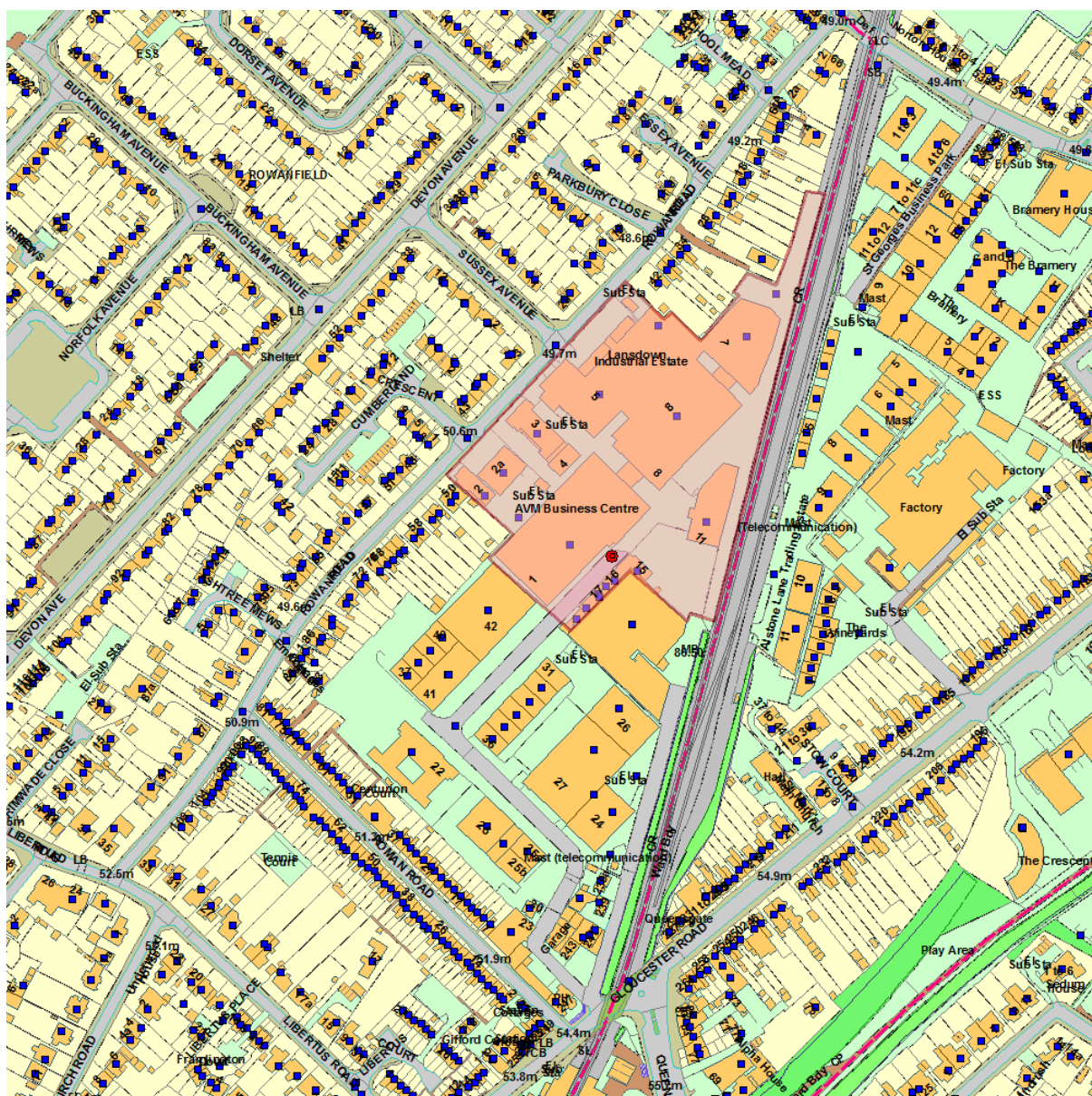


<b>APPLICATION NO:</b> 21/02832/OUT	<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 15th January 2022	<b>DATE OF EXPIRY:</b> 16th April 2022/Agreed Ext of Time 20 <sup>th</sup> November 2023
<b>DATE VALIDATED:</b> 15th January 2022	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Marks	<b>PARISH:</b>
<b>APPLICANT:</b>	Chester West & Chester Borough Council
<b>AGENT:</b>	SF Planning Limited
<b>LOCATION:</b>	Lansdown Industrial Estate Gloucester Road Cheltenham
<b>PROPOSAL:</b>	Outline application for the redevelopment of the northern part of Lansdown industrial estate for up to 215 dwellings with associated access roads, parking and public open space following the demolition of the existing buildings. All matters reserved except for access.

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of the (2.76 hectare) northern parcel of the Lansdown Industrial Estate (LIE). The site is located between Rowanfield Road to the north west, Gloucester Road and Cheltenham Spa train station to the south and west, the railway line to the east and the southern half of LIE and Roman Road to the west. Surrounding development is therefore a mix of commercial and residential. The main pedestrian and vehicular access to the site is via Gloucester Road with a secondary access off Rowanfield Road.
- 1.2 The northern half of LIE contains a range of industrial/commercial buildings of various sizes, architectural style and age and accommodates roughly 62% of the floor area of the entire estate. The majority of the buildings are or were last used for traditional employment purposes (Classes E (old B1), B2 and B8) but there are cafe outlets and the Cheltenham Artists' Studios has occupied one of the units for over 25 years. A number of units across the site are currently vacant and there is a higher percentage of vacant units and lower employment numbers generally within the northern half of the estate, compared to the more active employment use of the southern half.
- 1.3 The application seeks outline planning permission for development comprising of up to 215 residential dwellings with associated access roads, parking and public open space following the demolition of the existing buildings. All matters are reserved except for the proposed means of access to the site. Matters relating to appearance, scale, layout and landscaping are therefore reserved for future consideration.
- 1.4 Although matters relating to layout, design and appearance and landscaping are reserved, the applicant has provided an Illustrative Masterplan, including a broad landscape strategy, plus a Parameter Plan and Framework Strategy. The application otherwise includes various supporting documents including a Transport Assessment, Ecology Survey, Heritage Appraisal, Flood Risk and Drainage Strategy, Ground Investigation report, Building Condition surveys, Marketing report and various documents associated with current employment numbers and occupation of the site. A Capital Investment Strategy and Public Realm Enhancement Strategy were also provided during the latter stages of the application.
- 1.5 The application had been referred to the Planning Committee following requests from Councillors Baker and Wilkinson. The reasons for the referral are the level of public interest arising from the application, conflict with development plan policy, loss of historic industrial buildings and potential impact on heritage assets, loss/displacement of the Lansdown Artists' studios and the scale and significance of the proposals.
- 1.6 To assist Members, all consultee responses are reproduced in full at the end of the report and a summary is provided of the concerns raised by local residents. The key issues relating to this application are set out in section 6 of the report and each are discussed in broad terms, alongside the national and local planning policy context.
- 1.7 Policy MD1 of the Cheltenham Plan
- 1.8 The application site falls within the area covered by Policy MD1 of the Cheltenham Plan, which is a site specific policy relating to Lansdown Industrial Estate. The site specific requirements of this policy are an employment led regeneration of LIE which may include an element of residential development, provided that existing provision is offset by a net gain in the quality and/or number of jobs provided on the site.
- 1.9 The extent to which the proposed development conflicts with the requirements of MD1 (and adheres to other local and national planning policy and guidance) is discussed in detail at section 5 of the report.

### **1.10 Related Planning Applications**

- 1.11** This application is being considered alongside planning applications 21/02828/OUT and 23/00728/FUL as they both, to varying degrees, relate directly to the larger residential scheme.
- 1.12** Application 21/02828/OUT proposes the mixed use (residential and commercial) redevelopment of Units 23 and 30, within the southern half of LIE. This is an outline application with all matters reserved apart from the means of access to the site. This application seeks, in part, to address the requirements of CP Policy MD1, in that it is a regeneration scheme, provides an element of residential plus the replacement of existing employment land/buildings with potentially better quality accommodation.
- 1.13** Application 23/00728/FUL proposes the erection of a single storey building to accommodate artists' studios. This would be a replacement building to accommodate the displaced Lansdown Artist studios at LIE, since the building they currently occupy would be demolished should planning permission be granted for the 215 residential scheme. Application 23/00728/FUL was submitted in response to officer and Member concerns over the potential permanent loss of a valuable, Borough wide cultural art facility. This matter is discussed in more detail later in the report.
- 1.14** Members are therefore being asked to determine all three applications separately and on their individual merits but to also consider the proposals as a whole package. For example, to adhere to the broad objectives of Policy MD1, the implementation/delivery of planning permissions 21/02828/OUT and 23/00728/FUL would need to be secured by way of s106 obligations i.e. restrictive trigger points imposed in relation to the completion and occupancy of the larger residential scheme alongside the construction of the artists' studios building and the smaller mixed use scheme in the southern half. The s106 Heads of Terms are discussed later in the report.

### **1.15 Environmental Impact Assessment**

- 1.16** The proposed development constitutes Schedule 2 development under Part 2, Regulation 6 of the Town and Country Planning (Environmental Impact assessment) Regulations 2017; exceeding the thresholds for numbers of dwellings. Upon receipt of such applications the LPA is required to produce a screening opinion as to whether an Environmental Impact Assessment (EIA) is required. Alternatively, the applicant may request a screening opinion from the Council. In this case, the applicant did not submit a written request to the Council for a screening opinion prior to submitting application 21/02832/OUT.
- 1.17** In accordance with the Regulations, the time period for the Council to issue a screening opinion has now passed. The applicant has therefore confirmed that they will request a screening opinion from the Secretary of State (SoS) following the Committee resolution. The LPA would not be able to issue any decision on this application prior to receipt of the SoS EIA screening opinion.
- 1.18** 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 Agreements). The decision notice for 21/02832/OUT would be issued upon conclusion of the EIA screening process.

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

### **Constraints:**

Land Allocated for Mixed Use  
Principal Urban Area

**Relevant Planning History:**

**15/02265/PREAPP 2nd May 2017 CLO**

Potential redevelopment of land

**21/01218/PREAPP 27th January 2022 CLO**

Redevelopment of northern parcel for residential purposes

**18/00637/DEMCON 27<sup>TH</sup> April 2018 NPRIOR**

Demolition of Units 11 and 12 and clearance of resultant debris.

### **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 11 Making effective use of land

Section 12 Achieving well-designed places

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

**Adopted Cheltenham Plan Policies**

EM2 Safeguarding Non-Designated Existing Employment Land and Buildings

D1 Design

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

CI1 Securing community infrastructure benefits

**Adopted Joint Core Strategy Policies**

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

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

**Supplementary Planning Guidance/Documents**

Development on garden land and infill sites in Cheltenham (2009)

Cheltenham Climate Change (2022)

### **4. CONSULTATIONS**

See appendix at end of report

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	57
Total comments received	54
Number of objections	49
Number of supporting	2
General comment	3

- 5.1** The application was advertised by way of 57 letters sent to neighbouring properties and businesses, site notices displayed at accessible locations within and adjacent to the site, and an advert placed in the Gloucestershire Echo.
- 5.2** During the course of the application a total of 54 third party representations were received, the majority in objection to the proposed development.
- 5.3** All of the comments have been made available to Members separately but the main comments and concerns raised are summarised as follows:
- Loss of valuable community art space/studios and resultant harm to the community, business and the culture of Cheltenham. No alternative accommodation for artist provided in proposed scheme.
  - Increase in traffic and congestion on Manor Road and other local roads and inadequate junction arrangements. Existing road network constraints exacerbated.
  - Proposals conflict with Policies M1 and EM2 of the Cheltenham Plan in that the proposed development is not job-generating and the loss of employment will not be offset by a net gain in the quality and/or number of jobs provided on the site; will not ensure the relocation of an existing firm to a more suitable location within the Borough; and there has not been a sustained and long-term absence of economic activity on the land with no reasonable prospect of the land being used for employment.
  - Loss of diverse employment opportunities and displacement of valuable local businesses
  - Applicant/owner failed to adequately maintain buildings in the northern half of the estate
  - Existing buildings should be refurbished and converted
  - Loss of historic buildings, harm to industrial heritage and conflict with Policy HE1 of Cheltenham plan
  - Parking overspill into adjacent industrial estate
  - Adjacent warehouse access obstruction
  - Increase in flood risk
  - Height of 4/5 storey apartment blocks and loss of amenity/light/privacy to neighbouring dwellings
  - Health and safety issues caused by increase in pedestrians and cyclists
  - Noise and odour impacts from neighbouring industrial units
  - Security of adjoining industrial units
  - Impact on existing schools and doctors surgeries
- 5.4** Representations have also been received from and on behalf of the Civic Society and others from Councillor Wilkinson. Their respective comments and documents are set out in full in the Consultations section of the report.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

- 6.2** The scale and nature of the proposals, the tie-in with other applications and potential conflict with development plan policy has resulted in wide ranging and complex issues for consideration. As such, negotiations since with the applicant since 2022 have been protracted and this has led to a series of reviews of the application and numerous requests for additional, supporting information from the applicant in respect of industrial heritage, existing employment numbers/occupancy rates, the extent to which the existing buildings could be re-used and evidence of continuing employment investment and public realm improvements within the southern half of the estate. There has also been a lengthy period of consideration of viability matters, as this has significant implications in terms of affordable housing and education and libraries provision.
- 6.3** In light of the above, discussions are ongoing in respect of the s106 obligations, but all parties are in broad agreement over the s106 Heads of Terms (HoTs). HoTs for the s106 are discussed further at paragraphs 6.35-57 and 6.153-6 of the report.
- 6.4** 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. Similarly, the artists' studios application (23/00728/FUL) was submitted in response to concerns over the loss/displacement of the existing studios.
- 6.5** The key issues (in no particular order of importance) for consideration are therefore:-
- The Policy Framework and Principle of Development/Loss of Employment Land
  - Policy MD1 of the Cheltenham Plan
  - Affordable Housing
  - Access, Parking and Highway Safety
  - Design and Layout (indicative only)
  - Impact on neighbouring amenity
  - Sustainability and Climate Change
  - Drainage and Flood Risk
  - Ecology/Biodiversity and Green Infrastructure
  - Trees and Landscaping
  - Industrial Heritage, Conservation and Archaeology
  - Community Infrastructure Provision - Education and Libraries
  - Section 106 Obligations
  - Links with applications 21/02828/OUT and 23/00728/FUL
  - Other considerations – Waste Minimisation, Noise Impacts

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

- 6.7** 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.
- 6.8** 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 2023 (NPPF), and Planning Practice Guidance (nPPG).

- 6.9** Policies MD1, EM1, EM2, H2, D1, SL1, CI1 and CI2 of the Cheltenham Plan and policies SP1, SP2, INF1, INF2, INF6, INF7, SD3, SD4, SD8, SD10, SD11, SD12 and SD14 of the JCS are most relevant.
- 6.10** 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. On sites that are not allocated, *housing development will be permitted on previously developed land within the Principal Urban Area of Cheltenham except where otherwise restricted by policies within the District Plans*. The application site constitutes previously-developed land and is located within the PUA. Therefore, the general principle of residential development on this site must be acceptable. However, the extent of residential development on the application site is restricted by CP Policy MD1, discussed below.
- 6.11** 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.
- 6.12** 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.
- 6.13** Cheltenham Borough Council is currently unable to demonstrate a five-year supply of housing land. As such, the contribution of up to 215 dwellings towards alleviating the housing land supply shortfall carries significant weight and is a material consideration in the determination of this planning application.
- 6.14** Notwithstanding the above, the objectives of CP Policy MD1, the site specific issues and merits of the proposed development all require careful consideration in order to determine whether the proposals are acceptable overall. This will include consideration of the wider implications for the retained employment use at the industrial estate, industrial heritage, the proposed (indicative) 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.
- 6.15 Loss of Employment Land/Policy MD1**
- 6.16** Lansdown Industrial Estate is not identified as key employment site within the Borough, therefore Policy EM1 of the Cheltenham Plan (CP) is not relevant.
- 6.17** Policy H2 of the Cheltenham Plan allocates a number of sites for mixed-use development, including LIE. Each allocation is supported by a site-specific policy which provides further guidance and in this case CP Policy MD1 is relevant.
- 6.18** in addition to MD1, Policy EM2 of the Cheltenham Plan could also be considered relevant in that it seeks to safeguard non-designated existing employment land and buildings within the Borough. It states that development proposals for a change of use of land and

buildings currently or last in employment use will only be permitted where certain criteria are met. Proposal's for the re-development of non-designated employment sites will need to consider matters of viability when following a sequential approach to preferred alternative uses; traditional B (and new E) Class through to non-employment redevelopment, including residential uses.

- 6.19** In seeking justification for the loss of employment land, the application details appear to be relying on Criteria (b)(iii) of EM2. Given the age and condition of the majority of the existing industrial buildings, there has been a sustained and long term absence of beneficial economic activity within some of the buildings with little reasonable prospect of the buildings being used for employment use over the long term. Matters relating to marketing and the condition of the buildings are discussed later in the report.

**6.20** Policy MD1

- 6.21** As set out in the introduction, the application site falls within the area covered by CP Policy MD1. The site specific requirements of the policy are an employment led regeneration of LIE which may include an element of residential development, provided that existing provision is offset by a net gain in the quality and/or number of jobs provided on the site. The policy reads as follows:

*POLICY MD1: LANSDOWN INDUSTRIAL ESTATE*

*Site description*

*The site is capable of redevelopment for mixed-use, including a continued element of employment in better-quality units together with some new residential development. There would be a net loss of employment land but this should be offset by an upgrade in the quality and density of premises.*

*Site area    5.5ha*

*Constraints • Contaminated land*

*• Highways access*

*Site specific requirements*

- Employment led regeneration which may include an element of residential development provided that existing provision is offset by a net gain in the quality (see Policy EM2) and / or the number of jobs provided on the site*
- Measures to mitigate the impact of noise and vibration caused by railway line*
- Safe, easy and convenient pedestrian and cycle links within the site and to key centres*
- A layout and form that respects the existing urban characteristics of the vicinity*

- 6.22** Clearly, the application proposes a 100% residential scheme covering half of LIE and would result in the loss of all existing buildings in that northern half. It is reasonable to conclude therefore, that the proposals are in conflict with Policy MD1. Whilst the policy does not preclude residential use and purposely, does not prescribe a quantum or percentage for the residential element, the clear objective of the policy is to retain substantive employment use at LIE.

- 6.23** In seeking to address the policy requirements of MD1, officers had various discussions with the applicant, which included suggestions of including some commercial units within the proposed development (e.g. adjacent to the railway line and existing units within the

southern half). Unfortunately, the applicant was unwilling to amend the proposals and has sought to address MD1 in two ways. Firstly, the applicant has put forward two separate planning applications relating to land in the southern half of the estate; a mixed use (residential and commercial) redevelopment scheme for units 23 and 30 (21/02828/OUT) and a replacement building for the Lansdown Artists' Studios who currently occupy Unit 1A and therefore would be displaced upon implementation of the residential scheme (23/00728/FUL). The detail of these two applications and the overall merits of the proposals are discussed within their separate officer reports.

- 6.24** In brief, application 21/02828/OUT is an outline planning application and indicatively, comprises of a three storey apartment building fronting Roman Road with 2no. commercial units to the rear (potentially up to 3.100sqft), following demolition of all existing (900 sqm.) industrial buildings on the site. An Illustrative Masterplan within the Design and Access Statement (DAS) shows 5 apartments in a single building fronting Roman Road and 2no. new commercial units to the rear, accessed via LIE/Gloucester Road, plus a new pedestrian and cycle route to the side of the proposed buildings connecting Roman Road with the industrial estate.
- 6.25** The artists' studios application (23/00728/FUL) proposes a bespoke designed unit that would provide approximately 3,390sq ft. of commercial floor space. The submitted 'Investment Strategy' points out the physical enhancements that this new unit would bring to the estate but clarifies that the costs of delivering this unit would not come out of the capital expenditure and enhancement funds already identified within this document and made available by the landowner. The applicant has therefore confirmed that they would fund the delivery of the artists' studios separately but the artists would need to fund their future occupancy of the new building.
- 6.26** Should planning permission be granted for the smaller mixed use scheme at Units 23 and 30, officers consider it would go some way to address the requirements of MD1, in that the quality of the two purpose built commercial units proposed would offset the loss of the existing poorer quality and vacant industrial units 23 and 30. Similarly, the replacement artists' studios building would offer enhancement to the estate and better quality accommodation for the displaced studios. However, these proposed developments are located outside of the application site area for the larger residential scheme. The implementation and delivery of the smaller mixed use scheme (21/02828/OUT) alongside the delivery of larger residential scheme (21/02832/OUT) would need to be secured by s106 obligations. Various dwelling occupation trigger points would be imposed to prevent the completion of the 215 dwellings ahead of the mixed use scheme. Similarly, the timely delivery of the new artists' studios building would need to be agreed and secured by s106 obligations.
- 6.27** Secondly, the applicant has provided details of a 'Medium/Long Term Investment Strategy for Employment Space' at LIE. This document sets out the applicant's capital expenditure on enhancing the building stock across the estate (albeit the majority of the works are to the southern half) since their acquisition of the site in 2017. This has undoubtedly led to new lettings and the growth and expansion of some existing tenants, notably D'Arcy Wines, Deya Brewing, Ritual Coffee and Cleevly Motors, with estimated employment figures of 123. There have also been other improvements to signage, car parking areas and pavements.
- 6.28** The above 'Investment Strategy' also sets out future longer term investment plans, although points out that investment opportunities will depend on existing tenants vacating premises at the end of leases and whether the works are economically viable at that time. Nonetheless, short term investment projects include works to Sunningend/Maxet House and Units 25a and 25b. The long leases (ending 2029-31) of three major tenants units offers further evidence of continuing employment activity at LIE. An indicative timetable for works and capital expenditure (extending to 2031) is set out in the Strategy document.

- 6.29** In addition to the above capital expenditure, the applicant also puts forward a number of public realm enhancements in a separate document titled 'Lansdown Public Realm and Heritage Vision'. The document sets out public realm enhancements and heritage interpretation schemes within both the northern and southern halves of the estate. These would be undertaken on a rolling programme over the next 3-5 years, with a cost estimate of £250,000. In summary, the proposed enhancements include pavement improvements, formation of a dedicated cycle way through the estate, additional external seating and SuDS planting areas, sculpture, public art murals, temporary 'pop-up' events and heritage interpretation boards. At this stage, the proposals are largely visionary and subject to detailed design and the involvement of tenants/stakeholders. However, precedent images and potential areas within the estate for these heritage and public realm interventions are included with the document. Industrial heritage references could also be incorporated into the design of the proposed dwellings/apartment buildings.
- 6.30** As a package, the above proposed development within the retained southern half of the estate and the applicant's long term strategies towards capital investment and public realm/heritage enhancements, are considered to address some of the objectives of MD1. However, in order to satisfy these policy objectives, the implementation and timely delivery of the above proposed development (21/02828/OUT & 23/00728/FUL) and the public realm and heritage interventions would need to be secured appropriately by way of s106 obligations.
- 6.31** Marketing/Employment Numbers/Building Condition Surveys
- 6.32** Notwithstanding the above considerations and matters relating to conformity with Policy MD1, officers have also sought to better understand the feasibility and extent to which the existing buildings on site could be retained and adapted for either employment use or residential purposes. The applicant was therefore asked to provide a condition survey of the buildings and information on rental levels and occupancy rates within the northern half of the estate. This information was also considered alongside the heritage appraisal of the existing buildings, which is discussed from paragraph 6.97.
- 6.33** Various documents were subsequently provided by the applicant. The information submitted in July 2022 focussed on the refurbishment of Unit 1 for employment purposes; a building with some architectural historic interest and in 2020 (when the building was inspected) was being considered for part retention and refurbishment. The report concludes that both refurbishment and replacement would be feasible, the latter requiring a higher initial expenditure but achieving better rental levels.
- 6.34** A second survey report relates to a 2020/21 high-level feasibility study of the northern part of the estate which considered again the ability to refurbish and re-use the existing commercial buildings, together with areas of in-fill residential development. This study includes reference to a 2020 detailed building surveying study of Unit 1A. The refurbishment and redevelopment of sections of the (northern) estate generated marginal or negative land values and generally was not found to be economically viable. In May 2022 an updated assessment of the refurbishment costs for Unit 1A was also undertaken. The significant build cost inflation since 2020 is highlighted which would impact even the basic refurbishment costs of this unit, reducing rents capital values further.
- 6.35** The applicant has also submitted various supporting information setting out employment numbers and occupancy rates in the northern half of the estate and drawing comparisons with the southern half. This information was updated and consolidated on one document received in May 2023. In summary, as at May 2021 total employment numbers in the northern half amounted to approximately 57, which equates to 20% of the total employment numbers for the entire estate. These 57 employees occupied 62% of the floor area of the estate, albeit it is acknowledged that the existing buildings vary in age, form and floor space which reduces the capacity for employment in some buildings.

**6.36** Some of the businesses present in 2021 have since vacated their premises. An updated survey of existing business was undertaken for June 2022. This amounted to an additional 25 full and part time employees. By April 2023, the situation had remained largely unchanged with the exception of one business relocating.

**6.37** The application submission also includes a Marketing report dated October 2021. This refers to a sustained and comprehensive marketing campaign to relet empty units since 2018. Despite this there has been limited interest in vacant units due to their age, condition, obsolescence, poor access and the general appearance of the estate. The result of this has been the offer of flexible and cheap lease terms to existing and prospective tenants, but again with limited success.

#### **6.38 Conclusion**

**6.39** The submitted information on refurbishment/re-use potential and employment numbers is, in officer opinion, limited in some areas and somewhat sketchy and disjointed. It is also evident that there has been little to no recent capital investment in the northern half of the estate with some units (notably units 1-17) falling into disrepair and now functionally obsolete. That said, what is clear is that the buildings within the northern half of the estate are generally older, harder to re-let, demand significantly lower rental levels and are in poorer condition with associated higher costs for repair and refurbishment. Occupancy rates and activity are also noticeably lower than in the southern half of the estate.

**6.40** Whilst the retention/refurbishment of the existing buildings for employment purposes would be desirable, the long term feasibility of doing so (as demonstrated above) is highly doubtful, based on the evidence provided. These matters weigh in the planning balance and must therefore be considered in the context of the lack of a 5 year housing land supply.

**6.41** Clearly, the objectives of Policy MD1 are not met in full, in that this policy seeks an employment led regeneration scheme with an 'element' of residential. However, officers consider that, on balance and given the characteristics of the northern half of the estate, the policy objectives have been addressed to a sufficient extent.

**6.42** In reaching the above conclusions, officers have also taken into account the Council's housing land supply shortfall position, the contribution of 215 market and affordable dwellings in alleviating that shortfall and the 'tilted balance' in favour of permitting sustainable development.

#### **6.43 Design and layout**

**6.44** 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 of the JCS require development to respond positively to and respect the character of the site and its surroundings. 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.

**6.45** The application site, although previously developed, could be considered, in parts of the site, an infill redevelopment plot and as such the guidance within Cheltenham's Supplementary Planning Document, 'Development on Garden Land and Infill Sites', may also be relevant. This document sets out various elements that are considered to create the character of an area and includes grain, type of building, location of buildings, plot widths and building lines.

**6.46** An Illustrative Masterplan has been provided to demonstrate that the site could accommodate up to 215 dwellings with associated road infrastructure and suitable open space and landscaping. The dwellings are shown distributed across the site in the form of

3no. 5 storey apartment buildings and a linear layout of streets, fronted predominantly by rows of terraced houses, the majority with back-to-back gardens. The dwellings fronting Rowanfield Road are shown with direct vehicular access from Rowanfield Road. The main estate road is tree lined with several cul-de-sac spur roads leading off. Street planting is shown in other areas, with the exception of the areas to the front of the apartment buildings. The access road to the apartments runs alongside the railway line and some communal garden space is shown to the rear of the apartment block. In addition, an area of public open space sits in a roughly central position within the site, with various footpath linkages to other parts of the site and into the adjacent industrial estate.

- 6.47** There would be no vehicular access from within the site into the neighbouring southern half of the industrial estate. However, a cycle and pedestrian link into the industrial estate is shown on the Parameter Plan which provides a new route from neighbouring residential areas to the station and the town centre beyond. Although pedestrian access into the estate is not currently prohibited from Rowanfield Road, the environment and layout of the northern part of the estate renders this route an undesirable option.
- 6.48** The Parameter Plan corresponds with the illustrative layout and marks out indicative building frontages, street highway zones, single dwelling vehicular access points onto Rowanfield Road, building height zones, public open space, green buffer areas and cycle/pedestrian and vehicular access points. In terms of building heights across the site, two storey dwellings would front Rowanfield Road, with storey heights (up to 5 storeys) increasing southwards towards the railway line. The two green buffer areas would offer suitable separation distance and soft landscaping between the proposed development and neighbouring dwellings and the rear elevations of adjoining industrial buildings. An 8 metre wide railway line buffer is also proposed along the southern site boundary, extending into a narrowing strip of land at the rear of properties fronting Rowanfield Road.
- 6.49** Other than concerns raised over the potential proximity of some proposed dwellings to neighbouring industrial units and the proximity of the 4/5 storey apartment buildings to properties in Rowanfield Road, officers have no overriding concerns with the Parameter Plan details which broadly, offer a sensible indicative design and layout approach to the redevelopment of the site.
- 6.50** Any noise and amenity impacts affecting future occupiers of the proposed dwellings could be dealt with at REM stage. A condition is suggested requiring the submission and approval of a noise impact assessment and implementation of any resultant noise mitigation recommendations. Similarly, building heights in proximity to the rear gardens of properties in Rowanfield Road would be considered further at REM stage, alongside a shading analysis that would need to accompany reserved matters application(s). Building heights in the area adjacent to the railway line are currently shown as being up to 5 and 4 storeys. However, given the concerns over the height of some of the buildings in this location, the Parameter Plan related condition requires these building heights to be a minimum of 2.5 storeys and 8m in ridge height. Any proposed building height above this minimum could then be considered more carefully at REM stage. This does not mean that a 4 or 5 storey building would not be deemed acceptable in some locations adjacent to the railway, but it would allow the Council better control over the design and scale of buildings in close proximity to neighbouring residential properties.
- 6.51** The Framework Strategy Plan is similar to the Parameter Plan but includes pedestrian and cycle routes within the site and improvements to cycle and pedestrian paths within the adjacent southern half of the estate and beyond to Cheltenham Spa station and the Honeybourne Line. It also indicates the application site boundary for the smaller mixed use scheme (21/02828/OUT) and the applicant's ownership of adjoining land. The details and implementation of proposed off-site pedestrian and cycle paths could be adequately secured by a suitable worded condition, as suggested in the conditions list.

**6.52** In light of the above, the proposed development adheres broadly to the objectives of Policy D1 of the Cheltenham Plan, Policy SD4 of the JCS, Section 12 of the NPPF and guidance set out in the relevant SPD.

### **6.53 Impact on neighbouring property**

**6.54** 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.

**6.55** The nearest residential properties are located to the north east of the site in Rowanfield Road. The majority of other surrounding development is in commercial use. All the concerns raised by local residents are duly noted. These concerns include the traffic and amenity impacts associated with the proposed development.

**6.56** Matters relating to the proximity of 4/5 storey buildings to the rear of properties in Rowanfield Road are discussed in the preceding section of the report.

**6.57** Properties located on the north side of Rowanfield Road would face new two storey dwellings. This would arguably offer a better visual outlook and compatible neighbour to existing dwellings and would remove any noise, disturbance and odour pollution impacts arising from the existing industrial use of the site.

**6.58** At this stage, there are no other amenity concerns raised. Any adverse impacts on neighbouring land users in terms of noise and disturbance, overlooking, loss of privacy, light or outlook, shading or overbearing appearance, would be considered further at REM stage when the details of the design and layout of the scheme are known.

**6.59** The living conditions of future occupiers of the proposed dwellings would also be considered at REM stage. The layout of the proposed development, plot and garden sizes, distances between property boundaries and facing windows and potential noise impact from adjacent industrial units would all be considered at a later stage.

**6.60** For the above reasons, the proposals are considered to be in broad accordance with the objectives and policy guidance of section 8 of the NPPF (2023), Policy SL1 of the Cheltenham plan and Policy SD14 of the JCS.

### **6.61 Access and highway issues**

**6.62** 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.

**6.63** 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.

**6.64** The application is accompanied by a comprehensive Transport Assessment. Gloucestershire County Council, acting as Local Highway Authority (HA), has reviewed the proposals alongside the submitted transport related documents. HA's (updated) comments are set out in full in the Consultations section of the report.

**6.65** In terms of the potential highway impacts of the proposed development, the HA has carried out a TRICS assessment which estimates that the proposals would generate approximately 14 additional trips in the AM peak and 8 additional trips in the PM peak

when compared to the existing, applicant surveyed peak period traffic flows. The HA has taken into account that the lower than expected applicant surveyed traffic flows are a result of the under occupation of the northern part of the industrial estate and as such has also considered the considerably higher TRICS based trip rates for the existing commercial uses had the northern part of the estate been fully occupied.

**6.66** In light of the above, the HA concludes that there would be no unacceptable impact on highway safety or severe impact on congestion. Furthermore, no concerns are raised in respect of the proposed vehicular access via Rowanfield Road, and the new pedestrian/cycle link to Gloucester Road through the southern part of the industrial estate.

**6.67** The HA therefore has no objection to the proposals given that there are no justifiable grounds on which an objection could be maintained. A number of conditions are suggested relating to the proposed and existing access points, highways construction management plan, cycle storage, EV charging points and off-site works. These conditions will be added and re-worded where necessary.

## **6.68 Sustainability**

**6.69** 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'*

**6.70** 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'*.

**6.71** 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.

**6.72** 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.

**6.73** This application was submitted prior to the adoption of the SPD and therefore did not include a Sustainability Statement. The Design and access Statement included a short section on energy and sustainability matters but this was considered by officers an insufficient response to climate change and the SPD. At the request of officers the applicant has provided a separate Sustainability and Energy Statement/Strategy which sets out the applicant's proposed approach to sustainable design and measures to reduce carbon emissions, as follows:-

- Passive design principles will be utilized to maximise solar gain, natural daylighting and ventilation and shading. Building orientation and footprint will be optimised accordingly.

- Use of renewable energy (likely ASHPs throughout), high levels of insulation and thermal bridge minimization
- Fossil fuel free development i.e. non-gas heating strategy with likely low carbon air source heat pumps (ASHPs) installed throughout
- Roof mounted solar PV panels
- Priority for water efficiency measures to be incorporated into building fixtures and fittings
- Interim Travel Plan submitted – encourages shared mobility and home office provision plus new cycle and pedestrian routes
- EV charging points provided for all new dwellings
- Potential significant biodiversity net gains (BNG) for hedgerow and biodiversity
- Space allocated for waste, recycling and composting in accordance with the Gloucestershire Waste Core Strategy (GWCS) and SPD. The submitted Waste Minimisation Statement identifies specific measures to minimise consumption and waste generation during the construction and operational stages
- SAP calculations will be undertaken to establish energy demand of proposed dwellings

**6.74** Note that, this is an outline planning application and as such, the applicant comments that as the design progresses, further energy (SAP) modelling/calculations will help scale renewable systems to get as close to net zero as is feasible, taking into account the site location and planning considerations. For example, detailed roof designs, embodied carbon minimisation and renewables feasibility assessments have not yet been completed. Exact specifications on renewables, generation capacity and percentage of offsets of predicted total energy consumption have also not been finalised.

**6.75** The proposed strategy is welcomed and overall, should reduce energy demand and CO2 emissions beyond Building Regulations Part L. In this respect, officers have utilised the SPD effectively at this early stage to seek enhancements to the sustainability and low carbon approach to this development.

**6.76** In light of the above and given that this is an outline planning application, officers consider it reasonable to add a condition to ensure that the development is carried out in accordance with measures set out in an updated Sustainability and Energy Statement which shall be submitted to and agreed in writing by the local planning authority as part of the first reserved matters application. A condition requiring that there shall be no gas supply connection to any part of the proposed development is also included.

## **6.77 Heritage and Conservation**

**6.78** The application site is not located within a Conservation Area and none of the existing buildings are statutorily listed or included in the Council's Index of Buildings of Local Interest. As such, it is important for Members to note that none of the existing buildings are afforded any protection when considering the proposed demolition works. With this in mind, in April 2018 the Council confirmed that prior approval for the demolition of units 11 and 12, which are the two oldest buildings on site, was not required (18/00637/DEMCON). Unit 12 has already been demolished.

- 6.79** Nonetheless, it is recognised that historically, the wider Lansdown Industrial Estate site has been in industrial use since the late 19th century. It began as an iron works in 1864 and later was known as Sunningend, which was the home of the Gloucester Aircraft Company owned by H H Martyn & Co who carried out engineering and craft trades, including aircraft manufacture.
- 6.80** Lansdown Industrial Estate is located strategically along the railway-line which allowed the site to trade outside of Cheltenham via the rail network. The form, architectural design and features of some of the older buildings on site, are evidence of the site's industrial past. Indeed, there are reported remains of historic steel beams in Unit 11 in addition to some surviving original, metal framed windows. Representations from third parties suggest that an existing building also shows evidence of an early example of block and beam and a pot concrete floor. That said, it is equally recognised that the majority of the older buildings within the northern half of the state have undergone significant alteration over the decades and the extent to which their internal and external architectural industrial references survive has been significantly affected by time and the evolution of the site as it has adapted to modern industrial uses.
- 6.81** In this regard, NPPF paragraph 203 states that in determining planning applications, local planning authorities should take account of:-
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness
- 6.82** Similarly, 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.
- 6.83** Given the historic, industrial use of this site and concerns raised by the Civic Society and other third parties over demolition of potential heritage assets, the applicant was asked to carry out a Heritage Appraisal of the site; albeit it was agreed that this exercise could exclude a detailed assessment of the more modern additions to the industrial estate.
- 6.84** The submitted Heritage Appraisal provides an outline of the historical development of the whole industrial estate and considers the impact of the proposals on the significance of the site's industrial past. The appraisal identifies that the majority of the buildings were constructed in the early to mid 1900s (following extensive bombing of the site) and some as late as the 1990s, however the study does focus on Units 1 and 1A (originally an engine testing house) constructed c1883-1899, Unit 11 constructed c1907-21 and Units 15-17. These buildings have the most historic interest potential.
- 6.85** In summary, the appraisal concludes that, despite the early phases of the site's history being of some historic interest, there is hardly any surviving fabric to illustrate this. The only surviving element appears to be pitched roof sections of Units 15-17, which formed part of an ancillary building. However, the use of site during the H H Martyn & Co aircraft manufacturing phase is said to be of considerable historic interest. But again, the appraisal concludes that there are few surviving buildings from that period and those that remain are generic industrial structures that have since been significantly altered. Individually and collectively, the building designs do not reflect their role in the production processes that would have been undertaken at that time. Similarly, there is no surviving historic machinery. In conclusion, the appraisal author considers that the industrial works

as a whole is of some historic interest but the surviving buildings on the application site are, at best, of very limited historic or architectural interest.

- 6.86** The County Archaeologist and Council's Conservation officer (CO) have investigated the heritage significance of the site as a whole and that of individual buildings; the applicant's Heritage Appraisal and the representations made by the Civic Society and others assisting the CO's considerations. Officers have also considered the Civic Society's later, additional representations and those of other interested parties. The Civic Society's comments are set out in full at the end of the report.
- 6.87** The Civic Society and their appointed historian provide a critique of the Heritage Appraisal and offer their own assessment of the historical significance of the site, with alternative proposals for the site's redevelopment, including finding alternative, sustainable uses for some of the buildings. They conclude that the estate should be formally protected for its historical, evidential and architectural value and its specific contribution to Cheltenham's industrial heritage.
- 6.88** In reviewing the applicant's Heritage Appraisal the CO comments that although it provides some clarity to the previous concern over the weak understanding of the history of the site and the surviving historic industrial buildings and structures, the appraisal fails to provide a sufficiently thorough understanding of the historic significance of the buildings. It finds little to no value in the surviving buildings, appearing to primarily base this on their aesthetic appearance or value. The CO points out that industrial buildings by their nature do not necessarily have an aesthetic value. Industrial buildings can hold evidential, historical and communal value. In conclusion, the CO considers the development proposal, as submitted, a lost opportunity to acknowledge and celebrate an important period of Cheltenham's industrial and artistic heritage. The CO's comments are set out in full at the end of the report.
- 6.89** Subsequent to the above CO comments, further discussions took place regarding the potential for 'local listing' some of the existing buildings (i.e. including the buildings within the Council's Index of Buildings of Local importance). However, this process is no longer active and in any event, would offer limited protection against substantial demolition because the site is outside of a conservation area. Similarly, the CO has also considered requests for the 'spot listing' of some or all of the buildings (by way of a Building Preservation Notice (BPN) in liaison with Historic England). The CO considers that whilst the historic significance of the site is recognised, it would be difficult to identify individual buildings of significance because they have been heavily altered over time. As such, their eligibility for statutory listing is much in doubt and the strong advice of the CO is that a BPN is not pursued.
- 6.90** Furthermore, it is not apparent that the heritage significance of the site was raised as a concern following the various public consultation exercises associated with Policy MD1 and the Cheltenham Plan adoption. Equally, there is no reference to heritage matters/requirements within Policy MD1.
- 6.91** Notwithstanding the above, the application site and the wider Lansdown Industrial Estate MD1 allocation will be reviewed as part of the on-going Strategic Local Plan work.
- 6.92** Archaeology
- 6.93** The County Archaeologist (CA) has reviewed the proposed development and (applicant) submitted Heritage Appraisal (as the CA requested desk based environment assessment).
- 6.94** The CA considers that the Heritage Appraisal has addressed the previous request for an assessment of the heritage interest of the site, in particular any upstanding elements

which still hold industrial heritage value. The CA concludes that despite the heritage interest in the historical development of the site it is clear that due to much alteration during the post-war period very little of architectural or heritage interest is left in the upstanding fabric of the site and there is little surviving machinery left to document any important technological developments.

- 6.95** The CA does not consider therefore that building surveys are necessary and due to the extent of alteration and subsequent development within the site it is unlikely that any belowground archaeological remains of interest will be impacted by the proposals. The CA makes no recommendations for further investigation in relation to this application.

**6.96** Conclusion

- 6.97** Officers have considered and taken into account all of the above concerns, including the robustness and highlighted inadequacies of the applicant's Heritage Appraisal. Firstly, the importance of the site's industrial past, the potential significance of the evidential historic value of surviving buildings and its overall contribution to Cheltenham's industrial heritage are not in dispute. However, these matters need to be weighed against other competing considerations; in particular, there are no designated heritage assets within or adjacent to the site (other than a nearby listed lamp post), CP Policy MD1, the Council's housing land supply position, the nature and condition of the buildings and their suitability for conversion to alternative uses and the other economic, environmental and social benefits associated with the proposals.

- 6.98** The heritage significance of the application site is therefore considered to carry limited weight in the overall planning balance.

**6.99** **S106 Obligations/Heads of Terms**

**6.100** Affordable Housing/Viability

- 6.101** Policy SD12 of the JCS seeks a minimum provision of 40% affordable housing for all non-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.

- 6.102** The application as submitted, included no affordable housing provision (AH). The applicant was therefore asked to carry out a viability assessment to justify the lack of AH. The applicant's subsequent viability appraisal has been reviewed by the District Valuer Service (DVS), and their final report is available to view online.

- 6.103** In summary, a SD12 policy complaint scheme for the proposed 215 dwellings would deliver 50no. on-site affordable units, an off-site affordable housing commuted sum of £3,706,529.17, plus identified s106 contributions totalling £692,862, and a CIL charge of £1,140,205.50. The Council's Housing Enabling officer would expect the tenure mix of the 50 affordable dwellings to be 52% social rent and 48% First Homes. A further 36 affordable units would be secured by way of the off-site commuted sum of £3,706,529.17 and the tenure mix for these dwellings would be social rent.

- 6.104** However, the DVS conclude that the proposed development is unviable in terms of delivering the above policy complaint scheme (i.e. 40% AH provision), but through the gradual reduction of the above policy contributions, 40no. on-site affordable units (19%) could be delivered plus all s106 financial contributions (education and libraries provision totalling £692,862). There would be a zero off-site AH commuted sum. These conclusions are reached on the basis of Community Infrastructure Levy (CIL) relief (for existing/recent occupancy of buildings for a continuous period of 6 months within the past

3 years) not being applied at this outline planning stage and therefore the full CIL charge of £1,140,205.50 being utilised.

- 6.105** Dependent on the number of vacant units on site at the time of determining the reserved matters application(s), Vacant Building Credit (VBC) may also need to be taken into account as this may also affect the amount of AH that can be provided at REM stage. CIL contributions and any CIL relief would also need to be re-calculated at REM stage; based on the existing floor space at that time and any CIL relief afforded for social housing provision.
- 6.106** In light of the above possible scenarios at REM stage, and at the request of officers, the DVS carried out sensitivity testing to ascertain the possible effects on viability if the reliefs from CIL were available at REM stage. These reliefs would need to take account of the number of affordable units provided within the scheme and the existing accommodation on site, which at that time is either occupied or has been lawfully occupied for a continuous period of 6 months within the previous 3 years. This exercise confirms that with a reduced CIL charge of £201,997.20, the scheme remains unviable in terms of achieving a policy compliant scheme. However, the reduced CIL charge would enable an increased on-site AH provision of 48 units, and s106 financial contributions of £680,222. This is based on a slightly higher CIL charge of £231,759.87 which takes into account the larger number (48) of affordable units that could be delivered within this potential scheme.
- 6.107** Given that this is an outline planning application, the DVS has also advised that a viability review clause with the s106 Agreement is appropriate. The final layout, numbers of dwellings and the detailed design of those dwellings are currently unknown and reserved for future consideration. It is commonplace for the Council to secure a viability review mechanism through s106 obligations, particularly in circumstances where construction does not commence within a prescribed period of time. This would also enable any CIL relief or VBC to be applied correctly. Although Heads of Terms are generally agreed between the parties, discussions are on-going with the Council's legal team over the drafting and exact wording of the above s106 terms and obligations.
- 6.108** Regardless, the above scenarios and viability sensitivity testing provides Members with some understanding of other possible affordable housing provision outcomes at REM stage, when the full detail of the scheme is known.
- 6.109** In the light of the DVS report, the Council's Housing Enabling Officer (HEO) supports the applicant's commitment to delivering affordable housing on this site,. The proposed tenure mix, the categories, size and space standards of the dwellings are currently being discussed with the applicant and once agreed, will be set out within the s106. The distribution and clustering of affordable units across the site and the appearance, build quality and materials would be determined at REM stage and in accordance with an agreed Affordable Housing Statement.
- 6.110** The HEO's full comments are set out in full in the Consultations section of the report.
- 6.111** A draft s106 is in circulation and this will include the REM review mechanism clause and triggers for the phased delivery of affordable units; specifically requiring that the owner/developer 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).
- 6.112** Additionally, the s106 is likely to include 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 made available for occupation.
- 6.113** Community and Highways Infrastructure/s106 Obligations

**6.114**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.

**6.115**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.

**6.116**Having regard to the objectives of JCS policies INF1, INF6 and INF7 (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. In this case, financial contributions are sought through a s106 Agreement.

**6.117**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 (27.37no.) secondary school places provision at Bourneside School and/or in the Cheltenham school catchment area for pupils aged 11-16. GCC has concluded that there is sufficient capacity within the local primary schools and secondary schools (for pupils aged 16-18) to accommodate the expected increase in population arising from the proposed development.

**6.118**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 215 proposed dwellings.

#### **6.119**Conclusion

**6.120**The applicant has agreed to enter into a s106 Agreement to secure the above education and libraries provision and affordable housing delivery. Additional obligations to be secured via the S106 agreement include the provision and future management/maintenance of the proposed public open space and LEAP/LAP and financial contributions towards potential off-site improvements to local recreational facilities.

**6.121**Obligations are also included to secure the implementation and delivery of proposed development under applications 21/02828/OUT and 23/00728/FUL, alongside the construction of the subject larger residential scheme.

#### **6.122**Other considerations

##### **6.123**Drainage/Flood Risk

**6.124**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.

**6.125**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.

**6.126**The Local Lead Flood Authority (LLFA) has reviewed the FRA and proposed drainage strategy. In summary, the LLFA considers the proposed drainage strategy lacks coherency and no discharge rates or storage calculations are provided. Therefore, a number of concerns/queries are raised, some of which should be addressed prior to the determination of the application.

**6.127**The LLFA also identify a minor area of risk of surface water flooding but this could be dealt with by the on-site drainage methods. Infiltration testing would need to be carried out at the detailed design stage but, if infiltration is not possible, there are alternative discharge strategies proposed to the public sewer or to surface water sewers in the area. Estimates of the current and proposed discharge rates (at greenfield run-off rates) should be provided and agreed prior to determination to provide the basis for the detailed drainage strategy to follow at REM stage. Clarification was also sought on how climate change has been incorporated into the proposed drainage strategy.

**6.128**Following further discussions with the applicant and LLFA and acknowledging that this is an outline planning application, as a minimum, the applicant was asked to confirm an appropriate discharge rate (e.g. greenfield runoff rate). This information was provided by way of an updated FRA and Drainage Strategy which the LLFA confirms is acceptable.

**6.129**The LLFA comments are set out in full in the Consultations section below.

**6.130**The Environment Agency were consulted and any response received will be provided by way of an update report.

**6.131**Severn Trent (ST) were also consulted but have not commented on the application. ST would be re-consulted at REM stage.

**6.132**In light of the above consultee responses, conditions are suggested which require the submission of a detailed drainage strategy for the disposal of foul and surface water flows and a drainage maintenance strategy.

**6.133**Ecology/Biodiversity and Green Infrastructure

**6.134**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.

**6.135**NPPF paragraph 180 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 181 sets out a mitigation hierarchy in terms of retained and enhanced environmental features that can be incorporated into a development proposal.

**6.136**Landscaping would be dealt with at REM stage. However, the (revised) Illustrative Masterplan shows areas of public and semi-private open space within the scheme layout, including street trees and new hedgerow planting.

**6.137**The site is currently almost entirely covered by buildings and hard surfacing. Therefore, the ability to improve on the biodiversity credentials of the site is not difficult. However, there is potential for protected species to be present on the land or within the buildings. The applicant was therefore asked to carry out an ecological site survey and to demonstrate that biodiversity net gain (BNG) could be achieved.

**6.138**The subsequent submitted details included an Ecological Survey report and a shadow Habitats Regulations Assessment (sHRA). This information was reviewed by the Council's ecology advisor (EO) who requested further information including a desk study

for protected species records and sites of nature conservation, bat surveys for buildings 1 and a Biodiversity Net Gain (BNG) assessment to demonstrate a positive gain.

- 6.139** The applicant's BNG assessment was reviewed by the Council's ecology advisor who welcomed the (2000%) positive BNG for habitats but advised that the scheme would also need to demonstrate a positive BNG for hedgerows, ideally through on-site hedgerow creation. Accordingly, the revised Illustrative Site Layout plan shows an area of proposed native species-rich hedgerow planting (approximately 100 metres) to demonstrate that the scheme is capable of achieving a (100%) positive BNG for hedgerows but with an understanding that the exact location and precise positive BNG value for this element may change slightly upon submission of the detailed REM scheme.
- 6.140** The EO recommended pre-commencement bat surveys and protected species desk study can be dealt with by way of suitably worded conditions and the submission of further details at REM stage/prior to commencement of development.
- 6.141** All recommended mitigation and enhancement measures as outlined within the submitted ecology report and subsequent LPA reviewed bat reports will need to be expanded upon in the form of a Landscape Environmental Management Plan (LEMP) covering a 30 year period. The LEMP will also need to accord with the reported Biodiversity Net Gain (BNG) calculations, and include timescales for implementation, management and monitoring of the site. Implementation of the other various enhancement measures and mitigation for protected species can also be secured by way of planning conditions. Should roosting bats be present, then evidence of a Natural England bat licence should also be submitted to the local planning authority prior to commencement of development.
- 6.142** Details of the requested Home Owner Information Pack (HIP) to mitigate any adverse impacts on the Beechwoods SAC would also need to be submitted and approved prior to first occupation of any dwellings on site. Matters relating to the Beechwoods SAC are discussed further at paragraph 6.143 below.
- 6.143** The EO also recommends that conditions are attached to any planning permission, requiring approval of an external lighting design strategy for biodiversity for the boundary features and any native planting.
- 6.144** 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.
- 6.145** Habitats Regulations Assessment/Cotswold Beechwoods Special Area of Conservation (SAC)
- 6.146** 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.
- 6.147** 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.
- 6.148** Natural England were consulted on the proposals. 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.

**6.149**In response to NE's advice, the applicant subsequently provided a shadow Habitats Regulations Assessment 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.

**6.150**The sHRA concludes that, although no risk of adverse effects on the integrity of the Cotswold Beechwoods SAC is expected to arise as a result of the proposed development of the site in isolation. However, the risk of a potential cumulative effect as a result of increased recreational pressure has been identified and it is recommended that further mitigation is secured.

**6.151**The proposed development does not include sufficient greenspace to provide opportunities for casual recreation/short walks, although could include a children's play area. Appropriate mitigation in this instance is therefore considered to be the identification of alternative greenspaces, located outside of the Cotswold Beechwoods SAC and closer to the proposed development, that would offer suitable alternative recreational opportunities for future residents.

**6.152**The sHRA and its mitigation proposals have been reviewed by the Council's Ecology advisor who considers that suitable mitigation could be secured 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 paragraphs 5.4-8 of the sHRA. A condition has been attached accordingly.

**6.153**As requested, Natural England were re-consulted upon receipt of the sHRA but did not provide any further comment.

**6.154**The Shadow sHRA dated April 2023 is therefore considered acceptable and Cheltenham Borough Council as the Competent Authority has adopted the sHRA as the Council's Appropriate Assessment under the Habitats Regulations.

**6.155**This planning application was validated on 15<sup>th</sup> January 2022. Natural England has stated in its letter to Councils of 9 September 2022 that the Cotswolds Beechwoods SAC Mitigation Strategy of May 2022 should apply to relevant applications (constituting habitat development) submitted on or after the 1st November 2022. Accordingly, Members should note that SAC mitigation in the form of a financial contribution is not being sought for this development at outline or REM stage.

#### **6.156** Trees and Landscaping

**6.157**The application site, including its boundaries, does not contain trees or hedgerow of any note. The Council's Trees Officer (TO) has not therefore been consulted at this outline stage.

#### **6.158** Noise Impact

**6.159**Large parts of the application site are located adjacent to or in close proximity to existing commercial and industrial units within the southern area of Lansdown Industrial Estate and/or a main railway line. As such, there is potential for noise to impact on the amenities of future occupiers of the proposed dwellings, particularly any dwellings/flats with windows facing the railway line.

**6.160**The application does not include a noise impact assessment. The Council's Environmental Protection team raise no overall objection to the proposed development but request that a detailed noise report be submitted to understand the impact of the railway line and nearby commercial units on affected residential units. The submitted noise report and any required mitigation measures would need to include details of façade/fenestration

specifications and potentially, bespoke boundary treatment. A condition requiring the submission of a noise report is added accordingly.

#### **6.161 Section 106 Obligations**

**6.162** 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.

**6.163** 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**

The scheme needs to deliver Affordable Housing for Local Needs. It is therefore necessary to ensure the delivery of 40 affordable units dwellings with a tenure mix of social rented housing, First Homes and shared ownership houses. This should equate 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 11-16. 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. Public Open Space**

Agreement of Green Infrastructure Management and Maintenance Plan for Public Open Space including details of BNG, outdoor play space and equipment for LAP/LEAPS(s). For example, no more than 95% of the dwellings to be occupied until all Green Infrastructure has been laid out in accordance with an approved Green Infrastructure Phasing Plan and Management and Maintenance Plan.

##### **5. Potential Off-site Recreation Improvements/Contribution**

Having applied the Council's 'Social, Sport and Open Spaces Study – Developer Contributions Toolkit' (2017), the proposed development demands additional, off-site amenity/recreation space. Discussions are on-going with the relevant Council department to identify whether there are any required improvements and enhancements to existing recreational facilities within the local area. This could potentially take the form of improvements to children's play areas, sports pitches and allotments. Should improvements/enhancements be identified, any (proportionate) financial contributions towards such works would be secured by s106 obligations.

#### **6. Implementation of applications 21/02828/OUT and 23/00728/FUL**

Obligations to secure the implementation and completion of the above proposed developments within the retained southern part of the industrial estate alongside the delivery of the larger (215) residential scheme of application 21/02832/OUT. Trigger points and/or an agreed phased programme for the commencement and completion/occupation of three proposed developments will be imposed.

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

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.

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.

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

### **7. CONCLUSION/PLANNING BALANCE 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 are the starting point when considering this application. However, the policies which are most important for determining this application are out of date due to a shortfall in the Council's 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** 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 conflicts with Policy MD1/loss of employment land, the amenities of neighbouring land users and highway safety implications, against the positive contribution the proposal would make towards the Council's 5 Year Housing Land Supply and any wider economic or social benefits that the scheme might bring. In this regard, the contribution of up to 215 market and affordable dwellings towards meeting the Council's identified housing needs weighs heavily in favour of the proposals.
- 7.4** Despite some reservations about the height of the apartment buildings closest to properties Rowanfield Road, the indicative layout demonstrates that the site could potentially accommodate up to 215 dwellings and is therefore considered broadly acceptable. The illustrative layout incorporates appropriate green infrastructure/public open space and suitable pedestrian and cycle routes with connectivity to surrounding areas would offer appropriate sustainable transport opportunities.
- 7.5** In seeking to address the policy requirements of MD1, the applicant has demonstrated their commitment to short and longer term capital investment and public realm enhancements within the southern half of the estate, the detail and implementation of the latter to be secured by way of s106 obligations. In this respect, the application has been considered alongside applications 21/02828/OUT and 23/00728/FUL which would provide additional investment and improvements to LIE in the form of a smaller mixed use residential and commercial development and the relocation of the existing artists' studios in a bespoke new building within the southern half of the estate. The two schemes would be implemented alongside the construction of the 215 dwellings and their delivery secured by s106 obligations.
- 7.6** Subject to a viability review exercise at REM stage, the proposed development has the potential to deliver a level of affordable housing, which would make a valuable contribution to meeting the identified local housing needs of the borough.
- 7.7** The loss of the older, historic buildings on site is regrettable. The historic significance of some of the buildings and their architectural features have been explored and considered thoroughly. However, these buildings are not designated heritage assets and are afforded no protection. As such, the proposals would not result in harm to the significance of designated heritage assets. The industrial heritage of the site would be acknowledged through the installation of interpretation boards and industrial design references (as indicated in the example montage images provided by the applicant) would be considered and incorporated into the design of the buildings at REM stage.
- 7.8** Similarly, the extent and feasibility of retaining and adapting some or all of the existing buildings on site for either commercial or residential purposes has been adequately explored.
- 7.9** In response to changes in Building Regulations and the adoption of the Council's Climate Change SPD, the proposed sustainability strategy is considered acceptable and proportionate to an outline development proposal. All new dwellings would be provided with ASHPs or another non-gas alternative and EV charging points. Overall, the proposed development should achieve a reduction in CO2 emissions over that required by Part L of current Building Regulations.
- 7.10** The proposed access arrangements and traffic impacts of the proposed development have been fully scrutinised by the Highway Authority and no objection is raised. Similarly, there are no overarching amenity concerns associated with the outline proposals, subject to consideration of the detailed layout and design of the development and a noise impact assessment at REM stage.

**7.11** Officers have taken account of any other 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** Resolve to grant outline planning permission subject to the conditions and the applicant entering into a Section 106 Agreement to provide:

- Affordable Housing (40 on-site units), including a viability review mechanism
- Education (11-16) provision
- Libraries provision
- Public Open Space delivery, management and maintenance (including BNG)
- Potential off-site improvements to green space/recreational facilities
- Implementation of applications 21/02828/OUT and 23/00728/FUL

**7.14** A full list of suggested planning conditions and informatives, including confirmation of the applicant's agreement to any pre-commencement conditions, will follow in an update report.

**7.15** The parties are in general agreement over the above Heads of Terms for s106 obligations and, at the time of writing, an initial draft agreement has been prepared and is in circulation.

**7.16** It should be noted that a decision will not be issued by the Council until conclusion of the SoS EIA Screening request, in addition to completion of the s106 Agreements.

**7.17** The Planning Committee should therefore resolve to either grant or refuse planning permission.

## Consultations Appendix

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

*1<sup>st</sup> November 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.

The justification for this decision is provided below.

This representation has been produced further to the Highway Authority's recommendation dated 3rd February 2022. The proposal seeks Outline planning permission with all matters reserved except for access for the redevelopment of the northern part of Lansdown industrial estate for up to 215 dwellings with associated access roads, parking and public open space following the demolition of the existing buildings.

#### Layout

The estate internal highways and parking layouts are only suggested not confirmed. The response and recommendation can only cover those items submitted and does not include or imply no objection will come forward for items submitted at reserved matters, for example estate road layouts, parking design etc. To confirm, consideration must be given to policy SD4 of the Joint Core Strategy, paragraph vii which states:

New development should be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes, both through the application of legible connections to the wider movement network, and assessment of the hierarchy of transport modes set out in Table SD4a below. It should:

- (...) Be fully consistent with guidance, including that relating to parking provision, set out in the Manual for Gloucestershire Streets and other relevant guidance documents in force at the time.

Parking should be provided in accordance with the guidance set in Manual for Gloucestershire Streets – Addendum October 2021. For cycle parking, a minimum of 1 space is needed per 1 bedroom units, 2 spaces thereafter.

The applicant should consider the revised contents of the National Planning Policy Framework (NPPF), particularly paragraph 131 which emphasizes the need for trees.

#### Highway Impact

An Automated Traffic Counter (ATC) survey was conducted to ascertain the volume counts for the existing site uses. The outputs of the survey demonstrated 61 and 53 two-way movements during the AM and PM peak times, respectively. However, at the time of the survey the northern part of the Lansdown Industrial Estate that provides around 17,000 m2 of floorspace across light industrial (B2), general industrial (B2) and storage and distribution (B8) land uses, was underutilised. To quantify the potential trip generation for those uses, a TRICS assessment has been carried, and the outputs shows 119 and 120 two-way trips in the AM and PM peak times, respectively.

TRICS has also been used to calculate the likely number of trips likely to be generated by the development proposal. Based on the residential split of 88 houses and 132 flats, the analysis indicates that the proposed development site would generate around 74 two-way trips in the

AM peak hour and 70 two-way trips in the PM peak hour. This equates approximately to 14 additional trips in the morning peak and 8 additional trips in the PM peak when compared to the existing surveyed flows for the periods of peak traffic generation at the site.

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

### Conditions

#### Site access

Prior to occupation of the development hereby permitted, the vehicular access via Rowanfield Rd shall be laid out and constructed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

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

#### Offsite works (Details Provided)

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

Active Travel Connection as shown on drawing 05400-SK-007-P2.

Have been constructed and completed.

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

#### Reinstatement of Redundant Accesses

The vehicular access hereby permitted shall not be brought into use until the existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

#### 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 Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

#### Construction Management Plan

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

☐ Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

- ☐ Advisory routes for construction traffic;
- ☐ Any temporary access to the site;
- ☐ Locations for loading/unloading and storage of plant, waste and construction materials;
- ☐ Method of preventing mud and dust being carried onto the highway;
- ☐ Arrangements for turning vehicles;
- ☐ Arrangements to receive abnormal loads or unusually large vehicles;
- ☐ Highway Condition survey;
- ☐ Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

### 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.

#### 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.

#### 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.

#### No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

#### 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.

#### **County Archaeology**

*26th January 2022 -*

I have noticed this application on the planning list and have checked against the county Historic Environment Record. I can advise that the proposed development was the site of a World War One aircraft factory known as the Sunningend Factory and some of the buildings are still standing. Historic maps shows the industrial development of the site since the late 19th century. There has been no archaeological investigations close to the proposed development site however there may be potential for as yet unrecorded archaeological remains to be present within the site despite a high degree of development in the post-medieval period.

The site has the potential to contain upstanding remains of industrial interest, particularly relating to the World War One aircraft factory. Despite the post-medieval development of the site there is potential for archaeological remains to survive within the site. I therefore recommend that a Historic Environment Desk Based Assessment should be submitted with the application and I will be happy to advise further once this information is made available.

*6<sup>th</sup> November 2023-*

The Heritage Appraisal (June 2022) has been produced since my initial comments on the application. I consider this appraisal has addressed my request for an assessment on the heritage interest in the site, in particular any upstanding elements which still hold industrial heritage value. The appraisal has provided a useful summary of the history of the site which has established the heritage interest in the site's development in the 19th century as the Lansdown Iron Works/Trusty Engine Works and H.H. Martyn & Co.'s various manufacturing operations and important role as an aircraft factory during WWI and WWII.

Despite the heritage interest in the historical development of the site it is clear that due to much alteration during the post-war period very little of architectural or heritage interest is left in the upstanding fabric of the site (or those buildings which have been recently demolished).

The appraisal also states there is little surviving machinery left to document any important technological developments.

On the basis of Heritage Appraisal I therefore consider that no building surveys are necessary and due to the extent of alteration and subsequent development within the site I consider it unlikely that any belowground archaeological remains of interest will be impacted by the proposals. I therefore make no recommendations for further investigation in relation to this application. The Heritage Appraisal will be deposited with the Historic Environment Record as a useful account of the historic development of the site

### **Contaminated Land Officer**

*3rd August 2022 - 21/02832/OUT - Con Land comments:*

I do not wish to raise any objection to this application from a contaminated land perspective although it is worth noting that there is the potential for considerable risk given the historical uses of the site. This is well documented in the desk study and numerous recommendations are made in section 10.2 of the report which I fully support. These recommendations can be picked up at a later stage in the planning process and so I can support the application with the caveat of a further report being submitted at a later date with the findings of the proposed ground investigation.

### **Environmental Health**

*24th June 2022 - 21/02832/OUT –*

I have read through the design and access statement and I have been looking for a noise assessment but I can't seem to find one. Obviously building so close to a rail line is going to be tricky in terms of noise control but some of the design options do try to make use of orientation and screening which is going to be the only way to make this development possible. A detailed noise report is required to understand the impact of the railway on these residential units with detailed façade specifications. I would suggest designing the apartment blocks closest to the railway with kitchens, bathrooms and any staircases facing the rail line to help with noise control within more sensitive rooms. My preference is always to try and ensure that residential units can have openable windows rather than making use of mechanical ventilation.

### **Social Housing**

*28th November 2022 - Letter available to view in documents tab.*

### **GCC Community Infrastructure Team**

*9th June 2022 - Comment available to view in documents tab.*

### **Minerals And Waste Policy Gloucestershire**

*4th February 2022 - Comment available to view in documents tab.*

### **Strategic Land Use Team**

*19th May 2022 –*

The outline application is for the redevelopment of the northern part of Lansdown industrial estate (2.76ha) for up to 215 dwellings with associated access roads, parking and public open space following the demolition of the existing buildings. All matters reserved except for access.

The application site forms part of the Cheltenham Plan allocation MD1 and Policy H2: Land allocation for mixed-use development. This aspect is the focus of the response.

Policy H2 states that

"Each allocation is supported by site-specific policies MD1-MD4 below, to provide further detailed guidance on the development of these sites. These site-specific policies also form part of this policy."

Policy MD1 has the following description:

"The site is capable of redevelopment for mixed-use, including a continued element of employment in better-quality units together with some new residential development. There would be a net loss of employment land but this should be offset by an upgrade in the quality and density of premises."

It also includes the following requirement:

"Employment led regeneration which may include an element of residential development provided that existing provision is offset by a net gain in the quality (see Policy EM2) and / or the number of jobs provided on the site"

The current application does not meet with the above requirements. It would result in the total loss of employment from the site to be replaced by housing. There would be no mixed-use redevelopment at all and nor would there be any upgrade to any employment premises.

The application does not conform to the letter or spirit of Policy MD1. This fact should be afforded significant weight in determining the application.

A separate application on a different part of the Lansdown Industrial Estate (21/02828/OUT) is also currently under consideration. The application seeks to redevelop two commercial units into a mix of residential units and commercial. Whether the impacts of the application can be taken into account when determining 21/02832/OUT is not clear and will require a legal agreement to link the two.

If we assume that both applications can be considered jointly then the proposals would still not meet with Policy MD1. The development would be some distance from being 'employment led regeneration'. There would be a loss of approximately 2.76ha of employment land compared to approximately 290sqm of renovated commercial floor space. There is no evidence to justify that this would result in 'a net gain in the quality (see Policy EM2) and / or the number of jobs provided on the site'.

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

*18th February 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 based on the Flood Risk Assessment and Drainage Strategy (August 2019).

### Flood Risk

The site is in flood zone 1 and Risk of Flooding from Surface Water maps show just a minor area of risk that can likely be dealt with by the onsite drainage.

### Surface water management

Discharge strategy

No soakaway tests have been carried out so it is not known whether infiltration will be a suitable option (it is proposed that these will be done prior to detailed design). There are no watercourses in the vicinity, so the proposed discharge strategy is to a public sewer.

There are plenty of surface water sewers in the area that would be preferred to the combined sewer in Rowanfield Road identified in the drainage strategy. Ultimately this will be determined by the site's current drainage network and negotiations with Severn Trent Water but there are clearly options if infiltration is not possible.

#### Discharge rates

It is stated that restricting the discharge rate to the greenfield runoff rate for QBar is impractical. In this situation the development should seek to try and reduce the discharge rate by at least 40%, which is quoted in the drainage strategy document but not demonstrated has been met. This is especially important to understand if the development will discharge into a combined sewer.

It is proposed that some areas of the development will be restricted to 2 l/s, which will seemingly provide a reduction in the discharge rate, but the percentage reduction has not been calculated.

Some of the details in the drainage strategy appear to be inconsistent with other documents. For example, the drainage strategy states that Buildings 5, 6, 7 and 8 are remaining so won't be included in the alterations of the drainage strategy (see Appendix E), however, the Illustrative Masterplan shows that these buildings will be replaced by residential housing. It is also stated that the site area is 5.36 ha but the Application Boundary plan shows suggests it is more like 2.78 ha. This is important to get right because it will have implications on the appropriate discharge rate.

Estimates of the current discharge rate and proposed discharge rate should be provided and agreed prior to approval to provide a basis for a more detailed drainage strategy to be designed around.

#### Drainage strategy and indicative plan

Again, as described above, the layout of the site should be clarified, and the drainage strategy should reflect this. As for the method of storage, this appears to be based on underground storage crates that will provide sufficient control on water quantity but will not offer any management of water quality, amenity, or biodiversity aspects of Sustainable Drainage Systems (SuDS). The Illustrative Masterplan and Parameter Plan does show some green open spaces that could be utilised for above ground storage or filter strips to manage water quality, which should be explored.

#### Climate Change

It is stated that the drainage design has incorporated a value for climate change of 40%, however, it's not clear how this has been done.

#### Exceedance flow plan

An exceedance flow plan has not been provided; however, this will depend on the final topography of the site and can be supplied alongside a detailed drainage design.

#### LLFA Recommendation

The final discharge rate should be established and agreed prior to approval to ensure the detailed design has a basis to be designed around. Similarly, the layout should be clarified, and it should be demonstrated how climate change has been incorporated into the design.

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) 2**

*9<sup>th</sup> January 2024 –*

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 latest Flood Risk Assessment and Drainage Strategy (Project Code: 04107) uploaded to the planning portal website on 22 December 2023, provides more assurances that the discharge rate will be limited to 18.2 l/s, which is approximately equal to the greenfield runoff rate for QBar. For this location and nature of development, the remaining drainage strategy can be provided through the following condition:

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 (Flood Risk Assessment and Drainage Strategy; 22 December 2023). The SuDS Strategy must include a detailed design, a timetable for implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks. 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 lifetime 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 shall be implemented in full in accordance with the agreed terms and conditions.

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

NOTE 1 :The Lead Local Flood Authority (LLFA) will give consideration to how the proposed

sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

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

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

## **Clean Green Team**

*21st January 2022 –*

1 Pathway Pathways need to be of hard standing

2 Bins Locations If private dwellings residents would need to be informed that due to ownership they are required to present on the kerbside for 7am on the morning of collection. No receptacles are to be stored on the highway

3 Road Layout Ideally off road parking is advisable with a space for refuse and recycling trucks that is to be kept free on collection days. Ideally on the highway a turning circle is recommended. The road will need to withstand 26 tonnes and until the road is finished Ubico and CBC can not be held responsible for any damage. If access is not permitted whilst the road is still being finished then all properties would need to present at the nearest adopted highway on collection day

4 Presentation Points (if single dwellings) 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.

5 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

6 Communal If any of the property's 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, and the pathway leading to the bin shed must be of hard standing

7 Entrance to estate Entrance to the estate needs to have parking control to prevent parking on the corners which prevents ingress and egress of refuse vehicles up to 26 tonnes

8 New residents information "We would advise that all residents are given the link below so they can see how and what can be recycled in Cheltenham  
[https://www.cheltenham.gov.uk/info/5/bins\\_and\\_recycling/924/kerbside\\_recycling\\_box\\_collection](https://www.cheltenham.gov.uk/info/5/bins_and_recycling/924/kerbside_recycling_box_collection) "

## **Heritage and Conservation**

*28th March 2022 –*

Re: Heritage advice 21/02832/OUT - Lansdown Industrial Estate, Gloucester Road, Cheltenham

The site lies outside but adjacent to the Central Conservation Area and despite not having any designated heritage assets, the Lansdown Industrial Estate is notable as an historic industrial site, principally associated with the iron industry. A comparison of historic maps and a site visit indicates a number of surviving historic industrial buildings and structures that may be considered to have significance. Notably all buildings and structures on site are proposed for demolition.

The supporting information submitted within the outline application gives a weak understanding of the history of the site and the surviving historic industrial building and structures. It is desirable a more robust analysis of the history of the site and the existing buildings and structures, particularly those surviving from the c19th and early c20th, be undertaken. This would allow an informed decision to be made on their historic significance.

Without this understanding it is difficult to support the application in heritage terms. This lack of supporting information and therefore understanding of the potential for heritage assets on the site could be used as a reason for refusal of the outline application.

After an analysis of the site, should any of the surviving buildings and structures be considered to be significant, consideration will need to be given to the appropriateness of their retention, either wholly or partially, or whether the sites industrial heritage be better referenced in other ways, e.g. within the design of the new buildings and/or interpretation boards on the site. The development proposals response to the site will need to be proportionate to any significance and consideration will need to be given to chapter 16. Conservation and enhancing the historic environment, within the National Planning Policy Framework.

### **Cheltenham Civic Society**

*8th February 2022* - Comment available to view in documents tab.

## **RESPONSE TO HERITAGE AND BUILDING REPORTS**

1. Cheltenham Civic Society wishes to lodge the following additional comments on the application. These are submitted with the benefit of deep local knowledge, primary research and a strong interest in the area. These same traits are, unfortunately, not demonstrated in the application.

### **Conservation Report.**

2. Cheltenham Civic Society asked our historian, Jill Waller, to assess the applicant's updated heritage appraisal. Jill is probably the most authoritative local historian, having had numerous books and papers published on Cheltenham. She is also believed to be the only historian who has conducted primary research into the Lansdown Industrial Estate site, except for John Whitaker who wrote 'The Best' (Whitaker, 1985) about HH Martyn.

3. Jill could not believe how much the appraisers had got wrong about the site's history, right from the start, and how little they had actually researched and understood, apparently because they relied on outdated sources. Attached is her critique of the heritage appraisal, complete with highlighted heritage report. Her exceptional knowledge also satisfies NPPF para 194, which requires, as a minimum, the relevant historic environment record to have been consulted and the heritage assets assessed using appropriate expertise where necessary.

4. The bottom line is that the latest heritage appraisal is still far from satisfactory. As the Conservation Officer points out in his second submission, the assessment is very thin on detail and still fails to demonstrate a thorough understanding of the site, and thus the significance of it.

5. CBC's Conservation Officers rightly identify that industrial buildings, by their nature, do not necessarily have an aesthetic value but they can hold evidential, historical and communal value. The following detail is provided to assist CBC's Conservation Officers, Planning Officers and decision makers with understanding the specific significance of the site, and filling in the detail omitted by the applicants' heritage report.

6. Jill Waller's and Andrew Booton's assessment of the site's buildings, drawn from primary evidence including CBC's records, planning application dates, construction dates and uses, maps and plans and interviews with former employees. This should help CBC to assess the heritage significance of this site, which the applicant's heritage report fails to do. All these buildings can be identified in Historic England's aerial photos, which help to confirm their appearance and relative positions. The plan shows:

A. Tramshed, c1890-1901. Trusty's foundry, survived fire in 1897. Sits on the site of Cornell's original 1864 foundry so may have been used by Vernon & Ewens before Trusty. Probably the oldest structure on the site and despite being excluded from this planning application, is important for understanding the setting and context.

B. Tram Offices, 1901. Date stone identifies this. Again, outside the scope of this application but important for historical context.

C. Block C, c1907-08. Probably one of the first things Martyn's built, for their very messy fibrous plasterwork as well as asbestos work and woodcarving. Bears legible 'ghost signs' from Martyn's activities on the railway track side. Of interest, this building also appears to have good examples of beam and pot concrete floors, which must be amongst the earliest in the country. This is all the more worrying as the building already has consent for demolition yet it is worthy of formal listing.

D. Woodshop, c1908-16. The building with the largest footprint for creating and assembling large structures.

E. Toilet Block, 1917. Arts and crafts brick building.

F. Canteen Block, 1917. Underneath the roughcast exterior and modern inappropriate uPVC windows is a handsome arts and crafts brick building of domestic style and proportion.

G. The Foundry, 1920. 'At its height from 1920 to around 1938, Martyn's foundry cast 75% of all art metal work required in the country.' The Best, p99, Whitaker, J. This was the actual building from which that output originated, purpose built for the task and largely unaltered.

H. Pressed Steel Shop, 1942. Constructed on the footprint of a previous building after a direct hit at the southern end on 11 December 1940. Contemporary to the Martyn's new office block (planning permission granted December 1941) that was completed in the southern site as the previous office had been destroyed. Incidentally, this later office has been used to showcase the firm's range of plasterwork, carvings and fittings, most of which remain in place.

I. Polishing shop, 1942. The end of the Woodshop was bomb damaged so was made good.

#### Building Report.

7. The building report by Bruton Knowles clearly shows that the buildings are capable of renovation and reuse. Indeed, their overall sizes, solidity and layouts lend themselves very well to reuse for a range of commercial and residential purposes. Dilapidation through neglect should not be an excuse for simply demolishing them without full and detailed consideration for renovation and reuse. NPPF para 196 states that 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'

#### Protection

8. The heritage report is sadly passive on the significance of heritage and the damaging impact of this proposal on Cheltenham's industrial heritage. NPPF para 190 states (with our emphasis in italics):

Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

We do not believe that this application satisfies those considerations. Indeed, they deliberately contravene them. That is very disappointing and indicate underestimation of the importance of heritage, laissez faire approach to heritage management and consequent risks to the town's heritage. Cheltenham Borough Council has a duty to take a lead in setting out a positive strategy for the conservation and reuse of the site.

#### Alternative Proposals

9. Cheltenham Civic Society's letter and brief to all councillors of Cheshire West & Chester Council and Cheltenham Borough Council (attached) sets out the site's historical context. Importantly, it also sets out the Civic Society's proposal to retain buildings of historic interest but to demolish the poor quality buildings around them for enabling development. This satisfies NPPF para 197, which states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Our letter and brief to councillors (attached) provides sufficient evidence to satisfy all 3 factors, unlike the applicant's submissions. Our proposals demonstrate not only the desirability to retain the historic fabric but the commercial, heritage and cultural rationale for doing so.

#### Conclusion

10. From the information we have provided, it should be evident that not only should the planning application be refused but Lansdown Industrial Estate should be formally protected for its historical, evidential and architectural value and its specific contribution to Cheltenham's industrial heritage. Long term protection would best be served by finding a sustainable use for the buildings, which Cheltenham Civic Society has proposed and demonstrated feasibility. We urge Cheltenham Borough Council to refuse the application and to take steps to protect this important site, which is likely to be the last industrial site in Cheltenham of significant heritage importance.

#### **Ward Councillors**

*28th January 2022 –*

I am concerned that the buildings that will be demolished to make way for the new housing include a fantastic community, and indeed our largest community of artists, in Lansdown Art Studios.

During your assessment can you consider which parts of the NPPF, JCS or Cheltenham Plan would support the provision of space for this community organisation in the new designs. We're looking for space for 21 artists with good light and a reasonable rent. Would it be possible for the developer to create an attic space on the blocks of flats to replace this fantastic resource?

250 years ago, Cheltenham was little more than a tiny village in Gloucestershire. Yet, within a few decades, it became a world-famous Regency spa town. A leading destination for art, literature, fashion, health and education. - David Chadwick (local resident)

At what point and how do we raise this with the developer? In your experience, what is the best approach to getting such a commitment?

### **Ecologist 1**

*12<sup>th</sup> June 2023 –*

We have reviewed the Ecological report and shadow Habitats Regulations Assessment (SHRA) and our response with regards to Ecology is provided below.

#### Requirements prior to determination:

1. Desk study for protected species records and sites of nature conservation concern to be undertaken to inform the ecology/bat reports.
2. Bat emergence survey of buildings 1 and 2 with low bat roosting potential should be undertaken and a report submitted to the local planning authority for review. Should bats emerge then two further dusk or dawn surveys are required to characterise the roost and the results should be submitted to the local planning authority (LPA) for review. Should bats be present, the report should include a bat mitigation and enhancement plan.
3. A Biodiversity Net Gain (BNG) assessment using current version of DEFRA BNG metric to demonstrate positive net gain should be submitted to the LPA.
4. The shadow HRA concluded that the number of regular visitors traveling to Cotswold Beechwoods SAC from the proposed development would be minimal. However, this potential for a small number of visits from the new development in combination with other local developments was recognised. As mitigation a Homeowner Information Pack (HIP) was therefore proposed. The HIP will provide information on other areas of attractive and more convenient public open space and opportunities for informal recreation in the local area to direct new homeowners away from the Cotswold Beechwoods SAC. The HIP should also show footpaths/cycle paths and public transport routes to these other greenspaces to deter use of cars. The HIP must also give best practice guidance for members of the public to minimise their impact on local sites of nature conservation concern too. Following the production and dissemination of the HIP to new residents, the shadow HRA concluded that the proposed development of the site was unlikely to result in any significant adverse impacts on the Cotswold Beechwoods SAC, either alone or in combination.

#### Requirements prior to commencement/conditions to be attached to planning consent:

1. Mitigation measures for protected species are to be undertaken as outlined in the Ecology report and subsequent bat report, once the latter has been reviewed by the local planning authority.
2. Should roosting bats be present, then evidence of a Natural England bat licence should be submitted to the local planning authority prior to commencement on site.
3. Prior to commencement, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
  - All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority
4. Enhancement measures are to be undertaken as outlined in the Ecology and LPA reviewed bat reports and should be expanded upon in the form of a Landscape and Ecological Management Plan (this will need to cover a 30 year period) to support the BNG assessment, thereby ensuring that the positive biodiversity net gain can be achieved. The landscape plan should also show the location of relevant wildlife features.
5. The HIP needs to be submitted to the LPA for review prior to distribution to new residents.

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 – 182 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework<sup>1</sup>

1 The National Planning Policy Framework (NPPF) Paragraph 179 states:

“To protect and enhance biodiversity and geodiversity plans should:

- SD9 Biodiversity and Geobiodiversity
- INF3 Green Infrastructure

The Environment Act 2021 contains provisions for the protection and improvement of the environment, including introducing biodiversity net gain (“BNG”).  
Cheltenham Plan, Adopted 2020.

- Policy BG1: Cotswold Beechwoods Special Area of Conservation Recreation Pressure
- Policy BG2: Cotswold Beechwoods Special Area of Conservation Air Quality

Wildlife legislation context:

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

We trust this information is helpful.

## **Ecologist 2**

*11th October 2023 -*

I have reviewed the BNG metric and report, and welcome the positive BNG for habitats. I note the comments from the consultant in their email and the section in the BNG report (inserted FYI) explaining the negative value for hedgerows, which results in the BNG trading rules not being met:

The proposed development and associated landscaping will result in a significant habitat net percentage change of +2022.00%. The removal of a short section of ornamental hedgerow with no new hedgerow proposed results in a net percentage change of -100% (-0.04 units).

New hedgerow planting as part of the proposed development should be considered in order to achieve a net gain in the biodiversity value of hedgerows on the site. It is expected that the required specification and/or length of new hedge will be easy to incorporate into the development once a full landscape design has been produced.

However, it will be necessary for the development to demonstrate a positive BNG for hedgerows, ideally through on-site hedgerow creation, and thus meet the BNG trading rules for hedgerows to ensure a valid BNG assessment. I would therefore recommend that the outline landscape plan plots the outline positioning for native species-rich hedgerows within the development (with the understanding that precise locations/lengths may change), and thus ensures a positive BNG can be achieved for this habitat (with the understanding that the precise positive BNG value may change slightly at the detailed planning stage but not so much as to yield a negative BNG value).

### **Joint Committee Of National Amenity Societies**

*14th February 2022 –*

The Association for Industrial Archaeology notes that this outline application is for the demolition of the existing buildings and the redevelopment of the northern part of the Lansdown Industrial Estate. The redevelopment proposal is for up to 215 dwellings with associated access roads, parking and public open space.

This site includes buildings which housed Cheltenham's industrial enterprises including HH Martyn. They had taken over the Vulcan Works before the First World War and which were renamed the Sunningend Engineering Works. From 1915 they were producing aircraft and subsequently worked under the name of the Gloucestershire Aircraft Co. An aerial photo taken in 1928 has the name Sunningend Engineering Works, and a building has the word "Aerodrome" on its south east facing elevation.

Today, a number of the buildings associated with these industrial enterprises appear to survive to at least a limited extent as indicated by a number brick walls, painted and unpainted, illustrated on pages 18 and 19 of the Design and Access Statement. Some of the red brick buildings may have been part of the engineering works. Also, it is possible that the two storey white painted building is not as modern as it appears and may be the one which had "Aerodrome" on it. Given the importance of all the works not only to Cheltenham's history but also in connections with the county's long standing connection with air craft production, it would have been useful if there had been a more detailed historic building/site assessment included with the papers. (The only details on the site's history are within the Design and Access Statement.) This lack of information could be addressed so that historically important buildings can be identified and their function understood. Overall, effort should be made to retain and reuse the relevant buildings. The reuse of buildings would also mitigate the carbon footprint which would result from complete new build. Therefore the Association for Industrial Archaeology objects to this application.

### **Building Control**

*21st January 2022 -* The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

### **GCC Community Infrastructure Team**

*14th December 2022 -* Letter available to view in documents tab.

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

*25th January 2022 -* Biodiversity report available to view in documents tab.

### **Ward Councillors**

*6th December 2022 –*

This site was a centre for significant innovation, and while many of our residents aren't aware of its history, there are still remarkable and irreplaceable heritage buildings on site that we lose with the proposed development. The area is also historically working-class, and Cheltenham still suffers from extreme inequality that's masked by our reputation as a spa town for wealthy people. It's vital to preserve the legacy of hard-working people who are otherwise invisible with their contributions and skills forgotten.

In addition, the most climate-friendly buildings are those already standing, and this is a resource that we can't really afford to lose. We will come to regret this in years to come if it goes ahead. If it must go ahead, a sensitive redevelopment should be at least attempted or examined, for the purpose of due diligence and municipal accountability.

Councillor St Pauls ward

### **Heritage and Conservation**

*8th September 2022 –*

Re: Additional Heritage advice 21/02832/OUT - Lansdown Industrial Estate, Gloucester Road, Cheltenham

Further to the heritage advice given previously and the subsequently submitted Heritage Appraisal dated June 2022, by Built Heritage Consultancy, the following additional heritage advice is offered.

The submitted Heritage Appraisal has given some clarity to the previous concern over the weak understanding of the history of the site and the surviving historic industrial buildings and structures. The Heritage Appraisal discusses historical industrial and artistic development of the site and begins to give an understanding of the significance of the existing buildings within the application site. However, this, while informative, is not considered a sufficiently thorough understanding.

The Heritage Appraisal states many of the buildings on site are utilitarian and most have been extended, rebuilt and much altered. It finds little to no value in the surviving buildings, appearing to primarily base this on their aesthetic appearance or value. It is argued, this should be expected from an industrial site that has been active with varied uses for an extended period.

Historic England make it clear significance should be considered in a number of different ways. It should be noted industrial buildings by their nature do not necessarily have an aesthetic value. Industrial buildings can hold evidential, historical and communal value. The conclusions made within the Heritage Appraisal do not properly acknowledge these values. It is considered therefore the issue of understanding significance has not been soundly based on conservation principles, policies and guidance. More careful consideration needs to be given to identifying significance and how this could be better revealed within the development proposal.

It was previously stated and is reiterated here, should any of the surviving buildings and structures be significant consideration be given to their retention, in whole or in part, that industrial design be referenced in the appearance of new buildings and that interpretation boards and/or public art feature, to recognise the significance of the site. As submitted the development proposal is considered a lost opportunity to acknowledge and celebrate an important period of Cheltenham's industrial and artistic heritage.

### **Natural England**

*18th July 2022 –*

Thank you for consulting NE. This proposal is in the 15.4km recreational Zone of Influence of the Cotswold Beechwoods SAC.

The consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. Natural England advises that a Habitat Regulations Assessment is required as the proposal has the potential to impact the SAC/SPA/RAMSAR.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Please reconsult NE when the Habitat Regulations Assessment has been completed. We will respond to the consultation in full at this stage. NE will not be checking the LPA's website for updates. Re-consultation is therefore necessary to reactive this case with NE. Please note that our statutory response period for proposals effecting SSSI's (including European sites) is 28 days, therefore a 28 day deadline will apply on receipt of the consultation.

## **Architects Panel**

*18th February 2022 –*

### Design Concept

Although only an Outline application with all matters reserved apart from access, the submission includes proposals for new buildings and a site layout that the panel decided would be worth commenting on in the hope that these comments might assist the design process and result in a more appropriate design solution for this site.

The panel had no objection to the principle of demolishing a large section of the existing now redundant industrial buildings on Lansdown Industrial Estate to provide new residential buildings on this site. Thought has been given to alternative site layouts and the panel liked certain aspects of the design proposals which could be worked up to create an attractive relatively dense urban housing development. However, the panel concluded the design should be refined to address the following:

### General Site Layout

The layout options considered are clearly looking to maximise building density which is understandable for such a large site close to the town centre. However, all the layouts considered give great emphasis on the car resulting in a series of terraces dominated by rows of car parking spaces. The layouts are unimaginative and spatially uninspiring, giving very little to public amenities or distinctive place-making opportunities.

### The Cheltenham Plan

The Cheltenham Plan (adopted July 2020) Policy MD1 states that Lansdown Industrial Estate is for employment led regeneration which may include an element of residential development. This application doesn't look at the site as a whole but simply divides the site into two. No details are provided to demonstrate upgrading the quality of remaining industrial estate or how these buildings relate to the proposed housing scheme.

The site calls for a mixed use employment led development which means there needs to be shops and business use facilities incorporated in the overall master plan. This in turn will encourage a more urban design solution, more open spaces, public amenity gardens and

enclosures, variety of built form and densities. Facilities could include work-live units and a broader range of premises. Greater emphasis on place-making features will help raise the status of the site and provide a focus for people in the area to meet and enjoy public interactions.

### Built Form

It may not be viable to repurpose the existing industrial buildings on the site but their built form could certainly influence the new development and provides the opportunity for large buildings along the railway line boundary. Rather than be exclusively for apartments these buildings could have other uses at ground floor level in addition to car parking. Such tall buildings need more space around them so as not to overshadow other buildings or gardens between, and taking out the central terrace would help open up the site. Increasing the density of buildings elsewhere on the site may also be possible and changing the house pattern at the end of the row, or at key vistas, would add more variety to what currently looks like a very monotonous row of identical houses leading to no-where.

The architectural precedents included in the Design and Access Statement are welcomed and should be studied in detail when developing the architectural language for the whole development. The saw-tooth roof profile of the existing industrial buildings are precedent for an exciting and varied roofscape and it would be good if this silhouette could be included on the apartment buildings with reference to historic built form on the site.

### Rowanfield Road

The proposed three storey houses along Rowanfield Road all have parking in their front gardens which is not ideal in terms of safe vehicular access or for visual reasons. Alternative layouts need to be explored.

**HERITAGE APPRAISAL – LANSDOWN NORTH, June 2022**  
**COMMENTS, JILL WALLER, Local Historian**

General Comments – The Appraisers have used out-of-date sources and a considerable amount of the history of the Lansdown Industrial Estate has since been uncovered, either published or soon to be published. As the only person to have fully researched the history, it is a shame that they did not contact me.

Recent Sources:

- *A Chronology of Trade & Industry in Cheltenham*, Jill Waller et. al., CLHS, May 2022
- *Cheltenham's Forgotten Heavy Industry – The Lansdown Industrial Estate*, Jill Waller, article to be published in *CLHS Journal*, 2023.

pp.4-5 – The overlay of Lansdown North has been drawn in the wrong position on the 1835 Inclosure map. The 'Rail Road' is the horse-drawn railroad, opened 1810, closed 1850s, which ran along **Gloucester Road**, joined by a branch from the Leckhampton Quarries, and ending at Gloucester Docks. It is NOT on the line of the Birmingham & Gloucester Railway. – The Appraisers have overlooked an important aspect of Cheltenham's history, and confused Gloucester Road and tramroad with the future steam railway line. The Lansdown North site is thus further west and at a different angle.

p.4 – There is no evidence that the Bristol to Birmingham main line (Midland Railway 1840s) was in any planning stage in 1835 that would warrant placing the route on the 1835 Inclosure Award map.

p.4 – BOTH the new Midland Railway line AND the horse-drawn tramroad are shown on the 1855-57 Cheltenham Old Town Survey, which should have alerted the Appraisers that their overlay on the 1835 map was incorrect.

p.4 – Rowanfield Road was already a well-established path, interspersed with market gardeners' cottages, just not shown on the 1855-57 Old Town Survey.

p.4 – 'Cheltonia' – The reference here should be *An Historical Gazetteer of Cheltenham*, James Hodsdon, BGAS, 1997. ('Cheltonia' does not carry out any original research herself, nor often acknowledge her sources. The website should not be relied on for any serious or original historical referencing.)

p.7 – The Appraisers have missed the point that the 'Lansdown' Iron Works and Station are actually over half a mile from the actual Lansdown district, and why Cormell named it the **Lansdown** Iron Works. (He took the name from his premises in Tivoli Place, Andover Road, when he moved out to Alstone. – See sources above.)

p.7 – Recent research shows that Letheren built his own ironworks in the mid-1860s, while still working as Cormell's foreman. By 1868 he had left Cormell's employ and named his works the Vulcan Ironworks. – see sources above.

p.7 – The fate of John Cormell IS known – see sources above. (He returned to Tivoli and resumed his ironmongery and manufactory there until his death in 1897.) The Appraisers could also have mentioned that Cormell produced the iron roof covering the Bristol Corn Exchange courtyard, to the designs of E.M. Barry, RA, in 1871-2.

p.7 – No mention of John Gibbs' occupation of the Lansdown Iron Works, 1872-75 – produced gasworks around UK; supplied the ornamental iron fencing for Temple Gardens London. – sources above.

p.7 – Vernon & Ewens did NOT produce the Hammersmith suspension bridge. The 2004 source for this claim only states that they 'won the contract' to build the bridge. (In fact they went into bankruptcy shortly before the work was to start, and it was ultimately built by Messrs Dixon, Appleby & Thorne.) – see sources above. (However, Vernon & Ewens did carry out many large, prestigious contracts around the UK, e.g. the roof of Bristol Temple Meads; the Great Eastern Railway goods depot at Bishopsgate which was one of the largest warehouses in London, a battery at Maker Heights, etc.)

p.7 – The railway sidings were laid to the works from the adjoining Midland railway in **1879**.

p.7 – Might have been worth mentioning that the ‘two small cottages’ were built by Letheren.

p.7 – ‘Montpelier’ should be Montpellier – careless!

p.9 – Perhaps could have mentioned that the Trusty engines were made to patents taken out by J.E. Weyman with John Henry Knight (the early motor car pioneer); the latter’s own vehicles included his patented 3-wheeled motor driven by a Trusty oil engine.

p.9 – ‘most of the Central Iron Works buildings were retained and extended’ – INCORRECT. The Trusty Works suffered a devastating fire in January 1897, and **only the foundry** remained. Almost all the buildings shown in the 1899 engraving were built between 1897 and 1899. (Only Letheren’s and the site of the future tram depot were pre-1899.) – The source of the engraving: advertisement in the *Penny Pictorial*, 1899.

p.13 – The Vulcan Ironworks was acquired 4 June 1908 – see sources above.

p.13 – H.H. Martyn & Co. was founded in 1888 at Sunningend (the house on High Street), which although formerly Holly Cottage, was always Sunningend in their time; *i.e.* no need to mention ‘Holly Cottage’ or ‘later named Sunningend’. They retained the High Street Sunningend into the 1920s, mainly as showrooms.

p.13 – Lansdown site actually acquired Nov 1907, Martyn’s moved in Feb 1908. More could be made of Martyn’s renaming the site **Sunningend**, having been at the former High Street site for nearly 20 years.

p.13 – The Appraisers have missed that Martyn’s initially used the former Vulcan Ironworks as their own art metalwork department for their first few years at Sunningend, Lansdown. The Cumberland Screen would have been worked on in this now-demolished building.

p.13 – Brockworth Aerodrome and Brockworth site, not Hucclecote at this time.

p.17 – It was definitely a water tower – see earlier aerial photographs; destroyed by bomb Dec 1940.

p.17 – ‘the same period’ is a bit vague. Canteen & toilet block 1917-18; foundry 1920. – above sources.

p.17 – Unit 11 (Block C) was built c.1908 for fibrous plasterwork. The role of this and Unit 12 (Vulcan Ironworks) IS known – see sources above. Unit 12 initially continued in use by Martyn’s for their art metalwork. (Once a new art metalwork department had been built, it was used to house A.W. Martyn’s Bentley when he was on site, until bought by the bus company for use as a garage.)

p.18 – These photographs are dated **1920** – copies given to me personally by John Whitaker, (who has since deposited his archives in Gloucestershire Archives).

p.21 – Brockworth, not Hucclecote.

p.21 – Prestigious works should include the 1921 Angel of Victoria, the revolving 16ft bronze statue atop the Queen Victoria Memorial, Kolkata (Calcutta).

p.21 – *re.* Maples takeover – Martyn’s undertook Maple’s architectural manufacture and a portion of their general manufacture.

p.21 – *re.* destruction of records – the 1888-1940 records were lost in the Dec 1940 air-raid; more records were lost in a fire in May 1947. Maple’s apparently did instigate the disposal of the remaining records.

p.21 – Unit 7 was originally built as a dope shop for Second World War aircraft work.

p.21 – The single-storey extension to Unit 11 was later used for asbestos work, in the 1960s.

p.24 – The air-raid bomb also gutted H.H. Martyn's 3-storey brick office building, so far not mentioned by the Appraisers although clear on the earlier aerial photographs; near the water tower under the site of Unit 8. Hence the building of the new offices and boardroom in 1942, now Maxet House – not clearly explained by the Appraisers.

p.24 – Unit 7 was the purpose-built Dope Shop during the Second World War.

p.24 – The Trusty Works testing shed was erected between **1897** and 1899.

p.24 – new office building – the Appraisers have still not emphasised that this was erected because the original 3-storey office building (site Unit 8) was destroyed in the Dec 1940 air-raid.

p.28 – decorative work on ships 1947-66 – Actually until 1967. No mention of the fittings for the *QE2*, 1967.

p.28 – pre-fabricated houses – This was a large, important, contract, 'temporary' timber buildings, to help meet the post-war housing crisis.

p.28 – the Appraisers have run out of dates? Speaker's Chair 1950, St. Paul's pulpit 1964.

p.28 – 'right into the 1960s', should be into the **1970s**.

p.28 – 'Macolland's wound up Martyn's in 1971' – H.H. Martyn & Co. was closed on 31 Jan 1972.

p.31 – Platt Schindler Lifts Ltd, as the company was called at the time, took over Sunningend in **Feb 1972**.

p.31 – the two cottages at the northern end of the site were built by Letheren in the late 1860s.

p.34 – the Trusty engine-testing house (site Unit 1) was erected between 1897 and 1899. It might have been worth mentioning that H.H. Martyn used the northern end of Unit 1 to make packing-cases and an adjoining Polishing Shop, hence its proximity to the water tower because of the explosive fire risk.

p.38 – Post-war, Unit 2 was used by H.H. Martyn's as a pattern store.

p.39 – A former Martyn's employee recalls that Unit 2A was a 'self-service shop' in the 1960s, possibly one of Cheltenham's first.

p.40 – Units 3 & 4, canteen and toilet block, were built 1917-18; the 'canteen' was so much more to Martyn's workers, putting on Whist drives, dances and entertainments for up to 250 people over decades. (Could have been said under Section 2.4, The Sunningend Works of H.H. Martyn & Co.)

p.42 – Unit 5 (foundry) under construction, or remodelling, in 1920.

p.44 – The modern Unit 6 replaced the metalwork Fettling & Finishing department of H.H. Martyn's, with the pattern maker housed in the southern quarter.

p.46 – Unit 7 was originally built as the Dope Shop for Second World War aircraft manufacture. (The oral history from a former Martyn's employee confirms this.)

p.47 – Unit 8 – after the wartime aircraft production ceased, Unit 8 became Martyn's Pressed Steel department. (oral history, as above.)

p.49 – Unit 11 is almost certainly pre-First World War, as Martyn's had extensive fibrous plaster contracts at that time.

p.49 – The original role of Unit 11 is known – fibrous plasterwork – very wet and messy work, which may explain the underground reservoir beneath the building. – This water storage is not mentioned by the Appraisers.

The Appraisers are unaware that the single-storey extension to the N of Unit 11 was used for asbestos work (1960s, oral history).

Cabinet making was carried out in Units 37-32 (site of). Unit 11 was used for assembling aircraft components and instruments.

p.49 – ALL the lettering relates to H.H. Martyn & Co.

p.49 – Comment – I suspect that CBC did not know the history or importance of this building in Apr 2018.

p.49 – incorrect picture caption – careless!

p.55 – Vulcan Ironworks established mid-1860s. Closed **1906**, not 1907.

p.56 – Unit 1 etc, testing shed – erected 1897-1899, following fire.

p.56 – Unit 2A – no historical interest, other than being Cheltenham's first self-service shop.

p.56 – Units 3 & 4 – canteen & toilet block constructed 1917/18.

p.56 – Units 3 & 4 – I disagree that the buildings are of negligible architectural interest – Arts & Crafts feel, softer, more 'domestic' architecture to contrast with the more brutal industrial buildings. Surely the gently tapering buttresses of the toilet block make for a less common style of building?

p.57 – Unit 7 – the building's role – built as the dope shop for aircraft production.

p.57 – Unit 8 – It became the pressed steel department after the war.

p.57 – involvement in aircraft production – It was much more than just plane tails!

p.58 – Unit 11 – date erected, see above.

p.58 – the role of Unit 11 – no mention of the original fibrous plasterwork use! Or aircraft instrument assembly. It was not used for marblework or sculpture (although possibly stained glass work on the top floor under the northlights) – the painted lettering on the east elevation is merely there to advertise Martyn's diverse manufacture to the passing rail and road traffic!! It did not define the buildings.

p.58 – Units 15-17 – The possible Trusty building was Martyn's despatch department/office. (oral history)

**General Comment on Section 3.0, Heritage Interest** – The Appraisers suggest that the collection of buildings is not of any great national or local interest. I disagree:

- The diversity and lack of flow of the buildings reflects Martyn's diverse range of production and crafts at Sunningend.
- The buildings are of local interest, because they are so unexpected in Cheltenham, a town which has forgotten its industrial heritage, having promoted itself as a garden town.
- The historically important site deserves a mixed development, retaining at least some links to its past, rather than a bland sea of roofs and garden fences.

# Lansdown Industrial Estate (North) Cheltenham

## Heritage Appraisal

June 2022





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June 2022

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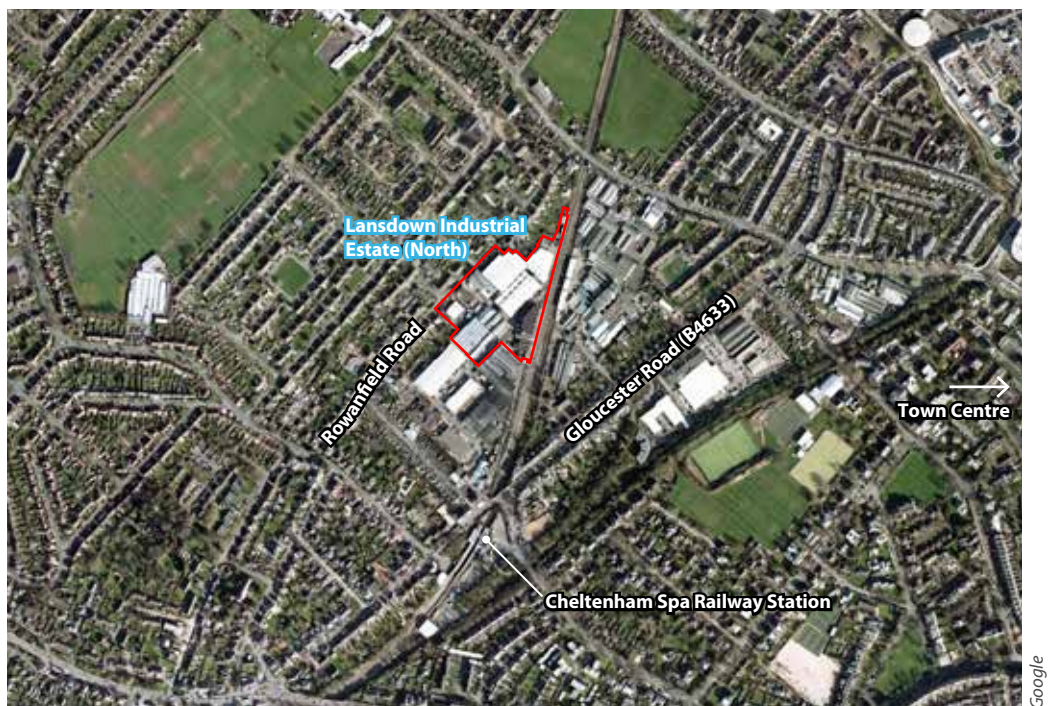
# 1.0 Introduction

This Heritage Appraisal of the northern half of the Lansdown Industrial Estate (the Site) has been prepared by the Built Heritage Consultancy on behalf of Cheshire West and Chester Council. Although the Site is not within a conservation area and contains no statutorily listed or 'locally indexed' buildings, the Heritage Appraisal has been prepared in response to a request from the planning officer following the submission of an outline planning application for the redevelopment of the Site with up to 215 dwellings and associated works (ref. 21/02832/OUT).

The Lansdown Industrial Estate lies on the western side of Cheltenham, just to the north of Cheltenham Spa railway station. It is bounded to the east by the Bristol to Birmingham railway line, and to the west by Rowanfield Road. The Site appears to have been in industrial use since the late 19th century, starting with the Lansdown Iron Works in 1864 and later becoming the Sunningend Works of H. H. Martyn & Co. Here, between 1908 and 1971, H. H. Martyn & Co. carried on a huge range of skilled engineering and craft trades, including architectural decoration and aircraft manufacture.

The Heritage Appraisal provides an outline of the historical development of the whole Lansdown Industrial Estate, together with discussion of the historical development and heritage interest of all the existing buildings within the boundary of the application Site.

The report has been prepared by Anthony Hoyte BA(Hons) MA(RCA) MSc IHBC and James Weeks MA, and is based on archival research and Site visits made in 2015, 2019 and 2022.



Site location

## 2.0 Understanding

The application Site comprises only the northern half of the present Lansdown Industrial Estate, but, to make sense of the existing buildings on it, it is necessary first to understand the historical development of the whole Estate. This report makes reference to the numbers by which the various business units of the Industrial Estate are identified (including those beyond the application Site boundary). These are marked on the adjacent aerial photograph.



Bing

Lansdown Industrial Estate: aerial view from the east with the Unit numbers marked (\* Unit 12 was demolished in 2018)

## 2.1 Pre-development

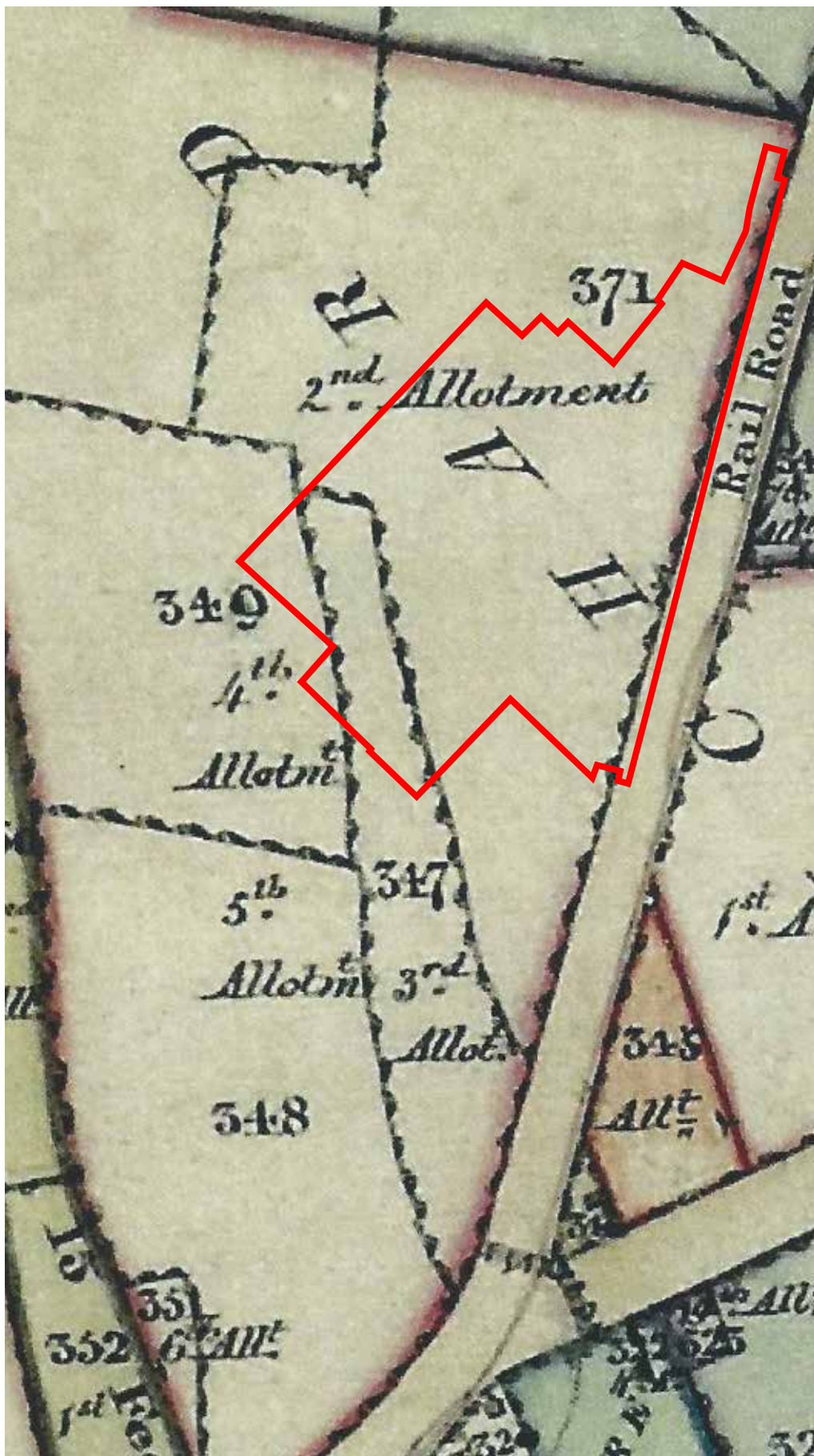
The area of the Site appears to have remained undeveloped until the late 19th century. The Alstone and Arle Inclosure map of 1835 shows it to have then comprised fields in the ownership of a Richard Roy Esq. Roy was a solicitor and property developer, who worked alongside the better known Pearson Thompson (1794-1872), who developed Cheltenham's Montpellier and Lansdown Estates, and who was described at the time of his death as the 'Maker of Cheltenham'. Roy and Thompson were both founder-directors of a local joint-stock bank, and together they went on to develop the western side of the Ladbroke Estate in Notting Hill, London. The Ladbroke Estate's Lansdowne Crescent, Gardens, Mews, Rise, Road and Walk all owe their name to the Lansdown Estate in Cheltenham.

The 1835 Inclosure map shows that the northern half site of the present Lansdown Industrial Estate then comprised parts of three of Roy's fields, known as Hazard's Field (plot 371), the Langett (347) and Free[?] Piece (349).

The 1835 Inclosure map shows the presence of a 'Rail Road' following the course of the present-day Bristol to Birmingham main line, which bounds the eastern side of the Site. This was the Birmingham & Gloucester Railway (B&GR), which wasn't actually authorised until 1836 and didn't open until 1840, but which was clearly then at the planning stage. What is now Cheltenham's principal railway station, a little to the south of the Site, was opened by the B&GR on 24 June 1840; it was originally named 'Lansdown', but was renamed 'Cheltenham Spa (Lansdown)' in 1925 and 'Cheltenham Spa' some time after 1948.

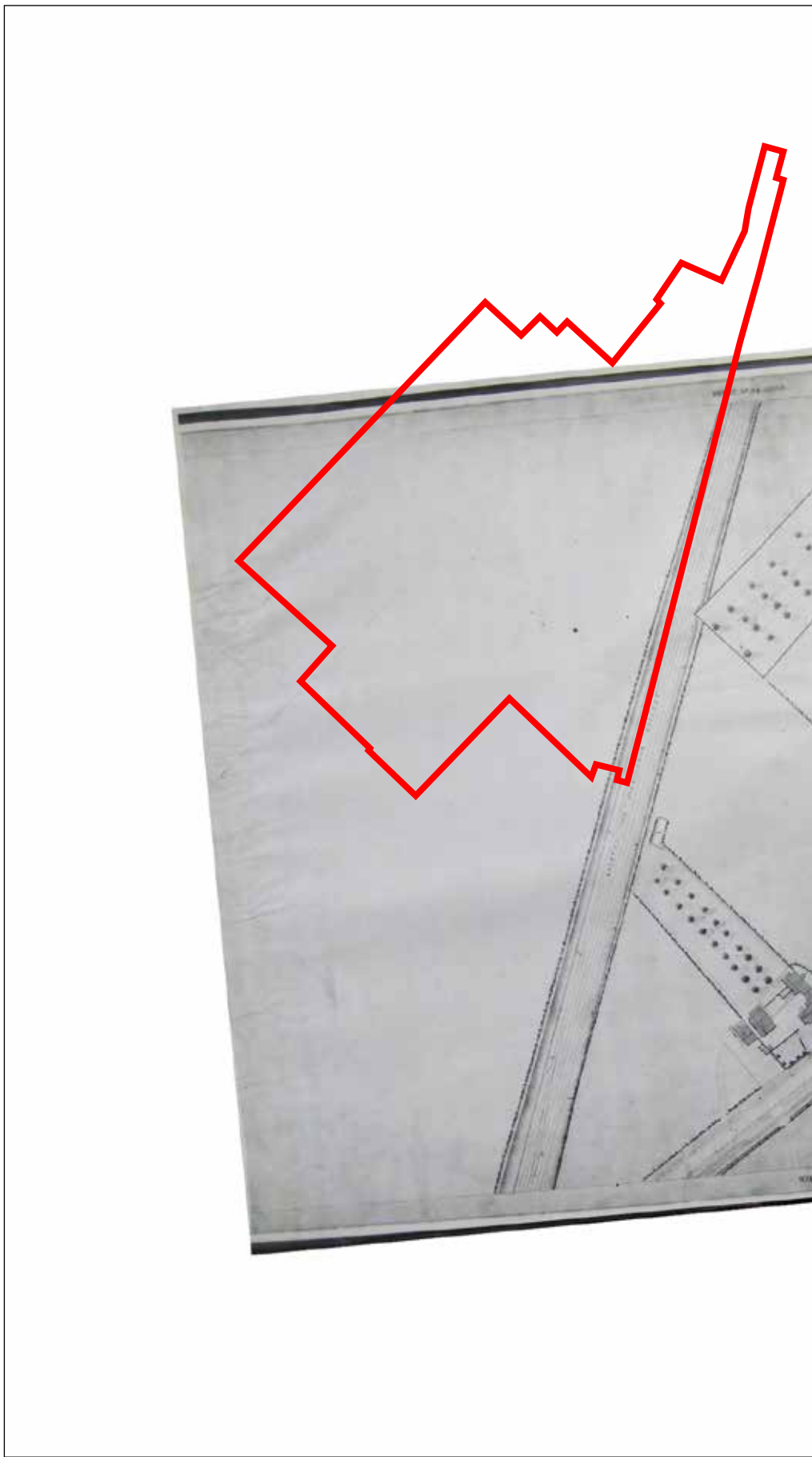
The railway line is shown on the 'Old Town Survey' of 1855-7, but the application Site itself was still undeveloped at this time. Rowanfield Road (and the streets further north west) had yet to appear, although there was a detached villa named 'Rowenfield House' present on Gloucester Road a little to the south (demolished between 1967 and 1999).

According to the Cheltonia website (<https://cheltonia.wordpress.com/>), Rowanfield Road was described as 'newly-formed' in 1869 and was referred to simply as 'the road between the Libertus estate and Westfield', getting its present name around 1872. The Libertus Estate – centred on the present-day Libertus Road to the south west of the Industrial Estate – was a residential development built in c.1850 by the Cheltenham & Gloucester Freehold Land Society. 'Westfield' is the detached villa at the corner of Rowanfield Road and Alstone Lane (now no. 66 Alstone Lane).



Alstone and Arle Inclosure Map, 1835

Gloucestershire Archives



Gloucestershire Archives

Cheltenham 'Old Town Survey', 1855-7

## 2.2 The Lansdown and Vulcan Iron Works

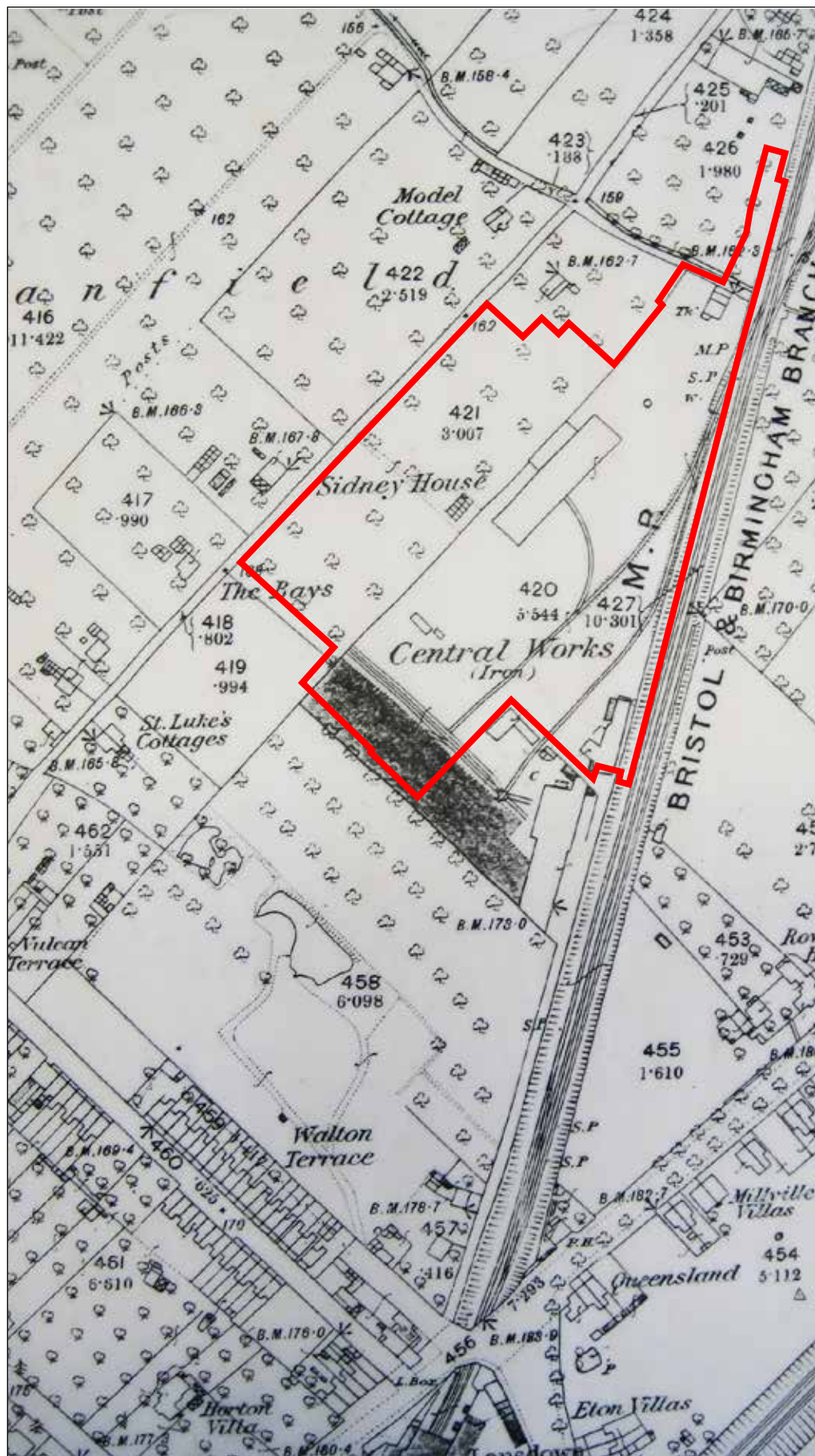
Green (1999) records that, in 1864, a John Cormell set up the Lansdown Iron Works near to the Lansdown Station. Cormell's works were managed by William Letheren (d. 1910), who was described in 1866 as 'the greatest art ironworker in England'. In 1872, according to Rowbotham & Waller (2004:109), Letheren set up his own business – the Vulcan Iron Works – next to Cormell's premises, to manufacture 'improved lifts and cranes, iron roofs, girders, gates, railings ... mediaeval and artistic work in iron and brass'.

The fate of John Cormell is not known, but by 1875 his ironworks had been taken over by Messrs. Vernon & Ewens, who produced the ironwork for the Winter Gardens in Imperial Square, as well as Hammersmith suspension bridge and numerous Great Western Railway (GWR) stations.

The 1:500 Ordnance Survey (OS) map of 1885 (surveyed in 1884) and the 1:2,500 OS map of 1887 (surveyed in 1883) both show the present Site to have then accommodated part of the 'Central Works (Iron)'. This was Cormell's and then Vernon & Ewens' Lansdown Iron Works, although later evidence (a sales plan of 1907, discussed below) confirms that a long range on the eastern side of the Site adjacent to the railway – subsequently much altered to become Unit 12 (demolished in 2018) – was Letheren's Vulcan Iron Works.

The 1885 and 1887 OS maps show the Site to have been connected directly to the railway, with tracks into several of the buildings. The principal structures were: a SW-NE aligned rectangular block on the site of the present Unit 8; a range adjacent to the railway along the south-eastern side of the site of the present Stagecoach bus depot; a range marking the then south-western boundary of the works, extending along the south-western side of the bus depot site and over the southern end of the site of the present Unit 1; and an L-shaped building at the northern corner of the bus depot site. As noted above, Letheren's Vulcan Works (Unit 12, demolished in 2018) was on the eastern side of the Site next to the railway. Two small cottages stood at the northern end of the Site.

Vernon & Ewens folded in 1890 and the Central Iron Works site was used briefly by Meats, Peake & Co. as their Central Engineering Works for agricultural machinery repairs, before the firm's removal to Montpelier.



Ordnance Survey, 1887 (surveyed in 1883)

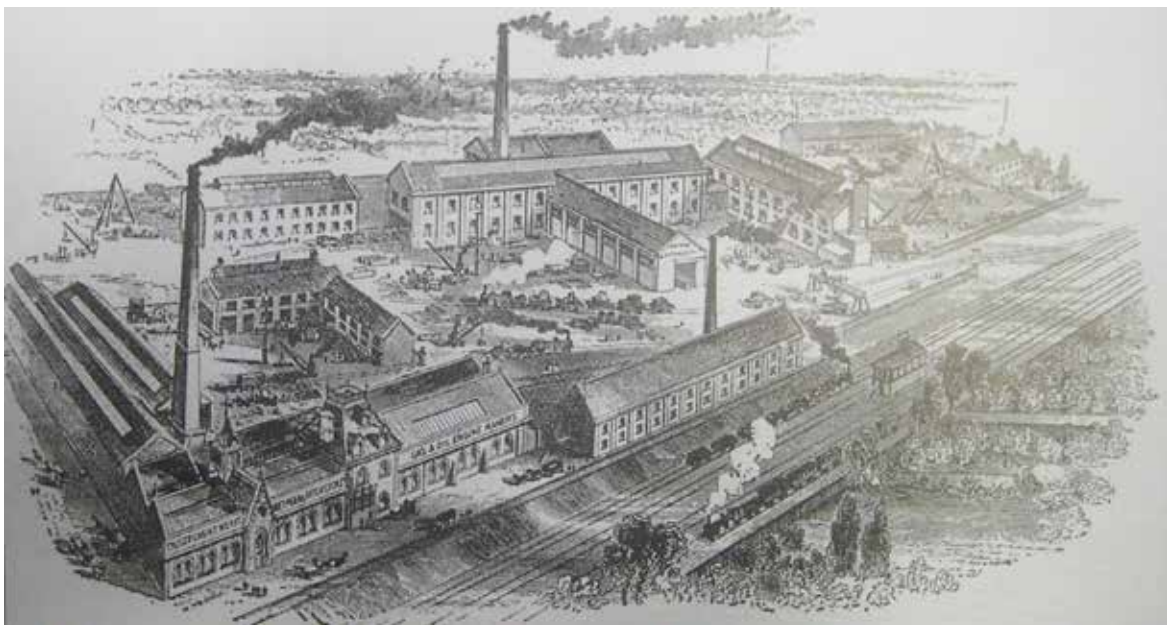
## 2.3 The Trusty Engine Works

In c.1895, the Central Ironworks site was acquired by Weyman & Hitchcock, a Guildford-based manufacturer of oil and gas engines, including the 'Trusty' oil engine. Production of the engines was moved to Cheltenham, and, in 1899, a new company was registered as the Trusty Engine Works, to acquire the business of Weyman & Hitchcock. An engraving of the Trusty Engine Works of c.1899 (and the 1:2,500 OS map of 1903, revised in 1901) suggest that most of the Central Iron Works buildings were retained and extended. The rectangular block on the site of the present Unit 8 had been extended to the south east with two further ranges, and to the north west with a boiler house with a tall chimney. A completely new building had been erected at the northern corner of the site of the present Unit 1.

The engraving of c.1899 shows Letheren's Vulcan Works on the eastern side of the Site to have comprised a long range of twelve bays arranged over two storeys and with a simple pitched roof, with a tall chimney close to its northern end. This building subsequently underwent much alteration before becoming Unit 12; it was demolished in 2018.

In 1907, the Trusty Works was put up for sale. By this time, the area now occupied by the Stagecoach bus depot had already been disposed of, and had become a tram depot; the range adjacent to the railway had been demolished, but part of the range extending north-westwards from it was retained and became the tram shed. The remaining parts of the Trusty Works site were divided into four lots, as shown on the plan accompanying the sales particulars.

Lot 1 comprised an area of 1 acre, 3 roods, 26 perches, and included the buildings on the site of the present Unit 8, comprising: machine shop; general offices; smith's shop and boiler & engine house; pattern makers' shop; general store; brass foundry and moulding shop; and iron foundry.



c.1899 engraving of the Trusty Engine Works from the south east; the long 12-bay range adjacent to the railway line was William Letheren's Vulcan Iron Works, which survived until 2018 as Unit 12

Lot 2 comprised an area of 2 roods, 38 perches, and included the building at the northern corner of the site of Unit 1, identified as an engine-testing house. The sales particulars noted that:

*This Lot would be highly suitable for Jam Factory, and as Cheltenham is the centre of a fruit growing district there is every need for such an industry in the locality.*

Lot 3 comprised an area of 3 roods, 38 perches, and included a small building to the south east comprising brick-built offices or workshops. This building, erected between 1883 and c.1899, might conceivably survive as the present pitched-roofed element towards the northern end of the range of Units 15-17 – making it the oldest surviving building on the Site – although it has clearly been much altered.

Lot 4 comprised an area of 22 perches, and included the two cottages at the northern end of the site.

The sales particulars noted that the Trusty Works comprised:

*a Total Area of about four acres, with sidings from the Midland Railway, and with very complete substantially built, well-lighted and ventilated brick buildings suitable for almost any manufacturing business, but especially for an Automobile Factory.*



Ordnance Survey, 1903 (revised in 1901)



## 2.4 The Sunningend Works of H. H. Martyn & Co.

In the event, the whole Trusty Works site was purchased by H. H. Martyn & Co. and renamed the Sunningend Works, opening in July 1908. Letheren's Vulcan Works did not form part of the sale, but were at some point acquired by H. H. Martyn & Co.

H. H. Martyn & Co had begun in February 1888 as an association of Art Craftsmen founded by Herbert Henry Martyn (1842-1936) a stone, marble and wood carver who specialised in gravestones, memorials and ecclesiastical decoration. Martyn had come to Cheltenham in c.1866 to work for R. L. Boulton & Sons, and in 1874 he and another Boulton's stone carver, E. A. Emms, had established a partnership as monumental masons. An early example of Martyn's own carving work is the canopied stone reredos at the Church of St Philip and St James, Leckhampton (1889). In 1898, after ten years on his own, H. H. Martyn took two partners into the business, his son Alfred William Martyn (1870-1947) and Henry Arthur Dutton, all three being described at that time as sculptors. In 1900, the partnership of H. H. and A. W. Martyn and H. A. Dutton was reformed and incorporated as a limited company with premises at Holly Cottage (later named 'Sunningend'), Stirling Cottage and Stirling Lodge, all at the eastern end of the High Street.

Following its acquisition of the Sunningend Works in 1908, H. H. Martyn & Co. continued to concentrate on monumental masonry, but soon established a name for itself in the allied areas of woodwork, panelling, sculpture, fibrous plasterwork, stained glass, marble carving, bronze casting and ironwork.

In 1908, the firm was commissioned by the Government's Office of Works to make the Cumberland Screen to stand at the northern end of East Carriage Drive, Marble Arch, London. With such a substantial order in hand, Charles William Hancock, who had previously worked at the Vulcan Iron Works and subsequently produced ironwork for Martyn's on a sub-contract basis, was brought in to open and manage a full-time art ironwork department. According to Whitaker (1998:97), production of the gates, screen and lanterns took almost 80 men over three months. (The Cumberland Screen is no longer in situ having been removed for traffic 'improvements'; one set of gates reportedly now stands at the entrance to a park in Saskatchewan, Canada.)

Martyn's prestigious architectural projects in the pre-war period included decorative work for: the Shire Hall, Reading (1904-11); the Methodist Central Hall, Westminster (1905-11); the Adelphi Hotel, Liverpool (1911-14); Middlesex Guildhall (1912-13); and the Third Church of Christ Scientist, Liverpool (1914); as well as the renewal of historic plasterwork at Sledmore House, Yorkshire (1913). It was also at this time that H. H. Martyn & Co. began to establish an international reputation for making complete decorative interiors for ocean liners, beginning with the Orient Line's Orvieto (1909).

### WW1 and the switch to aircraft production

During the First World War, demand for artistic and decorative work almost ceased. Martyn's was severely hit but in 1914 the firm won a contract from the War Office to manufacture ammunition boxes. Of far greater importance to the company's survival, however, was its switch to aircraft manufacture. In 1915, the firm was approached by Hugh Burroughes of the Aircraft Manufacturing Company (Airco) of Hendon. With the outbreak of war, Airco needed to subcontract some of its production, and, as aircraft at this time were made predominantly

of wood, H. H. Martyn & Co. was recommended. Martyn's first aircraft contracts were for spares and components for the MF.7 Longhorn and MF.11 Shorthorn, the Airco DH.2 (designed by Geoffrey de Havilland) and the B.E.2c.

In 1917, the boards of H. H. Martyn and Airco formed the Gloucestershire Aircraft Company (from 1926 the 'Gloster' Aircraft Company or GAC) to take over Airco's sub-contract work. Orders continued to flow in; for DH.6 and DH.9 fuselages, then for complete Bristol F.2Bs and F.E.2bs and Nieuport Nighthawks. The company was apparently producing 45 aircraft per week by 1918, and, according to James (1971:4), the Sunningend Works was the most reliable source of DH.4 and DH.6 fuselages, and Bristol and Nieuport fighters during the latter half of the war. The ever-increasing quantities of airframes required for the war effort meant that additional space was required, and from 1916 until the end of the war, work was also carried out in the Winter Gardens in Imperial Square.

With the end of the war came the cessation of military contracts. Limited production of the Bristol F.2b and Nieuport Nighthawk continued for a time, but there was no design team to strike out on the creation of new types of aircraft. During the period 1918-1920, Martyn's main concern was how best to utilise the manufacturing resources of the Sunningend Works until such time as its traditional work of architectural decoration and ship interiors could resume. A number of contracts were obtained from Rover, Siddeley-Deasy and Wolseley for car components, and (reflecting the Trusty Works sales particulars of 1907) Wolseley cars were assembled at Sunningend in 1922/3. In addition, the firm designed and manufactured an innovative motor scooter named the Unibus (c.1920). However, this was ahead of its time and very expensive, and the project was abandoned with less than a hundred built.

Meanwhile, the company was determined to remain a part of the aircraft industry, despite the paucity of orders. In 1920, the Nieuport factory was wound up and the company acquired the design rights of the Nieuport Nighthawk fighter. Nieuport's chief designer, H. P. Folland, agreed to oversee the further development of the Nighthawk, later joining GAC as chief engineer and designer. The result was the Mars I, or Bamel, single-seat biplane racer, which went on to win the 1921 Aerial Derby and set a new British speed record. Further refinement of the Bamel enabled it to win the Aerial Derby again in 1922 and 1923. Folland designed numerous variants of the Mars, but only the Mars VI Nighthawk and the Mars X Nightjar went into production, and then only in small numbers. Folland's next innovation was the 'High Lift Biplane' (HLB), a combination of different aerofoil sections which produced in a biplane something approaching the wing efficiency of a monoplane, but with greater manoeuvrability. In 1923, the Air Ministry ordered three prototypes embodying the HLB wing combination, and thus was born the Grebe, the RAF's first post-WW1 fighter aircraft. Whilst its design was being refined, the Sunningend Works concentrated on building and reconditioning Panthers, DH.9as and Nightjars. From the Grebe was developed the Gamecock. Although 90 were built at Sunningend, the Gamecock's all wooden construction was a contributory factor to the company's long sojourn in the 'aviation wilderness' which began in the late 1920s.

GAC had made limited use of **Hucclecote Aerodrome** since it first became involved in aircraft manufacture, taking aircraft there from Sunningend by road for flight testing. By 1927, however, it had become clear that, because of the trend towards metal construction, the factory requirements of GAC were now very different from those of H. H. Martyn & Co. In 1928, arrangements were made to buy the entire 200 acre **Hucclecote site**, and by the end of 1929, **GAC's design and manufacturing facilities had been relocated there.**





Gloucestershire Archives

Ordnance Survey, 1923 (revised in 1920-21)

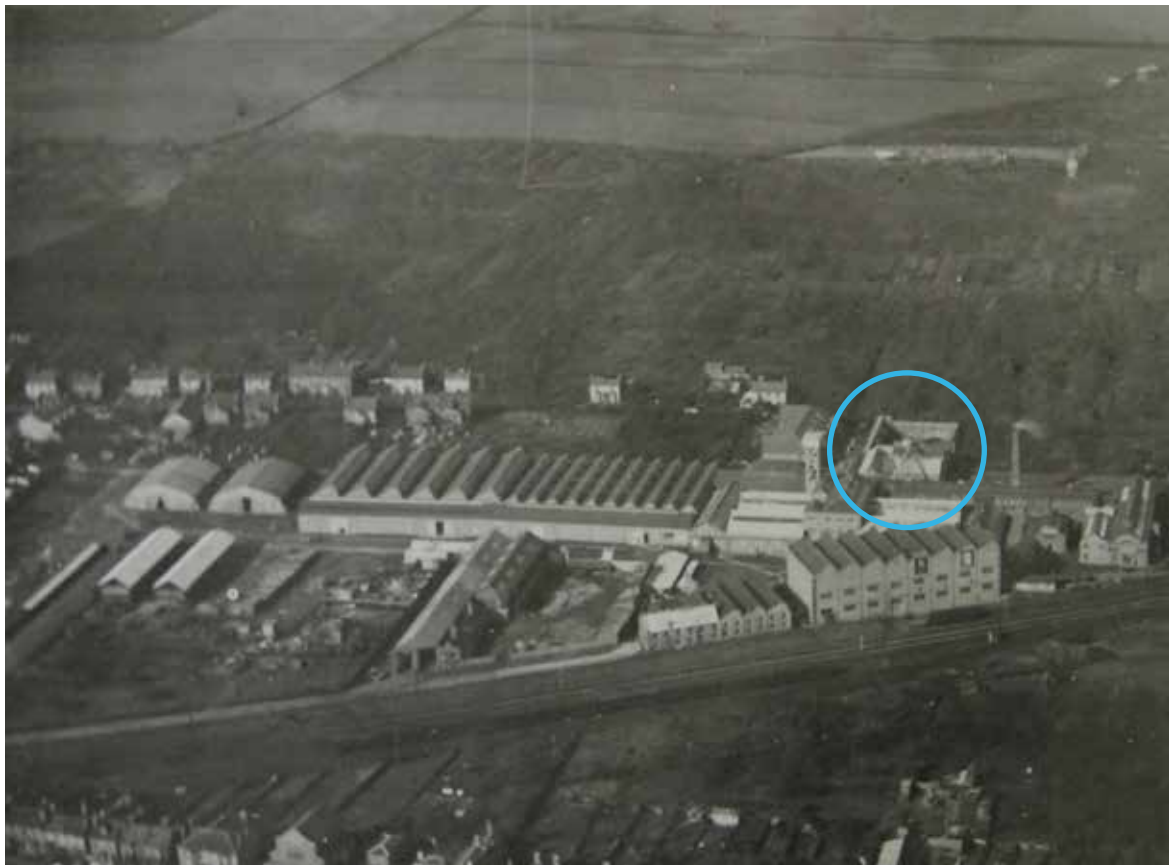
Martyn's diversification into aircraft manufacture had brought great changes to the Sunningend site. Between 1907 and 1921, several new buildings were erected.

The former Trusty engine-testing house of 1883-c.1899, which stood at the northern corner of the present Unit 1, was extended to the south east with a NW-SE aligned pitched-roofed element and two SW-NE aligned bays with bowstring truss roofs. Aerial photographs of the 1920s and '30s suggest that the south-eastern elevation of the latter volumes had large doors or shutters which allowed the whole side of the building to be opened up. What appears to have been a water tower stood immediately to the north. Extending south-westwards from this collection of buildings there was, first, a long shed with a 10-bay northlight roof (the south-western end of the present Unit 1), and then (over the site of the present Units 37-42) a further shed with a 6-bay northlight roof. A further pitched-roofed range ran along the south-eastern side of these two sheds, the northern end of which survives as Unit 1A. Aerial photographs of the 1920s and '30s show that the south-eastern side of the latter range was mostly solid, punctured only by a few large doorways, and that until at least 1928 the roof of its northern end was painted with the word 'AERODROME' (although there is nothing to suggest that there was ever a runway on the Site). Together, these buildings accommodated the erecting shop, dope shop ('dope' was a spirit-based varnish used to stretch and seal the aircrafts' canvas outer skin), pressing shop, and tail-plane shop.

The Trusty buildings on the site of the present Unit 8 remained in place but were greatly extended, the space between the present Units 1 and 8 being infilled with a brick-built range over three storeys and flanked to the north east by two further bowstring truss roofs mirroring those to the south west, together with several more brick buildings. Together these accommodated various offices, stores, plant and dumps.

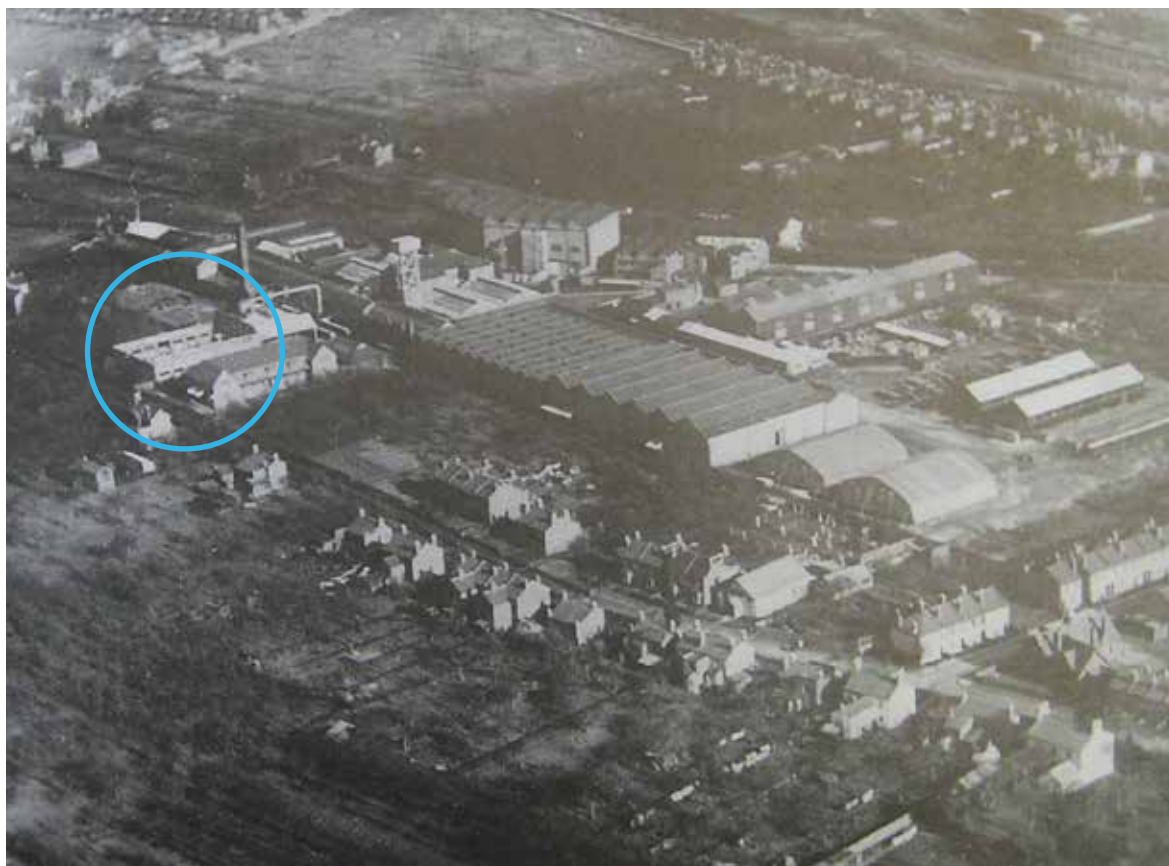
The same period also saw the construction of the present Unit 3 (the canteen), Unit 4 (toilet block) and Unit 5 (foundry). Aerial photographs show the foundry under construction in the early 1920s and completed by 1925. The present Unit 11 was also erected, and the former Vulcan Iron Works building (Unit 12, demolished in 2018) was much remodelled and extended, although the role of these two buildings during this period is not known. It is not known who designed any of the new buildings.

To the south west, beyond the present Site boundary, were two detached hangers (present in 1921 but gone by 1925), which stood on the south-western end of the site of the present Units 37-42 and on the adjacent land, now the car park to Unit 22 (Maxet House).



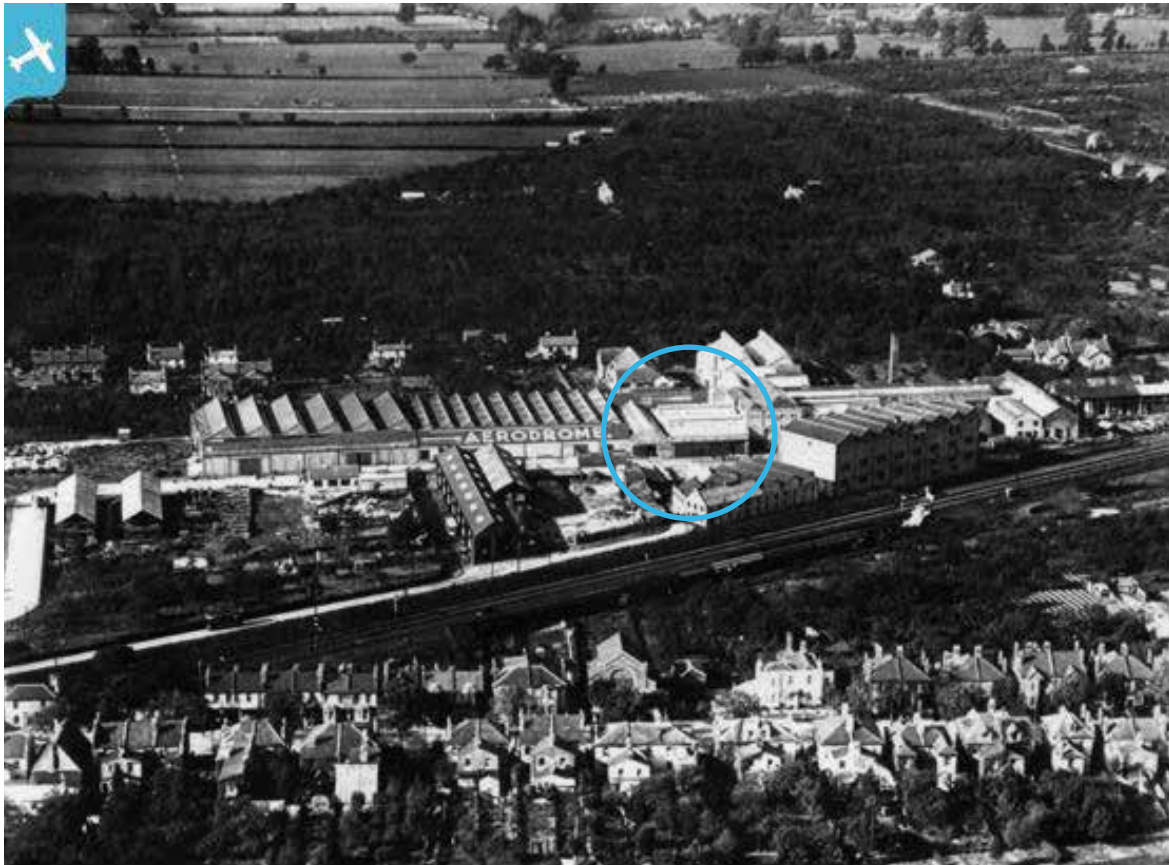
Gloucestershire Archives

Aerial view from the south east, dated to c.1920 by Gloucestershire Archives; the two hangers at the centre left of the photograph were present in 1921 but had gone by 1925; the foundry building (Unit 5, circled) is under construction



Rowbotham & Waller (2004:113)

Aerial view from the west, 1920s; the two hangers at the centre right of the photograph were present in 1921 but had gone by 1925; the foundry building (Unit 5, circled) is under construction



www.britainfromabove.org.uk

Aerial view from the south east, 1925; note that the south-eastern elevation of what is now part of Unit 1 (circled) appears open, suggesting that the apparently solid elevation visible in the earlier photograph above was actually large doors or shutters; the elevation is now infilled with brick; note the word 'AERODROME' on the roof of the range along the south-eastern side of the present Unit 1



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Aerial view from the south east, 1928



www.britainfromabove.org.uk

Aerial view from the north east, 1931



www.britainfromabove.org.uk

Aerial view from the south east, 1931

## The inter-war period

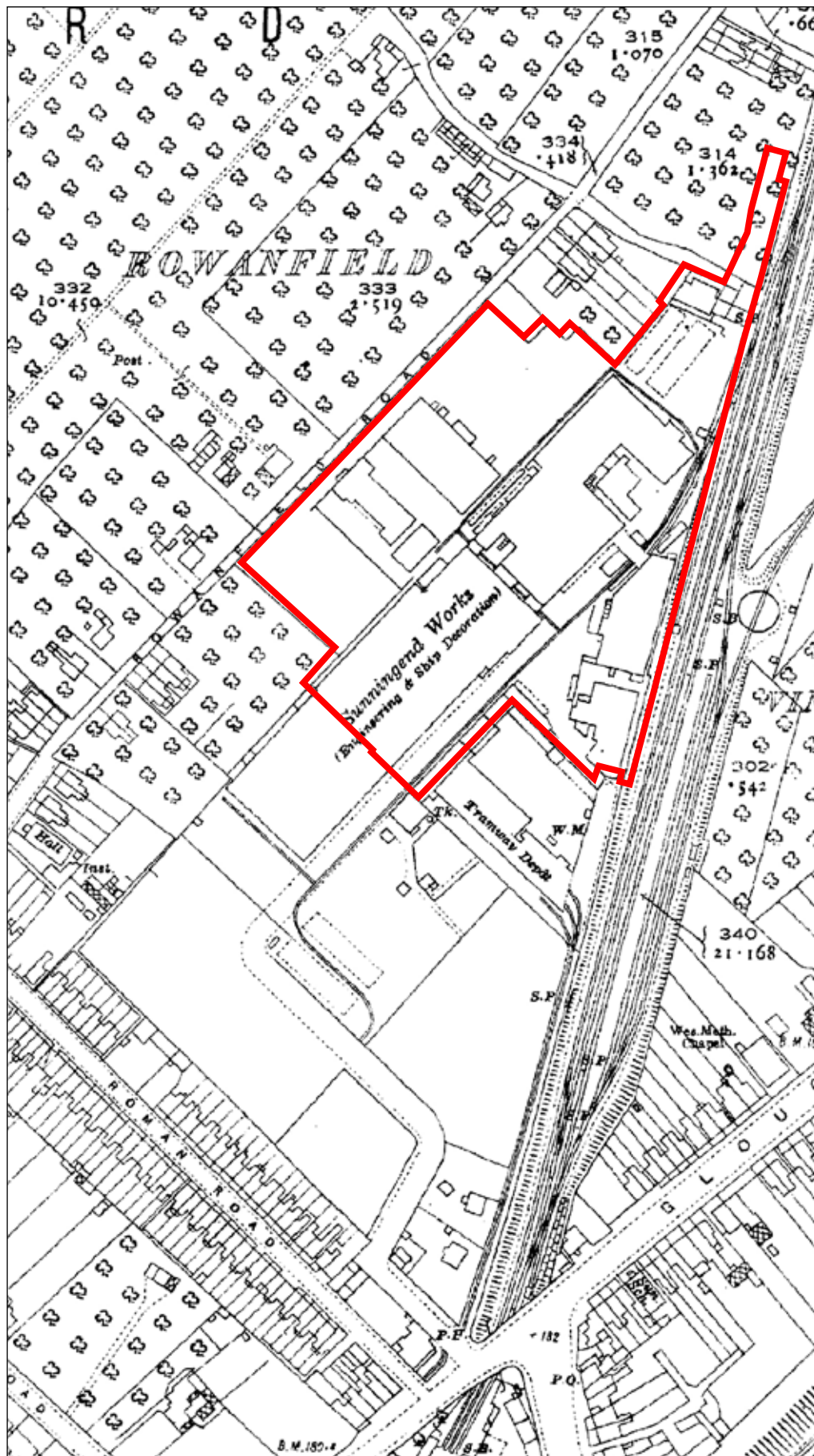
As GAC relocated to Hucclecote, so H. H. Martyn & Co. once again occupied the greater part of the Site, although some aircraft components were still manufactured here. A fire insurance plan of 1936 shows that the (since demolished) building on the site of the present Units 37-41, beyond the present Site boundary, was used for the assembly of aircraft wings. Elsewhere, however, the plan shows the resumption of 'normal service': the present Unit 11 (and the adjacent Unit 12, demolished in 2018) were used for plaster working and cabinet making; the buildings that then occupied the site of the present Unit 8 were given over to a sawmill and joiners' shops; the present Unit 3 was the canteen; and the present Unit 5 was the foundry. By this time, a general metal-working shop had been added to the north-eastern side of the foundry, on the site of the present Unit 6.

During the interwar period, Martyn's core activity was the production of architectural decoration for civic, ecclesiastical and commercial buildings, and furniture and fittings for ocean liners, and the 1:2,500 OS maps for both 1923 (revised in 1920-21) and 1932 indicate that that the Works was engaged in 'engineering and ship decoration'. Prestigious architectural projects at this time included decorative work and furniture for: the Lal Bagh Palace, Indore, India (c.1921); Bush House, London (1923-35); the headquarters of the Midland Bank, London (1924-39); the Park Lane Hotel, London (1927); the Freemasons' Hall, London (1927-33); Unilever House, London (1929-33); Barnsley Town Hall (1932-3); the headquarters of Martin's Bank, Liverpool (1932); Cambridge University Library (1931-4); many cinemas, including the Regal, Cheltenham (1939); and standard lamps for the Queensway Tunnel under the Mersey (1934). The firm's extensive portfolio also included complete interiors for a great number of world-class ocean liners, amongst them the Orion (1934), the Queen Mary (1934) and the Queen Elizabeth (1938).

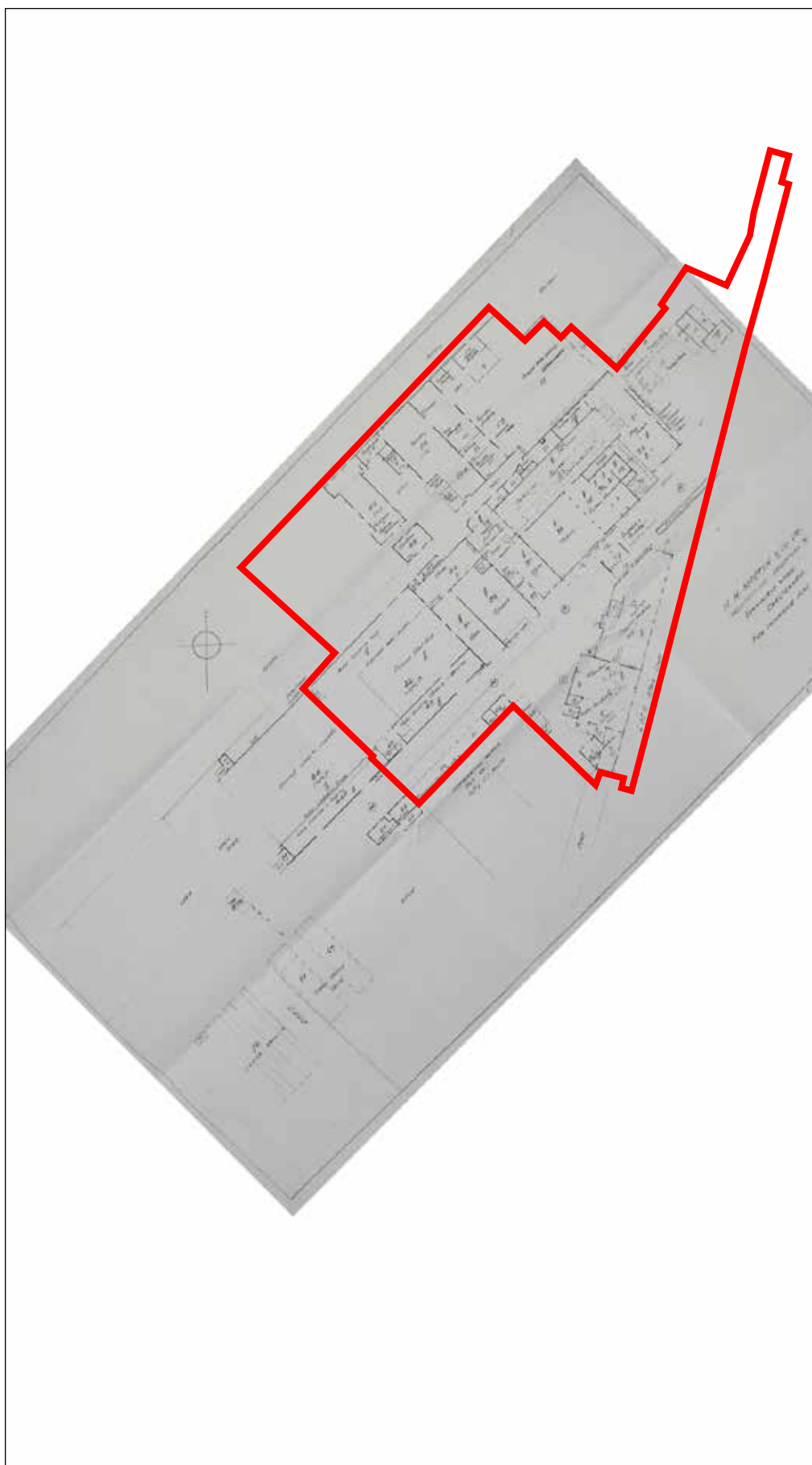
In 1934, H. H. Martyn & Co. was taken over by the London-based furniture manufacturer, Maple & Co., which saw the opportunity to establish a major foothold in the in the ocean-liner fit-out business. (Most of the records of H. H. Martyn were apparently destroyed at the instigation of Maple's management when it sold off the firm in 1971.)

The present Unit 2 was erected between 1936 and 1940 as a surface shelter. The same period also saw the construction of Unit 7, subsequently much altered and over-clad, identified as a woodworking mill. To south west, beyond the present Site boundary, the industrial shed with a 6-bay northlight roof on the site of the present Units 37-42 was extended to the south west with a further three bays.

As early as 1921, there had been a covered way between the present Unit 11 and the buildings on the site of the present Unit 8. Between 1936 and 1940, this was added to with a single-storey extension at the north-western corner of Unit 11.



Ordnance Survey, 1932



Fire Insurance Plan, 1936

## WW2

With the outbreak of the Second World War, the production of aircraft components was resumed at Sunningend through an associated company, H. H. Martyn (Aircraft) Ltd. The firm is known to have been involved in the manufacture of tail units for the De Havilland DH.98 Mosquito, wings for the Armstrong Whitworth A.W.41 Albemarle, wings and rudder fins for the Miles M.14 Magister and M.9 Master training aircraft, bomb racks for the Vickers Wellington bomber, and cockpits for the Airspeed AS.51 Horsa glider. A plan of 1940 suggests that virtually the whole Site was given over to the war effort.

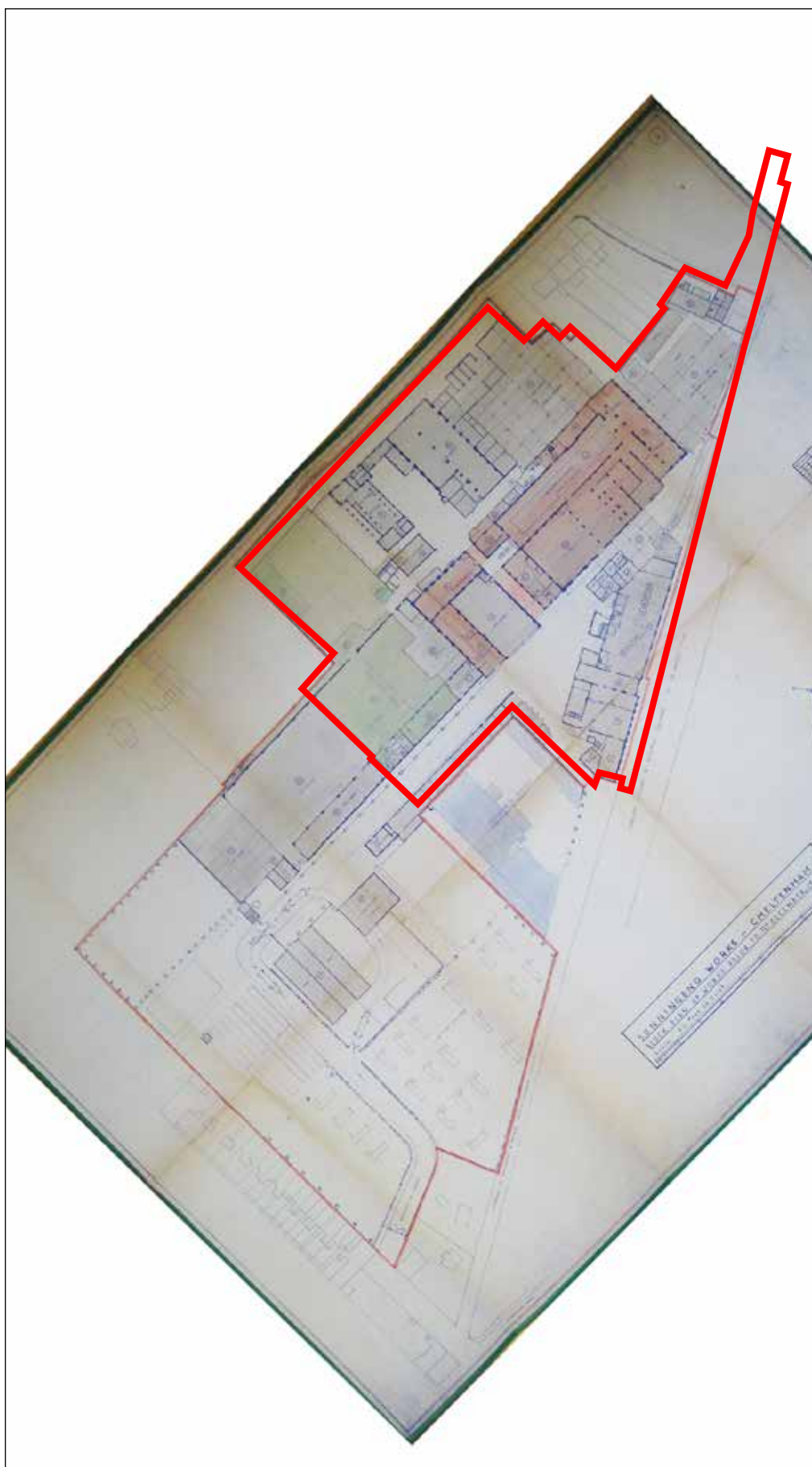
On 11 December 1940, Cheltenham experienced its worst night of bombing during WW2. Several buildings at Sunningend were destroyed, including the whole of the Lansdown Iron Works/Trusty Works building on the site of the present Unit 8 (identified as Lot 1 in 1907), and the former Trusty engine-testing house at the northern corner of the present Unit 1 (identified as Lot 2 in 1907).

Proposals were quickly brought forward for rebuilding on these sites, as well as for a new office building at the south-western end of the Works (beyond the present Site boundary). Drawings were prepared in 1941-2. All the new buildings were designed by Gordon & Fitch Architects of Jermyn Street, London, in association with H. Johnstone. Very little is known about Gordon & Fitch, save that they designed alterations to numerous shops, restaurants and public houses in Westminster and the City of London in the 1940s, '50s and '60s. H. Johnstone was perhaps a local executive architect.

The buildings making up the Lansdown Iron Works/Trusty Works building identified as Lot 1 in 1907 were completely destroyed, and the 1940s works resulted in the erection of the present Unit 8. This building retains its original roof form comprising a taller central section with clerestory windows, and with six northlights in the section of roof to the north west. The new building was connected to the range to the south west (now Unit 1) by a covered way, and the two were identified together on 1940s drawings as the tail plane shop. The new building was also connected by a covered way to the existing building to the north east (much altered and now Unit 7), which was identified as a woodworking mill, and which had been erected between 1936 and 1940. And, a new covered way was added between Unit 8 and the single-storey extension at the north-western corner of Unit 11.

The former Trusty engine-testing house at the northern corner of the present Unit 1 had been erected between 1883 and c.1899. By 1921, it had been extended with a NW-SE aligned pitched-roofed element extending to the south east from its southern end. In the area between the two had been erected two further SW-NE aligned sheds with bowstring truss roofs. Extending south-westwards from this collection of buildings was a long shed with a northlight roof. The 1940s works here involved rebuilding the north-western and north-eastern external walls and the roof of the former engine-testing house, and extending the bowstring truss roofs south-westwards over the space previously occupied by the pitched-roofed south-eastern projection.

A new office building – Maxet House (Unit 22) – was erected to the south west (beyond the present Site boundary).

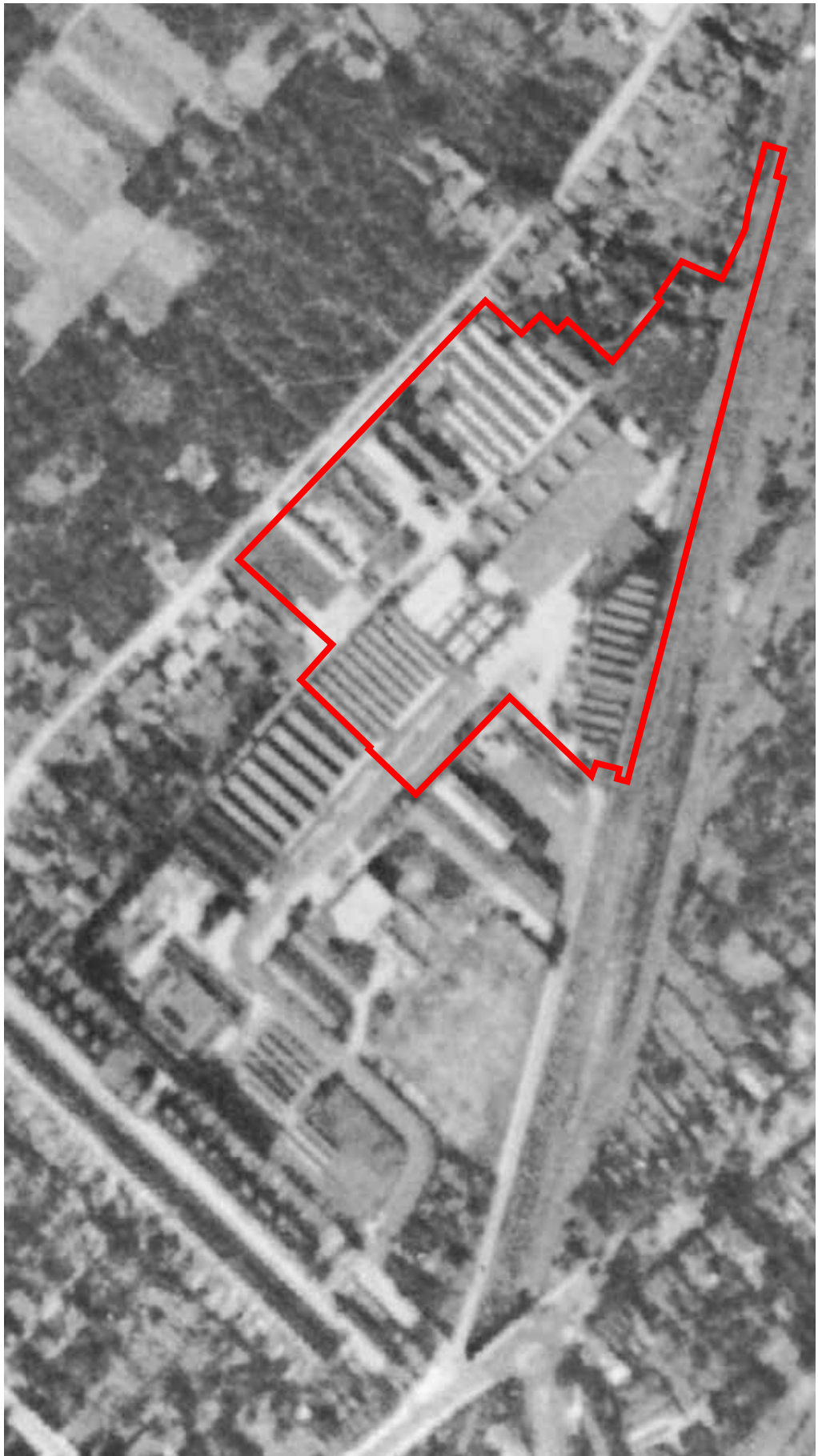


Block plan of Sunningend Works prior to 11 December 1940; the buildings marked in red were destroyed by enemy bombing on 11 December 1940; the grey areas were occupied by H. H. Martyn (Aircraft) Ltd, the green areas by the Gloster Aircraft Company



Gloucestershire Archives

Block plan as proposed, 1942



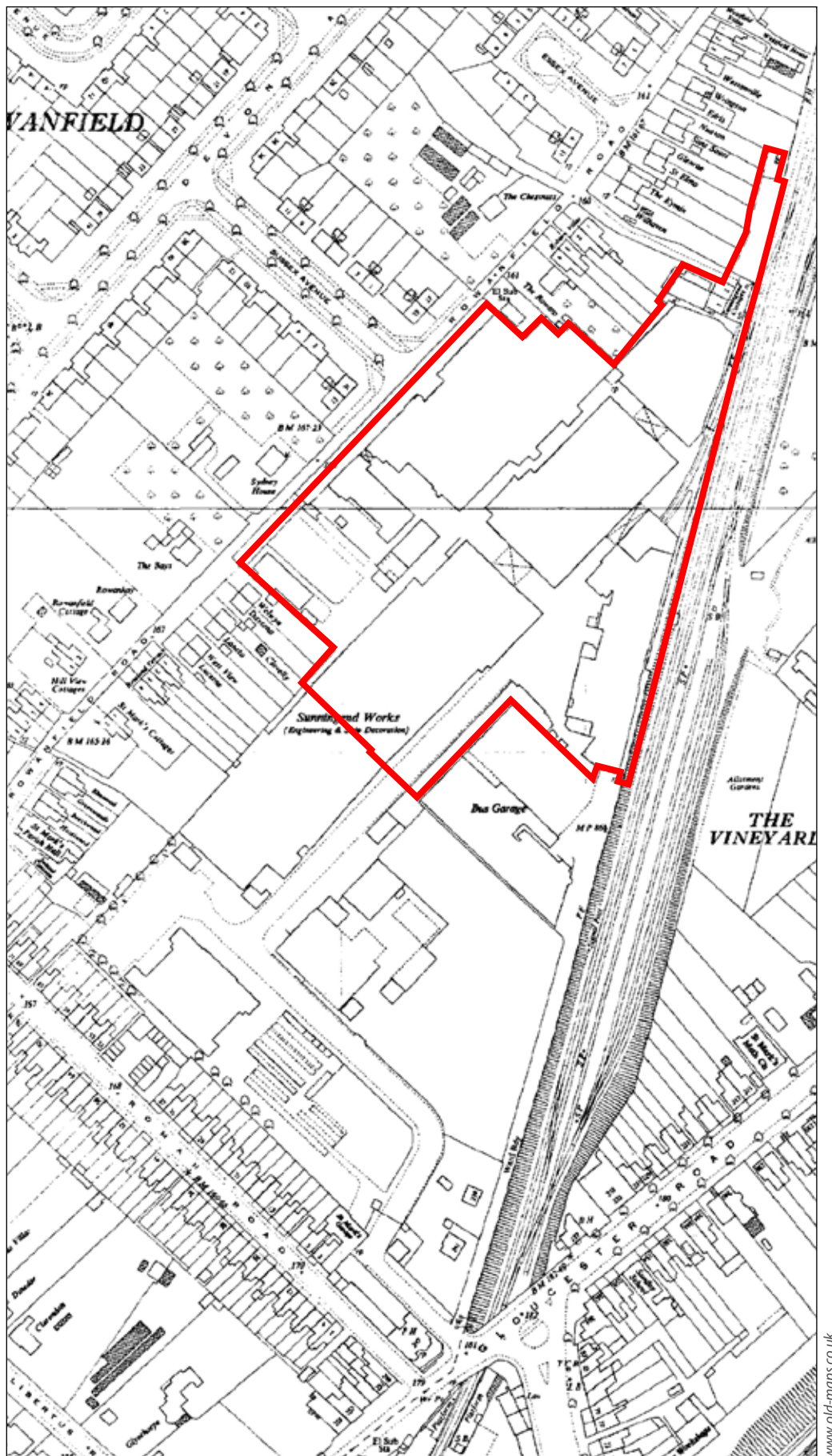
Google

Aerial photograph, 1945

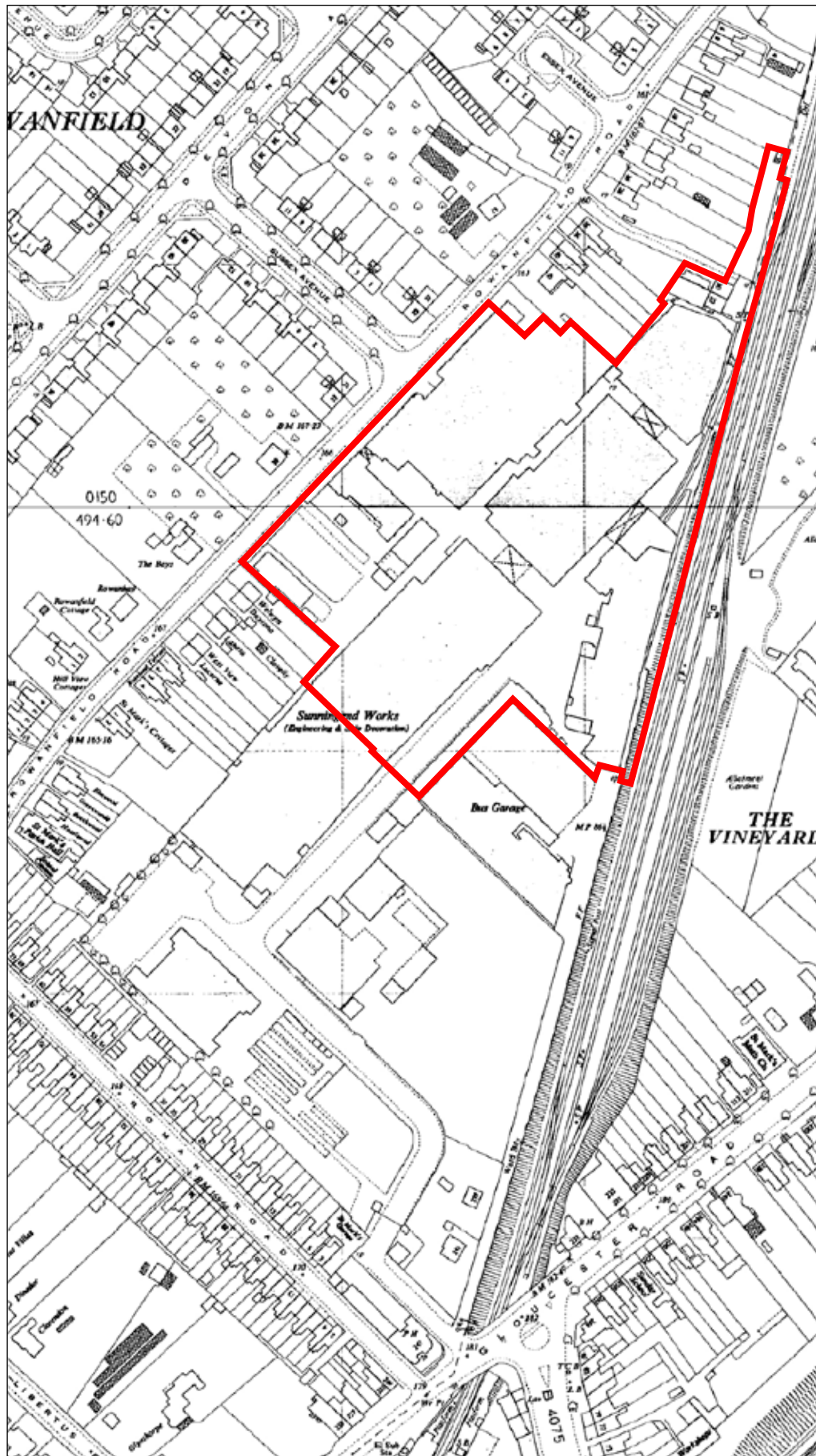
### The post-war period

Following the Second World War, H. H. Martyn & Co. returned to its core business of ship decoration, undertaking decorative work on at least 57 ships between 1947 and 1966. The Sunningend Works also manufactured parts for 'Arcon' pre-fabricated houses. Other architectural contracts included a spire and cross for Debre Libanos monastery in Ethiopia (1962), and aluminium doors and windows for the Queen Elizabeth Hall and Purcell Room, London (1967), as well as extensive war damage restoration at the House of Commons, including the Speaker's Chair and Dispatch Boxes, and the pulpit at St Paul's Cathedral. Martyn's also continued to produce fine art and craft work right into the 1960s; the firm cast sculptures by Henry Moore, the Commando Memorial at Fort William (1952); the bronze statue of Winston Churchill in London's Guildhall (1955), and a statue of Robert the Bruce which was unveiled by the Queen at Bannockburn (1964).

As detailed by Whitaker (1998:212), Maple's sold H. H. Martyn to Macolland of South Wales, apparently for the value of its premises (which included a company sports field on the present site of Pate's Grammar School). Despite consistently having turned a profit, Macolland's wound up Martyn's in 1971.



Ordnance Survey, 1955-6



Ordnance Survey, 1967

## 2.5 The Site since 1971

Between 1971 and 1991, the Site was occupied by Schindler UK, a lift manufacturer. It was during this period that the present Unit 2A was erected, and the covered way between Units 8 and 11 was removed. It was also during this period that the two houses at the northern end of the present Site, in existence since at least 1883, were finally demolished.

Schindler UK was presumably also responsible for erecting the two office buildings with sheds behind, close to the southern corner of the present Lansdown Industrial Estate (Units 24, 26 and 27), as well as the shed opposite (Units 25, 25A and 25B) – all beyond the present Site boundary.

When Schindler UK left Cheltenham, the manufacturing business and assets at Sunningend were acquired by a group of private investors led by a former deputy managing director of Schindler UK. Around 60 Schindler employees remained with the new company, which had negotiated the rights to the name H. H. Martyn Ltd. For the first couple of years, the reborn H. H. Martyn was occupied with the completion of Schindler's order backlog, but it thereafter established itself as an independent supplier of lift cars. However, the firm went into administration in 2003 and the Sunningend Works became the Lansdown Industrial Estate.

Recent major developments have included the erection of Unit 6, which appears to have completely replaced the earlier general metal-working shop on the site. Probably at the same, time Unit 7 was re-roofed, and all of its external walls with the exception of that to the south west were over-clad. The single-storey extension at the north-western corner of Unit 11 was removed between 2003 and 2007. Over the same period, the gap between Units 3 and 4 was infilled. Beyond the present Site boundary, Units 31-36 and Units 37-42 were erected in c.1999.

In April 2018, Cheltenham Borough Council confirmed that prior approval for the demolition of Units 11 and 12 was not required (ref. 18/00637/DEMCON). Unit 12 – originally Letheren's Vulcan Iron Works – has since been demolished.



Google

Aerial photograph, 1999



Aerial photograph, 2007

## 2.6 Summary of existing buildings

### 2.6.1 Units 1 & 1A

The first building on the site of the present Unit 1 was the Trusty engine-testing house, which stood at its northern corner, and which was erected between 1883 and c.1899. Between 1907 and 1921, this was extended to the south east with a NW-SE aligned pitched-roofed element and two SW-NE aligned bays with bowstring truss roofs. Aerial photographs of the 1920s and '30s suggest that the south-eastern elevation of the latter volumes had large doors or shutters which allowed the whole side of the building to be opened up. Extending south-westwards from this collection of buildings there was, first, a long shed with a 10-bay northlight roof (the southern end of the present Unit 1), and then (over the site of the present Units 37-42) a further shed with a 6-bay northlight roof. A further pitched-roofed range abutted the south-eastern side of these two sheds; the north-eastern end of this survives as the present Unit 1A. Aerial photographs of the 1920s and '30s show that the south-eastern side of the latter range was mostly solid, punctured only by a few large doorways.

The original engine-testing house and pitched-roofed element were destroyed by enemy bombing in 1940. In c.1942, the destroyed north-western, north-eastern and south eastern external walls of both structures, and the roof of the former engine-testing house, were rebuilt, and the bowstring truss roofs were extended south-westwards over the space previously occupied by the pitched-roofed element. The south-eastern elevation was still openable at that time, but it has subsequently been infilled with brick. The fenestration in the (previously largely solid) south-eastern side of the range along the side of the 10-bay northlight structure (Unit 1A) clearly dates from the late 20th century. Unit 1 is connected to Unit 8 to the north east by a covered way.



Units 1 and 1A viewed from the south west

Internally, the range along the side of the 10-bay northlight structure (Unit 1A) has undergone much modern subdivision, whilst both the 10-bay northlight structure itself and the volumes at the northern end of the building have seen the introduction of discrete storage units and makeshift lock-ups.



View south-westwards along the north-western elevation of Unit 1



View inside the northlight building over the tops of the inserted storage units and lock-ups



View south-westwards along the south-eastern elevation of Unit 1; the space between the two dark brick piers (marked) was historically openable, but has been infilled with brick



One of the bowstring truss roofs with inserted storage units and offices beneath



The south-western side of Unit A1 looking north; the present fenestration is modern



View of the pitched-roofed range (Unit 1A) abutting the south-eastern side of the northlight building (Unit 1)

## 2.6.2 Unit 2

Unit 2 was built between 1936 and 1940, at which time it was identified as a surface shelter. It comprises a single-storey, corrugated iron clad structure with timber casement windows. The roof is modern.



Unit 2 viewed from the north east



Unit 2 viewed from the south east

### 2.6.3 Unit 2A

Unit 2A was built between 1967 and 1999, almost certainly after the closure of H. H. Martyn & Co. in 1971, and comprises a single-storey, open-span structure with a shallow pitched roof. The building is clad in corrugated metal apart from its front (facing Rowanfield Road to the north west), which is of brick.



Unit 2A viewed from Rowanfield Road



Unit 2A viewed from the south east

## 2.6.4 Units 3 & 4

Units 3 and 4 were constructed between 1907 and 1921 as a canteen and a toilet block respectively. Arranged over two storeys and finished in roughcast, Unit 3 comprises a rectangular volume with a hipped roof with two gabled projections (with first-floor accommodation over an open 'loggia' between) to the south west, as well as a flat-roofed projection to the north east at its northern end. There has been some infilling of the 'loggia', and the present roof tiles and all the windows are modern. Unit 4 comprises a single-storey rectangular volume finished in roughcast and with a hipped roof. All the windows are modern. The gap between Units 3 and 4 was infilled between 1999 and 2007.



Units 3 (left) and 4 (right) viewed from the south



Unit 3 viewed from the south east



Unit 4 viewed from the south west



View of the ground floor of Unit 3

### 2.6.5 Unit 5

Historic aerial photographs show Unit 5 (erected as the foundry) under construction in the early 1920s and completed by 1925. As built, as evidenced by aerial photographs of 1931, the foundry comprised a roughly-square volume to the north west roofed with two tall northlights running NW-SE, together with two elements with pitched roofs arranged SW-NE to the south east. The latter elements have been altered and re-orientated such that their northern ends now feature a continuation of the northern northlight of the principal volume, whilst their southern ends are roofed with a pitched roof running NW-SE. The single-story element against the building's south-western side was added between 1932 and 1936.



Unit 5 viewed from Rowanfield Road



View of the south-western side of Unit 5



The remodelled south-eastern end of Unit 5

## 2.6.6 Unit 6

Unit 6 appears to be entirely modern, and replaced a general metal-working shop erected between 1932 and 1936. Map evidence suggests that the present building dates from between 1967 and 1999 – probably on the basis of its architectural treatment from the 1990s, and thus long after the closure of H. H. Martyn & Co. in 1971.



Unit 6 viewed from Rowanfield Road



The northern end of Unit 6 viewed from Rowanfield Road; the building in the foreground is an electrical substation



Unit 6 viewed from the southwest between Unit 5 (left) and Unit 8 (right)



View of the covered way between Unit 8 (left) and Unit 7 (right) towards the rear of Unit 6

## 2.6.7 Unit 7

Unit 7 appears to have been erected between 1936 and 1940 as a woodworking mill, although all of its external walls with the exception of that to the south west have been over-clad, and its roof has been replaced. Unit 7 is connected to Unit 8 to the south west by a covered way, and the building is interlinked to Unit 6.



Unit 7 viewed from the north east



Unit 7 viewed from the south

### 2.6.8 Unit 8

The present Unit 8 was erected in c.1942, following the destruction of the earlier buildings on this site by enemy bombing. The building was designed by Gordon & Fitch in association with H. Johnstone, and was identified on 1940s drawings as the tail plane shop. It is constructed of brick, now painted, and it retains most of its original steel-framed windows, although some have seen the insertion of modern plant. The building retains its original roof form comprising a taller central section with clerestory windows, and with six northlights in the section of roof to the north west. Unit 8 is connected to Unit 1 to the south west and Unit 7 to the north east by covered ways. The present Unit 6 was erected against the building's north-western elevation between 1967 and 1999.



Unit 8 viewed from the south



The south-eastern elevation of Unit 8



Unit 8 viewed from the first floor of Unit 11



Internal view of Unit 8

## 2.6.9 Unit 11

Unit 11 was erected between 1907 and 1921. Constructed of brick, much of it now painted, with an internal steel frame, the building is arranged over three storeys and has an 8-bay northlight roof. Some original metal-framed windows survive. As early as 1921, there had been a covered way between the present Unit 11 and the buildings on the site of the present Unit 8. Between 1936 and 1940, this was added to with a single-storey extension at the north-western corner of Unit 11. This extension was removed between 1999 and 2007. The building's original role is not known, but in the inter-war period it was used for cabinet making. Painted lettering on the building's eastern elevation includes the words 'Marblework', 'Glasswork' and 'Sculpture', which must relate to H. H. Martyn's activities, as well as the later 'Lansdown Industrial Estate'. Internally, the very deep steel beams suggest that the whole building originally comprised largely open floor plates. The ground- and first-floor levels have undergone a little subdivision; the second floor by contrast has undergone very considerable subdivision.

In April 2018, Cheltenham Borough Council confirmed that prior approval for the demolition of Unit 11 (and Unit 12, since demolished) was not required (ref. 18/00637/DEMCON).



Unit 2 viewed from Rowanfield Road



The single-storey extension at the northern end of Unit 11, photographed in 2003



The northern end of Unit 11



View of the northern end of the first floor of Unit 11



The eastern side of Unit 11 viewed from the south



Detail of some of the lettering on the eastern side of the building: 'Marblework' and 'Glasswork'

## 2.6.10 Units 15-17

Units 15-17 comprise an assortment of contiguous structures arranged along the north-western side of the adjacent Stagecoach bus depot.

The pitched-roofed volume towards the northern end of the range could conceivably be the 'brick-built offices or workshops' which formed part of Lot 3 in the Trusty Works sales particulars of 1907, and which appear to have been built between 1883 and 1901. The building may be that shown on the c.1899 engraving of the Trusty Engine Works. **Whist** this would make it the oldest building on the Site, it has clearly undergone much 20th century alteration.

In 1907, the site of the flat-roofed volume to the north east of the pitched-roofed volume (which wraps around the north-eastern corner of the present bus depot) was a 'party road', running between the tram depot and Letheren's Vulcan Works. The extant volume here probably has its origins in a structure built between 1907 and 1921, although if that is the case it has clearly undergone much alteration. All of its windows are late 20th century replacements.

The range to the south west of the pitched-roofed volume may have its origins in a further range built between 1907 and 1921, but it has also undergone much change, its north-eastern end having been extended upwards to accommodate a first floor. All of its windows are modern.



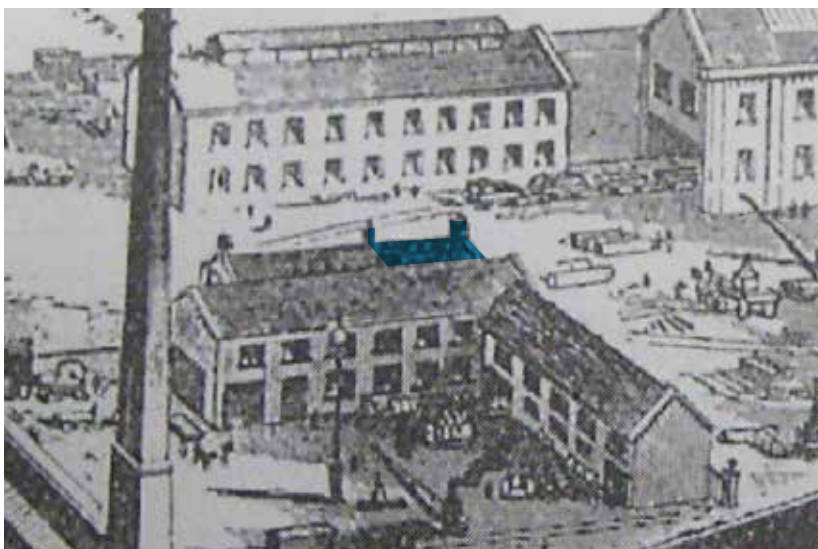
Units 15-17 viewed from the north east



The pitched roofed volume is thought to correspond with the the 'brick-built offices or workshops' identified in the Trusty Engine Works sale of 1907



The 'brick-built offices or workshops' as shown in the Trusty Works Sales Particulars of 1907



c.1899 engraving of the Trusty Engine Works, with what is thought to be the sole surviving element marked in blue



The flat-roofed volume which wraps around the north-eastern corner of the present bus depot has its origins in a structure built between 1907 and 1921 on the site of a 'party road'



The range to the south west has its origins in a further range built between 1907 and 1921

## 3.0 Heritage Interest

The northern half of the Lansdown Industrial Estate (the Site) is not within a conservation area and contains no designated heritage assets (statutorily-listed buildings) or non-designated heritage assets ('locally indexed' buildings). Nonetheless, this Heritage Appraisal has been prepared – following a request from the planning officer – to assess whether any of the buildings on the Site might be considered to possess a degree of heritage interest.

### 3.1 Site overview

As detailed in Chapter 2.0, the Lansdown Industrial Estate has been in industrial use since the late 19th century, starting with the Lansdown Iron Works in 1864. In 1872, William Letheren established the adjacent Vulcan Iron Works. The latter remained in this use until at least 1907, but by c.1895 the Lansdown Iron Works was in use as the Trusty Engine Works.

Whilst these early phases of the Site's history are of some historic interest, there is practically no surviving fabric to illustrate them. The only building on the application Site that might survive from these early phases of its history appears to be the pitched-roofed element towards the northern end of the range of Units 15-17, erected between 1883 and c.1899, which has been much altered, and was in any case an ancillary building of very secondary interest. The original Vulcan Iron Works – which later became Unit 12 – was demolished in 2018.

In 1907/8, the Site was acquired by H. H. Martyn & Co. and for the next 63 years it accommodated a huge range of skilled engineering and craft trades.

H. H. Martyn & Co.'s involvement in aircraft manufacture in both wars, and its role in providing architectural decoration for numerous important buildings and ocean liners, is clearly of considerable historic interest. However, it does not follow that this interest extends to the surviving Martyn buildings on the application Site. As discussed further below, Units 1, 1A, 2, 3, 4, 5, 7, 8, 11, 15 and 17 were all erected during H. H. Martyn & Co.'s tenure of the Site. Units 1, 1A, 5, 7, 8 and 11 were all manufacturing buildings. All of them are fairly generic industrial structures for their date, and all of them have undergone alteration, in some cases very considerable alteration. The buildings' designs do not, individually or collectively (even when considered alongside the other works buildings beyond the application Site boundary), reflect (in their plan forms or appearance) their role in the production processes that the Site accommodated, and there is no surviving historic machinery present. H. H. Martyn's field of activities was so diverse that the Site's capacity to accommodate different processes was continually tested. However, surviving evidence of the physical changes made to the Site over time cannot be held to be illustrative of the firm's changing output, or to provide evidence of particular technological developments. It is not known who designed most of the Martyn buildings. Where the architects are known – in the case of Unit 8 and part of Unit 1 (Gordon & Fitch in association with H. Johnstone) – those architects could not be described as architects of national or local note. In summary, whilst the works as a whole is of some historic interest, the surviving buildings on the application Site are at best of very limited historic and architectural interest.

The two buildings on the application Site that post-date H. H. Martyn & Co.'s tenure – 2A and 6 – are clearly of no heritage interest.

## 3.2 Summary of existing buildings

### 3.2.1 Units 1 & 1A

As detailed in Chapter 2.0, the present Units 1 and 1A have a complex history. The first phase of their development, at the northern corner of the present Unit 1, was erected between 1883 and c.1899, and for a while served as the Trusty engine-testing house. Following H. H. Martyn & Co.'s acquisition of the site in 1907/8, this building was much extended to the south east and south west. In 1936, the buildings accommodated wing assembly, pressed steel, doping, painting and polishing operations, as well as storage. In 1940, the original engine-testing house and some of the added structure to the south east were destroyed by enemy bombing, and much rebuilding and reconfiguration ensued. Further major alterations were made in the second half of the 20th century.

Whilst the use of this part of the Site as part of the Trusty Engine Works is of some historic interest, nothing is thought to survive of the original Trusty engine-testing house. The subsequent use of the extended, rebuilt and much altered buildings is also of some historic interest in the context of H. H. Martyn & Co.'s ever-changing manufacturing operations. However, there is nothing in the surviving fabric that is illustrative of the buildings' roles, or their place in the wider manufacturing process flow. Architecturally, what survives comprise unremarkable and much altered utilitarian structures of only very limited heritage interest.

### 3.2.2 Unit 2

As detailed in Chapter 2.0, Unit 2 was built between 1936 and 1940, at which time it was identified as a surface shelter. Although erected during H. H. Martyn & Co.'s tenure of the site, and illustrative of the site's wartime activity, the building appears never to have played an important manufacturing role. It is thus of negligible historic interest in the context of the wider site. Architecturally, it is an unremarkable, much altered utilitarian structure of no heritage interest.

### 3.2.3 Unit 2A

As detailed in Chapter 2.0, Unit 2A was built between 1967 and 1999, almost certainly after the closure of H. H. Martyn & Co. in 1971. It is an unremarkable utilitarian building of no architectural or historic interest.

### 3.2.4 Units 3 & 4

As detailed in Chapter 2.0, Units 3 and 4 were originally constructed between 1907 and 1921 as a canteen and a toilet block respectively, and thus were not historically used for manufacturing. The buildings have been much altered, most notably through the infilling of the space between them, but also through the partial infilling of the 'loggia' to Unit 3. The present roof tiles and all the windows are modern. Although erected during H. H. Martyn & Co.'s tenure of the site, the buildings are unremarkable structures of negligible architectural interest.

### 3.2.5 Unit 5

As detailed in Chapter 2.0, Unit 5 was erected as the foundry in the early 1920s. Although this role is undoubtedly of some historic interest in the context of the Sunningend Works as a whole, there appears to be nothing in the building's fabric that is illustrative of this specific function, or its place in the wider manufacturing process flow. The north-western end of the building, adjacent to Rowanfield Road, retains its original distinctive form with two tall northlights running NW-SE, and might be considered to have a degree of architectural interest. The south-eastern end of the building has been so altered that any architectural interest it might once have possessed has been effectively obviated.

### 3.2.6 Unit 6

As detailed in Chapter 2.0, Unit 6 appears to date from between 1967 and 1999 – probably on the basis of its architectural treatment from the 1990s, and thus long after the closure of H. H. Martyn & Co. in 1971. On this basis, it is of no historic interest. Architecturally, Unit 6 is an unremarkable building of its time, and of no heritage interest.

### 3.2.7 Unit 7

As detailed in Chapter 2.0, Unit 7 appears to have been erected between 1936 and 1940 as a woodworking mill, although all of its external walls with the exception of that to the south west have been over-clad, and its roof has been replaced. Although the building's role as the woodworking mill is of some historic interest in the context of the Sunningend Works as a whole, there is nothing in its fabric that is illustrative of that role, or its place in the wider manufacturing process flow. Any architectural interest the building might once have possessed has been effectively obviated by the extensive changes made to its external envelope.

### 3.2.8 Unit 8

As detailed in Chapter 2.0, The present Unit 8 was erected in c.1942, following the destruction of the earlier buildings on this site by enemy bombing. The present building was designed by Gordon & Fitch in association with H. Johnstone, and was identified on 1940s drawings as the tail plane shop. It is constructed of brick, now painted, and it retains some of its original steel-framed windows, although some have seen the insertion of modern plant. The building retains its original roof form comprising a taller central section with clerestory windows, and with six northlights in the section of roof to the north west.

H. H. Martyn's involvement in aircraft production in the Second World War is undoubtedly of some historic interest. However, that this involvement was limited to the manufacture of components (in this case plane tails) rather than the production or assembly of complete aircraft renders this interest less significant. The parts were almost certainly designed elsewhere, and the Sunningend Works must have been just one of many factories engaged in such wartime activity. Furthermore, there is nothing in the building's fabric that is illustrative of its original role as the tail plane shop, or its place in the wider manufacturing process flow.

Architecturally, the building is a fairly generic industrial structure for its date, and is of only very limited heritage interest. Neither Gordon & Fitch nor H. Johnstone could be described as architects of national or local note.

### 3.2.9 Unit 11

As detailed in Chapter 2.0, Unit 11 was erected between 1907 and 1921, although it has been subjected to very considerable alteration. In April 2018, Cheltenham Borough Council confirmed that prior approval for the demolition of Units 11 and 12 was not required (ref. 18/00637/DEMCON). The Council's Delegated Officer Report noted that:

*The site is a large, detached commercial building approximately 90 years old. The site is not listed, not within a conservation area nor is it a community asset.*

Unit 12 was demolished soon after the consent to do so was issued, and this means that Unit 11 can also be demolished at any stage without the need for further permissions in planning terms.

Although Unit 11's probable role in aircraft component manufacture is of some historic interest in the context of the works as a whole, there is nothing in its fabric that is illustrative of this role. That the building was also put to use for cabinet making (and marblework, glasswork and sculpture) is also of some historic interest, although only the painted lettering on the eastern elevation is actually reflective of this function. The building's changing role is illustrative of the fact that it was an adaptable utilitarian building, probably conceived to accommodate different processes from the outset. Architecturally, the building is a fairly generic industrial structure for its date, and is of only very limited heritage interest.

### 3.2.10 Units 15-17

Units 15-17 comprise an assortment of contiguous structures arranged along the north-western side of the adjacent Stagecoach bus depot.

As detailed in Chapter 2.0, the pitched-roofed volume towards the northern end, could conceivably be the 'brick-built offices or workshops' which formed part of Lot 3 in the Trusty Works sales particulars of 1907, and which appear to have been built between 1883 and 1901. The existing building may be that shown on the c.1899 engraving of the Trusty Engine Works. Whilst this would make it the oldest surviving building on the Site, and therefore give it a degree of historic interest, it appears always to have been somewhat ancillary to the site's principal manufacturing function. Furthermore, the building has clearly been much altered, and any architectural interest it once possessed has arguably been lost.

The elements to either side of the pitched-roofed volume probably have their origins in structures erected between 1907 and 1921. Whilst this places them during H. H. Martyn & Co.'s tenure of the site, which is of some inherent historic interest, there is nothing in their fabric that explains their role in the wider complex. They are unremarkable and much altered, and of no architectural interest.

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# Lansdown Industrial Estate

This brief sets out:

- The history of the Lansdown Industrial Estate and its heritage significance.
- Current outline planning proposals for the site.
- An alternative proposal for the site.

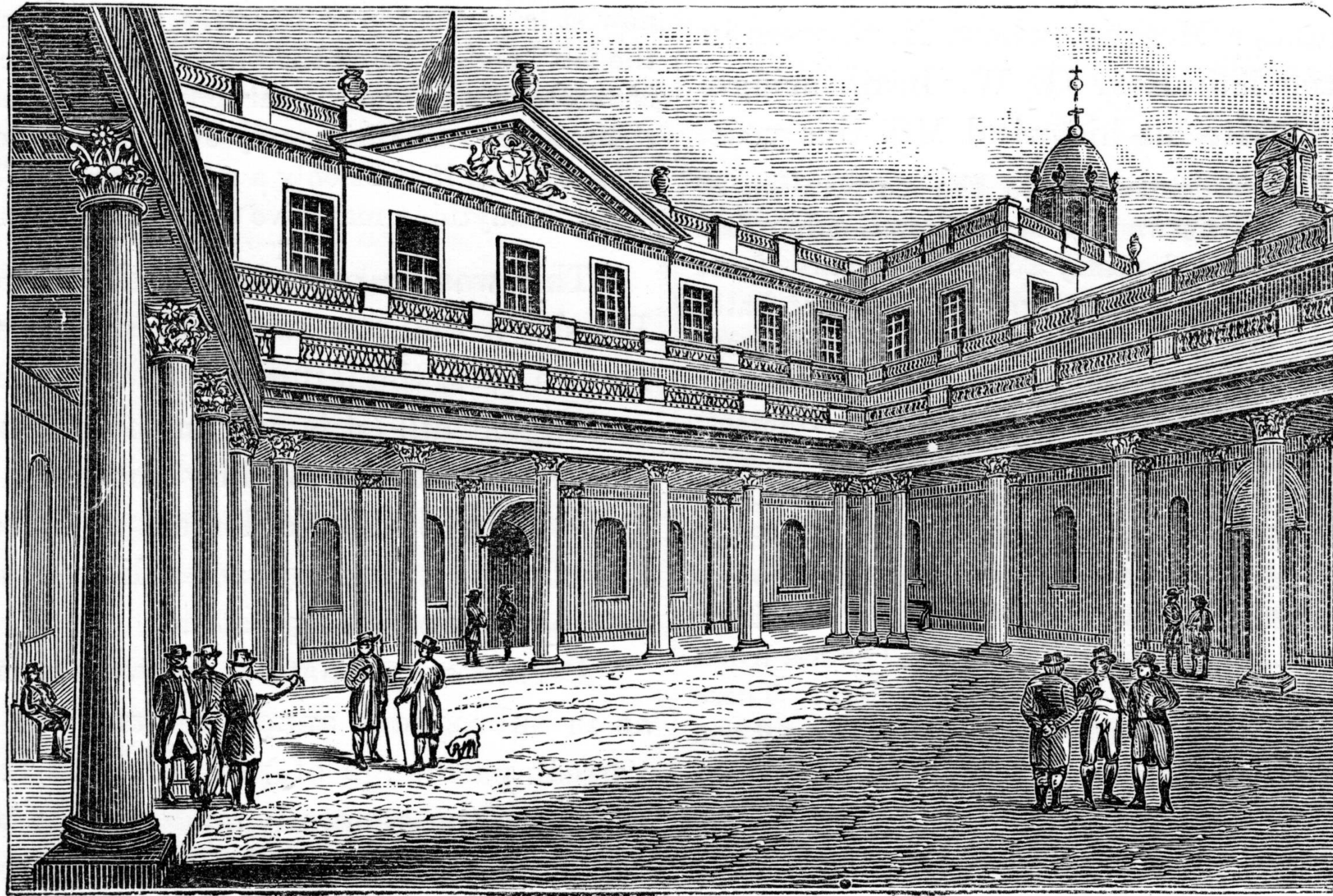
- The 160-year heritage of Lansdown Industrial Estate is significant locally, nationally and internationally, and not just for its Martyn's / Gloster Aircraft links.
- The site and its buildings are identifiable and readable.
- The surviving buildings deserve protection by formal listing and by finding sustainable reuse rather than wholesale demolition.
- Enabling development around those buildings would fund works and facilitate reinvestment and withdrawal of some capital.



# Site History and Examples of Work







The Exchange, Bristol. Courtyard Roof 1872. (Grade I)



Chesterton Cemetery Gates and Railings, Cirencester 1871. (Grade II)

John Cornell, born 1833, outgrew his builder's yard in Tivoli Place. He moved his forge to the semi-rural site in 1864 where neighbourly complaints were unlikely, and gave it the Lansdown name.

## 1864-1872 – Cornell's Lansdown Ironworks





College of Arms Railings and Gates, London.  
Originally at Goodrich Court (Grade I)



Overbury Court Gates, Kemerton.  
(Grade II)

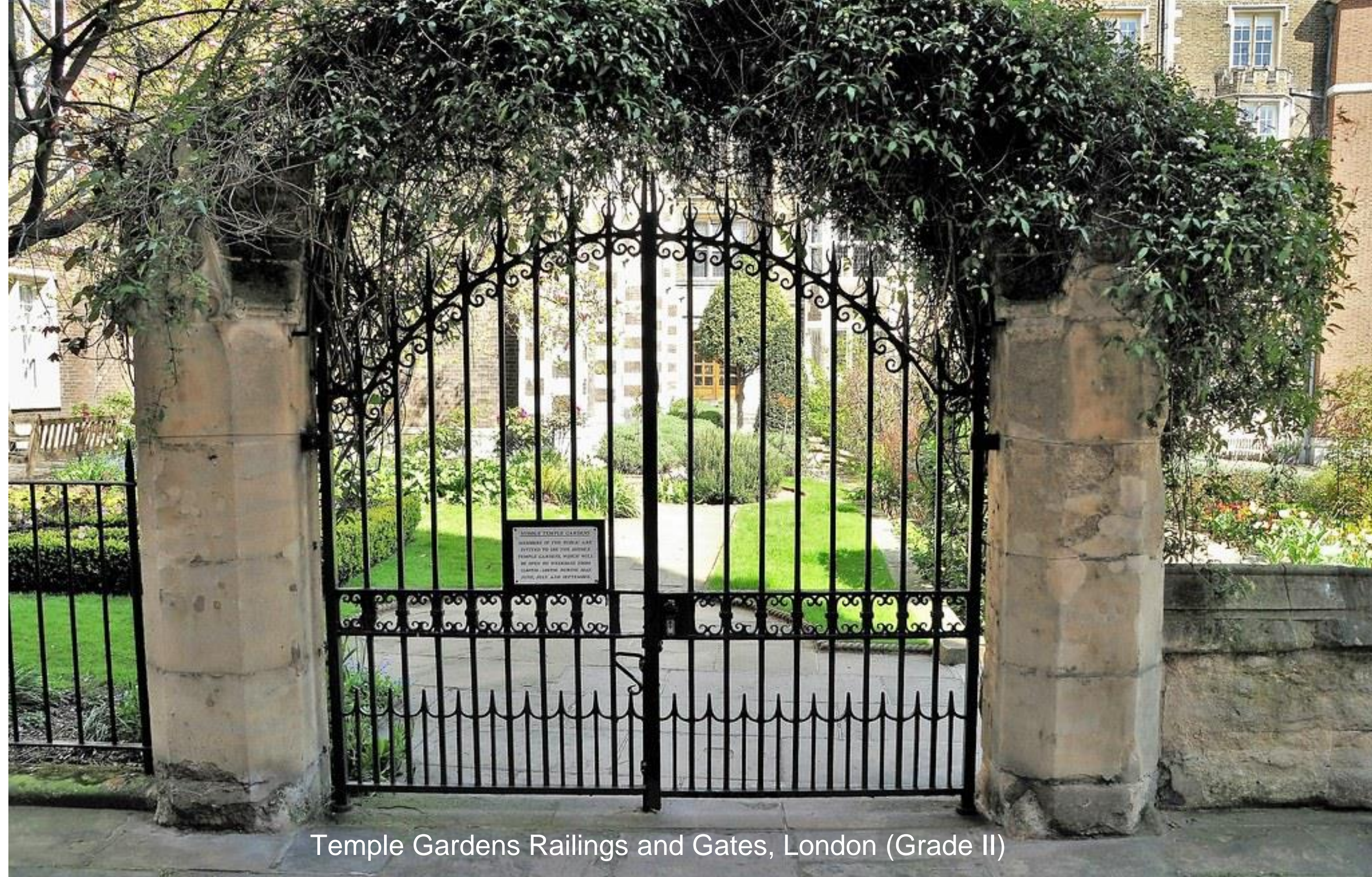


Guildhall Gates and Railings, Worcester (Grade I)

William Letheren worked for Cormell but acquired his adjoining site at same time and soon went alone. He was huge in his day, described as the 'greatest art iron-worker in England', winning awards with international acclaim and working with the country's foremost architects including EM Barry and George Gilbert Scott.

**1864-1908 – Letheren's Vulcan Ironworks**





Temple Gardens Railings and Gates, London (Grade II)

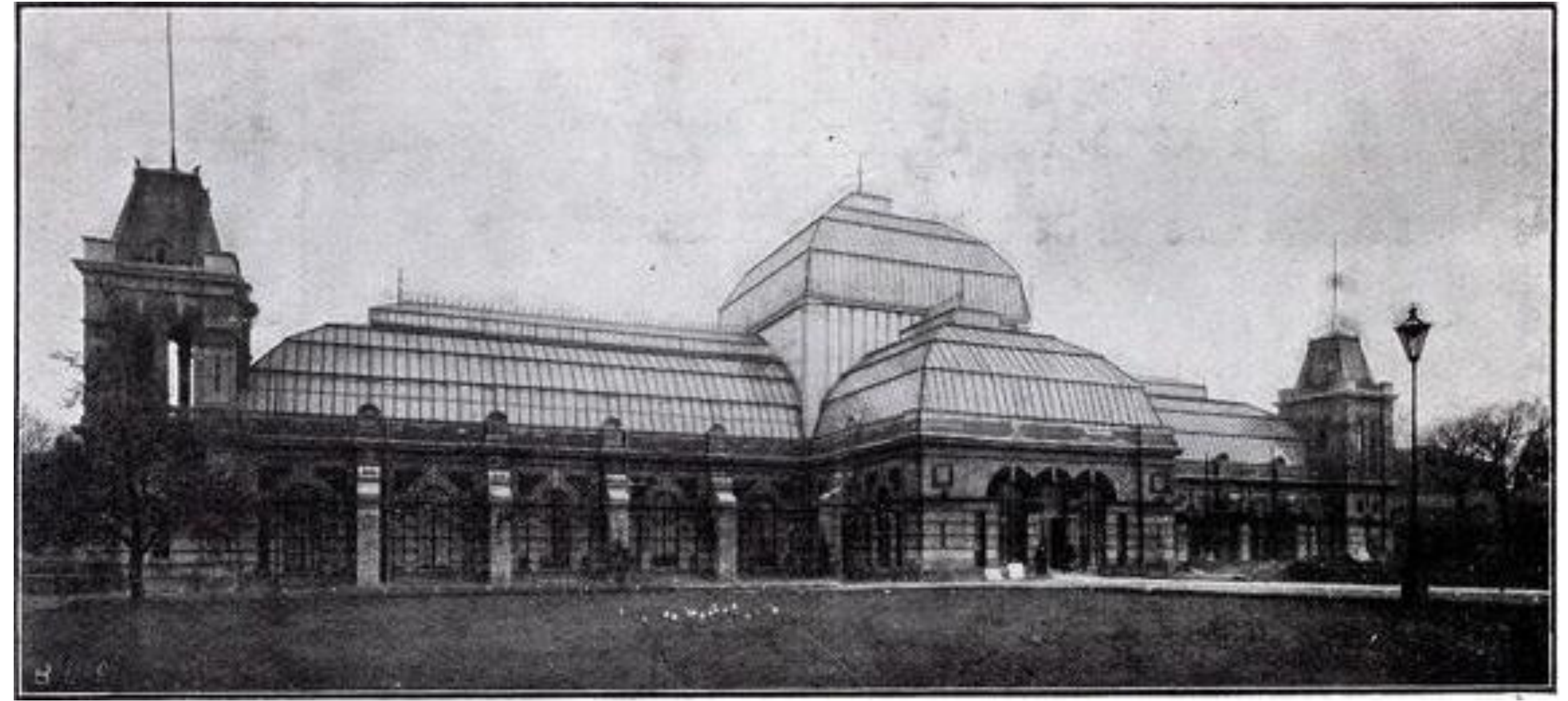
John Gibbs was Cheltenham-born and bought Cornell's works in 1873 but by 1875 was experiencing financial difficulties and the site was sold at auction. The 1881 Census shows that Gibbs returned to Staffordshire to work as a furnace man, his business career at an end.

## 1872-1875 – Gibbs' Ironworks





Temple Meads Roof, Bristol. 125 feet clear span 1876. (Grade I)



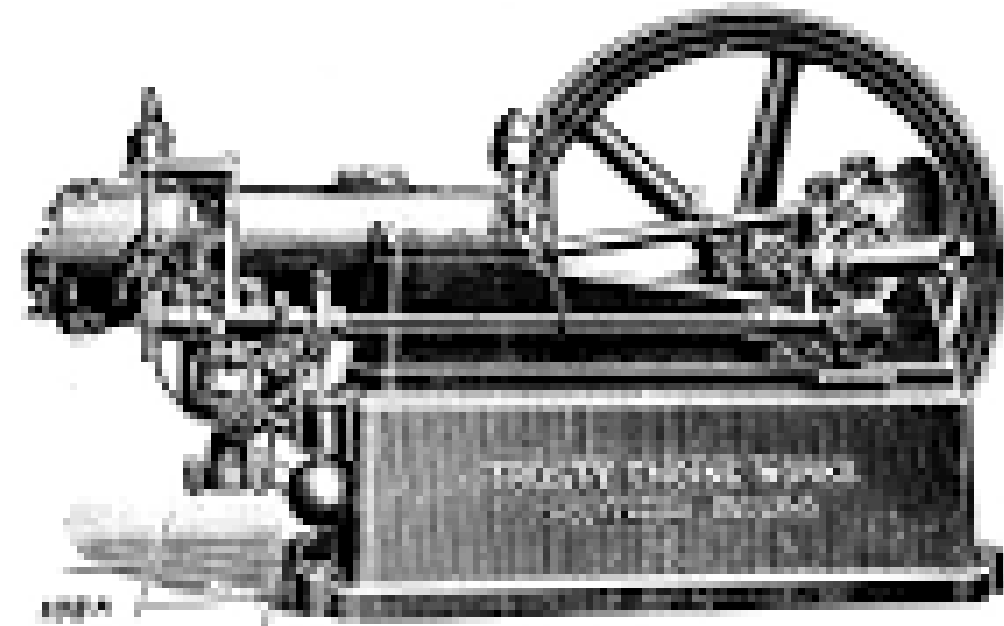
Winter Gardens Roof, Cheltenham 1876-78

Thomas Vernon and Paul Ewens closed their Liverpool office and brought the first heavy industry to Cheltenham, continuing the reputation for highly-skilled metal manufacturing and then carpentry. Amongst many notable projects, they constructed iron roofs over Cheltenham Winter Gardens and the railway stations at Swansea, Walworth and Brixton, and warehouses at Charlton in Kent and Plymouth Docks and Mount Edgcumbe Battery.

**1875-1891 – Vernon & Ewens Central Ironworks**



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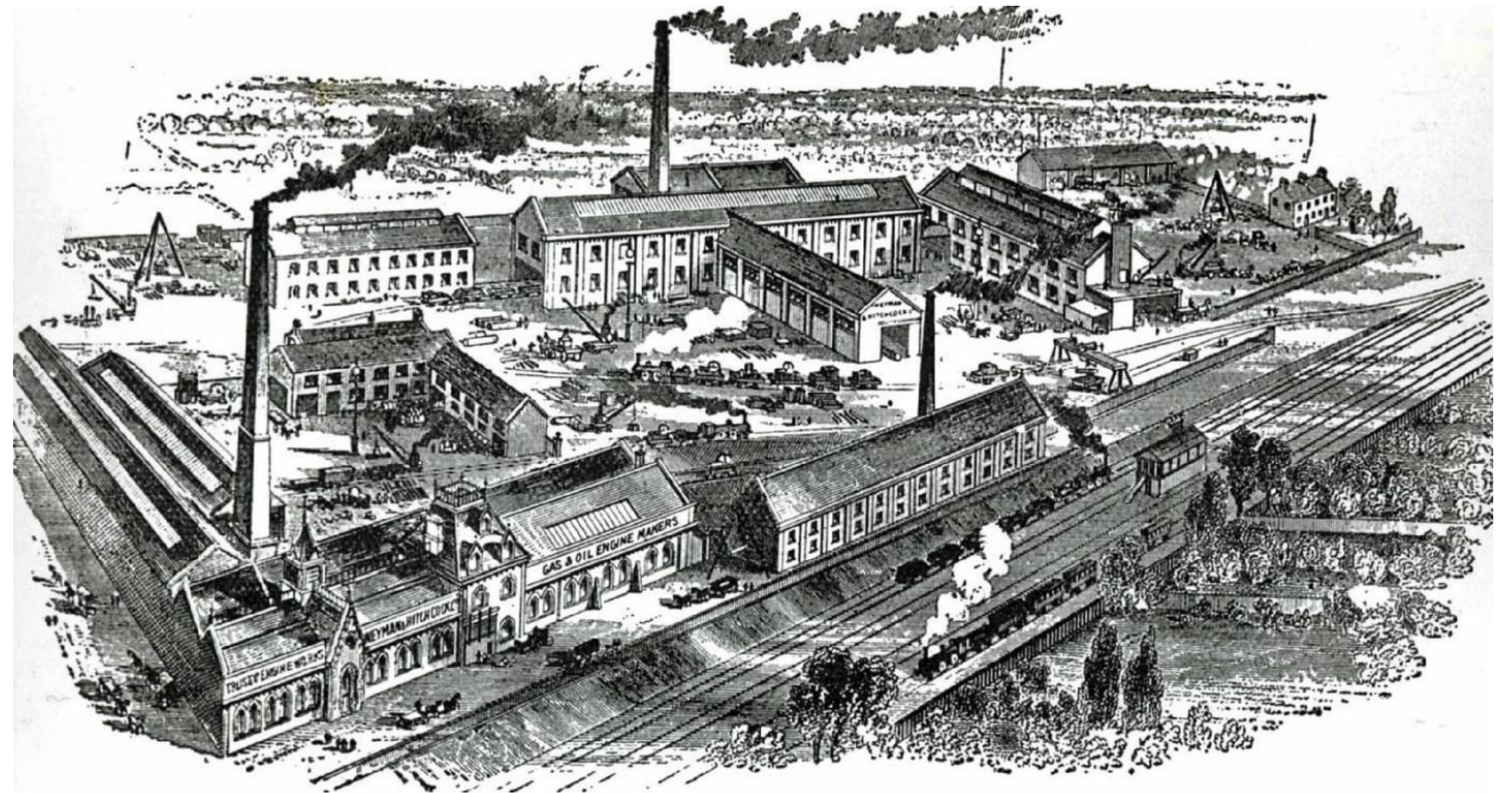
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- **First** successful application of tractive power on tram and railways.
- **First** permanent electric lighting in Cheltenham.
- **First** petrol driven vehicle ever to be driven on British roads was developed by Weyman and John Henry Knight.

## 1894-1904 – Trusty Engine Works





Based in Trusty's former foundry buildings that date from c1870, the bus station occupies the oldest surviving building on site. Second shed with CDLR stone plaque of 1901.

**1901-1930 – Cheltenham & District Light Railway**





The Cenotaph, Whitehall, 1919-20.  
(Grade I)



The Commando Memorial,  
Spean Bridge 1951 (Category A)



The Speaker's Chair,  
House of Commons, 1950

Exemplary wood, stone and plaster carvers, metal and glass workers, plus a wide range of activities that were unique for its time. The factory cast 75% of the UK's art metalwork 1920-38, employing 1,000 men by 1920. Gloster Aircraft Company formed on site and George Dowty worked here before founding Dowty Engineering with a loan from Martyn's.

**1907-1972 – HH Martyn & Co Sunningend Works**



# Current Planning Situation



- 21/02832/OUT – Outline application for the redevelopment of the northern part of Lansdown industrial estate for up to 215 dwellings with associated access roads, parking and public open space following the demolition of the existing buildings. All matters reserved except for access.
- Cheshire West and Chester Council proposes to replace these historic buildings with a cramped, low-quality residential scheme.
- The proposal does not consider the site's rich heritage and would destroy all signs and links to it.
- As at 23 Feb 22, 48 objections have been lodged from 51 public comments.



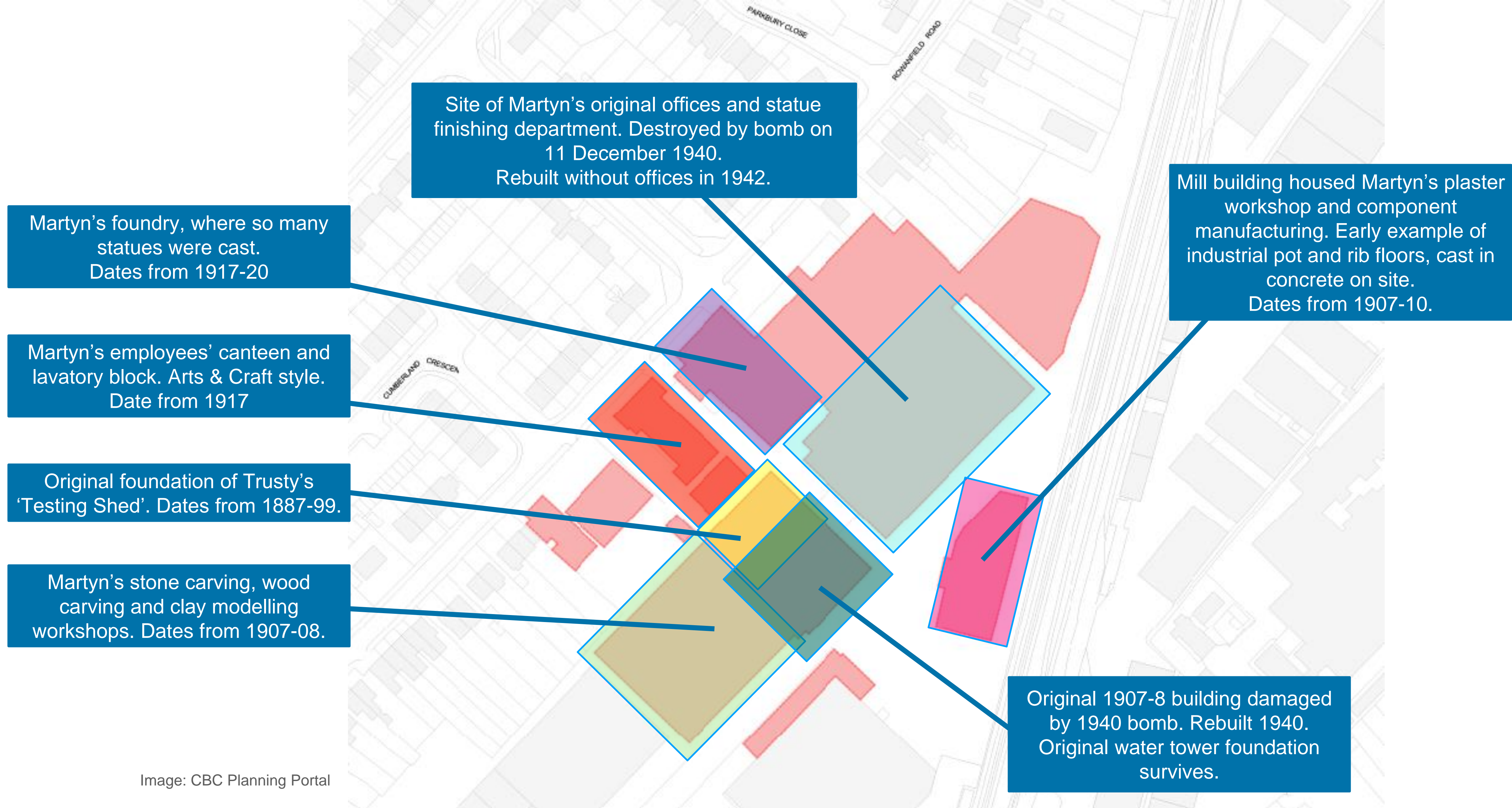
- An unimaginative scheme that is dominated by car parking provision and a sea of 2m timber fences between gardens.
- Little account is taken of the character or spacing of existing residential patterns.
- The demolition and clearance of the whole site will release sequestered carbon, contrary to Cheltenham Borough Council's environmental aspirations.

Image: CBC Planning Portal



## Current Outline Proposal





# Outline Demolition Proposal Shows the Potential Damage



# Cheltenham Civic Society's Proposal



### Enabling Development

This space could be developed with residential or mixed use spaces. Covering some 10,400 sqm, it could have a GDV of up to £12m and a resale value with planning consent of up to £5m.

### Land Assembly

This land is outside the ownership of the applicant but lends itself to simultaneous redevelopment, especially as the neighbouring enabling development is presently leased to the owner. The owner operates buses from the site, which is awkward to enter and exit safely at the Gloucester Road junction. Time to relocate?

Image: CBC Planning Portal

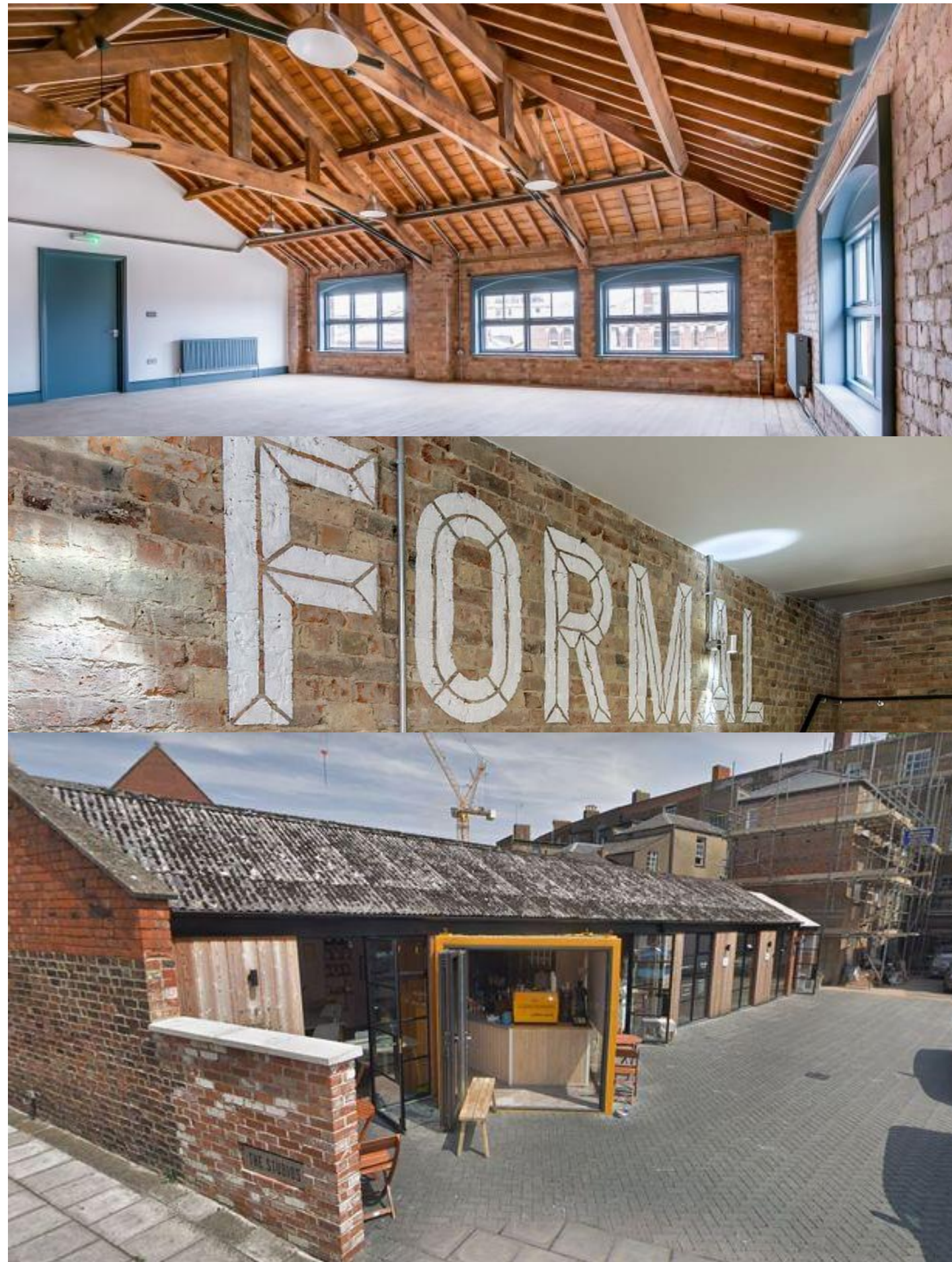


### Commercial

Much of the site would be retained as commercial space, making the most of its Industrial style to create a stylish, high quality working environment with cafes, events and soft landscaping. Cheltenham has strong demand for high quality commercial space, complementing its strong retail market and high status lifestyle offer.

### Flexible Redevelopment

These buildings lends themselves to reuse. They could be redeveloped to reinforce their Arts & Crafts and Industrial style and could provide up to 59 residential flats (GDV £10.3m) or live/work units or commercial units. Their distinct style lend themselves to high end, top rent units.



Cheltenham



Bristol Paintworks



Bicester Village

# Similar Development Models



- The current application has paid no attention to the rich industrial heritage of the site and its surviving historic buildings.
- Cheltenham Civic Society's proposal would pragmatically preserve the historic buildings and clear away less important buildings to provide sites for enabling and flexible developments.
- This would play to Cheltenham's market strengths, where top end commercial space rents for £30psf, while a high quality development would ensure low churn, high occupancy and a highly desirable lifestyle vibe.

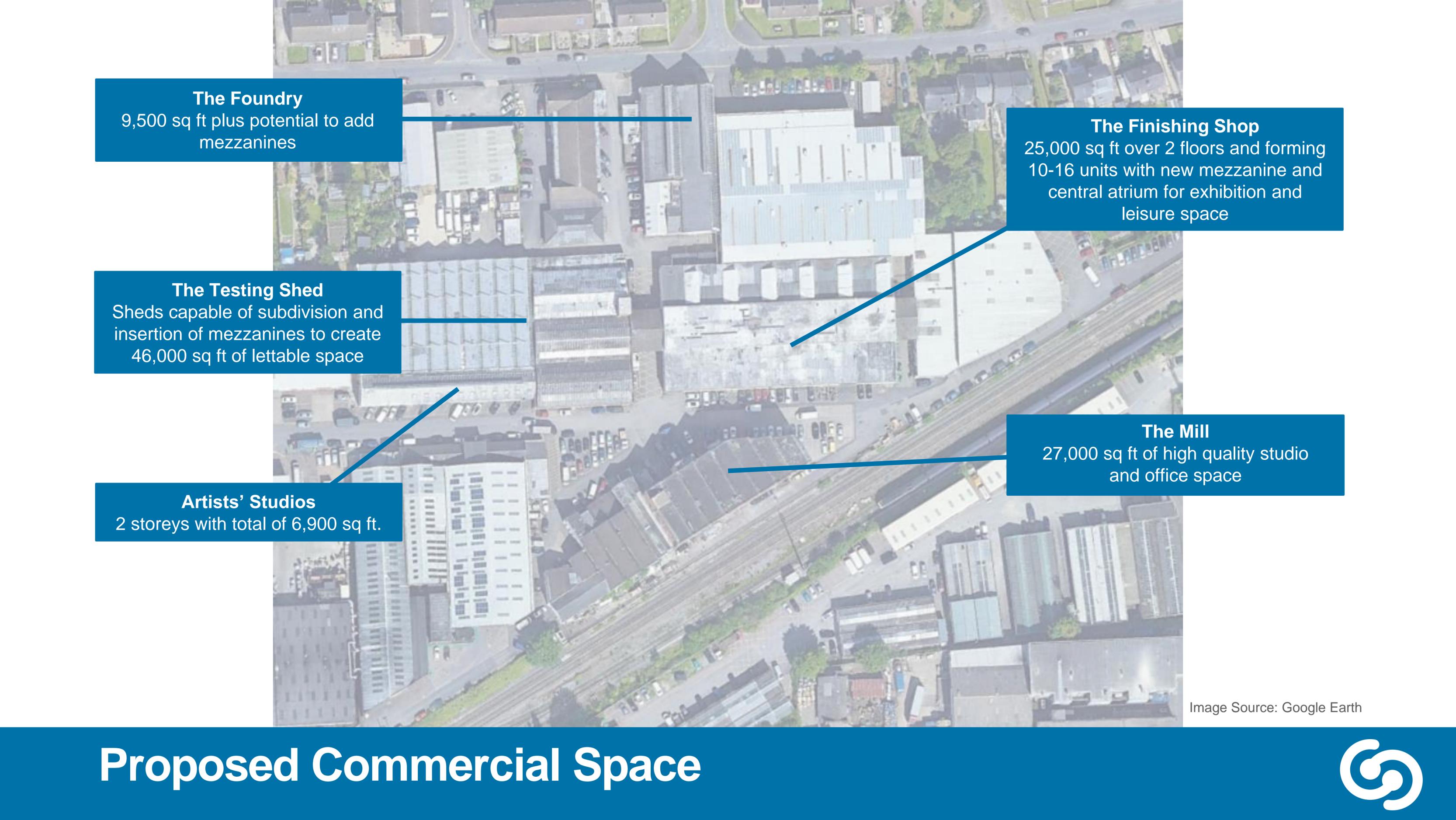


The 4 enabling development sites could generate a Gross Development Value (GDV) of £24.9m.

As a bare site with planning permission they would be worth £8.7m, viz:

Site	Type	GDV	Bare Value
A	7 x houses to maintain street rhythm and spacing	£2.45m	£825k
B	7 x houses to maintain street rhythm and spacing	£2.45m	£825k
C	Three storey apartment block as proposed	£10m	£3.5m
D	Three storey apartment block as proposed	£10m	£3.5m

In addition, the flexible redevelopment sites and the land assembly option could generate additional capital release and/or premium rental opportunities.



**The Foundry**

9,500 sq ft plus potential to add mezzanines

**The Testing Shed**

Sheds capable of subdivision and insertion of mezzanines to create 46,000 sq ft of lettable space

**Artists' Studios**

2 storeys with total of 6,900 sq ft.

**The Finishing Shop**

25,000 sq ft over 2 floors and forming 10-16 units with new mezzanine and central atrium for exhibition and leisure space

**The Mill**

27,000 sq ft of high quality studio and office space

Image Source: Google Earth

# Proposed Commercial Space



- The remaining commercial buildings could be renovated with capital released from the sale of the enabling development land.
- This could create over 110,000 sq ft of high quality lettable space.
- Current commercial letting rates for Cheltenham are:

Type	Rate psf	Value to Lansdown
Basic Industrial Unit	£8-10	£880,000pa
Commercial Units	£11-16	£1,210,000pa
Office Units	£20-30	£2,200,000pa

# Summary



- The current application falls well below the planning and architectural standards we would expect. It has paid no attention to the rich industrial heritage of the site and its surviving historic buildings.
- Cheltenham Civic Society's proposal would pragmatically conserve the historic buildings and clear away less important buildings to provide sites for enabling development.
- Our proposal respects the site's heritage, facilitates the owners' desire for capital and rental returns and helps to address local housing needs through sustainable development. We believe this creates a viable 'win' for all main parties.
- We want to work with the Applicants and Cheltenham Borough Council to deliver a pragmatic, sustainable and high-quality redevelopment.







## 21/02832/OUT LANSDOWN INDUSTRIAL ESTATE

### RESPONSE TO HERITAGE AND BUILDING REPORTS

1. Cheltenham Civic Society wishes to lodge the following additional comments on the application. These are submitted with the benefit of deep local knowledge, primary research and a strong interest in the area. These same traits are, unfortunately, not demonstrated in the application.

#### **Conservation Report.**

2. Cheltenham Civic Society asked our historian, Jill Waller, to assess the applicant's updated heritage appraisal. Jill is probably the most authoritative local historian, having had numerous books and papers published on Cheltenham. She is also believed to be the only historian who has conducted primary research into the Lansdown Industrial Estate site, except for John Whitaker who wrote 'The Best' (Whitaker, 1985) about HH Martyn.

3. Jill could not believe how much the appraisers had got wrong about the site's history, right from the start, and how little they had actually researched and understood, apparently because they relied on outdated sources. Attached is her critique of the heritage appraisal, complete with highlighted heritage report. Her exceptional knowledge also satisfies NPPF para 194, which requires, as a minimum, the relevant historic environment record to have been consulted and the heritage assets assessed using appropriate expertise where necessary.

4. The bottom line is that the latest heritage appraisal is still far from satisfactory. As the Conservation Officer points out in his second submission, the assessment is very thin on detail and still fails to demonstrate a thorough understanding of the site, and thus the significance of it.

5. CBC's Conservation Officers rightly identify that industrial buildings, by their nature, do not necessarily have an aesthetic value but they can hold evidential, historical and communal value. The following detail is provided to assist CBC's Conservation Officers, Planning Officers and decision makers with understanding the specific significance of the site, and filling in the detail omitted by the applicants' heritage report.

6. Jill Waller's and Andrew Booton's assessment of the site's buildings, drawn from primary evidence including CBC's records, planning application dates, construction dates and uses, maps and plans and interviews with former employees. This should help CBC to assess the heritage significance of this site, which the applicant's heritage report fails to do. All these buildings can be identified in Historic England's aerial photos, which help to confirm their appearance and relative positions. The plan shows:

A. **Tramshed, c1890-1901.** Trusty's foundry, survived fire in 1897. Sits on the site of Cornell's original 1864 foundry so may have been used by Vernon & Ewens before Trusty. Probably the oldest structure on the site and despite being excluded from this planning application, is important for understanding the setting and context.

- B. **Tram Offices, 1901.** Date stone identifies this. Again, outside the scope of this application but important for historical context.
- C. **Block C, c1907-08.** Probably one of the first things Martyn's built, for their very messy fibrous plasterwork as well as asbestos work and woodcarving. Bears legible 'ghost signs' from Martyn's activities on the railway track side. Of interest, this building also appears to have good examples of beam and pot concrete floors, which must be amongst the earliest in the country. This is all the more worrying as the building already has consent for demolition yet it is worthy of formal listing.
- D. **Woodshop, c1908-16.** The building with the largest footprint for creating and assembling large structures.
- E. **Toilet Block, 1917.** Arts and crafts brick building.
- F. **Canteen Block, 1917.** Underneath the roughcast exterior and modern inappropriate uPVC windows is a handsome arts and crafts brick building of domestic style and proportion.
- G. **The Foundry, 1920.** 'At its height from 1920 to around 1938, Martyn's foundry cast 75% of all art metal work required in the country.' The Best, p99, Whitaker, J. This was the actual building from which that output originated, purpose built for the task and largely unaltered.
- H. **Pressed Steel Shop, 1942.** Constructed on the footprint of a previous building after a direct hit at the southern end on 11 December 1940. Contemporary to the Martyn's new office block (planning permission granted December 1941) that was completed in the southern site as the previous office had been destroyed. Incidentally, this later office has been used to showcase the firm's range of plasterwork, carvings and fittings, most of which remain in place.
- I. **Polishing shop, 1942.** The end of the Woodshop was bomb damaged so was made good.

## Building Report.

7. The building report by Bruton Knowles clearly shows that the buildings are capable of renovation and reuse. Indeed, their overall sizes, solidity and layouts lend themselves very well to reuse for a range of commercial and residential purposes. Dilapidation through neglect should not be an excuse for simply demolishing them without full and detailed consideration for renovation and reuse. NPPF para 196 states that 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'

## Protection

8. The heritage report is sadly passive on the significance of heritage and the damaging impact of this proposal on Cheltenham's industrial heritage. NPPF para 190 states (with our emphasis in *italics*):

Plans should set out a *positive strategy for the conservation and enjoyment of the historic environment*, including *heritage assets most at risk through neglect, decay or other threats*. This strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and *putting them to viable uses consistent with their conservation*;
- b) the *wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring*;
- c) the desirability of new development making a positive contribution to *local character and distinctiveness*; and
- d) *opportunities to draw on the contribution made by the historic environment to the character of a place*.

We do not believe that this application satisfies those considerations. Indeed, they deliberately contravene them. That is very disappointing and indicate underestimation of the importance of heritage, *laissez faire* approach to heritage management and consequent risks to the town's heritage. Cheltenham Borough Council has a duty to take a lead in setting out a positive strategy for the conservation and reuse of the site.

### **Alternative Proposals**

9. Cheltenham Civic Society's letter and brief to all councillors of Cheshire West & Chester Council and Cheltenham Borough Council (attached) sets out the site's historical context. Importantly, it also sets out the Civic Society's proposal to retain buildings of historic interest but to demolish the poor quality buildings around them for enabling development. This satisfies NPPF para 197, which states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Our letter and brief to councillors (attached) provides sufficient evidence to satisfy all 3 factors, unlike the applicant's submissions. Our proposals demonstrate not only the desirability to retain the historic fabric but the commercial, heritage and cultural rationale for doing so.

### **Conclusion**

10. From the information we have provided, it should be evident that not only should the planning application be refused but Lansdown Industrial Estate should be formally protected for its historical, evidential and architectural value and its specific contribution to Cheltenham's industrial heritage. Long term protection would best be served by finding a sustainable use for the buildings, which Cheltenham Civic Society has proposed and demonstrated feasibility. We urge Cheltenham Borough Council to refuse the application and to take steps to protect this important site, which is likely to be the last industrial site in Cheltenham of significant heritage importance.

## Cheltenham Civic Society Planning Forum comments on planning application 21/02832/OUT

Outline application for the redevelopment of the northern part of Lansdown industrial estate for up to 215 dwellings with associated access roads, parking and public open space following the demolition of the existing buildings. All matters reserved except for access. | Lansdown Industrial Estate Gloucester Road Cheltenham Gloucestershire  
<https://publicaccess.cheltenham.gov.uk/online-applications/applicationDetails.do?activeTab=dates&keyVal=R4YXCEELJ6600>

### OBJECT

The Cheltenham Plan (adopted July 2020) Policy MD1 states that Lansdown Industrial Estate is for employment led regeneration which may include an element of residential development.

#### POLICY MD1: LANSDOWN INDUSTRIAL ESTATE

Site description	The site is capable of redevelopment for mixed-use, including a continued element of employment in better-quality units together with some new residential development. There would be a net loss of employment land but this should be offset by an upgrade in the quality and density of premises.
Site area	5.5ha
Constraints	<ul style="list-style-type: none"><li>• Contaminated land</li><li>• Highways access</li></ul>
Site specific requirements	<ul style="list-style-type: none"><li>• Employment led regeneration which may include an element of residential development provided that existing provision is offset by a net gain in the quality (see Policy EM2) and / or the number of jobs provided on the site</li><li>• Measures to mitigate the impact of noise and vibration caused by railway line</li><li>• Safe, easy and convenient pedestrian and cycle links within the site and to key centres</li><li>• A layout and form that respects the existing urban characteristics of the vicinity</li></ul>

The intent therein is clear: Mixed use (that doesn't seem to mean just splitting the site and piling in the houses) with *some* new residential offset by an upgrade in quality and density. It could also mean work-live units and a better range of premises.

This scheme is not compliant with the policy. The applicant's other application at the southern end of the industrial estate 21/02828/OUT is much more suitable for the site, and perhaps some residential development on the Rowanfield Road periphery of the site could also be considered - if it does not constrain the current uses of the industrial estate.

There is also the aspiration for a net gain in the number and quality of jobs. Regarding the housing, the policy requires a layout and form that respects the surroundings, which this proposal fails to do.

### Statement of Community Involvement

- Cheltenham Civic Society was not consulted or involved in this exercise.
- The site is being portrayed and referred to as PDL/Brownfield yet is occupied at a high rate, sustaining jobs and economic vitality through supply chains and customers.

- The generalised and anonymised list of comments from the consultation actually emphasises the negative effects of this proposal rather than the positive opportunities and effects, showing that there are significant risks and adverse elements that must be addressed.
- The Localism Act 2011 s110 (1) and (3) set out the duty to cooperate between authorities, even if they are not direct neighbours.

### **Illustrative Masterplan**

- Notwithstanding the dominance of residential use, contrary to policy, the plan shows a distinct lack of imagination. The layout is antisocial and in lines yet without the benefit of lessons learned from terraced housing, such as gentle density, street trees, enclosure.
- Car parking is particularly badly handled, with a sea of end-on parking in front of every unit, poor provision for the number of units and with poor layouts that will encourage kerbside parking with the risks to access for emergency and refuse vehicles.
- The enclosure pattern will create a dense framework of 6' fences that is damaging to urban wildlife, destructive of sightlines and, ironically, no contributor to privacy.
- The scheme does not follow the area's pattern of housing so it disrupts the streetscape instead of enhancing and contributing positively to it.
- The scheme fails to NPPF paragraph 126 says, 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.' This proposal fails to meet this requirement or the additional detail set out in NPPF paragraph 130.

### **Environmental Sustainability**

- The Localism Act 2011 s110 (3) and (4) are directly relevant in assessing this proposal's strategic development and its sustainable development. This is not evident in this proposal.
- Best practice from Create Streets and others show the need for mixed use developments, including social activities such as pubs and shops. These features are missing from a development of this size in this location.
- The 15/20-minute development concept is specifically covered by the proposal yet it fails to deliver on any of the essential components, such as shops. The closest store is a small Tesco Metro near the railway station.
- The principal desire line for those wishing to access or leave this new housing area on foot or bicycle will probably be to the station (trains, taxis and buses) and the small group of shops nearby (inc. Tesco). The plan proposes they do this by passing through the remaining part of the industrial estate. This could be hazardous (heavy lorries, parking all over the place) and unpleasant. Yet there is a back road running alongside the railway, part of which could be used as a safe pedestrian and cycle route while the rest of the road could continue to provide access to some of the industrial properties beside it. That could be achieved by the removal of the parking in this road.
- The scheme should include a walking/cycle route to the station alongside the railway line rather than via a dreary and potentially hazardous route through the industrial estate.
- This application highlights the problems of parking within the curtilage of terraced properties. The consultation acknowledges that Building Regulations will be introduced this year to ensure that electric vehicles can be charged from the new properties' electricity supply.
- The proposals show all the properties on the Rowanfield Road frontage will have parking in their front gardens. As a result, there will be a continuous dropped kerb giving pedestrians no protection from vehicles on this busy road. This is in addition to the multiple parking manoeuvres reversing in or out of these spaces.

- All the other properties within the site do not have parking within the curtilage, which will not comply with the proposed Building Reg requirement. Parking allocation is less than one space per unit. Inevitably these issues reinforce the concern that too many units are proposed for this site.
- The consultation response regarding short lived tree species, relates to colder climates than ours. Wikipedia extract below confirms this  
*"Paper birch is a typically short-lived species. It handles heat and humidity poorly and may live only 30 years in zones six and up, while trees in colder-climate regions can grow for more than 100 years. Owing to the moderating effect of the North Atlantic Current on the Irish and British temperate maritime climate, Britain, and Ireland even more so, have milder winters than their northerly position would otherwise afford. This means that the USDA hardiness zones relevant to Britain and Ireland are quite high, from 7 to 10"*  
 Our climate zone is 7 and may go higher as a result of Climate Change. If they are proposing longer lived street trees, there needs to be larger spaces for them to grow properly and provide the necessary shading. Again, there are too many units proposed for this site to achieve the suggested tree planting
- A new development presents an opportunity for a community power scheme rather than bolt on inefficient micro generation units to each unit.

## **Economic Sustainability**

- The application creates an image of a run down, low occupancy industrial site but that is a situation that has been engineered by the landlord to enable this proposal.
- The proposal seeks to remove and displace a significant number of businesses with high employment and occupancy.
- The 'Elms Park' proposal to surround Kingsditch commercial area with housing will stifle that area's economic growth potential. Alongside that, this proposal also risks stunting the town's commercial and employment vitality and indeed viability. CBC cannot claim to want to provide economic sustainability and youth retention and skills growth and all the other economic benefits if it keeps damaging the commercial footprint and sustainability of the town as a whole with piecemeal proposals such as this.
- This proposal is not employment led regeneration. It is the wholesale demolition of a large proportion of the industrial estate, including workplaces which currently employ an estimated 75 employees.
- It also includes the demolition of the Lansdown Art Studios, studio space for 21 artists. There is a desperate shortage of studio space in Cheltenham (as demonstrated by Lansdown Art Studios' long waiting list). Affordable studio space with natural light, 24 hour access, a community of artists and good pedestrian and cycle access should be valued and retained.
- People living in Cheltenham do not just need homes. They also need somewhere to work, to build and grow businesses and to create.
- Cheltenham has already lost significant amounts of employment land to residential developments - especially housing for older people. A further loss of employment land will lead to an increase in commuter journeys to larger employment centres such as Bristol or Birmingham, with all the costs of commuting (time and money) and the negative effects on work/ life balance. Moving employment land to out of town sites will increase reliance on private motor vehicles, and the increased pressures on the climate, congestion and parking that they bring.

## **Heritage**

- NPPF para 130 states, inter alia, that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- This site was once HH Martyn's Sunningend Works and was the largest employer in the Cheltenham area for many years, with over a thousand men on the roll building high quality castings in metal, plaster and bronze. The site was also the original site of the Gloster Aircraft Company, which was a subsidiary of HH Martyn & Co and later a spin off.
- The buildings the developer proposes to demolish are the oldest and most significant on the site. The demolition will eradicate any trace of HH Martyn's contributions to Cheltenham or the world.
- The heritage of this site is far too important to treat in this way. The scheme needs a complete rethink to make the most of the heritage, the buildings and the site for the benefit of the town and the developer.

## **Summary**

The developer has picked the wrong architects and delivery partners and haven't understood either the site's potential or Cheltenham's strengths and markets.

The applicant is a local authority, which should know better than to produce such a cynical and poorly considered scheme. This proposal should be exemplary but falls far short of best practice. There is no way that Chester would approve of such a low quality scheme and we would expect them to do better in a town such as Cheltenham too.

Local Planning Authority  
Add 1  
Add 2  
Add 3  
Add 4  
Add 5  
Post Code

Highways Development  
Management  
Economy Environment and  
Infrastructure  
Shire Hall  
Westgate Street  
Gloucester  
GL1 2TG

Date 03/02/2022  
Your ref: 21/02832/OUT

Ask for: Christian Loveday

**TOWN AND COUNTRY PLANNING ACT 1990  
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015  
ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY**

**PROPOSAL:** Outline application for the redevelopment of the northern part of Lansdown industrial estate for up to 215 dwellings with associated access roads, parking and public open space following the demolition of the existing buildings.  
**LOCATION:** Lansdown Industrial Estate Gloucester Road Cheltenham

**Description of proposal**

The proposed development comprises the redevelopment of the northern half of Lansdown Industrial Estate to provide approximately 220 dwellings with associated car and cycle parking. It is proposed that the dwellings would be a mixture of houses and flats with a 40/60 split respectively

**Existing site conditions/site context**

The site currently operates as an industrial estate.

The site is located to the west of Cheltenham town centre. The current development has an access from both the B4633 Gloucester Road to the south and Rowanfield Road to the north.

**Lay out**

No indicative street typography has been submitted at this stage however the developments lay out shows that a high level of cycle and pedestrian movement around and through out the site can be achieved safely.

The site has cycle and pedestrian permeability to the north and south through the site.

The level of permeability through the site is welcomed and will provide a vital connectivity between residential areas to the south and north. Previously the site in its

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current use has been a barrier to this type of movement. Other directions of permeability (east) are locked by the railway line .

Given the likely demand for travel by sustainable modes, a high quality of pedestrian and cycle infrastructure should be provided within the site. This can take the form of material and design. It is thought that as shown the proposed site plan/ Lay out there is the physical ability to provide the high quality of sustainable travel infrastructure expected.

As mentioned above there will be possibly high demand for movement through the site, there for above minimum widths of footway and cycle way should be provided.

At reserved matters stage the development will need to provide cycle infrastructure which meets LCN1/20 standards. We urge designers to interact with the highway agreement team as early as possible to ensure these standards are met and designs are safe, implementable and will be used.

Level surfaces are permitted and welcomed, however there should be some form of separation between pedestrian and vehicular areas. This can be achieved via subtle placement of a range of street furniture. The over arching design of the level surface should be to make a drive feel like they are in a pedestrian area to ensure speeds are kept low.

As stated previously an indicative street typography has not been shown but will need to be addressed in detail with in reserved matters applications. The current lay out of the site, expected vehicle movement and scale/intensity of use of the site would lend its self to the use of level surfaces through out the site. in the more internal residential areas, however the very western section of the spine should be segregated due to its interaction with the surrounding highway network. Further east the spine can transition to a level surface to inform drivers that they are entering a residential area and to reduce

### **Car and Cycle parking**

Cycle parking will be required to be shown with secure convenient and weather proof cycle parking provided for all types of residential units. Cycle parking should be in line with MFGS standards

The proposed quantum of off street car parking should be provided in line with MfGS minimum standards.

The current lay out shows that plot sizes and the indicative lay out of the highway will be able to physically provide for the estimated quantum of car and cycle parking.

The submitted transport assessment has looked at car ownership in this ward for flats and house and proposes the following:

*"..apartments would be provided with between 0.5 (1 bed) and 0.7 (2 bed) spaces per dwelling, and houses would be provided with 1 spaces per dwelling (2 bed) and 2 spaces per dwelling (3 bed). An additional provision for visitor parking would be made at 0.2 spaces per dwelling / one parking space per five dwellings in accordance with GMfS."*

Given the developments location and interrogation of car ownership data the slight reduction in parking for apartments is accepted.

The development will not look to alter the existing CPZ to the south of the site as such future residents of the development will not be eligible for permits.

Visitor parking can be provided in off street locations but should be located as to not obstruct the flow of traffic, cycle infrastructure or the path of larger vehicles.

Electric vehicle charging should be provided in line with the specification made in the 2021 revision of the MfGS. The current proposed lay out highlights no barriers as to why this can not be achieved at present.

The submitted TA states that the development will look to provide and implement MfGS suggested EV charging specification.

### **Servicing, deliveries and refuse collection**

Swept paths have not been provided to show that vehicles can turn within the internal sections of the site. Neither have any specific loading areas been provided.

Swept paths have been shown for a larger vehicle to enter and exit the site using the proposed access alignment. Which is suitable.

It is thought that there is the ability within the proposed lay out to provide turning heads and other facilities internally which can accommodate service/ emergency and refuse vehicles.

on/off street loading areas should be provided in front of communal bin stores. Looking at the lay out plan it is expected that this would relate to the flats/ apartments, but would also be suitable for collections of single family dwellings if required.

## **Access**

### **Design**

The proposed development access broadly aligns with the site's existing access.

The proposed access has suitable visibility, meeting manual for streets requirements at 30mph and above.

Swept paths have been shown for a worst case scenario vehicle, and for the worst case scenario vehicle meeting an oncoming vehicle, while this has been accepted that this occurrence will be unlikely given the scale of the development, this information shows that the design of the access is robust.

### **Public Realm / Highway's Impact**

The transport statement has provided details of the development's impact during AM and PM peaks the development will contribute a maximum of 14 further trips to the surrounding highway network. This equates to an extra vehicle every 4 minutes. This level of impact will not be perceivable.

It should be noted that when the proposed level of trip generation is compared to the level of vehicular movement associated with the existing extant industrial use on the site.

The comparison between existing extant permission and proposed uses represents a significant reduction in vehicle trips associated with the proposed development, both in number and size.

Due to the above no junction assessments have been undertaken.

### **Mitigating measures**

The submitted TA states that the following will be delivered off street on Roman road

- a build-out with dropped kerbs along Roman Road at the access to Lansdown Industrial Estate would be introduced to protect right-turning cyclists and to

improve visibility for pedestrians crossing at this point. (drawing- 05400-SK-007-P2)

The above is welcomed and will aid sustainable travel in this area. It is thought that the above proposals will be able to be implemented and provided the desired level of mitigation for the development

### **Summary/recommendation**

Given the comparison between the extant permission and the proposed development the level of useage on the site is considered a de intensification and the impact on the surrounding highway would be minimal. Trip generation information has been provided to show that the impact of trips generated by the development would not be perceivable even when compared to the actual operation on the site.

The proposed access has shown to be safe and fit for purpose with no impact on the operation of the surrounding highway network.

Given the above a recommendation for outline approval is supported as the development will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

### **Conditions**

#### **Conformity with Submitted Details (Multiple Buildings)**

The Development hereby approved shall not [be occupied/be brought into use] until the access, parking and turning facilities that that individual building to the nearest public highway has been provided.

Reason: To ensure conformity with submitted details.

#### **Provision of Vehicular Visibility Splays**

The development hereby approved shall not be [occupied/brought into use] until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 meters back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of [Insert] meters in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 meters from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

#### **Highway improvements / offsite works / site access (Details Provided)**

The Development hereby approved shall not be occupied until the highway improvements/offsite works/Site acces works comprising:

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Works A as shown on drawing 05400-SK-007-P2

Have been constructed and completed and signed off.

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

### **Completion of Vehicular Access**

The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed.

Reason: In the interest of highway safety

### **Combined Parking Details**

Vehicle and cycle parking shall be provided prior to first occupation of each dwelling in accordance with details to be contained within the approval of any reserved matters permission. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. Parking and charging points shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities

### **Residential Travel Plan**

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

REASON: To reduce vehicle movements and promote sustainable access.

### **Construction Management Plan**

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the

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demolition/construction period. The plan/statement shall include but not be restricted to:

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

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

## **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

Email: [Christian.loveday@gloucestershire.gov.uk](mailto:Christian.loveday@gloucestershire.gov.uk)

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.

### **Highway to be adopted**

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

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

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

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

### **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.

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**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.

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

Yours Sincerely

**Christian Loveday  
Principle Development Co-ordinator**

## Gloucestershire County Council Community Infrastructure Planning Application Representations

<b>Date:</b> 14 <sup>th</sup> December 2022
<b>To</b> Lucy White
<b>From:</b> GCC Developer Contributions Investment Team
<b>Application Ref:</b> 21/02832/OUT
<b>Proposal:</b> Outline application for the redevelopment of the northern part of Lansdown industrial estate for up to 215 dwellings with associated access roads, parking and public open space following the demolition of the existing buildings. All matters reserved except for access.
<b>Site:</b> Lansdown Industrial Estate
<b>Summary:</b> Contributions will be required to make the development acceptable in planning terms

### SECTION 1 – General Information

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

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

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

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

#### Education

Gloucestershire County Council (GCC) has undertaken to review its Pupil Product Ratios (PPRs) which are used to calculate the impact of new development on school capacity and in turn justify the developer contributions being sought towards the provision of additional education infrastructure. In the meantime, GCC is using Pupil Yields in line with the Interim Position Statement dated June 2021. The updated pupil product ratios (PPR) in line with the Interim Position Statement can be found at the below link

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

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

**Cost Multipliers** - The DfE has not produced cost multipliers since 2008/09, so in the subsequent years we have applied the annual percentage increase or decrease in the BCIS Public Sector Tender Price Index (BCIS All-In TPI from 2019/20). GCC calculates the percentage increase using the BCIS indices published at the start of the financial year and uses this for all indexation calculations during the year for consistency and transparency.

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

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

#### **Libraries:**

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

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

SUMMARY: Developer Contributions for: 21/02832/OUT and Lansdown Industrial Estate

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

### Education summary:

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Multiplier	Total Pupil Yield from QD	Contribution Requested (£)	Number of places requested
Primary	Hesters Way Primary Planning Area and/or other primary schools as listed <=2 miles walking distance	161	18,133	61.99	£0.00	0 Places
Secondary - 11-16	Cheltenham Bournside School and/or Cheltenham Secondary Planning Area	161	23,775	27.37	£650,721.75	27.37 Places
Secondary - 16-18	Cheltenham Secondary Planning Area	161	23,775	9.66	£0.00	0 Places

Calculation: Multiplier x Pupil Yield = Maximum Contribution

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

Please see further clarification of this education summary below.

## **Clarification in relation to education summary on previous page regarding 21/02832/OUT and Lansdown Industrial Estate**

This analysis refers to an outline application for the redevelopment of the northern part of Lansdown industrial estate for up to 215 dwellings with associated access roads, parking and public open space following the demolition of the existing buildings. All matters reserved except for access at Lansdown Industrial Estate, Gloucester Road, Cheltenham.

This application will impact on schools in the following education planning areas: -

- **9161820 Hester's Way Primary Planning Area, and**
  - 9161800 Swindon Road Primary Planning Area
  - 9161840 Hatherley-Leckhampton Primary Planning Area
  - 9161810 Whaddon Primary Planning Area
- **9162500 Cheltenham Secondary Planning Area**

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

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

\*Cost multipliers updated and applied from DfE Scorecard figures, these are 2019 (pre-pandemic).  
<https://www.gov.uk/government/collections/school-places-scorecards>

## **Primary Places Impact**

The proposal is for 215 dwellings, including 54 x 1-bed dwellings, therefore the net number of qualifying dwellings for education (i.e. 2 beds or more) will be 161 qualifying dwellings. This number of qualifying dwellings for education would be expected to generate an additional demand for 61.99 primary places which based on current forecast data can be accommodated in local schools within statutory walking distance. Therefore, Gloucestershire County Council is not seeking a contribution towards primary places for this development at this time (if further information is required, please refer to tab 3 of the corresponding education data sheet).

- The closest schools to this site are Rowanfield Infants (0.4 miles) and Junior (0.5 miles) Schools in the 9161820 Hester's Way Primary Planning Area (PPA). There are a further 4 schools in this PPA.
- In total there are 19 schools which are <=2 miles from the proposed development across 4 different PPAs
- The data for all schools has been provided in the embedded development data assessment. (Tabs 2 & 3)

- Schools should be considered to be full at 95% capacity to allow for some flexibility for in-year admissions; see Local Development Guide <https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-local-development-guide//> page 14, pt. 56.
- When assessing forecast surplus or shortfall we look to the penultimate year of forecasts as they are calculated using NHS GP data, therefore the final year of forecasts will not include all births for that forecast year.
- When considering forecast data and the schools within the scope for a development we can determine 95% of the relevant forecast year to ascertain the level of surplus/deficit of places in order to calculate whether there are places to credit to a development.

	<b>All Schools ≤2miles</b>
Total Capacity	6083.00
95%	5778.85
Forecast year 2024/25 for school(s)	5267.00
Surplus places available to credit to development	511.85
Cumulative yield from permitted development	206.75
<b>Surplus places available to credit to development</b>	<b>305.10</b>
<b>Primary Yield from proposed development</b>	61.99
<b>Number of places requested</b>	<b>0.00</b>

- It should be noted that there is a significant cumulative yield from applications already further along in the planning process which are currently 'Awaiting Decision'; timings of permissions being granted by the LPA and subsequent work commencing could have an impact on the need for contribution requests for this development if this is delayed beyond the 12 months that this assessment is valid.

### **Secondary (age 11-16) Places Impact**

The proposal is for a total of 215 dwellings, including 54 x 1-bed dwellings, therefore the net number of qualifying dwellings for education will be 161 dwellings. This number of qualifying dwellings for education would be expected to generate an additional demand for 27.37 secondary (age 11-16) places; schools are forecast to be full, therefore Gloucestershire County Council is seeking a secondary (age 11-16) contribution of £650,721.75 towards the provision of those places (if further information is required, please refer to tab 5 of the corresponding education data sheet).

- This proposed development falls in Cheltenham Bournside School's catchment area in the 9162500 Cheltenham Secondary Planning Area. This school is also the closest secondary school at 1.2 miles.
- There are a 6 schools in total in the Cheltenham SPA, including a grammar school, the data for all schools has been provided in the embedded workbook.
- As with primary, we review based on 95% capacity being considered to be full to allow for some flexibility.

	Catchment School #	All Schools Total
Total Final Capacity	1959.00	7337.00
95%	1861.05	6970.15
Forecast year 2028/29 for school(s)	1779.00	7110.00
Surplus places available to credit to development	82.05	-139.85
Cumulative yield from permitted development in SPA	91.29	91.29
<b>Surplus places available to credit to development</b>	-9.24	-231.14
<b>Secondary Yield from proposed development</b>	27.37	27.37
<b>Number of places requested</b>	<b>27.37</b>	<b>27.37</b>

### **Post 16 Places Impact:**

The proposal is for 215 dwellings, including 54 x 1-bed dwellings, therefore the net number of qualifying dwellings for education (i.e. 2 beds or more) will be 161 qualifying dwellings. This number of qualifying dwellings for education would be expected to generate an additional demand for 9.66 secondary (age 16-18) places which can currently be accommodated, therefore Gloucestershire County Council is not seeking a secondary (age 16-18) contribution of towards provision at this time (if further information is required, please refer to tab 5 of the corresponding education data sheet).

6th Form Data		Current May 2022		6th Form Forecast 2022						
Secondary School	6th form capacity	Y12	Y13	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
All Saints' Academy	250	104	69	169	166	205	235	242	234	213
Cheltenham Bournside School	460	125	155	289	345	366	372	363	347	333
Balcarras School	361	172	193	364	378	393	391	368	365	367
Pate's Grammar School	450	242	229	487	514	524	519	519	525	536
<b>Total for Y12 and Y13</b>		643	646							
<b>Combined Totals</b>		<b>1289</b>		1309	1403	1488	1517	1492	1471	1449
<b>Total 6th Form Capacity</b>	<b>1521</b>									

- There is currently a surplus of 72 places, with a yield of 32.22 places from already permitted development to apply, therefore adequate places remain to accommodate need arising from this development; however, it should be noted that there is potentially a significant yield to come from applications currently 'awaiting decisions'.

## **Section 2: Library Impact - Site Specific Assessment**

### **Libraries:**

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

The new development will generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of £42,140 is therefore required to make this application acceptable in planning terms.

The financial contribution will be put towards improving customer access to services through refurbishment and upgrades to the library building, improvements to stock, IT and digital technology, and increased services.

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

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

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

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

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

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

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

*“In two-tier areas where education and planning responsibility are not held within the same local authority, planning obligations may be the most effective mechanism for securing developer contributions for education, subject to the tests outlined in paragraph 1 [ the 3 statutory tests set out in 1.3 above]. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty over the amount and timing of the funding you need to deliver sufficient school places. We recommend that planning obligations allow enough time for developer contributions to be spent (often this is 10 years, or no time limit is specified)”*

#### **Regulation 122 test in relation to education contributions required for 21/02832/OUT Lansdown Industrial Estate**

The education contribution that is required for this proposed development is based on up to date pupil yield data and the Interim Position Statement is necessary to fund the provision of the additional primary places generated by this development. The proposal is for 215 dwellings of which 161 are qualifying dwellings for education.

This number of qualifying dwellings would be expected to generate an additional demand for 27.27 secondary (age 11-16) places . Gloucestershire County Council is seeking a secondary (age 11-16) contribution of £650,721.75 towards the provision of those places. The secondary age 11-16 contribution will be allocated and spent towards Cheltenham Bournside School and/or Cheltenham Secondary Planning Area

The secondary age 11-16 contribution that is required for this proposed development is directly related to the proposed development in that the contribution has been calculated based on specific formulas relative to the numbers of children generated by this development.

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

#### **Regulation 122 test in relation to the library contributions required for 21/02832/OUT Lansdown Industrial Estate**

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

The contribution is **directly related to the development** as it is to be used at the library nearest to the application site which is Hesters Way Library and is based on the total number of new dwellings generated by the development (a total of 215 dwellings)

The contribution is **fairly and reasonably related in scale and kind** to the development as it is calculated using GCC's established per dwelling tariff (£196). The calculation for library contributions is £196 multiplied by the total number of proposed dwellings (in this case 215 dwellings x £196 = £42,140).

#### **SECTION 4 – CIL/S106 Funding Position**

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

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

## **Housing Enabling Comments- Lansdown Industrial Estate, 21/02832/OUT, 28.11.22**

### **Housing Enabling Comments Summary:**

In essence, further clarity is needed regarding the applicants approach to implementing Vacant Building Credit (VBC) on this site before this officer can make more definitive comments. This officer's mix and commuted sum request has been based on the assumption that the policy compliant affordable housing requirement (40%, 86 units) can be secured on this site (with an element secured as a commuted sum, on the basis of the apartment-heavy layout), as no detailed VBC evidence has been submitted to prove otherwise. Clearly, presuming that affordable housing provision on site can be secured, further detailed plans detailing the location, tenures, sizes, accessibility and occupation levels of the affordable homes must be submitted before any conclusion can be drawn regarding the merits or otherwise of the affordable housing proposals. These plans should be accompanied by a detailed affordable housing statement setting out the rationale for the proposed affordable housing mix. Once further information has been received regarding the applicant's VBC intentions, this officer will issue revised comments to address any changes to the affordable housing requirement.

### **Level of Affordable Housing Provision:**

The Joint Core Strategy Policy SD12: Affordable Housing states that "on sites of 11 dwellings or more... a minimum of 40% affordable housing will be sought within the Borough of Cheltenham". This has recently been superseded by the latest National Planning Policy Framework (NPPF), which classifies sites that deliver 10 dwellings or more to be major development with an obligation to deliver affordable housing.

This application will comprise of approximately 215 residential units. Therefore at 40% provision in line with JCS Policy SD12: Affordable Housing the Council will be seeking 86 affordable homes on this scheme.

As captured below, owing to community cohesion concerns and well established difficulties reported by RP's managing large/mixed tenure blocks of flats, this officer will seek 60% of the overall affordable housing provision (50 dwellings) on-site, with the remaining 40% affordable housing provision (36 dwellings) secured as a commuted sum of **£3,706,529.17** through a Section 106 agreement (or any subsequent replacement) in lieu of on-site affordable housing.

As discussed in further detail below, this officer is aware of the applicant's intention to implement Vacant Building Credit (hereafter VBC) on this scheme. In the absence of further detailed information as requested by this officer, the impact of VBC upon the provision of affordable housing cannot be established. Moving forwards, if the applicant provides details surrounding their VBC position, this officer will submit revised comments to account for any changes.

### **Affordable Housing Mix:**

Having regard to local needs, affordability and community cohesion, this officer will seek the following mix of on-site affordable dwellings on a policy compliant site:

50- 60% (of total AH provision);	Social Rent	First Homes (30% discount)	Total	%

1b2p Flats, 50m2, M4(2) Cat 2	0	4	4	8%
1b2p House, 50m2	0	2	2	4%
2b4p Flats, 70m2, M4(2) Cat 2	0	10	10	20%
2b4p House, 85m2, M4(2) Cat 2	12	4	16	32%
3b5p House, M4(2) Cat 2, 93m2	8	4	12	24%
3b6p House, 96m2	4	0	4	8%
4b7p House 108m2	2	0	2	4%
Totals:	26	24	50	100%
%	52%	48%	100%	

### **Vacant Building Credit:**

As a starting point for all new development with an affordable housing requirement, a minimum of 40% on-site affordable housing will be sought in Cheltenham Borough in accordance with JCS Policy SD12: Affordable Housing.

Notwithstanding these policy considerations, and considering the context of the scheme proposal, the applicant's submitted Planning Statement (Dated 14.01.22) notes that: "Vacant Building Credit (VBC) will need to be taken into account and may affect the proportion of affordable housing that can be provided".

If the applicant applies VBC on this scheme, figures should be provided to enable officers to calculate and validate the required affordable housing provision. These figures should confirm both the existing Gross Internal Area (GIA) of the vacant buildings on-site and the proposed GIA for the submitted development scheme. Whilst the pre-application response gave an indication of VBC approach that could be applied, this needs to be formally confirmed in writing as part of a revised Planning Statement before further comments can be provided by this officer.

### **Commuted Sum Provision:**

Subject to full, policy compliant affordable housing provision being provided by the applicant as required by JCS Policy SD12: Affordable Housing, this officer will seek a commuted sum of **£3,706,529.17** in lieu of 36 on site affordable homes (40% of overall affordable housing provision). The breakdown of the housing mix used to inform this commuted sum can be found below.

36 (40% of total AH provision).	<b>Social Rent</b>	<b>Totals:</b>
1b2p M4(2) Cat 2 Bungalow, 50m2	3	3
1b2p M4(2) Cat 2 Flats, 50m2	12	12
2b4p House, 85m2	10	10
3b5p House, 93m2	6	6
3b6p House, 96m2	4	4
4b7p House, 108m2	1	1
<b>Totals:</b>	<b>36</b>	<b>36</b>
<b>%</b>	<b>100%</b>	<b>100%</b>

Further details regarding the methodology used to calculate this commuted sum requirement can be provided to the applicant upon request. Any disputes regarding the process for calculating commuted sums and/or the final commuted sum requirement will be referred to the Independent Valuer for final determination via an open-book viability assessment, paid for in full by the applicant, to determine the applicable commuted sum requirement.

To justify taking a significant proportion (40%, 36 homes) of the affordable housing provision as a commuted sum, discussions with our RP partners (informed by the experiences of RP's) has indicated that delivering affordable housing in mixed tenure blocks (as seen on the planning layout, which indicates the applicant's intention to deliver 3 x 40~ unit apartment blocks) is not conducive to long-term community cohesion.

Equally, discussions with RP's have clearly shown that the long-term management and maintenance of mixed tenure blocks are disproportionately costly to repair and maintain. On this basis, the Council will seek a commuted sum in lieu of policy compliant on-site affordable housing.

This officer Council would expect that any commuted sum secured should be index-linked and provide the Council with a minimum of 25 years to spend or commit the commuted sum monies (owing to the sizeable value of the proposed commuted sum). The exact requirements of any commuted sum will be captured within a S.106 obligation to provide the Council with legal reassurance about the delivery of any monies owed.

### **Spending Commuted Sums:**

This officer will seek the following wording within a Section 106 agreement to provide the Council with reasonable flexibility to spend or commit any agreed commuted sums to support the holistic improvement of affordable housing/other housing related matters within the local authority area, as captured below:

The Council covenants with the owner to use the affordable housing contribution (i.e. affordable housing commuted sum)

"Towards the refurbishment or development of affordable housing stock, purchase of land and/or dwellings or any such housing related services as the Council (acting reasonably) may wish within the Council's administrative area".

### **Viability:**

JCS Policy SD12 states that where the viability of development impacts upon delivery of the full (i.e. 40% on-site affordable housing) requirement, developers should consider:

- Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan... and the objective of creating a balanced housing market.
- Securing public subsidy or other commuted sums to assist delivery of affordable housing.

If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF7 will be required. Viability assessments will be independently appraised at the expense of the applicant. It is expected that any such assessment will be published in full prior to determination for all non-policy compliant schemes except in exceptional circumstances.

The council considers that information submitted as a part of, and in support of a viability assessment should be treated transparently and be available for wider scrutiny. In submitting information, applicants should be aware that this will be made publicly available. Further clarification around the viability process that Cheltenham Borough Council will follow in exceptional circumstances can be found in JCS Policy SD12.

In exceptional circumstances, where it is agreed that it is not possible to deliver 40% affordable housing on site due to viability issues, the council will build a viability review mechanism into the Section 106 agreement. This would likely take place within 2 years of the date of the last viability review.

### **Dwelling Mix and Tenure:**

Our adopted policy JCS Policy SD11: Housing Mix and Standards states that: - "Housing development will be required to provide an appropriate mix of dwelling sizes types and tenures in order to contribute to mixed and balanced communities", before continuing to require that new development should: "address the needs of the local area...as set out in the local housing evidence base, including the most up-to-date SHMA".

In normal circumstances, the Council would seek full policy compliant affordable housing provision (86 units, 40% affordable housing) on this site in accordance with JCS Policy SD12: Affordable Housing.<sup>1</sup> However, upon reviewing the applicant's proposed planning layout (which includes 3 x large apartment blocks, totalling 126 dwellings, and comprised of 42~ dwellings per block), this officers' preferred approach will be to deliver a proportion of the affordable housing on-site, with the remaining affordable housing contribution secured via a commuted sum payment in lieu of on-site delivery.<sup>2</sup> More specifically, the Council will seek the delivery of 40% of the proposed affordable housing requirement (i.e. 36 dwellings) on-site, with the remaining 60% (equalling 50 affordable homes) being delivered through a commuted sum in lieu of on-site affordable housing. This approach is consistent with creating mixed and balanced communities as per the NPPF.

The Councils' proposed on-site affordable housing provision seeks to deliver a mix of Social Rented and First Homes (with First Homes comprising 25% of total S.106 affordable housing delivery).

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<sup>1</sup> Subject to further details being provided surrounding the applicant's approach to implementing Vacant Building Credit on this site.

<sup>2</sup> The applicant's proposed planning layout can be found on page 48 of the Design & Access Statement, dated 14.01.2022.

This approach has been informed by numerous discussions with RP partners, who have overwhelmingly indicated that the management and community cohesion of mixed tenure blocks (i.e. apartment blocks that include both affordable and market homes within the same block) would prove both difficult and resource-intensive.

### **Rents:**

The Council's adopted policy position, found within JCS Policy SD11: Housing Mix and Standards, states that new developments must: "address the needs of the local area... as set out in the local housing evidence base including the most up-to-date SHMA". Additionally, JCS Policy SD12: Affordable Housing states that "provision should be made... to ensure that housing will remain at an affordable price for future eligible households".

In specific terms, the 2020 Gloucestershire LHNA identifies that a minimum of 1,325 social rented homes are required between 2021-2041 to meet Cheltenham's affordable housing needs. By comparison, only 186 affordable rented homes are required between 2021-2041. Given the significant identified need for social rented homes, this officer is seeking to deliver the on-site rented contingent at social rented levels.

It is also notable that Homes England has also designated Cheltenham Borough as an area of high affordability pressure, meaning that the difference between the average social rents and private rents is £50 per week or more, further underlining the importance of delivering social rented homes to address acute affordability issues within the Borough. The ongoing cost of living crisis, which (following on the heels of the COVID-19 pandemic) has left a significant number of affordable housing tenants without protection against rising energy and living costs. Clearly, setting rents at the most affordable level possible will help to mitigate vulnerable tenants from these unprecedented cost-pressures. Further details regarding the impact that the cost of living crisis is having upon affordable tenants can be found [here](#):

The delivery and rent-setting of Social Rented homes should comply with the Government's April [February 2019 Policy statement on rents for social housing](#), in addition to the [Government's April 2020 Rent Standard, as updated from time-to-time](#).

### **First Homes:**

In line with the First Homes Planning Practice Guidance, the Council is seeking to deliver policy compliant First Homes provision (25% of Section 106), with the entirety of this provision (24 x First Homes) being delivered on-site to give Cheltenham's residents the best opportunity to secure a new First Home.

First Homes in Cheltenham Borough will be sold at a minimum 30% discount, as per national Government policy. Additionally, eligible households (who must be first-time buyers earning less than £80,000 per household) will need a local connection to the Cheltenham Borough administrative area (as specified by [Homeseeker Plus](#)) in order to secure new First Homes.

First Homes should comply with the Council's clustering requirements, as specified within JCS Policy SD12: Affordable Housing, namely that affordable housing (of all tenures) should be evenly distributed across and throughout the development scheme.

Further details regarding how the Council intends to implement the delivery of new First Homes in Cheltenham Borough will be released by the Council in the form of a First Homes SPD in due course.

### **Accessible and Adaptable Homes:**

### **Service Charges:**

Any service charges on the affordable dwellings should be eligible for and fully covered by Housing Benefit.

The Council recognises that, social rented charges are set through the national rent regime, with rents being exclusive of any service charges.

It is crucial, therefore, that service charges should be kept to a minimum. This can be achieved through the scheme design, and we would be happy to refer you to Registered Provider partners for further input if necessary.

### **Clustering and Distribution:**

JCS Policy SD12: Affordable Housing clarifies that new development should ensure that affordable housing is “seamlessly integrated and distributed throughout the development scheme”. The submitted plans, namely the Illustrative Masterplan, (dated 14/01/2022) does not distinguish the affordable homes on the plan.

Moving forwards, this officer will require a detailed affordable housing plan to be submitted by the applicant, which, for ease of reference, should:

- Clearly identify the affordable housing contingent within a Planning Layout and/or a separate Affordable Housing Plan (preferably in a different colour to the market units) as well as indicating the location of the affordable homes in relation to the market homes.
- Provide a detailed affordable housing schedule within the Planning Layout/Affordable Housing Plan which clearly specifies the affordable house types (i.e. 2 bedroom house), affordable housing tenures (First Homes, Social Rent etc), sizes (95m<sup>2</sup>, occupancy levels (i.e. 3 bed 6 person) and accessibility standards (either M4(2) Category 2 or M4(3)(2)(b) for the proposed affordable housing).

To be clear, the details specified above should also be explicitly addressed within a separate supporting Affordable Housing Statement, which will outline the applicant’s justification and evidence supporting the proposed affordable housing mix.

### **Visual Appearance:**

As of writing, no detailed external visual plans for the affordable housing units have been provided by the applicant on this scheme. This officer formally request that the applicant provides clearly identified external and internal plans and drawings for the affordable and market homes, to allow this officer to determine whether the proposed scheme is policy compliant in accordance with JCS Policy SD12: Affordable Housing.

### **Affordable Housing Standards/Occupancy Rates:**

JCS Policy SD4: Design Requirements outlines that new development should be designed to be adaptable to changing economic, social and environmental requirements, including ensuring that new buildings are ‘fit for purpose’. Additionally, JCS Policy SD11: Housing Mix and Standards sets out that new housing should meet, and where possible exceed appropriate minimum space standards.

As the applicant has not confirmed the nature of the proposals regarding affordable housing on this scheme (beyond stating that vacant building credit will be explored) this officer cannot comment on whether this scheme is policy compliant in line with JCS Policy SD11 and JCS Policy SD4.

**Provision of Accessible and Adaptable Homes:**

JCS Policy SD11: Housing Mix and Standards states that: “housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies, including Policy SD8”. Additionally, JCS Policy SD11 requires that development should address the needs of the local area... as set out in the local housing evidence base including the most up to date SHMA”.

The 2020 Gloucestershire LHNA identifies that Cheltenham Borough requires 7,215 new M4(2) Category 2 homes for both market and affordable tenures by 2041 to meet housing needs. Moreover, 213 M4(3) new Wheelchair Accessible affordable homes are required between 2021- 2041 to meet housing needs of those households with disabilities.

Examining our Housing Register, 18 households are currently in need of a wheelchair accessible home, compared to 289 households in need of a level access affordable home.

The applicant is yet to provide any clarity regarding the affordable housing proposals, and, as such, this officer cannot comment further regarding the provision of accessible and adaptable homes without first receiving confirmation of the proposed affordable housing mix from the applicant.

**Parking:**

In terms of parking arrangements, this officer’s preference, (which has been informed by our registered provider partners’ experience) is to avoid bay parking and large car parking areas, which have the potential to become hotspots for anti-social behaviour. More specifically, this officer would seek for equivalent parking arrangements to be provided for the affordable homes compared to their market counterparts.

**Section 106 Agreement:**

The Council will expect the owner to enter into a Section 106 agreement to deliver the affordable homes, using the Council’s latest Precedent S.106 agreement as a template. This agreement will specify the affordable housing schedule, affordable housing plan, requirement to transfer the affordable homes to a Registered Provider amongst other matters.

Additionally, in order to secure any agreed commuted sum monies in perpetuity, the Council will require the applicant to enter into a Section 106 agreement, using the Council’s precedent S.106 agreement as a template. This S.106 agreement will clearly stipulate the following points:

- Commuted Sum amount (in £)
- How the Council intends to spend any commuted sum monies provided
- Timelines for spending or committing the commuted sum monies
- Required payment schedules to ensure that commuted sums are received by the Council in a timely manner (prior to first occupation).
- Reasonable monitoring fees

- Clauses to enable a viability appraisal (provided that development does not commence development within 18 months following the determination of a planning permission).

**Nominations Agreement:**

All on-site affordable housing (with the exception of First Homes) should be provided by a Registered Provider (RP) who will be expected to enter into a nominations agreement with the Local Authority, providing the Council with 100% nominations on first lettings on the rented housing and 75% nominations upon all subsequent rented affordable housing lettings thereafter, (save for any units built to M4(2) or M4(3) accessible standards where the Council shall at all times be entitled to nominate the Eligible Person for one hundred percent (100%) of these units), unless otherwise agreed in writing between the Council and the Affordable Housing Provider. This will assist the Council in meeting its statutory housing duties under the Housing and Homelessness legislation.

**Ewan Wright**

**Housing Strategy and Enabling Officer**

**28<sup>th</sup> November 2022**

## **Housing Enabling Comments- Lansdown Industrial Estate, 21/02832/OUT, 01.12.22**

### **Housing Enabling Comments Summary:**

In essence, further clarity is needed regarding the applicants approach to implementing Vacant Building Credit (VBC) on this site before this officer can make more definitive comments. This officer's mix and commuted sum request has been based on the assumption that the policy compliant affordable housing requirement (40%, 86 units) can be secured on this site (with an element secured as a commuted sum, on the basis of the apartment-heavy layout), as no detailed VBC evidence has been submitted to prove otherwise. Clearly, presuming that affordable housing provision on site can be secured, further detailed plans detailing the location, tenures, sizes, accessibility and occupation levels of the affordable homes must be submitted before any conclusion can be drawn regarding the merits or otherwise of the affordable housing proposals. These plans should be accompanied by a detailed affordable housing statement setting out the rationale for the proposed affordable housing mix. Once further information has been received regarding the applicant's VBC intentions, this officer will issue revised comments to address any changes to the affordable housing requirement.

### **Level of Affordable Housing Provision:**

The Joint Core Strategy Policy SD12: Affordable Housing states that "on sites of 11 dwellings or more... a minimum of 40% affordable housing will be sought within the Borough of Cheltenham". This has recently been superseded by the latest National Planning Policy Framework (NPPF), which classifies sites that deliver 10 dwellings or more to be major development with an obligation to deliver affordable housing.

This application will comprise of approximately 215 residential units. Therefore at 40% provision in line with JCS Policy SD12: Affordable Housing the Council will be seeking 86 affordable homes on this scheme.

As captured below, owing to community cohesion concerns and well established difficulties reported by RP's managing large/mixed tenure blocks of flats, this officer will seek 60% of the overall affordable housing provision (50 dwellings) on-site, with the remaining 40% affordable housing provision (36 dwellings) secured as a commuted sum of **£3,706,529.17** through a Section 106 agreement (or any subsequent replacement) in lieu of on-site affordable housing.

As discussed in further detail below, this officer is aware of the applicant's intention to implement Vacant Building Credit (hereafter VBC) on this scheme. In the absence of further detailed information as requested by this officer, the impact of VBC upon the provision of affordable housing cannot be established. Moving forwards, if the applicant provides details surrounding their VBC position, this officer will submit revised comments to account for any changes.

### **Affordable Housing Mix:**

Having regard to local needs, affordability and community cohesion, this officer will seek the following mix of on-site affordable dwellings on a policy compliant site:

50- 60% (of total AH provision);	Social Rent	First Homes (30% discount)	Total	%

1b2p Flats, 50m2, M4(2) Cat 2	0	4	4	8%
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Totals:	26	24	50	100%
%	52%	48%	100%	

### **Vacant Building Credit:**

As a starting point for all new development with an affordable housing requirement, a minimum of 40% on-site affordable housing will be sought in Cheltenham Borough in accordance with JCS Policy SD12: Affordable Housing.

Notwithstanding these policy considerations, and considering the context of the scheme proposal, the applicant's submitted Planning Statement (Dated 14.01.22) notes that: "Vacant Building Credit (VBC) will need to be taken into account and may affect the proportion of affordable housing that can be provided".

If the applicant applies VBC on this scheme, figures should be provided to enable officers to calculate and validate the required affordable housing provision. These figures should confirm both the existing Gross Internal Area (GIA) of the vacant buildings on-site and the proposed GIA for the submitted development scheme. Whilst the pre-application response gave an indication of VBC approach that could be applied, this needs to be formally confirmed in writing as part of a revised Planning Statement before further comments can be provided by this officer.

### **Commuted Sum Provision:**

Subject to full, policy compliant affordable housing provision being provided by the applicant as required by JCS Policy SD12: Affordable Housing, this officer will seek a commuted sum of **£3,706,529.17** in lieu of 36 on site affordable homes (40% of overall affordable housing provision). The breakdown of the housing mix used to inform this commuted sum can be found below.

36 (40% of total AH provision).	<b>Social Rent</b>	<b>Totals:</b>
1b2p M4(2) Cat 2 Bungalow, 50m2	3	3
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2b4p House, 85m2	10	10
3b5p House, 93m2	6	6
3b6p House, 96m2	4	4
4b7p House, 108m2	1	1
<b>Totals:</b>	<b>36</b>	<b>36</b>
<b>%</b>	<b>100%</b>	<b>100%</b>

Further details regarding the methodology used to calculate this commuted sum requirement can be provided to the applicant upon request. Any disputes regarding the process for calculating commuted sums and/or the final commuted sum requirement will be referred to the Independent Valuer for final determination via an open-book viability assessment, paid for in full by the applicant, to determine the applicable commuted sum requirement.

To justify taking a significant proportion (40%, 36 homes) of the affordable housing provision as a commuted sum, discussions with our RP partners (informed by the experiences of RP's) has indicated that delivering affordable housing in mixed tenure blocks (as seen on the planning layout, which indicates the applicant's intention to deliver 3 x 40~ unit apartment blocks) is not conducive to long-term community cohesion.

Equally, discussions with RP's have clearly shown that the long-term management and maintenance of mixed tenure blocks are disproportionately costly to repair and maintain. On this basis, the Council will seek a commuted sum in lieu of policy compliant on-site affordable housing.

This officer Council would expect that any commuted sum secured should be index-linked and provide the Council with a minimum of 25 years to spend or commit the commuted sum monies (owing to the sizeable value of the proposed commuted sum). The exact requirements of any commuted sum will be captured within a S.106 obligation to provide the Council with legal reassurance about the delivery of any monies owed.

#### **Spending Commuted Sums:**

This officer will seek the following wording within a Section 106 agreement to provide the Council with reasonable flexibility to spend or commit any agreed commuted sums to support the holistic improvement of affordable housing/other housing related matters within the local authority area, as captured below:

The Council covenants with the owner to use the affordable housing contribution (i.e. affordable housing commuted sum)

"Towards the refurbishment or development of affordable housing stock, purchase of land and/or dwellings or any such housing related services as the Council (acting reasonably) may wish within the Council's administrative area".

#### **Viability:**

JCS Policy SD12 states that where the viability of development impacts upon delivery of the full (i.e. 40% on-site affordable housing) requirement, developers should consider:

- Varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan... and the objective of creating a balanced housing market.
- Securing public subsidy or other commuted sums to assist delivery of affordable housing.

If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF7 will be required. Viability assessments will be independently appraised at the expense of the applicant. It is expected that any such assessment will be published in full prior to determination for all non-policy compliant schemes except in exceptional circumstances.

The council considers that information submitted as a part of, and in support of a viability assessment should be treated transparently and be available for wider scrutiny. In submitting information, applicants should be aware that this will be made publicly available. Further clarification around the viability process that Cheltenham Borough Council will follow in exceptional circumstances can be found in JCS Policy SD12.

In exceptional circumstances, where it is agreed that it is not possible to deliver 40% affordable housing on site due to viability issues, the council will build a viability review mechanism into the Section 106 agreement. This would likely take place within 2 years of the date of the last viability review.

### **Dwelling Mix and Tenure:**

Our adopted policy JCS Policy SD11: Housing Mix and Standards states that: - "Housing development will be required to provide an appropriate mix of dwelling sizes types and tenures in order to contribute to mixed and balanced communities", before continuing to require that new development should: "address the needs of the local area...as set out in the local housing evidence base, including the most up-to-date SHMA".

In normal circumstances, the Council would seek full policy compliant affordable housing provision (86 units, 40% affordable housing) on this site in accordance with JCS Policy SD12: Affordable Housing.<sup>1</sup> However, upon reviewing the applicant's proposed planning layout (which includes 3 x large apartment blocks, totalling 126 dwellings, and comprised of 42~ dwellings per block), this officers' preferred approach will be to deliver a proportion of the affordable housing on-site, with the remaining affordable housing contribution secured via a commuted sum payment in lieu of on-site delivery.<sup>2</sup> More specifically, the Council will seek the delivery of 60% of the proposed affordable housing requirement (i.e. 50 dwellings) on-site, with the remaining 40% (equalling 36 affordable homes) being delivered through a commuted sum in lieu of on-site affordable housing. This approach is consistent with creating mixed and balanced communities as per the NPPF.

The Councils' proposed on-site affordable housing provision seeks to deliver a mix of Social Rented and First Homes (with First Homes comprising 25% of total S.106 affordable housing delivery).

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<sup>1</sup> Subject to further details being provided surrounding the applicant's approach to implementing Vacant Building Credit on this site.

<sup>2</sup> The applicant's proposed planning layout can be found on page 48 of the Design & Access Statement, dated 14.01.2022.

This approach has been informed by numerous discussions with RP partners, who have overwhelmingly indicated that the management and community cohesion of mixed tenure blocks (i.e. apartment blocks that include both affordable and market homes within the same block) would prove both difficult and resource-intensive.

### **Rents:**

The Council's adopted policy position, found within JCS Policy SD11: Housing Mix and Standards, states that new developments must: "address the needs of the local area... as set out in the local housing evidence base including the most up-to-date SHMA". Additionally, JCS Policy SD12: Affordable Housing states that "provision should be made... to ensure that housing will remain at an affordable price for future eligible households".

In specific terms, the 2020 Gloucestershire LHNA identifies that a minimum of 1,325 social rented homes are required between 2021-2041 to meet Cheltenham's affordable housing needs. By comparison, only 186 affordable rented homes are required between 2021-2041. Given the significant identified need for social rented homes, this officer is seeking to deliver the on-site rented contingent at social rented levels.

It is also notable that Homes England has also designated Cheltenham Borough as an area of high affordability pressure, meaning that the difference between the average social rents and private rents is £50 per week or more, further underlining the importance of delivering social rented homes to address acute affordability issues within the Borough. The ongoing cost of living crisis, which (following on the heels of the COVID-19 pandemic) has left a significant number of affordable housing tenants without protection against rising energy and living costs. Clearly, setting rents at the most affordable level possible will help to mitigate vulnerable tenants from these unprecedented cost-pressures. Further details regarding the impact that the cost of living crisis is having upon affordable tenants can be found [here](#):

The delivery and rent-setting of Social Rented homes should comply with the Government's April [February 2019 Policy statement on rents for social housing](#), in addition to the [Government's April 2020 Rent Standard, as updated from time-to-time](#).

### **First Homes:**

In line with the First Homes Planning Practice Guidance, the Council is seeking to deliver policy compliant First Homes provision (25% of Section 106), with the entirety of this provision (24 x First Homes) being delivered on-site to give Cheltenham's residents the best opportunity to secure a new First Home.

First Homes in Cheltenham Borough will be sold at a minimum 30% discount, as per national Government policy. Additionally, eligible households (who must be first-time buyers earning less than £80,000 per household) will need a local connection to the Cheltenham Borough administrative area (as specified by [Homeseeker Plus](#)) in order to secure new First Homes.

First Homes should comply with the Council's clustering requirements, as specified within JCS Policy SD12: Affordable Housing, namely that affordable housing (of all tenures) should be evenly distributed across and throughout the development scheme.

Further details regarding how the Council intends to implement the delivery of new First Homes in Cheltenham Borough will be released by the Council in the form of a First Homes SPD in due course.

### **Accessible and Adaptable Homes:**

### **Service Charges:**

Any service charges on the affordable dwellings should be eligible for and fully covered by Housing Benefit.

The Council recognises that, social rented charges are set through the national rent regime, with rents being exclusive of any service charges.

It is crucial, therefore, that service charges should be kept to a minimum. This can be achieved through the scheme design, and we would be happy to refer you to Registered Provider partners for further input if necessary.

### **Clustering and Distribution:**

JCS Policy SD12: Affordable Housing clarifies that new development should ensure that affordable housing is “seamlessly integrated and distributed throughout the development scheme”. The submitted plans, namely the Illustrative Masterplan, (dated 14/01/2022) does not distinguish the affordable homes on the plan.

Moving forwards, this officer will require a detailed affordable housing plan to be submitted by the applicant, which, for ease of reference, should:

- Clearly identify the affordable housing contingent within a Planning Layout and/or a separate Affordable Housing Plan (preferably in a different colour to the market units) as well as indicating the location of the affordable homes in relation to the market homes.
- Provide a detailed affordable housing schedule within the Planning Layout/Affordable Housing Plan which clearly specifies the affordable house types (i.e. 2 bedroom house), affordable housing tenures (First Homes, Social Rent etc), sizes (95m<sup>2</sup>, occupancy levels (i.e. 3 bed 6 person) and accessibility standards (either M4(2) Category 2 or M4(3)(2)(b) for the proposed affordable housing).

To be clear, the details specified above should also be explicitly addressed within a separate supporting Affordable Housing Statement, which will outline the applicant’s justification and evidence supporting the proposed affordable housing mix.

### **Visual Appearance:**

As of writing, no detailed external visual plans for the affordable housing units have been provided by the applicant on this scheme. This officer formally request that the applicant provides clearly identified external and internal plans and drawings for the affordable and market homes, to allow this officer to determine whether the proposed scheme is policy compliant in accordance with JCS Policy SD12: Affordable Housing.

### **Affordable Housing Standards/Occupancy Rates:**

JCS Policy SD4: Design Requirements outlines that new development should be designed to be adaptable to changing economic, social and environmental requirements, including ensuring that new buildings are ‘fit for purpose’. Additionally, JCS Policy SD11: Housing Mix and Standards sets out that new housing should meet, and where possible exceed appropriate minimum space standards.

As the applicant has not confirmed the nature of the proposals regarding affordable housing on this scheme (beyond stating that vacant building credit will be explored) this officer cannot comment on whether this scheme is policy compliant in line with JCS Policy SD11 and JCS Policy SD4.

**Provision of Accessible and Adaptable Homes:**

JCS Policy SD11: Housing Mix and Standards states that: “housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies, including Policy SD8”. Additionally, JCS Policy SD11 requires that development should address the needs of the local area... as set out in the local housing evidence base including the most up to date SHMA”.

The 2020 Gloucestershire LHNA identifies that Cheltenham Borough requires 7,215 new M4(2) Category 2 homes for both market and affordable tenures by 2041 to meet housing needs. Moreover, 213 M4(3) new Wheelchair Accessible affordable homes are required between 2021- 2041 to meet housing needs of those households with disabilities.

Examining our Housing Register, 18 households are currently in need of a wheelchair accessible home, compared to 289 households in need of a level access affordable home.

The applicant is yet to provide any clarity regarding the affordable housing proposals, and, as such, this officer cannot comment further regarding the provision of accessible and adaptable homes without first receiving confirmation of the proposed affordable housing mix from the applicant.

**Parking:**

In terms of parking arrangements, this officer’s preference, (which has been informed by our registered provider partners’ experience) is to avoid bay parking and large car parking areas, which have the potential to become hotspots for anti-social behaviour. More specifically, this officer would seek for equivalent parking arrangements to be provided for the affordable homes compared to their market counterparts.

**Section 106 Agreement:**

The Council will expect the owner to enter into a Section 106 agreement to deliver the affordable homes, using the Council’s latest Precedent S.106 agreement as a template. This agreement will specify the affordable housing schedule, affordable housing plan, requirement to transfer the affordable homes to a Registered Provider amongst other matters.

Additionally, in order to secure any agreed commuted sum monies in perpetuity, the Council will require the applicant to enter into a Section 106 agreement, using the Council’s precedent S.106 agreement as a template. This S.106 agreement will clearly stipulate the following points:

- Commuted Sum amount (in £)
- How the Council intends to spend any commuted sum monies provided
- Timelines for spending or committing the commuted sum monies
- Required payment schedules to ensure that commuted sums are received by the Council in a timely manner (prior to first occupation).
- Reasonable monitoring fees

- Clauses to enable a viability appraisal (provided that development does not commence development within 18 months following the determination of a planning permission).

**Nominations Agreement:**

All on-site affordable housing (with the exception of First Homes) should be provided by a Registered Provider (RP) who will be expected to enter into a nominations agreement with the Local Authority, providing the Council with 100% nominations on first lettings on the rented housing and 75% nominations upon all subsequent rented affordable housing lettings thereafter, (save for any units built to M4(2) or M4(3) accessible standards where the Council shall at all times be entitled to nominate the Eligible Person for one hundred percent (100%) of these units), unless otherwise agreed in writing between the Council and the Affordable Housing Provider. This will assist the Council in meeting its statutory housing duties under the Housing and Homelessness legislation.

**Ewan Wright**

**Housing Strategy and Enabling Officer**

**1<sup>st</sup> December 2022**

The advice contained in this response is provided by officers of the County Council acting only in its capacity as the Minerals and Waste Planning Authority for Gloucestershire. Further notifications to Gloucestershire County Council in respect of its other regulatory responsibilities may still be necessary.

GCC M&W Reference:	PR2022/0013/1/DPAP	Planning Application Reference:	21/02832/OUT	Linked Application Reference(s) (if relevant):	
Application Site Address:	Lansdown Industrial Estate, Gloucester Rd, Cheltenham				
GCC M&W Responding Officer:	Lindsay Wood	Date of GCC M&W Response:	27/01/2022	Determining Authority:	Cheltenham Borough
Determining Case Officer:	Lucy White	Proposed Development Type:	Housing	Type of Application:	Outline application

### Assessment of waste minimisation matters | compliance with adopted Gloucestershire Waste Core Strategy Core Policy WCS2

#### MATTERS FOR THE CASE OFFICER and APPLICANT TO CONSIDER: -

'X' in a box represents the officer-level response given at this time

For applications to discharge a condition(s):

The submitted information is sufficient to recommend the approval of details for discharging the planning condition(s) relating to waste minimisation. <b>NO FURTHER ACTION IS RECOMMENDED AT THIS TIME</b>	<input type="checkbox"/>
The submitted information is insufficient to recommend the approval of details for discharging the planning condition(s) relating to waste minimisation. <b>IT IS RECOMMENDED THAT FURTHER INFORMATION IS SOUGHT BEFORE APPROVING WASTE MINIMISATION CONDITION DETAILS – see 'other officer-level observations' below for more details</b>	<input type="checkbox"/>

For all other types of applications:

The application has demonstrated sufficient consideration has been given to waste minimisation matters including measures to achieve effective implementation with the development. <b>NO OBJECTION RAISED and NO FURTHER ACTION IS RECOMMENDED AT THIS TIME</b>	<input type="checkbox"/>
The application has demonstrated waste minimisation matters have been considered. However, further details to achieve effective implementation with the development will be necessary. <b>NO OBJECTION SUBJECT TO THE USE OF RECOMMENDED CONDITIONS (SEE OVER PAGE FOR MORE DETAILS)</b>	<input checked="" type="checkbox"/>
The application has demonstrated some waste minimisation matters have been considered. However, specific details relating to 'build' phase have not been provided. <b>FURTHER INFORMATION IS RECOMMENDED RELATING TO WASTE MINIMISATION AND THE DEVELOPMENT'S 'BUILD' PHASE – see advice   <a href="#">GCC Waste Minimisation SPD</a></b>	<input type="checkbox"/>

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IF YOU HAVE ANY QUERIES REGARDING THIS CONSULTATION RESPONSE PROVIDED BY THE MINERAL & WASTE PLANNING AUTHORITY PLEASE CONTACT:  
[m-wplans@gloucestershire.gov.uk](mailto:m-wplans@gloucestershire.gov.uk) A MEMBER OF THE TEAM WILL GET BACK TO YOU AS SOON AS THEY ARE AVAILABLE TO DO SO.

The application has demonstrated some waste minimisation matters have been considered. However, specific details relating to the occupation phase has not been provided.

**FURTHER INFORMATION IS RECOMMENDED RELATING TO WASTE MINIMISATION AND THE DEVELOPMENT'S OCCUPATION PHASE – see advice | [GCC Waste Minimisation SPD](#)**



The application has not demonstrated that waste minimisation matters have been considered.

**IT IS STRONGLY RECOMMENDED THAT A WASTE MINIMISATION STATEMENT IS REQUESTED PRIOR TO DETERMINATION– see local advice | [GCC Waste Minimisation SPD](#)**



#### Recommended planning conditions:

Standard condition for waste minimisation during site preparation, design and construction



##### CONDITION –

No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

##### REASON –

To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.

Standard condition for waste minimisation during occupation



##### CONDITION –

No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

##### REASON –

To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction

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Assessment of resource efficiency in construction matters | compliance with adopted Minerals Local Plan for Gloucestershire Policy SR01

MATTERS FOR THE CASE OFFICER and APPLICANT TO CONSIDER: -

'X' in a box represents the officer-level response given at this time

The application has demonstrated that consideration has been given to the use of secondary and / or recycled aggregate in the proposed development's design and construction

NO OBJECTION RAISED and NO FURTHER ACTION IS RECOMMENDED AT THIS TIME

X

The application has not demonstrated that consideration has been given to alternative secondary and / or recycled aggregate use in the proposed development's construction

STRONGLY RECOMMENDED THAT FURTHER SUPPORTING INFORMATION IS PROVIDED PRIOR TO DETERMINATION – see advice | [pages 32 and 33 of the Minerals Local Plan for Glos.](#)

Assessment of waste management infrastructure safeguarding | compliance with adopted Gloucestershire Waste Core Strategy Core Policy WCS 11

MATTERS FOR THE CASE OFFICER and APPLICANT TO CONSIDER: -

'X' in a box represents the officer-level response given at this time

The application site is not within close proximity to / or contain existing safeguarded waste management infrastructure and / or land allocated for this purpose

NO OBJECTION RAISED and NO FURTHER ACTION IS RECOMMENDED AT THIS TIME

X

Waste management infrastructure safeguarding is a local policy matter that requires consideration with this application. There is a risk of incompatible and conflicting land uses. The named permitted and / or allocated waste management facility is within close proximity or is contained within the application site. The waste management land use is safeguarded under the [local development plan policy WCS 11](#)

NAMED LOCATION / FACILITY:

The application has demonstrated that the risk of land use incompatibility and conflict is sufficiently low that the matter is materially insignificant to the proposed development

NO OBJECTION RAISED and NO FURTHER ACTION IS RECOMMENDED AT THIS TIME

The application has not sufficiently considered the risk of land use incompatibility and conflict or demonstrated that the matter is not materially significant to the proposed development

HOLDING OBJECTION – IT IS RECOMMENDED SPECIFIC ADVICE IS SOUGHT FROM ENVIRONMENTAL HEALTH PROFESSIONALS ABOUT THE NEED FOR / AND ACHIEVABILITY OF ANY MITIGATION

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## Assessment of mineral infrastructure safeguarding | compliance with adopted Minerals Local Plan for Gloucestershire Policy MS02

### MATTERS FOR THE CASE OFFICER and APPLICANT TO CONSIDER: -

'X' in a box represents the officer-level response given at this time

The application site does not adjoin or contain within it existing safeguarded mineral infrastructure <b>NO OBJECTION RAISED and NO FURTHER ACTION IS RECOMMENDED AT THIS TIME</b>	<input checked="checked" type="checkbox"/>
Mineral infrastructure safeguarding is a local policy matter that requires consideration with this application. There is a risk of incompatible and conflicting land uses. The named permitted mineral infrastructure facility is located within or adjoining the application site. The mineral infrastructure land use is safeguarded under the <a href="#">local development plan policy MS02</a>	NAMED LOCATION / FACILITY:
The application has demonstrated that the risk of land use incompatibility and conflict is sufficiently low that the matter is not materially significant to the proposed development <b>NO OBJECTION RAISED and NO FURTHER ACTION IS RECOMMENDED AT THIS TIME</b>	<input type="checkbox"/>
The application has not sufficiently considered the risk of land use incompatibility and conflict or demonstrated that the matter is not materially significant to the proposed development <b>HOLDING OBJECTION – IT IS RECOMMENDED SPECIFIC ADVICE IS SOUGHT FROM ENVIRONMENTAL HEALTH PROFESSIONALS ABOUT THE NEED FOR AND ACHIEVABILITY OF ANY MITIGATION</b>	<input type="checkbox"/>

## Assessment of mineral resource safeguarding | compliance with adopted Minerals Local Plan for Gloucestershire Policy MS01

### MATTERS FOR THE CASE OFFICER and APPLICANT TO CONSIDER: -

'X' in a box represents the officer-level response given at this time

The application site is not located within a local Mineral Safeguarding Area (MSA) or is exempt from safeguarding requirements as set out under <a href="#">Table 2 of the Minerals Local Plan for Glos.</a> <b>NO OBJECTION RAISED and NO FURTHER ACTION IS RECOMMENDED AT THIS TIME</b>	<input checked="checked" type="checkbox"/>
Mineral resource safeguarding is a local planning policy matter that requires consideration with this application. There is a risk of needless mineral sterilisation by proposed surface development. The named mineral resources are of potential economic importance and are safeguarded under the <a href="#">local development plan policy MS01</a>	NAMED MINERAL RESOURCES:
The application is supported by a Mineral Resource Assessment or other sufficient evidence that shows needless mineral sterilisation will not occur with the proposed development <b>NO OBJECTION RAISED and NO FURTHER ACTION IS RECOMMENDED AT THIS TIME</b>	<input type="checkbox"/>
The application has not considered or has not fully assessed the potential risk of needless mineral sterilisation with the proposed development <b>IT IS STRONGLY RECOMMENDED THAT A FULL MINERAL RESOURCE ASSESSMENT IS REQUESTED PRIOR TO DETERMINATION– see advice   <a href="#">pages 39 and 40 of the Minerals Local Plan for Glos.</a></b>	<input type="checkbox"/>

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[m-wplans@gloucestershire.gov.uk](mailto:m-wplans@gloucestershire.gov.uk) A MEMBER OF THE TEAM WILL GET BACK TO YOU AS SOON AS THEY ARE AVAILABLE TO DO SO.

**MATTERS FOR THE CASE OFFICER and APPLICANT TO CONSIDER: -**

...any other matters that M&W policy officers consider relevant to provide advice on at this time.

Officers strongly encourage the case officer to highlight the following advice to the applicant should it be decided that the outline application is to be recommended for approval. At the detailed reserve matters stage, the applicant should give careful consideration and provide sufficiently detailed evidence of: -

- How consideration will be given to the use of construction materials that incorporate recycled materials, including the use of secondary and / or recycled aggregate as an alternative to conventional primary aggregates;
- The tonnages of waste associated with the site preparation (including demolition) and construction of the development; and
- How effective and efficient waste management will be achieved at the occupation stage.