any potential development.
5. The Swindon Farm Cheltenham Environmental Noise Assessment underlines a significant need for any potential development to address and mitigate noise from industry and traffic by way of acoustic barriers, glazing and ventilators.
6. In relation to the application for outline permission (16?020000/OUT) Highways England have made a formal recommendation dated 21/04/20 that planning permission not be granted for a period of six months in order to provide further time for Highways England's concerns regarding the proposed North West Cheltenham / Elms Park development's traffic impact on the Strategic Road Network. It is understood that the traffic modelling process is

continuing and clearly it is difficult to see how matters can proceed until such time as Highways England are satisfied as to the issues under their control.

7. An Agricultural Land Classification (ALC) Survey does not appear to have been carried out. Such survey, carried out in 1995 by ADAS on behalf of MAFF on Swindon Farm showed 24% of the agricultural land surveyed within ALC Grade 2 (i.e. very good quality agricultural land). This is, therefore by definition, best and most versatile agricultural land and should be protected and retained for sustainable food production. 76% was within Grade 3b (i.e. moderate quality agricultural land).

I trust this meets with your requirements.

## **Uckington Parish Council 2**

*9th March 2021 –*

Our view is that the objections raised by Uckington Parish Council are still valid, and that they should be re-submitted. Please see below.

1. The land subject of the application is currently in agricultural use and the Parish Council consider there should be an application for change of use from agricultural use to residential use.
2. The Parish Council consider the application is premature since the land subject of the application forms part of the North West Cheltenham / Elms Park JCS Strategic Allocation which is subject to an on-going application for outline permission (16/020000/OUT). Until the outline application is determined it is considered there is no basis to make an application for full permission.
3. The proposed development is fundamentally car dependant. It provides for 474 on-site parking spaces i.e. 1.82 cars per household. This additional vehicle usage will inevitably lead to increased congestion, further reduction in air quality and associated issues. The existing road network is already at a breaking point with demands from dwellings, the industrial units, the retail outlets and rat runners. This is compounded by the absence of any provision for cycle routes. If the developers wish to be forward thinking they should have in mind a development that does not have facilities for the car as is the case in some parts of some London boroughs.
4. The Manor Farm Air Quality Statement draws attention to both the existing air quality impact and the increased impacts mainly from Nitrogen Dioxide and particulates arising from any potential development.
5. The Swindon Farm Cheltenham Environmental Noise Assessment underlines a significant need for any potential development to address and mitigate noise from industry and traffic by way of acoustic barriers, glazing and ventilators.
6. In relation to the application for outline permission (16/020000/OUT) Highways England have made a formal recommendation dated 21/04/20 that planning permission not be granted for a period of six months in order to provide further time for Highways England's concerns regarding the proposed North West Cheltenham / Elms Park development's traffic impact on the Strategic Road Network. It is understood that the traffic modelling process is continuing and clearly it is difficult to see how matters can proceed until such time as Highways England are satisfied as to the issues under their control.
7. An Agricultural Land Classification (ALC) Survey does not appear to have been carried out. Such survey, carried out in 1995 by ADAS on behalf of MAFF on Swindon Farm showed 24% of the agricultural land surveyed within ALC Grade 2 (i.e. very good quality agricultural land). This is therefore, by definition, best and most versatile agricultural land and should be protected and retained for sustainable food production. 76% was within Grade 3b (i.e. moderate quality agricultural land).

## **GCC Highways Planning Liaison Officer 1**

*5th July 2020 –*

Recommendation: DEFERRAL

The application submitted is a full application for up to 260 dwellings. The site forms part of the North West Cheltenham strategic allocation which is subject to application 16/2000 which is currently under consideration.

This applicant has provided a Transport Assessment and residential Travel Plan to support the proposal. The application documents have been carefully considered by Gloucestershire County Council (GCC) in its function as the Local Highway Authority. It should be noted that the application is close to the J10 motorway junction and this application will place further demands onto that part of the network. J10 is subject to an improvement scheme which is led by GCC, however Highways England are responsible for the junction and consequently should be invited to comment on this application.

Whilst fully recognising the sites allocation in the adopted JCS and it forming part of a current application, GCC wish to raise concern that this application represents a piecemeal approach for development which fails to address the cumulative impacts of demand from the total local plan allocation and consequently does not address the wider infrastructure needed to deliver the strategic allocation. Policy A4 of the adopted Joint Core Strategy defines the expectations from the allocation, as such proposals should be appraised in the context the support local centre, employment land and education facilities. The promotion of this proposal in advance of the required supporting infrastructure will result in the externalisation of all trips, consequently the proposal conflicts with the adopted local plan. Proposals should be brought forward as reserved matters associated to an outline permission which secures the necessary community infrastructure.

The accessibility assessment contained within the Transport Assessment (TA) demonstrates that the site exceeds the acceptable walking distance to primary school education and bus stops. The route quality to Swindon Village primary school is also poor with narrow footways and lack of street lighting. Given the likely age of pedestrians it is not considered that this route would be used even with an escort and it is likely to result in a transfer to a vehicle trip. 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 pupil 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.

Access to bus services exceeds the recommended walking distances, this needs to be set in the context of the wider strategic allocation which would see a bus service pass through this phase. Access to services and Cheltenham by bicycle is within accepted distances, however this would require cycling on the Tewkesbury Road dual carriageway which is a considerable disincentive to active travel, no dedicated cycle infrastructure is proposed by this application along this key corridor. It is therefore considered that the site fails to provide suitable access to Cheltenham by bicycle.

The proposal is reliant on the provision of the wider package of infrastructure associated with the promotion of the wide land allocation to support it as a sustainable community, and at this time there is no permission in place to ensure that is delivered.

The specific site layout also is a matter of concern. The layout is a vehicle dominated street layout that provides minimal infrastructure to encourage active travel. The proposed "side roads" are generally acceptable, but they are principally cul-de-sacs and consequently do not make a permeable layout. More concerning is the spine road which is wide, long and has not design features to maintain a slow design speed. This is considered to be unsuitable for the intended use for 260 dwellings and does little to promote active travel over car-based trips. A further issue is the ability to access the cycle parking areas, particularly for terraced housing which relies on narrow alleyways which turn through 90 degrees. This significantly reduce the ability to access the bike which should be thought of as a primary transport mode.

Car parking levels are not justified, an approach of using locally collected data from donor site or using census data should be applied. Parking spaces appear to fall below the dimensions advocated by lifetime homes. No provision is made for electric vehicles.

There is no agreed infrastructure mitigation plan in place to address this site and not financial contributions are suggested. It is acknowledged that a CIL contribution will apply but that does not address how this site integrates into the wider transport network.

This applicant needs to be promoted along side a proportionate package of infrastructure which overlaps that contained in application 16/2000 to ensure that abortive highway works do not occur. Additionally, the matters of internal site design need to be addressed.

In its current form the proposal does not provide a suitable approach to reduce car dependency based on the specific detail of the design presented or with regards to its ability to access local goods and services, it consequently results in unmitigated harm to the highway network. The application is therefore conflicts with policy A4 of the adopted Joint Core Strategy 2011-2031, Policy LTP PD 4 of the Current Local Transport Plan, and paragraphs 91, 92, 102, 103, 108 and 110 of the National Planning Policy Framework.

The Highway Authority wishes to positively engage with the Applicant and the Local Planning Authority to seek solutions to bring this proposal forward, and it would invite the LPA to host a meeting to look to resolve these matters. It is therefore recommended that his application is not determined until such a time where a compatible level of mitigation has been provided and the design issues have been resolved which align the aspirations of GCC and the urban designer.

## **GCC Highways Planning Liaison Officer 2**

*18th July 2022 –*

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

The justification for this decision is provided below.

This application forms part of the strategic allocation in the adopted Joint Core Strategy, known as Northwest Cheltenham. Application 20/01600 known as "The Elms" covers the majority of the overall allocation and also washes over the land contained in this application. This application has been considered on its own merits based on the evidence presented, the overarching JCS site allocation policy and the consideration of local and national policy and guidance.

The application has been subject to revisions to ensure that the proposal provides suitable walking and cycling infrastructure to connect into existing services given the sites promotion in advance of the services and amenities which will otherwise be forthcoming within the Strategic Allocation, this has resulted in improved linkage along Manor Way and towards Swindon Village, and additional connections will be made in the wider site as and when that develops.

Given the site forming part of the strategic allocation the principle is established, it remains necessary to ensure that the impact is not severe or unsafe, and that there are links to services to give choices to future residents.

In terms of vehicle impact the level of development does not result in any capacity failing with the mitigations proposed, these are a new roundabout to service access to the site and the provisions of a signal controlled junction at Runnings Lane. The proposal must consider the impact on the A4019 and Junction 10 improvement scheme which has been granted HIF funding to help to release additional housing growth in the area. Whilst the impact of this scheme along is not significant considered alongside the other growth in the JCS and specifically the strategic allocations and cumulatively it adversely impacts on network capacity. It is therefore necessary and reasonable for it to make contributions towards the junction 10 scheme.

The proposal includes a new footway on Manor Road which will allow for a direct walking route to access Swindon Village and primary school education. This connection is suitable given the anticipated additional demands and looked at in context of the adjoining walking network.

It is also essential that Manor Road is made suitable for pedestrians and cyclists give the lack of active travel routes and derestricted speed limit. The proposal looks to maximise the opportunities recognising the limitations of the existing highway and larger vehicles that use it to support the surrounding employment uses. It is not possible to provide consistent walking and cycling routes on the same side of the road, as such it is unavoidable to have several crossing points, however these are proposed to be controlled crossings which will give priority over the relatively high traffic volumes. Walking and cycling routes are proposed to be shared facilities, these are normally not considered to be the preferred solution but still can be acceptable. In this instance the applicant has looked to provide the best facilities given the constraints and has assessed the impact using a Cycling Level of Service tool and a road safety audit. Furthermore, the speed limit will be altered to be 30mph which reflects the new demands that arise from this proposal.

The internal street layout has been amended and is now acceptable but recognising that some minor alterations are still needed. It is considered that these changes do not change the principle or layout and as such can be addressed during the technical checking process associated with the street adoption process. It is proposed that conditions be included that ensure that these changes are accounted for in the proposal to ensure the scheme fully addresses the needs to future users.

The site can be considered in 3 sections from a transport perspective.

#### 1. Spine Road.

This is proposed to be a tree lined street with a central swale, this makes a positive impact on environmental management as well as contributing to the design speed. The proposal

also includes a zebra crossing with parallel cycle facilities as well as dedicated pedestrian and bicycle areas which reflect national good practice. This street will also be subject to a 20mph speed limit order to help ensure the desired design speed recognising that the street is relatively straight.

#### 2. South of spine road.

This is a small cul-de-sac which has a very low design speed and has low volumes of traffic. It provides a direct walking and cycling access onto Manor Way.

#### 3. North of spine road.

This parcel contains the majority of the housing and public open space. The street is a low design speed that will include street trees, a varied palette of materials will be used and side road priority features to encourage active travel.

Whilst the proposal is overall acceptable the following matters which have been identified by the Highway Authority and the Road Safety Audit need to be addressed, this is recognised and accepted by the applicant.

- o Block Paved Feature between plots 126-145 should be raised.
- o Access near plot 68 needs to connect to the existing highway and an interim scheme is needed.
- o Road opposite plot 54 needs a priority side road crossing and the buildout needs to be adjusted to avoid the car parking space.
- o The cycleway access onto Manor Road adjoining apartments 26-34 needs to be positioned with ancillary kerbing to prevent the need to dismount when using this link.
- o A cycleway connection is needed from the proposed roundabout on Manor Road to the proposed zebra crossing in the site.
- o The interface between the proposed stepped cycleway and zebra crossing requires refinement to ensure that the proposal addresses the desire lines.
- o The applicant should account for the comments of the Road Safety Audit in their technical submission post any planning permission being granted.

The applicant should note that a stopping up order is needed based on the current alignment of the track to Swindon Farm (demolished) which is a publicly maintained highway. Any alternative route will need to be made available before the extinguishment order can be completed. The process is administered by the National Planning Casework Unit and the applicant should submit their proposal in a timely manner.

It is also necessary to see conditions which limit occupation until the essential infrastructure has been delivered, these are detailed below along with planning obligations.

The Highway Authority has reviewed the planning application and based on the analysis of the information submitted it is concluded that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

### Conditions

Highway improvements / offsite works / site access - Notwithstanding the Details Provided

Notwithstanding the details submitted, the Development hereby approved shall not commence until drawings of the highway improvements / site access works comprising:

1. Pedestrian and Bicycle infrastructure on Manor Road indicatively shown on drawings 0110 - P1, 0111 - P1, 0104 - P4,
2. New Roundabout on Manor Road as indicatively shown on drawing 01 - P02
3. Signal controlled junction at Manor Road and Runnings Lane 0006 - P0 Have been submitted to and approved in writing by the Local Planning Authority; and the building shall

not be occupied until those works have been constructed in accordance with the approved details.

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

#### Grampian Traffic Regulation Order - Manor Road

No development shall take place until a traffic regulation order (TRO) relating to a 30 mph speed limit between Runnings Lane and Tewkesbury Road has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

#### Grampian Cycle Track Conversion Order

No development shall take place until a cycle track conversion order relating to the proposed bicycle infrastructure on Manor Road has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

#### Street design

Notwithstanding the details submitted and prior to the commencement of development, details of the proposed street designs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved details.

Reason: To ensure the proposal is updated to reflect the latest agreement with the applicant and the Highway Authority and to ensure that the proposal provides safe and suitable access.

#### Grampian Traffic Regulation Order - Site Roads

No development shall be occupied until a traffic regulation order (TRO) relating to a 20 mph speed limit on the proposed streets has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

#### Provision for street tree planting

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

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

#### Electric Vehicle Charging Points (Residential)

Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

#### Bicycle Parking

The no dwelling hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities

#### Residential Travel Plan

The Residential Travel Plan hereby approved, dated April 2020 shall be implemented and monitored in accordance with the regime contained within the Plan.

REASON: To reduce vehicle movements and promote sustainable access.

Informatives

#### Works on the Public Highway

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

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

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

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

#### Traffic Regulation Order (TRO)

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

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

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov](mailto:highwaylegalagreements@gloucestershire.gov). The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

#### Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the



development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

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

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

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

T

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

#### Street Trees

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

#### Public Right of Way Impacted

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

We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion. Impact on the highway network during construction

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

#### Protection of Visibility Splays

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

#### Stopping Up/Diversion of Adopted Highway

You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247, 248 or 257 of the Town and Country Planning Act 1990. Contact the National Transport Casework team.

#### Construction Management Plan (CMP)

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

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

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

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

#### Planning Obligations

Specific Purpose - Travel Plan Bond

Contribution - £49,700

Trigger - Prior to the First Occupation of Any Dwelling

Retention Period - 5 Years from the occupation of the first dwelling

Specific Purpose - Travel Plan Monitoring

Contribution - £5,000

Trigger - Prior to the First Occupation of Any Dwelling

Retention Period - 5 Years from the occupation of the first dwelling

Specific Purpose - Contribution towards Junction 10 improvement scheme

Contribution - To be confirmed

Trigger - To be confirmed

Retention Period - To be confirmed

### **GCC Highways Planning Liaison Officer 3**

*23<sup>rd</sup> January 2023-*

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

The justification for this decision is provided below.

This application forms part of the strategic allocation in the adopted Joint Core Strategy, known as Northwest Cheltenham. Application 20/01600 known as "The Elms" covers the majority of the overall allocation and also washes over the land contained in this application. This application has been considered on its own merits based on the evidence presented, the overarching JCS site allocation policy and the consideration of local and national policy and guidance.

The application has been subject to revisions to ensure that the proposal provides suitable walking and cycling infrastructure to connect into existing services given the sites promotion in advance of the services and amenities which will otherwise be

forthcoming within the Strategic Allocation, this has resulted in improved linkage along Manor Way and towards Swindon Village, and additional connections will be made in the wider site as and when that develops.

Given the site forming part of the strategic allocation the principle is established, it remains necessary to ensure that the impact is not severe or unsafe, and that there are links to services to give choices to future residents.

In terms of vehicle impact the level of development does not result in any capacity failing with the mitigations proposed, these are a new roundabout to service access to the site and the provisions of a signal controlled junction at Runnings Lane. The proposal must consider the impact on the A4019 and Junction 10 improvement scheme which has been granted HIF funding to help to release additional housing growth in the area. Whilst the impact of this scheme along is not significant considered alongside the other growth in the JCS and specifically the strategic allocations and cumulatively it adversely impacts on network capacity. It is therefore necessary and reasonable for it to make contributions towards the junction 10 scheme.

Gloucestershire County Council have prepared a draft methodology to apportion the funding gap associated with delivery of the junction 10 package between those development sites that are unlocked by this infrastructure. This package of works includes the M5 junction 10 south facing slips, A4019 improvements, Coombe Hill Junction improvement, Arle Court Transport Hub and West Cheltenham link road. This methodology apportions the cost on the basis of vehicle kilometres travelled by those development sites that are dependent on this infrastructure. This is a provisional methodology to apportion costs and will be subject to consultation with affected land owners and any viability issues that may arise. The provisional cost has been included in the Section 106 funding recommendation in this response. Whilst it is unlikely to significantly change, it is possible the level of funding required may increase or decrease if any consultation feedback is received that materially affects the methodology or if there is refinement in the scheme costs.

The proposal includes a new footway on Manor Road which will allow for a direct walking route to access Swindon Village and primary school education. This connection is suitable given the anticipated additional demands and looked at in context of the adjoining walking network.

It is also essential that Manor Road is made suitable for pedestrians and cyclists given the lack of active travel routes and derestricted speed limit. The proposal looks to maximise the opportunities recognising the limitations of the existing highway and larger vehicles that use it to support the surrounding employment uses. It is not possible to provide consistent walking and cycling routes on the same side of the road, as such it is unavoidable to have several crossing points, however these are proposed to be controlled crossings which will give priority over the relatively high traffic volumes. Walking and cycling routes are proposed to be shared facilities, these are normally not considered to be the preferred solution but still can be acceptable. In this instance the applicant has looked to provide the best facilities given the constraints and has assessed the impact using a Cycling Level of Service tool and a road safety audit. Furthermore, the speed limit will be altered to be 30mph which reflects the new demands that arise from this proposal.

The internal street layout has been amended and is now acceptable but recognising that some minor alterations are still needed. It is considered that these changes do not change the principle or layout and as such can be addressed during the technical checking process associated with the street adoption process. It is proposed that conditions be included that ensure that these changes are accounted for in the proposal to ensure the scheme fully addresses the needs to future users.

The site can be considered in 3 sections from a transport perspective.

1. Spine Road. This is proposed to be a tree lined street with a central swale, this makes a positive impact on environmental management as well as contributing to the design speed. The proposal also includes a zebra crossing with parallel cycle facilities as well as dedicated pedestrian and bicycle areas which reflect national good practice. This street will also be subject to a 20mph speed limit order to help ensure the desired design speed recognising that the street is relatively straight.

2. South of spine road. This is a small cul-de-sac which has a very low design speed and has low volumes of traffic. It provides a direct walking and cycling access onto Manor Way.

3. North of spine road. This parcel contains the majority if the housing and public open space. The street is a low design speed that will include street trees, a varied pallet of materials will be used and side road priority features to encourage active travel.

Whilst the proposal is overall acceptable the following matters which have been identified by the Highway Authority and the Road Safety Audit need to be addressed, this is recognised and accepted by the applicant.

- Block Paved Feature between plots 126-145 should be raised.
- Access near plot 68 needs to connect to the existing highway and an interim scheme is needed.
- Road opposite plot 54 needs a priority side road crossing and the buildout needs to be adjusted to avoid the car parking space.
- The cycleway access onto Manor Road adjoining apartments 26-34 needs to be positioned with ancillary kerbing to prevent the need to dismount when using this link.
- A cycleway connection is needed from the proposed roundabout on Manor Road to the proposed zebra crossing in the site.
- The interface between the proposed stepped cycleway and zebra crossing requires refinement to ensure that the proposal addresses the desire lines.
- The applicant should account for the comments of the Road Safety Audit in their technical submission post any planning permission being granted.

The applicant should note that a stopping up order is needed based on the current alignment of the track to Swindon Farm (demolished) which is a publicly maintained highway. Any alternative route will need to be made available before the extinguishment order can be completed. The process is administered by the National Planning Casework Unit and the applicant should submit their proposal in a timely manner.

It is also necessary to see conditions which limit occupation until the essential infrastructure has been delivered, these are detailed below along with planning obligations.

The Highway Authority has reviewed the planning application and based on the analysis of the information submitted it is concluded that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

#### Conditions

Highway improvements / offsite works / site access – Notwithstanding the Details Provided

Notwithstanding the details submitted, the Development hereby approved shall not commence until drawings of the highway improvements / site access works comprising:

1. Pedestrian and Bicycle infrastructure on Manor Road indicatively shown on drawings 0110 – P1, 0111 – P1, 0104 - P4,

2. New Roundabout on Manor Road as indicatively shown on drawing 01 – P02

3. Signal controlled junction at Manor Road and Runnings Lane 0006 – P0

Have been submitted to and approved in writing by the Local Planning Authority; and the building shall not be occupied until those works have been constructed in accordance with the approved details.

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

### Grampian Traffic Regulation Order – Manor Road

No development shall take place until a traffic regulation order (TRO) relating to a 30 mph speed limit between Runnings Lane and Tewkesbury Road has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

### Grampian Cycle Track Conversion Order

No development shall take place until a cycle track conversion order relating to the proposed bicycle infrastructure on Manor Road has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

### Street design

Notwithstanding the details submitted and prior to the commencement of development, details of the proposed street designs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved details.

Reason: To ensure the proposal is updated to reflect the latest agreement with the applicant and the Highway Authority and to ensure that the proposal provides safe and suitable access.

### Grampian Traffic Regulation Order – Site Roads

No development shall be occupied until a traffic regulation order (TRO) relating to a 20 mph speed limit on the proposed streets has been implemented.

Reason: To Restrict impact and harm until suitable mitigation is delivered.

### Provision for street tree planting

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

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

### Electric Vehicle Charging Points (Residential)

Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

### Bicycle Parking

The no dwelling hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities

### Residential Travel Plan

The Residential Travel Plan hereby approved, dated April 2020 shall be implemented and monitored in accordance with the regime contained within the Plan.

REASON: To reduce vehicle movements and promote sustainable access.

### Informatives

## Works on the Public Highway

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

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

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

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

## Traffic Regulation Order (TRO)

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

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

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov](mailto:highwaylegalagreements@gloucestershire.gov). The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

## Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

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

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

#### □ Inspecting the highway works

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

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

#### Street Trees

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

#### Public Right of Way Impacted

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

We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic. The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion. Impact on the highway network during construction

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

#### Protection of Visibility Splays

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

#### Stopping Up/Diversion of Adopted Highway

You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247, 248 or 257 of the Town and Country Planning Act 1990. Contact the National Transport Casework team.

#### Construction Management Plan (CMP)

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

the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public

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

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

### Planning Obligations

Specific Purpose – Travel Plan Bond

Contribution - £49,700

Trigger – Prior to the First Occupation of Any Dwelling

Retention Period - 5 Years from the occupation of the first dwelling

Specific Purpose – Travel Plan Monitoring

Contribution - £5,000

Trigger – Prior to the First Occupation of Any Dwelling

Email: [nathan.drover@gloucestershire.gov.uk](mailto:nathan.drover@gloucestershire.gov.uk)

Retention Period – 10 Years from the occupation of the first dwelling

Specific Purpose – Contribution towards the design and delivery of Junction 10 package of works, including M5 junction 10 south facing slips, A4019 improvements, Coombe Hill Junction improvement, Arle Court Transport Hub and West Cheltenham link road.

Contribution – £2,541,222.00

Trigger – Prior to the First Occupation of Any Dwelling

Retention Period – 12 Years

### **Severn Trent Water Ltd**

*18th June 2020* - Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

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

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

Severn Trent Water advise that there are public sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the



provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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

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

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

### **Environmental Health**

*23rd June 2020 –*

20/00759/FUL 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

I have reviewed the application and the documents relating to planning application 20/00759/FUL, Elms Park Tewkesbury Road Cheltenham Gloucestershire . In the light of this, I recommend that should permission be granted, the following conditions are attached:

#### Condition 1

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

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

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

#### Noise

The application site is situated next to several sources of commercial and industrial noise including the Gallagher Retail Park and Spirax Sarco., as well as noise from nearby roads. The submitted Environmental Noise Assessment has specified a number of noise mitigation measures to protect future residents from a loss of amenity.

I recommend a condition that development shall be carried out in accordance with the materials specified for mitigation unless otherwise agreed in writing by the Local Planning Authority.

## Condition 2

The development shall be carried out in accordance with the materials specified for mitigation unless otherwise agreed in writing by the Local Planning Authority.

' the inclusion of a 4 metre acoustic grade fence to gardens directly backing on to noise sources (delivery areas) (Pot 56/57)

' the inclusion of a 2.5 metre acoustic standard fence to the garden of Plot 1

' properties identified as requiring 'Medium' construction methods must meet ventilation requirements with windows closed by way of Mechanical Ventilation systems (MVHR) or pulling the required air from the 'quiet' side of the property

The approved noise mitigation measures shall be installed in full prior to occupation and retained thereafter.

Reason: To ensure that the amenities of future occupiers are protected.

### Informatives.

Electric vehicle charging points shall be considered as a basic minimum requirement and where it is considered unviable to do so, dwellings should be designed to enable the provision of an electrical charging point either as an optional extra or at a later date. Where residential dwellings do not have parking within their curtilage, consideration should be given to providing charging points on-street or within communal parking areas, including designing the development so as to minimise the cost and disturbance of retrofitting charging points at a later date.

If you would like to discuss further, or if you believe the recommendations are not suitable, please do not hesitate to contact me.

## Environmental Health 2

1st February 2022 –

Very little of the "new" information relates to us in EH, and we have previously commented about the need for a contaminated land report, which doesn't appear to have been provided, yet. So I'm not sure it needs any further comment from us at present, unless you think I have missed something?

## Ubico Ltd

8th March 2021 –

### Suggested Solutions

- 1 Pathway Pathways need to be of hard standing
- 2 Bins Locations Residents would need to be informed that due to it being private dwellings the ownership would be for them to present on the kerbside for 7am on the morning of collection.
- 3 Road Layout Parking in the new road will reduce the amount of space to be able to turn a 26 tonne vehicle in. Ideally off road parking is advisable with a turning space for refuse and recycling trucks that is to be kept free on collection days. Ideally double yellow lines to be installed in turning areas
- 4 Road Surface The road surface will need to be of a good surface that will take the weight of a 26 tonne vehicle. Until the road has been completed and passed on, Ubico would need assurances that they are safe to enter and not held responsible for any damage.
- 5 Turning Section Due to the main road leading into the new estate reversing off or onto is not advisable. Also the distance to reverse and navigate the new estate would

also not be possible. Therefore the road into the new estate will need turning spaces to allow for a 26 tonne vehicle to turn safely. This would require the road to have adequate measures to prevent parking in these spaces.

6 Presentation Points The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.

7 Storage of bin and boxes for single dwellings Properties need adequate space to store bins and boxes off the public highway when not out for presentation

8 Communal If any of the properties are to be communal then a bin shed will need to be planned. The bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 30 metres away from the adopted highway as per the planning guidance document.

9 Entrance to roads Ideally the entrance to the roads will need to have double yellow lines to prevent parking at the junction which causes access issues

### **County Archaeology 1**

*9th June 2020 –*

Thank you for consulting me on this application. I wish to make the following observations regarding the archaeological implications of the scheme.

I advise that I have checked the proposed development area against the County Historic Environment Record. The site has previously been subject to archaeological desk-based assessment in connection with the wider Elms Park application (16/02000/OUT). A geophysical survey of the wider Elms Park identified one area of archaeological interest within the current application site. Subsequent trial trenching, restricted to one of the fields subject to the current application, confirmed the presence of a Romano-British rural settlement. Ground works required for development at this location may therefore have an adverse impact on archaeological remains.

I note that the application is supported by a Heritage Statement (Cotswold Archaeology, March 2020). This report highlights the specific information already available regarding the areas that have been archaeologically evaluated and the high archaeological potential of the general vicinity.

The earlier geophysical survey does not prove the absence of archaeology on the area of the site that has not been subject to trial trenching and therefore, in accordance with the NPPF, paragraph 189, I recommend that in advance of the determination of this planning application the applicant should provide the results of an archaeological field evaluation, covering the parts of the proposed development that has not yet been subject to trial trenching, which describes the significance of any archaeological remains within the proposed development area, and how these would be affected by the proposed development.

I look forward to advising you further when the results of the evaluation are made available.

I have no further observations

### **County Council Archaeology 2**

*29th March 2021 -*

Thank you for consulting the archaeology department on the revised details for planning application 20/00759/FUL. We offer no further comment that those made previously in which we advised that the results of further archaeological evaluation to made available prior to determination of the application.

Please do not hesitate to get in touch if you wish to discuss.

### **County Archaeology 3**

*6th October 2021 -*

Thank you for consulting the archaeology department on the additional details submitted with the application. Further archaeological evaluation of the proposed development was carried out in June 2021 and the report has been submitted with the application. Roman ditches were recorded in the north-eastern part of the site correlating with features identified in the geophysical survey and previous archaeological evaluation. Two programmes of archaeological evaluation have been carried out within the proposed development site which have established the presence of Roman settlement and agricultural activity.

Due to the presence of a site of archaeological interest within the site I recommend that a programme of archaeological excavation is made a condition of planning permission. To facilitate the archaeological work I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

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

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework

I have no further observations.

### **County Archaeology 4**

*13th January 2022 -*

Thank you for consulting the archaeology department on this application. The county Historic Environment Record informs that archaeological evaluation within the site recorded the presence of Romano-British settlement from 1st-4th centuries AD. Prehistoric pottery also recorded could indicate activity within the site from this period also.

Due to the presence of significant archaeological remains within the proposed development site which will be impacted by the proposals, I recommend that a programme of archaeological investigation should be carried out, consisting of excavation and recording prior to construction, followed by post-excavation work, reporting and archive deposition with a local museum.

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

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

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework

I have no further observations.

### **Clean Green Team**

*15th June 2020 –*

#### Pathway

Pathways need to be of hard standing

2 Bins Locations Residents would need to be informed that due to it being private dwellings the ownership would be for them to present on the kerbside for 7am on the morning of collection.

3 Road Layout Parking in the new road will reduce the amount of space to be able to turn a 26 tonne vehicle in. Ideally off road parking is advisable with a turning space for refuse and recycling trucks that is to be kept free on collection days. Ideally double yellow lines to be installed in turning areas

4 Road Surface The road surface will need to be of a good surface that will take the weight of a 26 tonne vehicle. Until the road has been completed and passed on, Ubico would need assurances that they are safe to enter and not held responsible for any damage.

5 Turning Section Due to the main road leading into the new estate reversing off or onto is not advisable. Also the distance to reverse and navigate the new estate would also not be possible. Therefore the road into the new estate will need turning spaces to allow for a 26 tonne vehicle to turn safely. This would require the road to have adequate measures to prevent parking in these spaces.

6 Presentation Points The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.

7 Storage of bin and boxes for single dwellings Properties need adequate space to store bins and boxes off the public highway when not out for presentation

8 Communal If any of the properties are to be communal then a bin shed will need to be planned. The bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 30 metres away from the adopted highway as per the planning guidance document.

9 Entrance to roads Ideally the entrance to the roads will need to have double yellow lines to prevent parking at the junction which causes access issues

### **Clean Green Team 2**

*22nd December 2021 -*

#### Pathway

Pathways need to be of hard standing

2 Bins Locations Residents would need to be informed that due to it being private dwellings the ownership would be for them to present on the kerbside for 7am on the morning of collection.

3 Road Layout Parking in the new road will reduce the amount of space to be able to turn a 26 tonne vehicle in. Ideally off road parking is advisable with a turning space for refuse and recycling trucks that is to be kept free on collection days. Ideally double yellow lines to be installed in turning areas

4 Road Surface The road surface will need to be of a good surface that will take the weight of a 26 tonne vehicle. Until the road has been completed and passed on, Ubico

would need assurances that they are safe to enter and not held responsible for any damage.

5 Turning Section Due to the main road leading into the new estate reversing off or onto is not advisable. Also the distance to reverse and navigate the new estate would also not be possible. Therefore the road into the new estate will need turning spaces to allow for a 26 tonne vehicle to turn safely. This would require the road to have adequate measures to prevent parking in these spaces.

6 Presentation Points The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.

7 Storage of bin and boxes for single dwellings Property's need adequate space to store bins and boxes off the public highway when not out for presentation

8 Communal If any of the properties are to be communal then a bin shed will need to be planned. The bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 30 metres away from the adopted highway as per the planning guidance document.

9 Entrance to roads Ideally the entrance to the roads will need to have double yellow lines to prevent parking at the junction which causes access issues

10 Hedges, Bushes & Grass Cutting Until the land is fully adopted by GCC the maintenance would be the responsibility of the developer and not CBC/Ubico. Ideally CBC/Ubico would need to be involved in what is being put in as the maintenance will affect them once the land is adopted.

11 Street Bins Until the land is fully adopted by GCC the maintenance and emptying of the street bins would be the responsibility of the developer and not CBC/Ubico. Ideally CBC/Ubico would need to be involved in what bins are installed to make sure they are in keeping with the remainder of the borough.

12 Road surface and gully cleaning Until the land is fully adopted by GCC the maintenance and cleaning of the road surface and gulleys would be the responsibility of the developer and not CBC/Ubico. Ideally CBC/Ubico would need to be involved as dependant on road surface may affect the long term cleaning process

### **Contaminated Land Officer**

*23rd June 2020 –*

20/00759/FUL 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.

With reference to the above planning application I have reviewed the Phase I Geo-environmental Assessment provided which recommends that a Phase II intrusive site investigation is undertaken across the site. (Section 7.11.1) The report has also identified the possibility that piled foundations may be required (Section 7.3.4) which would have significant potential for noise and vibration from this operation to affect nearby premises and will require a full pile method statement. In the light of this, I recommend that should permission be granted, the following conditions are attached:

Contaminated Land Condition.

Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site,

whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:

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

b) an assessment of the potential risks to:

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

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

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

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

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

Pile Foundation Condition.

No piling activities shall be carried out at this site until a full pile method statement method statement has been submitted to and been approved in writing by the Local Planning Authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential property, dates and times of piling and details of monitoring measures.

Reason: To prevent nuisance being caused to residents of neighbouring property due to noise and vibration.

### **Urban Design**

*23rd June 2020 –*

These are our main thoughts regarding the current application.

LOCATION: Elms Park Tewkesbury Road Cheltenham

o The approach to soft landscape design does not demonstrate good practice in terms of successful establishment, sustainability, low cost maintenance or habitat benefit.

- o Pedestrian access within site and to the existing external network is poor. The only pedestrian routes are along footpath next to the roads.
- o Where is the cycling provision through the site, to later developments and in/out of the site?
- o Areas that will have permanent standing water - putting the strip of hedge along the edges but leaving gaps for informal access to the site might be a bit pointless. What is the idea behind this concept and what is it achieving? Can this whole area be integrated in a more logical working landscape, giving residents greater views and design the space to fulfil it's potential (far more woodland planting, trees for wet areas and poorly drained soils)
- o What is the management plan for this space? Who is going to maintain this area?
- o There is the possibility of a more modern design taking SUD's, swales into consideration, making this space sustainable and rethinking its use as an a amenity, potential to improve the ecology and incorporate recreational purposes.
- o Planting individual trees in the meadow doesn't make sense, it might be impossible to establish them. Far more woodland planting is needed together with few smaller species would be beneficial. The native woodland mix is supplied in containers - why not bare root?
- o POS trees - only the native woodland mix is recommended with a greater variety in sizes, plus nurse species around them to help with establishment.
- o Street trees could be bigger for better establishment, perhaps a couple of more species? And linked to a sustainable swales approach. We need to see the ground details of these trees to understand how they can work.
- o Fruit trees seem to be located in the wrong place without any protection. There are not enough trees to make an orchard. Who will be involved in maintenance?
- o It appears that there are only trees along the main road and by the back gardens, private drives. There is a very poor amount of vegetation along the rest of the tight streets, dead ends and pavements. The overall design is very urban in character, contains very little street planting which doesn't meet CHELTENHAM PLACE VISION STRATEGY. The 'street scenes' within the design and access statement show how little vegetation is incorporated into the design.
- o The design in general is very simple and lacking imagination. The linking of spaces is not thought through. There is no integration of the landscape with the housing.
- o The play area should be located further away from the pylons. It is relatively small for the development size and lacks imagination in its design. It appears to be for a very narrow age group, especially if Elms Park is going to expand in the future. More, local smaller play areas would make play more accessible to children, the space as shown is only easily accessible to the houses immediately adjacent.
- o The majority of green space within the development is located along the electrical pylons route which is a designated non-developable area as well as the drainage basin, which is not an interactive feature. This is understandable from the developer's view in order to maximise dwelling numbers but does diminish the attractiveness of that green space. Further green spaces should be provided away from the overhead power lines and drainage basin.
- o Without the confirmation of planning permission for the entire Elms Park development the only vehicular access point for 260 dwellings will be Manor Road which



will cause considerable traffic issues, especially at peak times, and for surrounding locations, placing pressure on local road infrastructure. The traffic using Swindon Village and Runnings Road will greatly increase, which is not suited to an increase in traffic levels due to small, tight roads. The junctions around Manor Road and Runnings Road will see greater volumes of traffic, which are already busy.

- o The Design and Access statement states that the Swindon farm development gives access to a range of existing facilities and services in the area but, as phase 1 of the greater elms park development, relies on the completion of the services and facilities delivered by the overall project which has not yet received planning consent. An example of this is access to the local primary school, but the overall elms park development incorporates schooling provision as part of the requirements.
- o Who takes responsibility for maintenance of non-private green spaces?
- o The landscape is not used to breakdown the scale of the development, there is no consideration for focal points or landmarks or identifying features to make the development more legible.
- o Drainage to river Swilgate from suds needs approval. (The Environment Agency will be consulted about this)
- o What is the turning point at entrance.

### **Ramblers Association**

*29th June 2020 –*

I'm writing to object to the above proposal on two grounds:

a) Public Right of Way CHS16 is an historic route. At the southern end it connects to an unclassified road that leads past Swindon Farm. At the northern end it connects to Dog Bark Lane. It has evidence of Roman heritage at this end as evidenced by the trenches dug in the archaeological heritage report. The proposal is to extinguish this footpath CHS16 and divert it along new streets constructed in the development.

The Defra Rights of Way Circular 1/09 Guidance for Local Authorities suggests that if a revision to a Public Right of Way is necessary to accommodate the development, any alternative alignment should avoid the use of estate roads. The preference is for estate paths to go through landscaped or open space away from vehicular traffic. This route should therefore be channelled through a green corridor and maintained for the enjoyment of the walking public and the residents of the new neighbourhood.

The National Planning Policy Framework section 97 suggests that loss of green space should be replaced by equivalent or better provision in terms of quantity and quality and section 98 that developments should protect and enhance Public Rights of Way and take opportunities to provide better facilities for users. This is a green belt development and care should be taken in particular to optimise the natural environment for the walking public.

b) The green space in the plans largely consists of a corridor beneath electricity pylons. The scheme should obtain a green infrastructure accreditation and provide green features within the housing development and not just along the periphery of the site or beneath pylons. There should be suitable natural walking access from the development into the surrounding countryside, not just along streets.

Ramblers campaigns to defend footpaths and protect places we like to walk and to promote the positive values that the countryside brings in providing access to the outdoors and contact with nature.

## **Architects Panel 1**

*9th July 2020 –*

### Design Detail

The massive balancing pond does not relate to the housing and breaking this down could free up the design and create a more imaginative layout of public open spaces. Reference is made to "park frontage" but this is not articulated on plan. A softer approach and a better mix of different road finishes with more emphasis on pedestrian and shared amenity use would greatly enhance the scheme.

The scheme requires a landscape assessment of the site and its context identifying key views through the site and its relationship to existing built form and the open countryside.

The building designs are uninspiring and do not relate to local distinctiveness. The vocabulary of elements are randomly composed resulting in a jarring of different components. The apartment blocks with their incongruous monopitched roofs are particularly ugly. These buildings should be of notable design quality anchoring the scheme together and setting the tone of the development.

Other unsatisfactory elements include badly positioned oversized dormers and tall narrow gaps between buildings.

### Recommendation

Not supported.

## **Architects Panel 2**

*18th April 2021 –*

### Design Concept

The panel had reviewed the scheme for this site on 24th June 2020 when the principle of the development was accepted but concerns were raised over the proposals submitted.

The revised plans now submitted still do not adequately address concerns raised previously which stated:

The overall site layout gives too much importance to vehicles and to road layouts at the expense of the architecture and landscape design. There is no attempt at place making or creating a unique environment for collective living.

The quality of external spaces is uninspiring and a wasted opportunity. Analysis diagrams emphasize road layouts rather than how people will use the spaces.

No significant weight is given to sustainable design which, given the Borough Council's commitment to responding to our climate emergency, should be a major generator of good forward-thinking house design.

### Design Detail

The revised design includes amendments to the architecture: the incongruous mono-pitched roofs of the apartment blocks of the previous scheme have now become square bulky and very dominant blocks that are particularly unattractive and poorly planned.

The panel felt that there was no imaginative landscape design, no pleasing green spaces or place-making features: the strip of "landscape" under the pylons is of limited value; and the diversion of the existing public footpath gives nothing back to the general public making the new route through the site most unattractive and unwelcoming.

### Recommendation

Not supported.

**Tree Officer 1**

23rd June 2020 –

The CBC Tree Section has some significant concerns regarding this proposed tree application.

T9-Oak marked as a veteran oak and therefore has special status is, sadly, dead. No leaves were apparent on 22.6.20 and so one can only presume that this tree will not recover. It would be preferable if this tree is left as a standing deadwood monoxyle (for habitat purposes). It maybe that extra housing unit(s) can be incorporated within what was the Veteran Tree Buffer in this area.

T93-another 'A' class tree (as per BS5837 (2012)) T93 has a proposed driveway and newly landscaped area within its formal Root Protection Area. Whilst there is a proposed 'no-dig' solution to this layout described within the Persimmon Homes' Arb Assessment, Trees Officers consider no development should take place within the RPA of this high quality tree and the proposed house/road/garden layout should be altered to achieve this.

Please could it be confirmed that no underground services are to be laid within the RPA of all trees to be retained.

The hedgerow north of Swillgate Lane has a significant proportion of mature willow pollards. These trees appear to have been unmanaged for many years and in places have started to break out leaving collapsed fallen limbs. A formal management plan should be drawn up so as to detail, how this hedgerow and adjacent footpath will be managed into the future.

Mature Oak T92 of 'B' quality is shown as being removed. This tree must be retained-even if this is to be at the expense of some of the adjacent proposed open space. This is a valuable mature tree likely over 100 years old on the periphery of a site with not many quality trees.

Please could it be confirmed that the 5 large oaks west of T49 (lime) with within H5 are to be retained. They are outside this development site and their retention will add maturity when seen from proposed plots 74-81.

The proposed landscape plan shows trees to be planted as 'street trees', public open space trees and a small orchard.

Whist the proposed open space native species, it is considered that there are insufficient numbers of trees proposed-many more trees need to be planted within the linear open space bisecting the site. It is recommended that no proposed *Salix caprea* are planted. Given the name of this proposed site, Dutch Elm-resistant tree species should be planted within this site.

Orchard trees are to have a 'prioritised' local Gloucestershire provenance. It is a necessity that such an orchard is to be composed of trees local origin.

Nearly all trees to be planted are on the periphery of the site and there are no proposed tree planting within the housing area. This needs to be amended and street trees species should be planted in strategic locations. It would also be welcome if trees were also planted in front/rear gardens of the proposed properties.

Large 'landmark' trees should be planted at the entrance to this estate.

Agreed detailed tree pits designs and locations of tree species could be submitted as a condition of any planning permission.

**Tree Officer 2**

25th March 2021-

The CBC Tree Section welcomes the revised updated Arb Assessment of February 2021

Please could clarification be made regarding the retention or removal of hedgerows H1 + H2. These hedges are shown as retained on the Tree Removal/Retention Plan but shown as removed within Table 1 within this report. The CBC Tree Section would expect these hedges to be retained. Clarification needs to be made as to who will maintain all hedges and trees into the future.

The Arb Assessments refers to Arb monitoring of various works within the Root Protection Area of various retained trees (para's 5.7, 5.10, 5.14 and 5.20). The proposed scheme appears acceptable but such arb supervision is critical so that no significant damage is incurred during any construction process.

The Arb Method Statement referred to in para 5.19 should be submitted and agreed prior to the commencement of any construction works.

The Landscape design drawings appear to have been "superseded" but no new landscape design appears to have been submitted which take account of previous Trees Officer comments made 20.6.20. This must demonstrate that there will be sufficient mitigation for mature trees and hedgerows to be lost in the form of new tree and hedge planting. The proposal to leave T9 as a monoxyle is welcome. Barrier planting with thorny species (bramble, hawthorn, blackthorn etc) would be welcome around this feature so as to reduce the risk (or perceived risk) around this important habitat feature.

### **Trees Officer 3**

*11th May 2021-*

The CBC Tree Section welcomes the additional information contained within the Arb report of 30.3.2021

For information T's 92,93 and 157 of the report (all oak) are protected by TPO #no 675 (T's 7,8,9 of the TPO respectively).

The CBC Tree Section welcomes the proposed extensive mitigating planting of trees within the site. The proposed tree species to be planted are appropriate, but it is recommended to not include *Salix fragilis* as it is considered that these trees will overwhelm other adjacent planting as they quickly grow. Please could the landscape plan be amended to demonstrate this amendment. It is not clear what species are the proposed "on plot" trees to be planted. These are marked as grey circles within the housing areas. This needs clarification. Similarly, a short, medium and long term management plan of G110 (lapsed willow pollards) needs to be submitted and agreed as a condition forming a part of any planning permission.

As described within para 8.5-an Arb Method Statement needs to be submitted and agreed. This needs to include a detailed time table of arb supervision which must include supervision of works within the Root Protection Area of T92 (a TPO'd oak tree). A Tree Protection Plan based on the results of the survey and BS5837 (2012) needs to be submitted and agreed as a part of the Arb Method Statement.

### **Trees Officer 4**

*17th January 2022 –*

The CBC Tree Section welcomes the arb report of Dec 2021.

Paragraphs 5.20 + 5.21 describe the requirement for a future Arb Method Statement and also the retention of an arb Clerk of Works. Please could these also be formally conditioned as a part of any planning permission to be granted.

Similarly, please could this arb report be an "approved document" within any permission to be granted.

Several clarifications and adjustments need to be made to the proposed soft landscape proposals:

- 1) Please could the proposed Salix species recommended within public open space and as "Focal trees" be removed and an alternative genus be planted. It is considered that such willow will outgrow and suppress other species.
- 2) Please could detailed proposals be submitted for the planting of street trees. Species, location, size and tree pit details should be submitted and approved prior to determination.
- 3) It is noted that several very large trees (16-18cms + 18-20cms trunk circumference) are planted. There is concern that unless it can be guaranteed that these trees will establish and thrive at these locations, smaller trees 10-12's or 12-14's should be planted.

#### **Tree Officer 5**

*4th April 2022 –*

The CBC Tree Section has some significant concerns regarding this proposed tree application.

T9-Oak marked as a veteran oak and therefore has special status is, sadly, dead. No leaves were apparent on 22.6.20 and so one can only presume that this tree will not recover. It would be preferable if this tree is left as a standing deadwood monoxyle (for habitat purposes). It maybe that extra housing unit(s) can be incorporated within what was the Veteran Tree Buffer in this area.

T93-another "A" class tree (as per BS5837 (2012)) T93 has a proposed driveway and newly landscaped area within its formal Root Protection Area. Whilst there is a proposed "no-dig" solution to this layout described within the Persimmon Homes' Arb Assessment, Trees Officers consider no development should take place within the RPA of this high quality tree and the proposed house/road/garden layout should be altered to achieve this. Please could it be confirmed that no underground services are to be laid within the RPA of all trees to be retained.

The hedgerow north of Swillgate Lane has a significant proportion of mature willow pollards. These trees appear to have been unmanaged for many years and in places have started to break out leaving collapsed fallen limbs. A formal management plan should be drawn up so as to detail, how this hedgerow and adjacent footpath will be managed into the future.

Mature Oak T92 of "B" quality is shown as being removed. This tree must be retained-even if this is to be at the expense of some of the adjacent proposed open space. This is a valuable mature tree likely over 100 years old on the periphery of a site with not many quality trees.

Please could it be confirmed that the 5 large oaks west of T49 (lime) with within H5 are to be retained. They are outside this development site and their retention will add maturity when seen from proposed plots 74-81.

The proposed landscape plan shows trees to be planted as "street trees", public open space trees and a small orchard.

Whilst the proposed open space native species, it is considered that there are insufficient numbers of trees proposed-many more trees need to be planted within the linear open space bisecting the site. It is recommended that no proposed Salix caprea are planted.

Given the name of this proposed site, Dutch Elm-resistant tree species should be planted within this site.

Orchard trees are to have a "prioritised" local Gloucestershire provenance. It is a necessity that such an orchard is to be composed of trees local origin.

Nearly all trees to be planted are on the periphery of the site and there are no proposed tree planting within the housing area. This needs to be amended and street trees species

should be planted in strategic locations. It would also be welcome if trees were also planted in front/rear gardens of the proposed properties.

Large "landmark" trees should be planted at the entrance to this estate. Agreed detailed tree pits designs and locations of tree species could be submitted as a condition of any planning permission.

### **Ecologist 1**

*1<sup>st</sup> December 2021* – Available to view online

### **Ecologist 2**

*1st February 2022* –

I have reviewed the Ecological Appraisal (fpcr, May 2020) and updated Ecological Appraisal (fpcr, December 2021) and my response with regards to Ecology is provided below.

Extensive badger surveys have been undertaken and found that no activity has been recorded at the most significant setts closest to the site, latest visit being 2020. A pre-commencement survey will be expected due to badgers being highly mobile. The building on site was assessed as being of negligible potential for roosting bats. One tree was identified as being of low potential for roosting bats, this will be retained. Activity surveys were carried out as part of the wider Elms Park survey area and species recorded included common pipistrelle, soprano pipistrelle, lesser horseshoe, barbastelle, brown long-eared bat, noctule, myotis and serotine. Sensitive lighting has been recommended and will form an appropriately worded condition. Enhancements have been recommended and these are welcomed. Two trees were assessed as being low potential for roosting bats, further survey identified roosts for common pipistrelle and brown long-eared bats in T92 and common pipistrelle roost in T158. T158 will be removed as part of the proposal and a Natural England licence will be required.

Wintering and breeding bird surveys were undertaken and a total of 52 species were recorded including one schedule 1 species a peregrine falcon. Farmland birds will be the most impacted by the proposal, mitigation has been proposed and will be expanded within the CEMP, however due to the impact on nesting and foraging birds, an outline mitigation strategy will be required with specific focus on farmland birds prior to determination and then detailed within the CEMP for completeness. Enhancements have been recommended and these are welcomed.

One dormouse nest was recorded in 2018 surveys and 0.643km of hedgerow is proposed to be removed under an EPS license. An outline mitigation strategy has been provided. Impacts to great crested newts has not been detailed within the report, the hedgerows will provide suitable terrestrial habitat and there are two ponds in close proximity to the site and a pond located along the hedgerow which connects to the site approx. 440m west of the site at its closest point. Habitat Suitability Assessments are required on all ponds within 500m of the site (i.e. ponds not beyond major dispersal barriers) supported by presence/absence surveys where required. The survey results supported by appropriate mitigation is to be submitted to the local authority prior to determination. Reptiles have not been mentioned within the report, though the majority of the habitats may be of low suitability for reptiles impacts are to be fully assessed including impacts to hedgerows. Assessment supported by appropriate mitigation is to be submitted to the local authority prior to determination.

### HRA

Dixton Wood SAC is 6.2km from the site, however has been screened out of the assessment due to distance, lack of sensitivity of the qualifying feature and lack of both

recreational draw and public footpaths. Cotswolds and Beechwoods SAC is 9.6km from the site. The following were screened out as it was assessed that there would be no impact alone or in combination:

- Habitat loss (no habitat loss)
- Air pollution (see sHRA)
- Noise and light (site is 9.6km from the SAC)
- Water quality and quantity (Site is not hydrologically linked to the SAC)

Severn Estuary SPA/SAC/Ramsar has been included in the HRA as per the response from Natural

England. All ecological pathways were screened out due to the distance of the site to the SPA (24km). NE requested consideration for Coombe Hill SSSI and Coombe Hill Meadows GWT Nature Reserve and their potential to be functionally linked to the Severn Estuary. The functional linkages to the Severn Estuary were screened out as part of (APP/G1630/W/20/3257625). From the appeal decision the potential impact of increased recreation on Coombe Hill SSSI in general would not lead to a Likely Significant Effect on the Severn Estuary through a loss of breeding curlew. It was predicted given the size of the proposed development and its distance from the SSSI in addition to the alternative recreational opportunities that there will be a significant increase in visitors to the SSSI. There is also no evidence from the aforementioned appeal that there would be a significant indirect effect on the Severn Estuary. No Appropriate Assessment is required.

Regarding the recreational pressure on Cotswold Beechwood SAC, the report demonstrates that there would be a 0.049% increase in visits to the SAC. Recent visitor surveys have also found that visitor numbers are low. There are a number of alternative recreational areas in close proximity to the site including open space provided within the development (1.8ha), these are detailed within the sHRA. It was concluded that there will be no significant recreational impact on Cotswold Beechwood SAC alone or in combination of other developments. Mitigation has been recommended within the report, which includes the provision of a home information pack (HIP) provided to every resident highlighting recreational areas close to the site, due to the results from the visitor survey it is advised that the SAC is not mentioned within the HIP in order to not draw further attention to its existence.

#### Requirements prior to determination:

1. The dormouse mitigation strategy needs to be detailed further to ensure that appropriate mitigation is undertaken to minimise harm to dormice and that dormouse habitat is removed in a phased approach in accordance with the Dormouse Conservation Handbook. Detailed mitigation and enhancement strategy including timings, a plan of phased habitat removal and compensatory dormouse habitat planting should be submitted to the local planning authority for review prior to permission being granted. The mitigation and enhancements should be included in the CEMP and LEMP.
2. Reptiles have not been mentioned within the report, though the majority of the habitats may be of low suitability for reptiles; impacts are to be fully assessed including impacts to hedgerows. Assessment supported by appropriate mitigation is to be submitted to the local authority prior to determination. This mitigation should be included in the CEMP.
3. Impacts to great crested newts has not been detailed within the report, the hedgerows will provide suitable terrestrial habitat and there are two ponds in close proximity to the site and a pond located along the hedgerow which connects to the site approx. 440m west of the site at its closest point. Habitat Suitability Assessments are required on all ponds within 500m of the site supported by presence/absence surveys where required. The survey results supported by appropriate mitigation is to be submitted to the local authority prior to determination. This mitigation should be included in the CEMP.
4. Farmland birds will be the most impacted by the proposal, mitigation has been proposed and will be expanded within the CEMP, however due to the impact on nesting and foraging birds, an outline mitigation strategy will be required with specific focus on farmland birds

prior to determination and then detailed within the CEMP for completeness. Enhancements have been recommended and these are welcomed.

5. A construction and ecological management plan (CEMP) is required prior to determination, this is to include all measures that must be adhered to in order to prevent disturbance and injury to protected species. This should include consideration of the likelihood of hedgehogs (a NERC Priority Species) to be present and appropriate mitigation for this species (e.g. 13x13cm gaps under fences to allow permeability).

6. The report has detailed that T158 will be lost as part of the proposal and will require a licenced to proceed, a bat mitigation strategy, either a standalone document, as part of the CEMP or as part of the bat licence method statement will be required to be submitted to the local authority for review.

7. A Landscape and Ecological Management Plan (LEMP) is to be submitted to the local authority prior to determination and this must be in accordance with the reported Biodiversity Net Gain (BNG) calculations to ensure positive BNG is guaranteed. The LEMP must reflect the requirements for retention of dormouse habitat (as much as possibly can be achieved) and compensatory dormouse habitat planting. The updated BNG spreadsheet should be submitted with the LEMP to enable confirm of positive BNG. The LEMP should expand on the Ecology report's recommendations for site wide enhancements for these species, it should also detail timescales for implementation, persons responsible for managing and monitoring the site.

Conditions to be attached to planning if permitted:

8. All mitigation and enhancements detailed within the Ecological Appraisal (fpcr, May 2020)(fpcr, December 2021) are to be strictly adhered to throughout the works.

9. A lighting strategy scheme is to be submitted to the local authority prior to commencement detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan should be completed in conjunction with advice from the project ecologist (particularly with regards to bat activity patterns and dormice).

10. A pre-commencement check of the site for badgers, if active badger setts are recorded within 30m of the works details are to be submitted to the local authority prior to works commencing supported by appropriate mitigation.

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

*Context:*

· *NPPF Para 170 – 177 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework*

· *SD9 Biodiversity and Geobiodiversity*

· *INF3 Green Infrastructure*

*Wildlife legislation context:*

· *Wildlife and Countryside Act 1981 (as amended)*

· *Conservation of Habitats and Species Regulations 2017*

· *Natural Environment and Rural Communities Act 2006*

· *Protection of Badgers Act 1992*

**Environment Agency 1**

22nd June 2020 –

Thank you for consulting us on the above application which was received on 02 June 2020. The Environment Agency objects to the proposed development, as submitted, on flood risk grounds. Our comments are set out below:

We have reviewed the details submitted, in particular the Flood Risk Assessment (FRA) submitted by Travis Baker dated May 2020, in support of the above application. The flood risk information submitted is not acceptable to the Environment Agency for the following reasons: It has failed to include the detailed results specific to the site from the detailed



hydraulic modelling undertaken as part of the related pending outline application for the wider Elms Park / North West Cheltenham development (ref 16/02000/OUT). It has also failed to present the extents of these results (including the agreed appropriate allowances for climate change) spatially in relation to existing and proposed ground levels. It has failed to include the appropriate finished floor level mitigation measures for the site in line with the current draft conditions on the outline application.

The Agency therefore OBJECTS to the proposed development on the grounds that a proper assessment of flood risk has not been undertaken as required by the NPPF for a detailed "full" planning application.

Whilst the site is located mostly in Flood Zone 1, which is land outside the floodplain as shown on the Environment Agency's Flood Zone Maps. There are concerns that some localised ground raising may impact upon the floodplain and the position of the flood attenuation pond be impacted by future fluvial flooding as a result of the potential effects of climate change.

In addition to the above we are also concerned that the proposals appear to markedly depart from the original concepts set out within the master planning for the wider site presented by Black & Veatch in association with Persimmon and Bloor Homes on their drawing 121411/DP-1, by reducing the number of SuDS techniques used on the site to a minimum. These were issues highlighted back in 2017 by your, Tewkesbury Borough and the County Council's drainage departments in relation to a phased approach to development.

As part of the overall concept and design there was an agreement that all outfalls would be set back and the number of structures minimised as part of a holistic approach to the development as agreed in the meeting notes from 8 September 2009, specifically point B31 (below):

B31 Outfalls should be separated from the river by a swale or reed bed. This provides environmental and maintenance benefits.

As any outfall structure discharging into the River Swilgate/Wymans Brook will also require the prior formal permission of the Environment Agency in the form of a Flood Risk Activity Permit under the Environmental Permitting Regulations, any design that does not meet the above criteria would be refused permission.

The lack of detailed design information submitted generally on all the above points is regarded as falling well short of the requirement of a full detailed planning application and is sufficient reason for refusal by your Authority.

It should also be noted that recent changes in legislation may also change the way in which SuDS features are adopted and by whom.

Finally, we have not made a detailed assessment of ecology aspects in this instance due to our risk based approach given the scale of this particular site/planning application. However we anticipate that there may be similar issues with taking a piecemeal approach to ecology as has happened with flood risk and a lack of cross-referencing with the wider outline application for Elms Park / North West Cheltenham. We would therefore support any comments made in this regard by the County Ecologist and/or Natural England. We would encourage the same joined-up approach to ecology to ensure this proposed development plays its part in providing ecological benefit and protection on the site itself and the wider green infrastructure network. Ultimately the application needs to demonstrate that it will deliver suitable ecological protection and enhancement, including net gain.

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

## **Environment Agency 2**

*23rd March 2021 –*

We write further to our letter dated 22 June 2020, our reference SV/2020/110648/01-L01, in which we objected to the above application on flood risk grounds as it had not carried through the principles contained in the wider Elms Park / North West Cheltenham development (ref 16/02000/OUT), nor did it contain sufficient detail for a full planning application. This letter should be read in conjunction with our previous response.

We are now in receipt of the revised plans/additional information consultation which was received on 5 March 2021.

We have reviewed the additional information, in particular the Flood Risk Addendum submitted by Travis Baker, dated 19 February 2021, in response to our previous letter of 22 June 2020.

We are now satisfied that the appropriate information has been presented within Appendix D of the Flood Risk Addendum, as provided by JBA Consulting.

The layout plan reference 20012/11 within Appendix A confirms that the development lies entirely outside Flood Zone 2 (and Flood Zone 3), and that the finished floor levels are all above the recommended heights.

Hence this has addressed our previous objection, and we have no further comments to make from a flood risk perspective.

With regards to the SuDS and drainage design details, we recommend you seek the views of the Lead Local Flood Authority (LLFA) on this as the LLFA has lead responsibility for such matters. In our previous letter we raised concerns about the departure from the original concepts set out within the master planning for the wider site. I understand that the LLFA has had sight of our comments and we hope this will assist in their review of the details.

Finally, we would reiterate our previous comments in relation to ecology: We would support any comments made by the County Ecologist and/or Natural England with regard to a joined-up approach to ecology to ensure this proposed development plays its part in providing ecological benefit and protection on the site itself and the wider green infrastructure network. Ultimately the application needs to demonstrate that it will deliver suitable ecological protection and enhancement, including net gain.

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

## **Environment Agency 3**

*12th January 2022 -* Thank you for consulting us on the revised plans/additional information for the above application which was received on 22 December 2021. We have the following comments for your consideration at this time:

You will note we previously commented on this application ref 20/00759/FUL [when the site was known as 'Land at Swindon Farm, Manor Road' and the development description was

"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"] - see our letters dated 22 June 2020 our reference SV/2020/110648/01-L01, and 22 March 2021, our reference SV/2020/110648/02-L01, copies enclosed. For context, please read this letter in conjunction with these previous two letters.

Having reviewed the additional information submitted with regards to the above application, this appears to be related mainly to the proposed detailed drainage design strategy, which is a matter that the Lead Local Flood Authority (LLFA) would comment upon.

There are no significant changes to the design layout as shown on drawing reference 20012/12B from a fluvial flood risk perspective that would require further comment from us beyond the contents of our previous response dated 22 March 2021.

It is noted that the pond has moved slightly closer to the flood plain extents and that an embankment has been reintroduced, but that all this work is still just within Flood Zone 1.

In conclusion we have no further comments to make.

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

### **GCC Local Flood Authority (LLFA) 1**

*11th June 2020 –*

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

The Flood Risk Assessment and Drainage Strategy shows the site is at low risk of flooding from fluvial, surface water and reservoir sources.

#### Surface water management

##### Discharge strategy

FRA and Drainage Strategy states that ground investigations will be carried out to determine whether infiltration will be a viable option for discharging surface water. The bedrock geology of the site is Charmouth Mudstone, which has low infiltration potential, however, there is an area of Cheltenham Sand and Gravel on the southern part of the site. This may allow the southern portion of the development to be served by infiltration and should be explored in their ground investigation report.

In line with the discharge hierarchy, the alternative strategy is to discharge into the River Swilgate/Wymans Brook. This would be acceptable except it requires work to install a new surface water pipe and headwall on land that is outside of the redline boundary and may be owned by a different landowner. Can the applicant confirm if it is the same landowner and if it isn't, provide evidence of an agreement with the landowner for this work? Without this, it is not possible to ensure that this strategy will be viable.

##### Discharge rates

The proposed discharge rate is 13.7 l/s, which is approximately equal to the greenfield runoff rate for QBAR. This will be how the discharge volume is controlled.

##### Drainage strategy and indicative plan

Surface water will be stored in an attenuation pond located to the north of the site. The applicant has shown that there is sufficient volume available in the pond to store surface water in rainfall events up to the 1 in 100 year plus 40% for climate change. The pond sides will have a 1 in 4 slope, which will allow for easy maintenance.

The pond will be up to 1.8m deep and the outfall not much higher than the water level in the River Swilgate. Please can the application demonstrate that the pond will still be able to function during times when the level in the River Swilgate is high or is in flood? This will ensure that there will be increase in surface water from the site entering the watercourse and exacerbating the flooding elsewhere.

Section 3.5 Ongoing Maintenance, states that the attenuation pond will be maintained by a private management company. Since Sewers for Adoption 8 was released in April this year, it is recommended that the applicant investigates whether Severn Trent Water will adopt the attenuation pond.

It should be noted that the River Swilgate is a Main River at this location so the Environment Agency is the consenting authority. The work may require an Environmental Permit, which is separate from the planning process, and the applicant is encouraged to engage with the EA.

Climate change

A value of 40% is being used to account for future climate change and meets the EAs latest guidance.

Exceedance flow paths

The routes that surface water will follow around the development when the capacity of the drainage is exceeded should be identified. However, this will rely on the final topography of the site and is accepted during the detailed design stage.

#### LLFA Recommendation

In order to discharge to the River Swilgate, the applicant may have to cross third party land and without agreement to do this, the strategy may not be possible. I also have concerns about whether the pond will function effectively when the river level is high or in flood. The LLFA recommends an objection to the proposal and requests that information that addresses above be provided.

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

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

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

#### **GCC Local Flood Authority (LLFA) 2**

*6th October 2021 –*

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

Reviewing the applicant's email from 13th April 2021, I think it's important to have more information on the existing pond and it's outfall to the River Swilgate. The information

provided for the proposed drainage across the development is sufficient to approve with condition, however, it all relies on the ability for it to discharge through the existing pond that we have very little information about. It's therefore important to understand what impact it will have on the functioning of the proposed attenuation basin. For example, if it's a 150mm pipe, will this allow surface water from the proposed attenuation basin to discharge sufficiently without impacting its function? It might be fine for draining a field as it currently does but is it suitable to serve 265 dwellings?

This pond and outfall will need to be included in the SuDS maintenance and management plan. As for the how the application relates to the wider outline application for the area (16/02000/OUT), I've outlined how it differs in my response on 25th March 2021. If sites come forward as separate planning applications as this has then each will have their own separate drainage strategy that might be satisfactory in isolation but will lead to a "jigsaw" effect where each parcel of land is served by its own drainage. If this area of Cheltenham is to be developed, it is important that there is a coherent and cohesive drainage strategy throughout the whole area that puts SuDS that provide multiple benefits at the heart of it.

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

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

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

### **GCC Local Flood Authority (LLFA) 3**

*20th January 2022* - I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation.

The surface water drainage has been separated into two networks, with the pond split into two and two outfalls instead of one. It's not clear why this has happened because the first FRA suggests one network and outfall would be sufficient to manage the development. Can the applicant explain the change in design?

The new design will introduce an extra outfall structure along the River Swilgate, which, if you consider the development ambitions in the wider area, could lead to a large number of structures in the river. This is counter to the aim of having a connected drainage strategy for the wider development area. The new outfall is also perpendicular to the river, which goes against good practice and could disrupt the flow in the watercourse and lead to an increase risk of erosion to the banks.

Furthermore, the discharge rate also appears to have increased from 13.7 l/s to 24 l/s. This needs to be justified or amended accordingly.

Finally, following on from our previous response on 28 September 2021, there should be more information on the pond being discharged into. This is to ensure it is suitable to serve a 260 dwelling housing development.

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

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

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

#### **GCC Local Flood Authority (LLFA) 4**

*22nd March 2022* - I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation. Following the submission of survey information of the existing pond and the relationship it will have with the proposed attenuation basin, the applicant has demonstrated that the discharging to this feature will be possible.

The LLFA has no further objections to the proposal subject to the following conditions for a detailed design and maintenance schedule. The detailed design should include evidence that the site will not flood in a 1 in 30 year rainfall event, no buildings will flood in a 1 in 100 year rainfall event plus 40% for climate change, as well as an exceedance flow route plan for events that exceed the design of the drainage. The maintenance plan should include the maintenance of the existing pond and ditch network that the attenuation basin will be discharging into.

Condition: No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Drainage Strategy Sheet 1 (20012-10-C) and 2 (20012-11-C); 19th February 2021).

The SuDS Strategy must include a detailed design and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied.

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

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

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

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

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

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