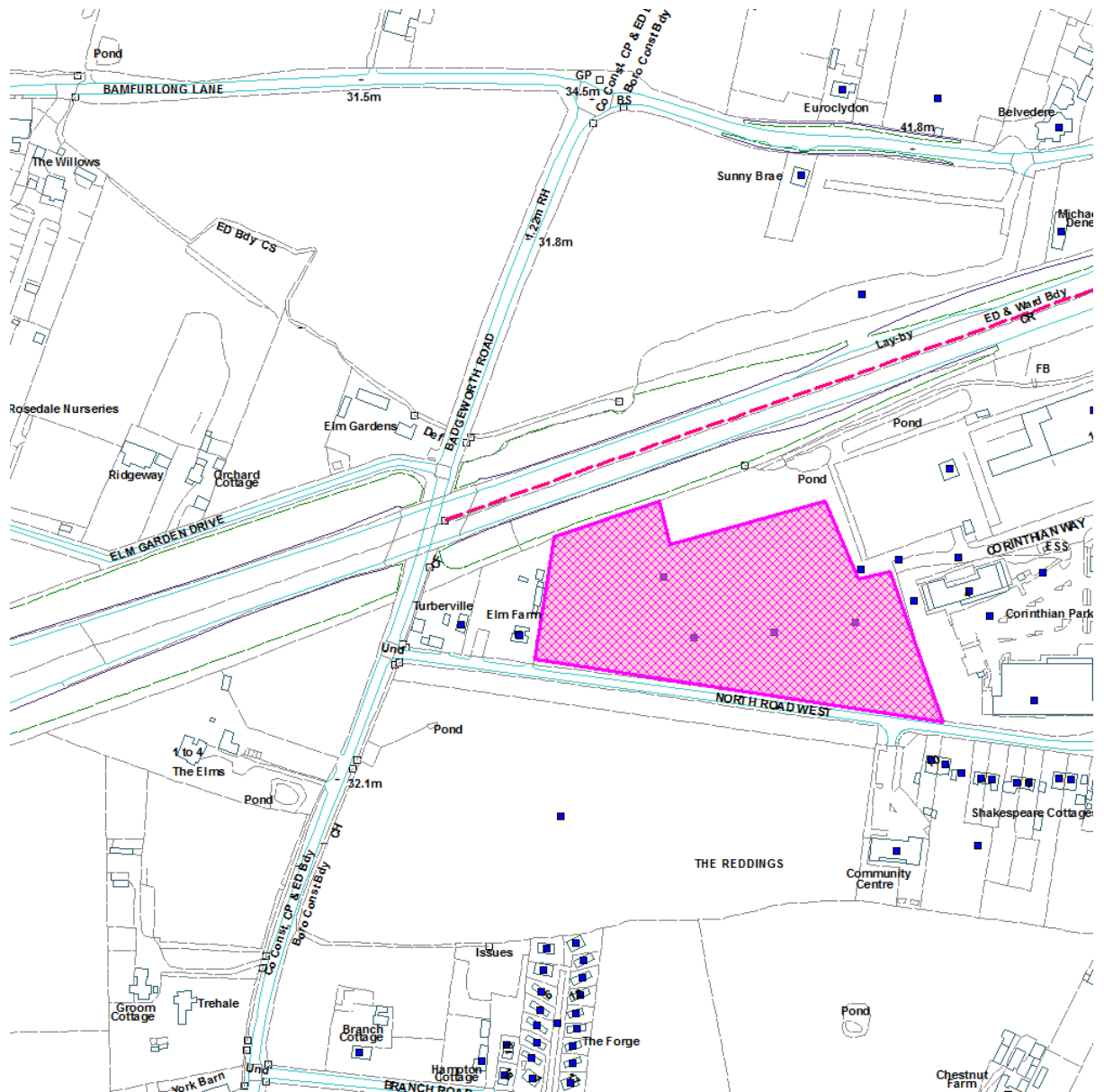


APPLICATION NO: 24/00725/OUT	OFFICER: Mrs Lucy White
DATE REGISTERED: 1st May 2024	DATE OF EXPIRY: 31st July 2024/Agreed Extension of Time until 21 st November 2024
DATE VALIDATED: 1st May 2024	DATE OF SITE VISIT:
WARD: Benhall/The Reddings/Fiddlers Green	PARISH:
APPLICANT:	Revival Developers
AGENT:	Morgan Elliot Planning
LOCATION:	Land At North Road West And Grovefield Way Cheltenham
PROPOSAL:	Outline application for the erection of up to 60 dwellings (including 40% affordable housing), up to 550 sq. metres of flexible commercial use (Use Class E), provision of new vehicular and pedestrian access with associated landscaping, drainage and other works. Approval sought for means of access. Appearance, landscaping, layout and scale are matters reserved for future consideration.

RECOMMENDATION: Permit subject to a 106 Obligation



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site occupies a flat parcel of land approximately 5.5 hectares in area, located to the north-west of Grovefield Way on the western periphery of Cheltenham. The BMW car dealership complex lies adjacent to the site to the north east and an Aldi supermarket, children's day nursery and Costa Coffee outlet are located on adjoining land to the east. The site is connected to the local and strategic highway network (A40 and junction 11 of the M5) via Corinthian Way and Grovefield Way. A local community centre and residential properties are located on the south side of North Road West, with residential properties also located adjacent to the west site boundary. Other than the commercial uses to the north and east of the application site, the character of the area is otherwise predominantly residential and two storeys in height.
- 1.2 The site is currently undeveloped, consisting of scrub and other hard and soft landscaping. A substantial, and largely continuous, mature hedgerow interspersed with trees, runs along the south, west and north site boundaries.
- 1.3 The site is located in Flood Zone 1 (lowest flood risk potential) and within the PUA. The Green Belt boundary runs along the southern site boundary, adjacent to North Road West.
- 1.4 The application site forms part of an allocated site for employment use in the Cheltenham Plan (2020). Policy EM1 identifies the wider site area as a location for new employment development (delineated as E3 on the local plan proposals map); the site having been originally allocated for employment purposes following an appeal in 2007 and the subsequent approval of reserved matters details (reference 05/00799/OUT & 09/00720/REM).
- 1.5 The application seeks outline planning permission for the erection of up to 60 dwellings (including 40% affordable housing), up to 550 sq. metres of flexible commercial use (Class E), provision of a new vehicular and pedestrian access with associated landscaping, drainage and other works. Approval is sought at outline stage for the means of access to the site. Matters relating to design, appearance, landscaping, layout and scale are all reserved for future consideration.
- 1.6 The proposals and some accompanying documents have been amended during the course of the application, in response to concerns raised by the local highway authority, local lead flood authority and the Council's Ecologist. The revisions include alterations to access design, off-site pedestrian crossing works, boundary treatment and additional ecological surveys. At the request of officers, a set of Parameter Plans were also submitted. The various scheme revisions are discussed in more detail at the relevant section of the report.
- 1.7 This application is being determined by the Planning Committee because the proposed development is contrary to the relevant policies of the development plan. A Committee determination request was also made by Councillor Mike Collins. The planning reason given for the referral is the potential level of local interest generated by this application.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m

Relevant Planning History:

24/00272/PREAPP 23rd February 2024 WDN

For the erection of up to 62 units (with 40% affordable housing), up to 2,500 sq. metres of flexible commercial use (Use Class E), new accesses, landscaping, drainage and other associated works

05/00799/OUT 29th March 2006 REF

Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and ride facility

09/00720/REM 18th December 2009 APREM

Application for the approval of reserved matters following the grant of Outline Permission ref 05/00799/OUT dated 01.05.07:

1. The landscape master plan for the whole site along with a landscape management plan and schedule of landscape maintenance;
2. A design handbook prepared to provide guidance against which the design and external appearance of future phases of the development will be assessed;
3. Details of boundary treatment;
4. The design, external appearance of the buildings to be constructed in Phase 1;
5. Details of hard and soft landscape design for Phase 1.
6. The car parking provision for all phases of the development.

10/00468/TIME 22nd June 2012 PER

Extension of the time limit for implementation of planning permission reference 05/00799/OUT. (Outline planning permission for B1 industrial uses and the extension to the Arle Court Park and Ride facility)

12/01086/REM 21st August 2013 APREM

Reserved matters in connection with permission 10/00468/TIME. Details of the access, siting, design, external appearance of the buildings and the landscaping of the site . In addition details required by conditions 4, 6, 7, 8, 11, 12,13, 15 and 16 (full details of both hard and soft landscape works including proposed finished levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures proposed; and existing functional services above and below ground; retained landscape features; surface water drainage works, incorporating sustainable drainage systems; the positions, design, materials and type of boundary treatment to be erected; landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; schedule of landscape maintenance for a minimum period of 5 years; detailed waste management strategy for the treatment, recycling, and re-use of waste arising from the construction of the development; renewable energy plan to provide sufficient on site renewable energy to reduce carbon dioxide emissions by at least 10%; Car parking levels on the site overall and for each completed building; secure covered cycle parking).

14/01323/OUT 12th December 2014 PER

Outline application for up to 16,800 sq.m. of B1 Employment Use (on part of site already having the benefit of an extant planning permission for 22,000 sq.m. of B1 Employment Use, granted permission under applications 05/00799/OUT and 10/00468/TIME)

19/01132/FUL 23rd July 2019 PER

Use of land for temporary car parking for BMW car dealership. Eastern car park to provide 82 car parking spaces for a temporary period of up to 2 months. Following cessation of use of eastern car park, western car park to provide 161 car parking spaces for a temporary period of up to 2 years.

21/00870/ADV 13th May 2021 GRANT

Erection of 1no. internally illuminated fascia entrance sign, 2 no. wall mounted signs, 1 no. sign on north elevation and 1no. panel sign to existing double sided totem sign (Pioneers Nursery)

21/02029/FUL 22nd December 2021 PER

Continued use of land for car parking for BMW car dealership to provide 161 car parking spaces for a temporary period of up to 2 years

16/02208/FUL 17th January 2018 REF (allowed on appeal)

Hybrid application seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).

18/01004/FUL 19th October 2018 REF (allowed on appeal)

Hybrid application seeking detailed planning permission for 5,914 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m food retail unit (Use Class A1), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved - except access (resubmission).

19/01191/CLPUD 19th December 2019 CERTPU

The Certificate of Lawfulness of Proposed Use or Development is sought to establish that the two temporary car parks granted permission by application ref. 19/01132/FUL] do not relinquish the ability to lawfully implement extant permission [LPA Ref.: 18/01004/FUL] on land to the west of Grovefield Way, Cheltenham.

The eastern car park will be established on existing hardstanding, the western car park will require the construction of a new hardstanding.

Primary access to the eastern car park will be from Corinthian Way. The western car park will be accessed through Cotswold BMW's existing car park. This will be made available through the removal of two car parking spaces on the existing car park.

19/01793/CONDIT 14th January 2020 PER

Removal of condition 24 (phasing of development) on planning permission ref. 18/01004/FUL (appeal decision APP/B1605/W/18/3214761)

20/00331/AMEND 3rd March 2020 PAMEND

Non material amendment to planning permission ref. 16/02208/FUL - minor alterations to design and layout of Aldi, Costa Coffee and Happy Days Nursery (as set out in correspondence dated 2nd March 2020)

20/00515/DISCON 15th June 2020 DISCHA

Discharge of conditions 7, 9, 13, 17, 18, 19, 20 of 16/02208/FUL (appeal decision ref APP/B1605/W/18/3200395)

20/00741/DISCON 26th June 2020 DISCHA

Discharge of conditions 6 and 15 of 16/02208/FUL (appeal decision ref APP/B1605/W/18/3200395) - Construction Traffic Management Plan and Plant Noise Assessment

20/01123/DISCON 4th August 2020 DISCHA

Discharge of condition 8 (site investigation report) of 16/02208/FUL (appeal decision ref APP/B1605/W/18/3200395)

0/01407/ADV 25th September 2020 GRANT

Erection of signage (Aldi)

20/01588/DISCON 14th May 2021 DISCHA

Discharge of condition 6 (construction method statement), 7 (detailed design , implementation, maintenance and management of foul and surface water drainage system), 8 (contamination remediation strategy), 17 (hard and soft landscape proposal), 18 (windows and external doors, roof overhang/coping detail, roof plant, lift overrun and other enclosures, roof plant louvers, covered and secure refuse and cycle store), 19 (external facing and roofing materials), 20 (external lighting), 23 (car parking management plan and landscape management plan) on planning permission ref. 20/01988/CONDIT.

20/01988/CONDIT 3rd March 2021 PER

Variation of conditions 6, 7, 12, 15, 16, 17, 18, 19, 20 and 23 of planning permission 16/02208/FUL (Appeal Decision APP/B1605/W/18/3200395) - to allow for a phased construction programme in relation to the outline and full parts of the proposed development.

21/00870/ADV 13th May 2021 GRANT

Erection of 1no. internally illuminated fascia entrance sign, 2 no. wall mounted signs, 1 no. sign on north elevation and 1no. panel sign to existing double sided totem sign (Pioneers Nursery)

21/01046/DISCON 7th June 2021 DISCHA

Discharge of Conditions 8 (part 2 - verification certificates and certificates of conformity for gas membranes installed), 11 (Aldi delivery management plan, Costa delivery management plan) and 12 (fire hydrants) of planning permission 20/01988/CONDIT.

21/01404/ADV 31st August 2021 GRANT

Erection of 1no. non-illuminated north elevation tray sign, 1no. non-illuminated west elevation sign and 1no. non-illuminated double sided monument sign (Pioneers day nursery)

21/01426/DISCON 27th July 2021 DISCHA

Discharge of condition 11 of planning permission 20/01988/CONDIT - revised Delivery Management Plan for Costa

21/01574/ADV 8th September 2021 GRANT

Erection of various illuminated and non-illuminated signage including 1no. 6m pole sign, roof letters, menu and directional signs and 3no. fascia signs.

3. POLICIES AND GUIDANCE

National Planning Policy Framework (2024)

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 (2020)

EM1 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 (2017)

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	40
Total comments received	8
Number of objections	6
Number of supporting	0
General comment	2

5.1 Letters were sent to 40 neighbouring residential properties and businesses. This exercise was repeated upon receipt of the revised scheme layout. In addition, site notices were posted at various points within the vicinity of the site and an advert published in the Gloucestershire Echo. A total of 8 representations were received and the comments and concerns raised, in summary, are as follows:-

- History of localised flooding in area. Potential of flooding to neighbouring dwellings in North Road West
- Impact on the capacity and viability of the local Community centre in North Road West
- Proposed apartment blocks located closest to neighbouring dwellings and community centre on North Road West
- Loss of hedgerow to accommodate the proposed vehicular access.
- Loss of habitat and impact on local wildlife. Need to reinstate hedge and retain all trees along whole of south site boundary
- Potential for proposed North Road West pedestrian crossing to obstruct access to residential properties, impede traffic flow and cause a noise nuisance if electronically controlled
- Increase in vehicular traffic and congestion on local roads
- North Road West in a bad state of repair
- North Road West currently has both a 30 and 50mph speed limit
- Vehicular access should be via Corinthian Way

- Pedestrian visibility poor when exiting the site onto North Road West
- Proposals should include pavements on both sides of North Road West
- Loss of views/outlook and overlooking from apartment blocks into houses opposite the site
- Site was previously allocated for offices and taken out of the Green Belt
- Impact on local infrastructure – roads, schools etc. Dwelling numbers should be reduced.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The scale and nature of the proposals, the link with other planning permissions and potential conflict with development plan policy has resulted in wide ranging issues for consideration.

6.3 The key issues for consideration (in no particular order of importance) are therefore:-

- The Policy Framework and Principle of Development/Loss of Employment Land
- Policy EM1 of the Cheltenham Plan
- Affordable Housing and Housing Mix generally
- Access, Parking, Traffic, Highway Safety and Off-Site Highway Works
- Design and Layout (indicative only)
- Potential Impact on the Amenity of Neighbouring Land Users
- Sustainability and Climate Change
- Drainage and Flood Risk
- Ecology/Biodiversity, Green Infrastructure and Biodiversity Net Gain
- Trees and Landscaping
- Community Infrastructure Provision - Education and Libraries
- Section 106 Obligations
- Links/conflict with planning permission 16/02208/FUL
- Other considerations – Waste Minimisation, Noise Impacts

6.4 Policy Framework and Principle of Development

6.5 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 48.

- 6.6** 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 2024 (NPPF), and Planning Practice Guidance (nPPG).
- 6.7** Policies EM1, EM2, H2, D1, SL1, GI1, GI2, CI1 and CI2 of the Cheltenham Plan and policies SP1, SP2, INF1, INF2, INF6, INF7, SD3, SD4, SD10, SD11, SD12 and SD14 of the JCS are most relevant.
- 6.8** Policy SP1 sets out the need for JCS the authorities to provide a minimum of 192 hectares of B-Class employment land to support approximately 39,500 new jobs. SP1 sets out the housing requirements for each authority. This provision will be delivered within existing urban areas through District Plans, existing commitments and urban extensions. Policy SP2 sets out the anticipated distribution of this provision.
- 6.9** Policy EM1 of Cheltenham Plan identifies 4 sites as locations for new employment development. The application site forms part of the 'Land north-west of Grovfield Way (E3)' EM1 allocated site.
- 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.
- 6.11** The application site is located within the PUA and in a sustainable location. Although not previously developed land, and as discussed above, the site forms part of an allocated site for employment use. As such, and despite the proposals including an element of commercial use, the general principle of residential development on this site must be considered unacceptable.
- 6.12** 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.
- 6.13** Footnote 7 of NPPF paragraph 11 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.
- 6.14** Cheltenham Borough Council is currently unable to demonstrate a five-year supply of housing land. The latest published housing supply figure is 2.52 years. As such, the contribution of up to 60 dwellings towards alleviating the housing land supply shortfall carries significant weight and is a material consideration in the determination of this planning application.
- 6.15** Notwithstanding the above, the objectives of CP Policy EM1, 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 of retaining the entire site for future employment development, 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, biodiversity and any potential impact upon the amenities of neighbouring land users.

6.16 Planning History

6.17 This site has a long and checkered planning history, the majority relating to the use of the land for employment purposes and the wider site's subsequent removal from the Green Belt. The full relevant planning history is set out in section 2 above.

6.18 Of most relevance is the (extant) planning permission granted on appeal in 2018 for a (hybrid) detailed scheme comprising of 5,034 sqm of commercial office space (Use Class B1), a 502 sqm day nursery (Use Class D1), a 1,742 sqm supermarket food retail unit (Class A1), a 204 sqm (Costa) coffee shop retail unit and drive-thru (Use Classes A1 and A3/E), with associated parking, landscaping and infrastructure works. As part of the same application, outline planning permission was granted for the erection of 8,034 sqm of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works. All matters for the outline proposals were reserved (except access) - Planning reference 16/02208/FUL (Appeal Decision APP/B1605/W/18/3200395).

6.19 There have been subsequent (S73) applications to vary conditions attached to the above planning permission. In summary, the revisions allowed for a phased construction programme for both the outline and full elements of the proposed development and removed the occupation/delivery triggers for some of the office buildings. In all other respects the 2018 approved outline scheme remained unaltered; there were no proposed material alterations to the overall quantum and indicative layout of the development.

6.20 Development relating to the above detailed (FUL) planning permission (i.e. the Aldi supermarket, day nursery and Costa Coffee outlet with drive-through) is fully constructed and the businesses have been operating for a number of years. The office element of the FUL permission has not been implemented.

6.21 The current application relates to the majority of the land that was subject to the 2018 outline planning permission for the 8,034 sqm. of commercial office space. It also includes the remaining part of the FUL planning permission that was reserved for (B1/Class E) commercial office buildings. Members should note that the application site excludes a parcel of land to the north and to the rear of the BMW dealership car park which forms part of the 2018 outline planning permission.

6.22 Loss of Employment Land/Policy EM1 and SP1

6.23 As discussed, the application site forms part of a site allocated for new employment development in the Cheltenham Plan (Policy EM1); 'Land north-west of Grovesfield Way, The Reddings (E3)'. The application site, although covering a slightly smaller area, must be considered an allocated employment site and therefore consideration of Policy EM1 is necessary.

6.24 Policy EM1 identifies 4 locations for new employment development and states that proposals for traditional B class employment uses or Sui Generis uses that exhibit the characteristics of traditional B Class (Class E, B2 & B8) employment will be supported in these locations subject to being in accord with other relevant policies of the Cheltenham Plan.

6.25 The proposed development includes the erection of up to 60 dwellings covering the majority of the site area, plus up to 550 sq. metres of flexible commercial floorspace. As such, there is no doubt that the proposals conflict with Policy EM1 as the proposals fall far short of the circa 8,000 sqm of employment land planned for.

- 6.26** In seeking justification for the loss of employment land and the apparent conflict with EM1, the application details include a (John Ryde) surveyor's report of marketing activities at Corinthian Park since Autumn 2022 and a discussion of the planning and land ownership history of the site. Its findings state that commercial interest in the site since 2022 has been limited, with no enquires received for office buildings over 5,000 sq. ft. Despite some interest in the site for office use, none has resulted in office development coming forward. The report also cites the recent changes in the office market generally which leads there to be little prospect of office development above 5,000 sq. ft. coming forward in the near future. Therefore, the report concludes that retaining this site for employment purposes would be inappropriate and alternatives uses should be sought.
- 6.27** In general terms, officers agree with the conclusions of the marketing report. A reduction in market demand for new and existing office space is evident across the Borough; as demonstrated recently in planning permission being granted for the residential redevelopment of the northern part of the Lansdown Industrial Estate.
- 6.28** In seeking to address the policy requirements of EM1, officers have also been mindful of the range of commercial uses that exist on the adjoining site at Corinthian Park, which forms the remaining EM1 employment land allocation. Although employment generating, these uses are not restricted to traditional B Class uses and consist predominantly of retail uses (supermarket and coffee shop).
- 6.29** Whilst the retention of the site for employment purposes would be desirable in terms of delivering the employment land requirements of JCS Policy SP1, the long term feasibility of doing so (as demonstrated above) is highly doubtful. This is based on the evidence provided, the current characteristics of the economic and office market generally and the manner in which the site has been developed to date. These matters weigh in the planning balance and must also be considered in the context of the lack of a 5 year housing land supply. The proposed 60 market and affordable dwellings would be a significant contribution towards alleviating that housing land shortfall, and meeting local housing needs requirements.

6.30 Conclusion

- 6.31** Clearly, the objectives of Policy EM1 are not met in full, in that this policy seeks employment development across the entire allocated site area. However, officers consider that, on balance, given the small commercial/office element of the proposed development and the characteristics of the adjoining site to the east, the overall policy objectives of EM1 have been partially addressed and in this instance, the principle of new residential development on this site and a departure from the development plan are acceptable.

6.32 **Design and layout**

- 6.33** 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.
- 6.34** Although not an infill plot, the general principles and guidance set out within Cheltenham's Supplementary Planning Document, 'Development on Garden Land and Infill Sites', is relevant in so far as officers have carried out a broad assessment of the submitted Illustrative Masterplan. This document sets out the 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.

- 6.35** The Illustrative Masterplan (IM) demonstrates that the site could accommodate up to 60 dwellings with associated road infrastructure and suitable open space, recreational facilities and landscaping. The dwellings are shown distributed across the site in the form of 3no. apartment buildings and a range of 2, 3 and 4 bedroom terraced and semi-detached houses. The street pattern is fairly linear and the majority of houses are shown with off-road parking and back-to-back gardens. Vehicular access to all dwellings would be via a new access constructed off North Road West. The proposed commercial unit would be accessed via Corinthian Way but not via the Aldi and nursery school car park areas. Access through the retail park would be prohibited by structural landscaping and car parking. There would be pedestrian access only from the application site to the adjoining retail park.
- 6.36** The IM indicates that the main estate road through the site would be tree lined with secondary, cul-de-sac spur roads leading off. Street and on plot planting is shown in other areas. In addition, an area of public open space, including a SUDs pond, children's natural play area and community growing area/garden, are located within the west areas of the site. There is footpath linkage to North Road West and Corinthian Park to the north east. The IM also shows the retention of boundary hedgerow, trees and shrub plus a new native tree and shrub belt fronting the A40 adjacent to the northern site boundary.
- 6.37** In broad terms, the illustrative layout is considered acceptable, albeit the apparent lack of on-plot parking for some of the proposed dwellings is of concern and may result in the need to reduce the number of dwellings or significantly alter the layout.
- 6.38** Another area of concern is the proximity of the proposed apartment buildings adjacent to North Road West and closest to the nearest neighbouring residential properties. Anticipating buildings above two storey height to accommodate the number of units proposed overall, this element of the proposals would be more suitably located centrally within the site adjacent to the proposed commercial buildings and/or the BMW dealership.
- 6.39** In light of the above, a set of Parameter Plans were submitted late in the course of the application but at the request of officers. It was felt that the application details should provide more clarity and certainty over the future development of this site in terms of the distribution and location of land uses and green infrastructure, access and connectivity and building heights/massing.
- 6.40** The Building Heights/Massing Parameter Plan indicates that, to maintain the more semi-rural character of the area and protect neighbour amenity, 2 storey buildings only would be located adjacent to North Road West. Any required three storey buildings would be located more centrally within the site, closest to existing commercial buildings.
- 6.41** A condition is suggested which requires the reserved matters scheme to be broadly consistent with the submitted Parameter Plans and Landscape Illustrative Masterplan in respect of certain listed elements of the proposed development. These include, the alignment of the main internal estate road, the location of the residential, commercial and structural green infrastructure elements and pedestrian and cycle route connectivity. For the avoidance of doubt, a condition is also considered necessary to restrict building heights along the southern site boundary to 2 storeys and 3 storeys elsewhere.
- 6.42** Architects Panel
- 6.43** In summary, the Architects Panel question whether this is a site for residential development given the proximity of existing commercial uses and the main road and are not convinced by the new access point on North Road West. The Panel also felt that the

schematic layouts within the Design and Access Statement were better than that show within the IM and the density of the scheme could potentially be increased. Nor does the site link well with the surrounding highways infrastructure. As such, the Panel are unable to support the application.

6.44 The comments of the Panel are noted but since this is an outline application, with design and layout reserved for future consideration, the concerns raised are matters relating more to the principle of development, planning policy and highway safety considerations, which largely fall outside of the Panel's remit.

6.45 Conclusion

6.46 Despite some reservations over the quantum of residential units and associated parking provision, the IM demonstrates that the site could reasonably accommodate in the region of 60 dwellings. The proposed development therefore adheres broadly with adopted Policy D1 of the Local Plan and adopted Policy SD4 of the JCS and the guidance set out within the relevant SPD.

6.47 **Impact on neighbouring property**

6.48 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.

6.49 The nearest residential properties are located to the south and west on North Road West. 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, flooding and amenity impacts associated with the proposed development and these matters are discussed in the relevant sections of the report.

6.50 This is an outline planning application which includes an indicative only site layout. As such, any adverse impacts on neighbouring land users in terms of noise and disturbance, overlooking, loss of privacy, light or outlook, overbearing appearance and light spill, would be considered further at REM stage when the details of the design and layout of the scheme are known.

6.51 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 commercial units would all be considered at a later stage. A condition has been added requiring the submission and approval of a noise impact assessment.

6.52 The submitted Building Heights Parameter Plan indicates that proposed buildings located closest to and fronting North Road West would be limited to two storey height. The final layout of the scheme is unknown, therefore, to remove any uncertainty at REM stage and to protect the future amenity of neighbouring residential properties, officers consider it reasonable to include conditions at this outline stage that impose building height restrictions adjacent to North Road West and cover external lighting matters.

6.53 For the above reasons, the proposals are considered to align with the objectives and policy guidance of section 8 of the NPPF (2024), Policy SL1 of the Cheltenham plan and Policy SD14 of the JCS.

6.54 Access and highway issues

- 6.55** Paragraph 116 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.
- 6.56** 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.
- 6.57** 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, the relevant planning history and extant permissions and the revised scheme proposals. The HA's comments are set out in full in the Consultations section of the report.
- 6.58** For background purposes, Grovefield Way is a C classified road that acts as a distributor route for the western side of Cheltenham and is subject to a 30mph speed restriction. Corinthian Way is a private road that provides vehicular access to the BMW dealership and the retail park (Aldi, Costa and children's day nursery). North Road West is subject to a 30mph speed restriction at its junction with Grovefield Way and has limited footway provision or crossing points. A hedgerow/grass verge forms almost the entire length of the northern side of the carriageway and a tarmac footway provides access to residential properties and the community centre on the southern side, extending for approximately 150m from the junction with Grovefield Way. The speed limit changes from 30 to 50mph at approximately 200m from this junction until the junction with Badgeworth Road.
- 6.59** The HA raise no objection to the proposed commercial/office use(s), which would have a negligible impact on the Corinthian Way junction capacity, since that junction was originally designed to accommodate multiple employment/office use to the rear of the existing retail park. Similarly, the proposed residential use is not considered to result in a severe highway impact on the local road network.
- 6.60** However, some initial concerns were raised over the creation of a new access onto North Road West to serve the residential element of the proposals. The HA points out that the west and rear of the site was originally to be accessed via Corinthian Way, which was designed to accommodate a high volume of vehicular movements. As such, the HA (and officers) were disappointed that the proposed access arrangements could introduce potential highway conflict on North Road West, and in particular would locate the new access point within the current 50 mph road section. Consequently, revisions to estate road width, speed limits and MfS compliant visibility splays were requested by the HA.
- 6.61** Concerns were also raised in relation to the location of the proposed pedestrian access point onto North Road West and the design and location of the pedestrian crossing; the application proposing the segregation of pedestrian and vehicular access. The proposed pedestrian access point, emerging between boundary hedgerow, could result in significant pedestrian visibility issues. A new 3m wide shared use footway/cycleway from this point to the junction with Grovefield Way to provide suitable access to the supermarket and bus stop locations was also considered necessary by the HA.
- 6.62** Queries were also raised over the future adoption of the proposed pedestrian access linking the application site to Corinthian Way within the northern part of the site.
- 6.63** Given that layout and road design are reserved matters, the HA does not provide detailed comments on the Illustrative Masterplan.
- 6.64** In response to the above concerns and to justify the need for a vehicular access via North Road West, a revised access layout was submitted, including an addendum to the

applicant's Transport Note. Although the revised details did not address the HA's concerns in relation to lowering the approach speed limit, an increased carriageway width and improved visibility at the pedestrian access point, the applicant provided satisfactory justification for the proposed unaltered access arrangements based on highest recorded speed data travelling towards and away from the site to the west. Despite this, the HA recommended an adjustment to the design of the main site access and its visibility splays to accommodate the worst case scenario should drivers take advantage of the upper limits of the 50 mph speed restriction.

- 6.65** However, the August revised scheme did not address the pedestrian access concerns and thereafter the applicant entered positively into discussions with the HA over alternative solutions. These discussions also considered the concerns raised by some residents that would be directly affected by the location of the proposed pedestrian crossing and carriageway narrowing and the resultant potential obstruction of driveways/difficulties with vehicular access/egress onto North Road West.
- 6.66** The above discussions culminated in the pedestrian crossing being relocated to the west of the community hall with suitable tactile paving and footway construction included, as shown in Drawing No 2387/10.Rev.C received on 24th October 2024.
- 6.67** In light of the above, the HA concludes that the (revised) provision of a new vehicular and pedestrian access onto North Road West and new pedestrian crossing would not result in an unacceptable impact on highway safety or severe impact on congestion. This is subject to a number of HA recommended conditions which seek to secure the timely implementation of the proposed on and off-site highway and access works, street lighting improvements, junction design and visibility splay adjustments, suitable parking and cycle storage for future residents, a residential Travel Plan and a Construction Management Plan. These conditions (and HA suggested informatives) have been included in the schedule of conditions at the end of the report and are re-worded where necessary.

6.68 Sustainability

- 6.69** NPPF paragraph 161 states that:

'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks 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 164 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'*.
- 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 details include an Energy Strategy and Sustainability Statement which, in addition to (Parts L, O and F) building regulations requirements and the government's Future Homes Standard initiative, provides a comprehensive overview of the applicant's proposed approach to sustainable design and measures to reduce carbon emissions, as follows:-

- The dwellings would be constructed to zero-carbon standards as defined by The London Energy Transformation Initiative (LETI)
- Passive design principles would be utilized to maximise solar gain and natural daylighting and ventilation/air tightness, minimise overheating, incorporate shading and appropriate smart energy and embodied carbon use. Building form, orientation and footprint will be optimised accordingly with most properties orientated south.
- Fabric first approach to building design through use of building materials with high insulation values
- Fossil fuel free development i.e. non-gas heating strategy proposed for space and water heating with likely low carbon air source heat pumps (ASHPs) installed throughout
- Priority for water efficiency measures to be incorporated into building fixtures and fittings. 100% water metering proposed.
- Residential Travel Plan submitted – encourages shared mobility and home office provision plus new cycle and pedestrian routes
- EV charging points provided for all new buildings
- Potential significant biodiversity net gains (BNG) from new hedgerow planting, site landscaping and SUDS features.
- Measures to minimise waste and encourage re-use

6.74 Because this is an outline planning application, the applicant comments that as the design progresses, further energy (SAP) modelling/calculations would help scale renewable systems to get as close to net zero as is feasible, taking into account the site location and other planning considerations. For example, detailed 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 and the commitments of the applicant at this stage are welcomed, which overall, should reduce energy demand and CO2 emissions beyond Building Regulations Part L. In this respect, the applicant has utilised the SPD effectively 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, along with

the need to submit for approval a (construction and post development) Waste Minimisation Strategy and details of any air or ground source heat pumps (or alternative non fossil fuel heating system) and solar panels.

6.77 S106 Obligations/Heads of Terms

6.78 Affordable Housing Provision

6.79 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.

6.80 The application as submitted, includes a 40% affordable housing provision (AH). The Council's Housing Enabling officer (HEO) has reviewed the submitted housing statement and their comments are set out in full in the Consultations section of the report.

6.81 In summary, the HEO is broadly satisfied with the applicant's proposed AH provision which is a delivery of 70% social rented and 30% shared ownership units. Dwelling type/sizes have also been agreed in broad terms. The HEO's comments are set out in full in the Consultation section at the end of the report.

6.82 The 40% AH delivery will be secured through s106 obligations. At the time of writing, s106 Heads of Terms are agreed and a draft agreement will shortly be in circulation. This will include clauses covering the tenure mix, dwelling category/size, the proposed distribution of AH across the site, an REM review mechanism 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.

6.83 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.

6.84 Community and Highways Infrastructure

6.85 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.

6.86 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.

6.87 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 secondary school (7.5) places provision at Bourneside and Chosen Hill Schools and/or in the Cheltenham secondary 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.

6.88 The development would generate a need for additional library resources (through refurbishment of the building, stock and IT improvements) at Hesters Way and Up Hatherley libraries. GCC therefore requests a libraries contribution; costed on the basis of the 60 proposed dwellings.

6.89 Conclusion

6.90 The applicant has agreed to enter into a s106 Agreement to secure the above education and libraries provision and the affordable housing delivery.

6.91 Additional obligations to be secured via the S106 agreement include the submission, approval and implementation of a Residential Travel Plan, the provision and future management/maintenance of public open space and children's play area and appropriate Beechwood SAC recreational pressure mitigation (discussed at paragraphs 6.115-124 and 6.130 below).

6.92 Discussions are ongoing in respect of the s106 obligations, but all parties are in broad agreement over the s106 Heads of Terms.

6.93 **Other Considerations**

6.94 Drainage/Flood Risk

6.95 The application has been assessed in accordance with JCS Policies INF2 and section 14 of the NPPF; paragraph 181 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.

6.96 The application site is located in Flood Zone 1 and therefore at low risk of fluvial flooding from nearby watercourses. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which were updated to acknowledge that the site is located within close proximity to areas that are at a low and medium risk of surface water flooding, as informed by the Council's Drainage officer and subsequently by the Local Lead Flood Authority (LLFA).

6.97 Both the LLFA and Council's Drainage officer have reviewed the FRAs and proposed drainage strategy, including all revised schemes submitted. Severn Trent (ST) were also consulted as the proposed drainage scheme may require ST asset connection approval.

6.98 In summary, the LLFA confirms that the latest revised FRA/Drainage Strategy (dated 25th November 2024) accurately models the watercourse that flows under the A40 to the north east, the estimated volume of water anticipated to flow through the northern part of the site of the site, details of ditch widening and an amended surface water discharge point. The LLFA considers the revised drainage strategy (and accompanying FRA) acceptable and no further objection is raised, subject to conditions requiring the submission and approval of a detailed sustainable drainage strategy and management/maintenance plan prior to the commencement of development.

6.99 The Council's Drainage Officer has also confirmed their approval of the revised drainage details.

- 6.100** The LLFA and DO comments are set out in full in the Consultations section below.
- 6.101** The Environment Agency were consulted but provided no comment on the application. Severn Trent raise no objection subject to the subsequent approval of a foul water drainage strategy.
- 6.102** In light of the above consultee responses, conditions are recommended which require the submission of a detailed drainage strategy for the disposal of foul and surface water flows and associated drainage maintenance strategies.
- 6.103** Ecology/Biodiversity and Green Infrastructure
- 6.104** 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.
- 6.105** NPPF paragraph 187 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. Paragraphs 188 and 192 set out a mitigation hierarchy in terms of retained and enhanced environmental features that can be incorporated into a development proposal. Paragraph 193 states that when determining planning applications, if the significant harm to biodiversity cannot be adequately mitigated then planning permission should be refused.
- 6.106** The site is currently almost entirely covered by unmanaged soft landscaping, with significant mature boundary hedgerow and trees. Therefore, the ability to improve on the biodiversity credentials of the site following development, needs to be demonstrated. There is also potential for protected species to be present on the land.
- 6.107** A detailed landscaping scheme would be dealt with at REM stage. That said, the (revised) Illustrative Masterplan, Illustrative Landscaping Masterplan and Green Infrastructure Parameter Plan show areas of structural landscaping, public and semi-private open space/landscaping within the scheme layout, including street trees, new hedgerow, shrub and tree planting, a community garden and SUDS pond feature, all of which have the potential to offer significant biodiversity enhancement.
- 6.108** The application details also include a Preliminary Ecological Site Assessment (PEA), additional (GCN, invertebrates and bat activity) ecological site survey reports, a shadow Habitats Regulations Assessment (sHRA) and a biodiversity net gain (BNG) metric calculation to demonstrate that the required 10% BNG could be achieved. The ecological features of the site and all mitigation requirements, including the ecological impacts on the Gloucestershire Local Nature Partnership Nature Recovery Network, are set out within the various documents submitted.
- 6.109** The above information and subsequent revised and additional documents have been reviewed by both Natural England and the Council's ecologist (EO).
- 6.110** The EO welcomes and supports the estimated 34.19% positive gain in area habitat units and a 55.1 net gain in hedgerow habitat units, subject to securing a 30-year Habitat and Monitoring and Management Plan and an Overall and Phased Biodiversity Plan for the site. The statutory 10% minimum BNG requirement is therefore achieved and its appropriate delivery would be secured by s106 obligations.
- 6.111** Pre-construction surveys for nesting birds and bats in trees, changes to/new badger setts, and the presence of other protected species (including otter and GCN) should also be undertaken and the findings submitted for the LPA's approval prior to the commencement of development/REM stage.

- 6.112** All other recommended mitigation and enhancement measures as outlined within the submitted ecology report and subsequent LPA reviewed ecological survey reports would need to be expanded upon in the form of an Ecological Mitigation and Enhancement Strategy (EMES). This would include the provision of bird/bat and hedgehog boxes etc.
- 6.113** A Habitat Management and Monitoring Plan (HMMP), in accordance with the approved Biodiversity Gain Plan, should also be submitted for approval. In summary, this document would set out the planned habitat creation and enhancement works necessary to create or improve habitat to achieve biodiversity net gain in accordance with the approved Biodiversity Gain Plan and the management measures and monitoring methodology necessary to maintain habitat for a period of 30 years from the completion of development.
- 6.114** Reserved matters details should also include updated protected species ecological surveys and the hard and soft landscaping proposals should demonstrate that the proposed development will achieve a 10% minimum net gain in biodiversity, again in accordance with the Overall Biodiversity Gain Plan.
- 6.115** Conditions are added accordingly, including a condition requiring approval of an external lighting design strategy for biodiversity for the boundary features and any native planting.
- 6.116** The standard BNG informative would also be added to the decision notice should consent be granted.
- 6.117** 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.
- 6.118** **Habitats Regulations Assessment/Cotswold Beechwoods Special Area of Conservation (SAC)**
- 6.119** The application site falls within the 'zone of influence' of a European designated site - the Cotswold Beechwoods Special Area of Conservation (SAC). 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.
- 6.120** Therefore, in order to retain the integrity of the Cotswold Beechwoods SAC all development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.
- 6.121** Natural England (NE) were consulted on the proposals. NE 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 should therefore be undertaken.
- 6.122** In response to NE's advice, the applicant subsequently provided a shadow Habitats Regulations Assessment (sHRA) of the site's location relative to the above SAC in accordance with the Conservation of Habitats and Species Regulations 2017.
- 6.123** The sHRA concludes that 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 was identified and it is recommended that further mitigation is secured.

6.124 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.

6.125 The sHRA and its mitigation proposals have been reviewed by NE and the Council's Ecologist. NE advises that the specific measures (including financial contributions) of the Council's adopted strategic solution (Cotswold Beechwoods SAC Recreation Mitigation Strategy May 2022) should prevent harmful effects from increased recreational pressure on the SAC. As such, NE concur with the conclusions of the appropriate assessment/sHRA, provided all mitigation measures are appropriately secured.

6.126 On this basis, the sHRA (ref: RSE_8687_R1_V1), dated September 2024, is considered acceptable and Cheltenham Borough Council as the Competent Authority has adopted the sHRA as the Council's Appropriate Assessment under the Habitats Regulations.

6.127 The applicant has agreed to enter into a legal agreement to secure the appropriate SAC mitigation (financial contributions).

6.128 Officers also consider that the mitigation measures could be enhanced by all first occupiers of the dwellings being provided with a homeowner pack/information leaflet. This would both educate and raise awareness of the SAC and list other recreation opportunities locally and further afield; broadly as set out within the sHRA. A condition has been attached accordingly.

6.129 Trees and Landscaping

6.130 There are large number of trees and mature shrubs and hedgerow located within and adjacent to the south and west site boundaries, some of which have the potential to be impacted by the proposed vehicular and pedestrian access points, footpath construction and on-site building works. In addition, the semi-mature ash and sycamore tree belt along, but outside of the northern site boundary, acts as a screen on the motorway embankment.

6.131 Given the amount of tree/hedge boundary coverage, the Council's Trees Officer (TO) has undertaken a thorough review of the submitted Arboricultural Statement and the proposed (indicative) tree and soft landscaping proposals. His comments are set out in full in the consultation section of this report.

6.132 The Arboricultural Statement states that the illustrative site layout has been designed to result in no impact on the existing tree population. Similarly, the proposed soft landscaping is shown as creating a green buffer around the residential and access infrastructure elements of the proposed development, plus a SUDS feature, play area and community garden within the western areas of the site. There are also large areas of native shrub and tree planting proposed along the north boundary and additional/infill hedge planting along the southern boundary. The only section of hedge removal would be along the southern boundary to facilitate the site access construction. There could also be some cutting back/lowering of hedgerow and/or pruning of trees to facilitate the required access visibility splays. These works would be considered in detail at REM stage, and alongside a detailed soft landscaping scheme, but should not involve tree removal or significant hedge loss.

6.133 The TO raises no objection to the proposals, albeit further details would be needed at REM stage, as described in the submitted Arboricultural Statement. These details should include tree protection measures, a method statement for works within the RPAs of

retained trees (including surfacing / footpaths), and detailed hard and soft landscaping proposals (tree species, size, location and pit details).

6.134 Conditions that secure the submission of the above further details with the first reserved matters applications are therefore added.

6.135 Noise Impact

6.136 Parts of the application site are located adjacent to or in close proximity to existing commercial units at Corinthian Park, including the BMW repair workshop and showroom. As such, there is potential for noise to impact upon the amenities of future occupiers of the proposed dwellings.

6.137 The application does not include a noise impact assessment. The Council's Environmental Protection team raise no overall objection to the proposed development but requests that a detailed noise report be submitted to understand the impact of the nearby commercial units on any 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.

6.138 Restricted/Flexible Commercial Use

6.139 The application proposes up to 550sq metres of flexible commercial use and an area within the site is demarcated for such uses/buildings. There is no objection in principle to the commercial element of the proposals or its location, access or potential building height/massing, which would be in close proximity to existing commercial units at Corinthian Park. The proposed commercial element would, in part, deliver the employment land that relates to this allocated site.

6.140 However, the application details are largely silent as to the types of commercial uses anticipated. Class E is wide ranging in types of use and could include for example, hot food/restaurant outlets, shops, creche/day nursery, indoor sport, fitness gyms and health care facilities. Not all Class E uses fall within the (old Class B1) employment/office use intended through the original allocation of the wider site area and not all Class E uses may be considered acceptable in this location and/or adjacent to the proposed dwellings. As such, and whilst still affording a degree of flexibility, officers consider it necessary to impose a condition which restricts the proposed Class E commercial floorspace to Class E(c)(e) and (g) – financial and professional services, medical or health services, offices, research and development and industrial process which can be carried out in a residential area.

6.141 In order to meet the objectives of Policy EM1 as far as possible, a condition requiring the delivery of at least 550 sqm of commercial floorspace is also suggested.

6.142 Section 106 Obligations

6.143 During the course of the application officers have considered the consultation responses received and the likely impacts that would arise as a result of the development, having regard to the relevant policy framework and other material planning considerations.

6.144 The Community Infrastructure Levy Regulations 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.

6.145 Regard has been given to the CIL Regulations in making a recommendation. The following matters, that are discussed in preceding sections of the report, 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 with a tenure mix of social rented and shared ownership houses. This should equate to a housing mix of 70% social rented and 30% affordable home ownership. Affordable housing would be delivered in an agreed phased programme of works with various trigger points set.

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 provision for pupils aged 11-16. Payment would be sought at various trigger points of occupation.

3. Libraries provision

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

4. Travel Plan Implementation and Monitoring

Submission and approval of Residential and Commercial Travel Plans. Appointment of a Travel Coordinator. Financial contribution towards the monitoring of Travel Plans.

5. Public Open Space

Agreement of Green Infrastructure delivery, a Management and Maintenance Plan for Public Open Space including details of BNG, outdoor play space and equipment for children's play area/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.

6. Beechwoods SAC Mitigation

Financial contributions would be sought in accordance with the Strategic Mitigation Strategy.

7. Statutory 10% Biodiversity Net Gain Requirements

Agreement of delivery of a minimum 10% biodiversity net gain. An overall Biodiversity Gain Plan and a Phase Biodiversity Gain Plan for each phase of the development must be submitted to and approved in writing by the local planning authority prior to the commencement of development. The overall Biodiversity Gain Plan, alongside an updated BNG metric must be submitted at REM stage and should set out how the development will achieve a minimum on-site 10% Biodiversity Net Gain.

6.146 Public Sector Equality Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

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

7.2 The relevant policies of the development plan 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 EM1/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 five-year supply of housing land and any wider economic or social benefits that the scheme might bring. In this regard, the contribution of up to 60 market and affordable dwellings towards meeting the Council’s identified housing needs weighs heavily in favour of the proposals.

7.4 The proposals are contrary to Policy EM1 of the Cheltenham Plan in that this policy seeks employment development across the entire application site and wider allocated site area. However, officers consider that, on balance, given the commercial element of the proposed development and characteristics of the adjoining site to the east, the overall

policy objectives of EM1 have been partially addressed. Having also taken into account the Council's current 5 year housing land supply shortfall, the principle of new residential development on this site and a departure from the development plan is, on balance, acceptable in this instance.

- 7.5** Despite some reservations about the potential lack of on plot or easy access off road parking for some dwellings, the indicative layout demonstrates that the site could potentially accommodate up to 60 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. The submitted parameter plans adequately demonstrate the principles of the proposed green infrastructure and built form layouts, access and movement within and from the site and building heights/massing.
- 7.6** The applicant has demonstrated that a minimum 10% biodiversity net gain is achievable for this development; the illustrative layout and soft landscaping scheme indicating a 34% (habitats) and 51% (hedgerow) BNG. The indicative green infrastructure and landscaping proposals are also considered broadly acceptable.
- 7.7** In response to changes in Building Regulations and the adoption of the Council's Climate Change SPD, the various commitments set out in the submitted sustainability statement are considered acceptable and proportionate to this outline development proposal. All new buildings would be provided with ASHPs, or an alternative non fossil fuel heating system, and EV charging points. Overall, the proposed development should achieve a significant reduction in CO2 emissions over that required by Part L of current Building Regulations.
- 7.8** The (revised) proposed vehicular and pedestrian access arrangements, including the pedestrian crossing on North Road West, and the overall traffic impacts of the proposed development have been fully scrutinised by the Highway Authority and no objection is raised, subject to conditions. Similarly, there are no overarching amenity concerns associated with the outline proposals, subject to the subsequent consideration of the detailed layout and design of the development, and conditions imposed at outline stage relating to building height restrictions and a noise impact assessment.
- 7.9** 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.
- 7.10** Recommendation
- 7.11** The officer recommendation is to grant outline planning permission subject to the conditions set out below and the applicant entering into a Section 106 Agreement(s) to deliver the following obligations:
- Affordable Housing (40 on-site units), including a viability review mechanism
 - Education (11-16) provision
 - Libraries provision
 - Public Open Space delivery, management and maintenance
 - Minimum 10% BNG delivery and management
 - Beechwoods SAC Mitigation

- Implementation and monitoring of a Residential and Commercial Travel Plan

7.12 A full list of suggested planning conditions and informatives, are set out below. The applicant's agreement to the pre-commencement will be sought prior to the Committee meeting.

7.13 Both parties are in general agreement over the above Heads of Terms for s106 obligations and, at the time of writing, an initial draft s106 agreement is being prepared by the applicant and will shortly be circulated.

7.14 The Planning Committee should therefore resolve to either grant or refuse outline planning permission.

8. CONDITIONS / INFORMATIVES

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place (including demolition works) and the development shall be carried out as approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application(s) for approval of the reserved matters must be made not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The outline planning permission hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The details to be submitted as part of the reserved matters for access, layout and landscaping shall be in general accordance with the design and layout principles of the Parameter Plans (drawing references ES090 R(0)002C, ES090 P(0)003B, ES090 P(0)004A) and the Illustrative Landscape Masterplan (Drawing No L 08 S03) in respect of the following:

1. The location/distribution of the residential and commercial elements of the proposed development
2. Building heights/massing
3. The alignment of the main/central internal estate road serving the residential and commercial elements
4. Retained existing trees/hedgerow along the southern site boundary (adjacent North Road West)
5. Proposed native tree, shrub and hedge planting and open space/green buffers adjacent to the east, west, south and north site boundaries
6. SUDS pond/attenuation and associated soft landscaping features
7. Circular footpaths around SUDS feature and cycle and footpath links into the adjoining site to the east and onto North Road West

8. Provision of children's play area and community Growing Area/Garden

Reason: In the interests of the character and appearance and of the area, the amenities of neighbouring land users and to ensure the development accords with the required principles and standards of urban design, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 5 The development hereby permitted shall provide no more than 60 dwellings and no less than 550 sq. metres of commercial (Class E) floorspace.

Reason: To limit the terms of the permission in the interests of the protection of the character and appearance of the area, neighbour amenity, and to ensure the delivery of employment land, having regard to the objectives of adopted policies D1, EM1 and SL1 of the Cheltenham Plan (2020), adopted policies SD1, SD4, and SD14 of the Joint Core Strategy (2017) and section 12 of the NPPF (2024).

- 6 The first reserved matters applications required by Condition 1 shall be accompanied by a Phasing Plan, giving details of the phasing of the development. The development shall be carried out in accordance with the approved Phasing Plan unless any variations have first been approved in writing by the local planning authority.

Reason: To ensure the development is delivered in an appropriate manner.

- 7 Prior to the submission of the first reserved matters application, a Housing Mix Statement for the open market housing shall be submitted to the local planning authority for approval. The Statement shall set out an appropriate mix of dwelling sizes, types and tenures to be provided on site that will contribute to a mixed and balanced housing market. The Statement shall address the needs of the local area having regard to the Council's current local housing evidence base. The development shall be implemented in accordance with the approved Statement.

Reason: To ensure the development meets the identified housing needs of the area in accordance with adopted policies of the Joint Core Strategy (2017).

- 8 The reserved matters required to be submitted and approved under Condition 1 shall include:

1. details of the design, form and architectural features of the dwellings and commercial (Class E) building(s)
2. details of external facing or roofing materials (including physical samples of materials where requested and garage door materials/finishes)
3. details of windows and external doors (including garage doors)
4. details (to include elevation drawings) of the position, design, materials and type of boundary walls, fences and any other means of boundary enclosure
5. details of cycle storage facilities for each dwelling and commercial building
6. details of refuse and recycling storage for each dwelling and commercial building
7. details of any solar PV panels (location, design/specification)

The development shall be carried out in complete accordance with the details approved.

Reason: In the interests of the character and appearance of the area and sustainable transport and waste management; having regard to adopted policy D1 of the Cheltenham Plan (2020), adopted policies INF1, SD3, SD4, SD6, SD7 and SD8 of the Joint Core Strategy (2017), policy W36 of the Gloucestershire Waste Local Plan and sections 9 and 12, of the NPPF (2024).

- 9 The proposed buildings adjacent to North Road West (facing the southern site boundary) shall be no more than 2 storeys in height. Buildings located elsewhere within the site shall accord with the proposed building heights/massing details shown on the Building Mass Parameter Plan (drawing reference ES090 P(0)002C) and shall not exceed 3 storeys in height.

Reason: In the interests of the character and appearance of the area; having regard to adopted policy D1 of the Cheltenham Plan (2020), adopted policies SD4 of the Joint Core Strategy (2017), and sections 12 of the NPPF (2024).

- 10 The details to be submitted for approval as part of the Reserved Matters application(s) pursuant to condition 1, shall include an updated Energy and Sustainability Statement. The statement shall demonstrate an improvement on the energy efficiency of the scheme over and above the Building Regulations in place at the time of the Reserved Matters application(s) submission and shall include (but shall not be restricted to) the following information:

- a. details of the methods used to calculate predicted annual energy demand and associated carbon emissions;
- b. measures to reduce impact on climate change (including consideration of heat proofing, construction techniques, building fabric, solar gain, natural lighting, shading, orientation, water retention, flood mitigation and landscaping).
- c. details of non fossil fuel/renewable heating solutions
- d. details of solar PV panels

The development shall be carried out in accordance with the details approved.

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

- 11 Prior to the commencement of development (excluding site clearance works), a detailed Sustainable Drainage System (SuDS) Strategy shall be submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the proposals set out in the (Glanville) Outline Drainage Scheme; 8230393-106-P1; April 2024 and Northern Ditch Sections and Drainage Strategy Updates; 2400377-ENV-S1-SW-DR-C-0001; Rev 1.4; 03/10/2024. The SuDS Strategy must include a detailed design, an exceedance flow route plan, 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 surface water drainage scheme shall be implemented strictly in accordance with approved details and prior to first occupation of the development.

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

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

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

- 13 No part of the development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the local planning authority. The SUDS Maintenance Plan shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The approved Plan shall 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, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 14 Prior to the commencement of development and as part of the Reserved Matters application(s) submitted pursuant to condition 1, plans showing (i) the existing and proposed ground levels of the site and existing ground levels of adjacent land, (ii) details of the slab levels of the proposed buildings and (iii) ridge heights of the proposed buildings and ridge heights of existing buildings on land adjacent to the site (including dwellings located opposite the site on North Road West), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

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

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

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

b) an assessment of the potential risks to:

- human health

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

- adjoining land

- ecological systems

- groundwaters and surface water

- archaeological sites and ancient monuments

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

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by

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

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

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

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

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

- 17 Notwithstanding the submitted details shown on Drawing No 2387 10 C, prior to the commencement of development (excluding site clearance works) full design details of the following off-site works and site access works shall be submitted and approved in writing by the local planning authority:-

Works Description A - Construction Details for the initial 10m site access to be adopted.
Works Description B - Construction Details for pedestrian access footway link on North Road West linking to the existing footway.
Works Description C - Street lighting upgrade for the full extent of North Road West within the existing 30mph speed limit.

No part of the development shall be occupied until those works have been carried out and constructed in full and in accordance with the approved details.

Reason: To ensure a safe and suitable access to the development is provided for all users, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and section 9 of the NPPF (2024).

- 18 The development hereby approved shall not be occupied/brought into use until the proposed vehicular access via North Road West is laid out and constructed in accordance with the approved details and 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 metres back from the near side edge of the adjoining carriageway, (measured

perpendicularly), for a distance of 75 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres 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: To ensure a safe and suitable access to the development is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and section 9 of the NPPF (2024).

- 19 No building shall be occupied until:
- (i) the carriageway(s) providing access from the public highway to that building has been completed to at least binder course level and the footway(s) to surface course level and in accordance with the approved plans; and
 - (ii) the car/vehicle parking area, visitor parking and turning space associated with that building (including garages and car ports where proposed) have been completed in accordance with the approved plans.

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

Reason: To ensure that safe and suitable access is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and Section 9 of the National Planning Policy Framework (2024).

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

Reason: To ensure that safe and suitable access is provided and maintained in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and Section 9 of the National Planning Policy Framework (2024).

- 21 All proposed dwellings shall be provided with at least one electric vehicle charging point. Within any car courts/parking areas associated with flats/apartments and the commercial units, provision shall be made for 1 active electric vehicle charging point for every 10 parking spaces and passive provision provided to the equivalent of 1 electric vehicle charging point per dwelling served by any car court. The details of the appearance, location and type of electric vehicle charging point(s) shall have been submitted to and approved in writing by the local planning authority prior to the commencement of any above ground development. The electric vehicle charging points shall be installed prior to the first occupation of the building(s) to which it relates and shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: In the interests of sustainable development and the reduction of carbon emissions, having regard to Section 9 of the NPPF (2024) and the Council's Climate Change SPD (adopted 2022).

- 22 No building shall be occupied until secure covered cycle storage for that building has been provided and in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall

thereafter be retained available at all times for such use in accordance with the approved details.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017) and section 9 of the NPPF (2024).

- 23 Prior to their installation, a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and agreed in writing by the Local Planning Authority. No building shall be occupied until the fire hydrant serving that property has been provided in accordance with the agreed scheme.

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

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

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

No construction works and/or ancillary operations which are audible at the site boundary shall be carried out on site outside the following hours:

Monday to Friday - 8am to 6pm

Saturday - 8am to 1pm

There shall be no working on Sundays or Public or Bank Holidays. Deliveries to, and removal of plant, equipment, machinery and waste from, the site shall only take place within the permitted hours detailed above.

Reason: In the interests of highway safety and to safeguard the amenity of occupiers of neighbouring properties, having regard to adopted policy SL1 of the Cheltenham Plan and adopted policies SD14 and INF1 of the Joint Core Strategy (2017). Approval is

required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 25 Prior to the commencement of development, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the local planning authority. The SWMP shall include:
- Information on the type and amount of waste likely to be generated prior to and during the construction phase;
 - Details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation; and
 - Details of the measures for ensuring the delivery of waste minimisation during the construction phase.
-
- The approved SWMP shall be adhered to throughout the demolition and construction period.

Reason: To ensure the effective implementation of waste minimisation in accordance with the Gloucestershire Waste Core Strategy. Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 26 As part of the Reserved Matters application(s) submitted pursuant to condition 1, a Waste Minimisation Statement (WMS) shall be submitted to and agreed in writing by the Local Planning Authority. The WMS shall include provision within the residential and commercial development of on-site storage receptacles for recycling a range of materials as specified by the Waste Collection Authority, at identified locations and appropriate to the number of residential and commercial units proposed; and suitable accessing arrangements for recycling/waste collection vehicles.

No building shall be occupied until the provisions set out in the approved WMS that are relevant to that dwelling have been implemented in full. All of the approved measures shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

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

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

- 28 As part of the first Reserved Matters application(s) submitted pursuant to condition 1 and prior to the commencement of development, an updated ecological survey, carried out by a suitably qualified ecological consultant, shall be submitted to and approved in writing by the local planning authority. The Survey Report shall include updated protected species surveys. The development shall be carried out in accordance with any approved mitigation and enhancement measures and/or licensing requirements following the updated surveys.

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 29 Prior to the commencement of the development hereby approved, an Ecological Mitigation & Enhancement Strategy (EMES) shall be submitted to and approved in writing by the local planning authority. The EMES shall include details of the provision of 10no. bird, 10no. bat, 6no. insect and 5no. hedgehog boxes suitably located across the site. The bird boxes must include bricks or tiles for swift and house sparrow. The location, specification, height and orientation of these features shall be shown on a site plan.

The development hereby approved shall be carried out at all times (including during all ground and vegetation clearance works) in accordance with the approved EMES.

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

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 30 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

Notice in writing shall be given to the Council when the:

- (f) [HMMP] has been implemented; and
- (g) habitat creation and enhancement works as set out in the [HMMP] have been completed.

No part of the development shall be occupied until:

- (h) the habitat creation and enhancement works set out in the approved [HMMP] have been completed; and
- (i) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

- 31 The first Reserved Matters application(s) submitted pursuant to condition 1 shall include full details of a hard and soft landscaping and a boundary treatment scheme for both the residential, commercial and open space elements of the proposed development. The scheme shall include (but shall not be limited to) the following:
1. A written specification of all tree, shrub, hedgerow and other planting categories; describing the location, species, sizes, spacing, densities, planting numbers and tree pit details;
 2. Details of all retained trees, hedgerow and other ecological features;
 3. Details of hard surfacing materials;
 4. Details of the phasing of implementation of all proposed hard and soft landscaping;
 5. Details of any proposed aquatic planting for any SuDS features proposed;
 6. Details of hard and soft boundary treatments (including details of materials and elevation drawings where relevant and details of residential plot boundary treatment);
 7. Details of biodiversity net gain (BNG), in accordance with Defra's Biodiversity Metric 4.0 and the submitted Biodiversity Gain Plan;
 8. A detailed Landscape and Tree Management and Maintenance Scheme (LTMMS) (for the short, medium and long term - 5, 10 and 30 years), based on the principles set out in the approved Biodiversity Gain Plan and Biodiversity Management and Monitoring Methodology.

All hard and soft landscaping and boundary treatments shall be implemented and maintained in accordance with the details approved in writing by the local planning authority (including the approved Biodiversity Gain Plan), and in accordance with a timetable to be agreed with the local planning authority. Any trees, hedgerows or other plants which, within a period of 10 years from the date that they were planted, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season (October to March) with others of the same size or species unless otherwise first agreed in writing by the local planning authority. Any pruning works shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

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

- 32 Prior to the commencement of development (excluding site clearance and utilities works), full details of the external lighting scheme, shall be submitted to and approved in writing by the local planning authority. The details shall include but shall not be limited to the following:
- a. the position, height and type of all external lighting (including any security lighting and other lighting fixed externally to buildings);
 - b. the intensity of lighting and spread of light as a lux contour plan (including horizontal and vertical components);
 - c. lighting calculations and assessment;
 - d. measures to minimise light spill/pollution;
 - e. measures to minimise the effects of lighting on protected wildlife species (notably bats);
 - f. the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

The external lighting scheme shall include a lux level contour plan, and shall seek to ensure no light spill outside of the site boundaries or on to habitat suitable for nocturnal protected species. The lux contour plan shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g. visors.

The development hereby approved shall be carried out at all times in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring land users and the character of the area; having regard to adopted policies D1 and sSL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development; having regard to adopted policy SD9 of the Joint Core Strategy (2017) and the requirements of the 1981 Wildlife & Countryside Act (as amended).

- 33 Prior to first occupation of the development, details of a Homeowner's Information Pack resource providing information on recreation resources in the locality shall be submitted to and approved in writing by the Local Planning Authority. The pack should reference (off site) local and regional recreation opportunities.

Each household shall be provided with an approved Homeowner Information Pack on first occupation.

Reason: To assist in mitigating any impacts the proposed development may cause to designated landscape areas having regard to Policy BG1 of the Cheltenham Plan, Policy SD9 of the Joint Core Strategy (2017) and guidance set out at section 15 of the NPPF (2024).

- 34 As part of the Reserved Matters application(s) submitted pursuant to condition 1, an Environmental Noise Impact Assessment shall be submitted to and approved in writing by the local planning authority. The noise impact assessment shall consider the following:-

1. The noise and environmental impacts of the proposed Class E and adjacent commercial unit(s) on the future occupiers of the proposed residential units
2. Details of façade/fenestration and boundary treatment specifications/mitigation.

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

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

- 35 Details of the type/model, location and predicted noise levels of any proposed air source heat pumps (ASHPs), ground source heat pumps (GSHPs) or any alternative proposed non fossil fuel heating system, shall be submitted to and approved in writing by the local Planning authority. The ASHPs/GSHPs or alternative proposed non fossil fuel heating system shall be installed prior to first occupation of each dwelling or building hereby approved and in accordance with the details approved. The

ASHPs/GSHPs/alternative proposed non fossil fuel heating system shall be retained as such thereafter unless otherwise first agreed in writing by the Local Planning Authority.

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

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

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

- 37 Notwithstanding the submitted details and the Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the flexible commercial element of the proposed development shall not be used other than for Classes E(c)(e) and (g); and shall not be used for any other purpose falling within Use Class E; without express planning permission.

Reason: Any alternative use requires further consideration by the Local Planning Authority, having regard to the policies and provisions of the Cheltenham Plan (2020) and the Joint Core Strategy (2017).

- 38 Prior to the commencement of development (including demolition and site clearance), and included as part of the first reserved matters application, a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and/or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

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

- 39 Prior to the commencement of development, and included as part of the first reserved matters application, full details of the proposed tree and hedgerow works (both on and off-site), no-dig method for works within the tree Root Protection Area(s) and footpath construction and hard surfacing materials within the Root Protection Area(s) of retained trees/shrubs, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be submitted in the form of Arboricultural Method Statement. The development shall be implemented strictly in accordance with the approved details.

All paths, parking areas and other forms of hard landscaping that fall within the tree Root Protection Area(s) shall be constructed using a no-dig method.

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

INFORMATIVES

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

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

In this instance, the authority sought revisions to the design and layout of the scheme in the interests of the character and appearance of the area, neighbour amenity, ecology and biodiversity and highway safety.

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

- 2 The development hereby approved includes the carrying out of work on the adopted highway. The applicant/developer is advised that before undertaking work on the adopted highway they 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 allowing sufficient time for the preparation and signing of the Agreement. The applicant/developer will be required to pay fees to cover the Council's costs in undertaking the following actions:

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

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

- 3 The applicant/developer is advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority 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, unless and until the applicant/developer agrees to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.
- 4 The applicant/developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

- 5 Sustainable drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area(s) 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.
- 6 External lighting scheme guidance - Natural habitats potentially used by nocturnal species such as bats and badgers, not previously exposed to increased light levels, will receive approximate lux levels of between 0.1 (typical moonlight/cloudy sky) and 10 (sunset) lux. The 'Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust, sets out that "increasing lux levels in these natural habitats is likely to cause disturbance, therefore the implementation of visors etc. as mitigation is strongly advised."
- 7 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cheltenham Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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

9 This planning permission is subject to a Section 106 legal agreements which provide (in summary) for the following:

- Affordable housing
- Green Infrastructure/play and amenity space provision and future management and maintenance
- Education and Library provision/contributions
- Travel Plan implementation/monitoring
- Beechwoods SAC Mitigation
- Statutory minimum 10% Biodiversity Net Gain

The planning permission should be read in conjunction with the s106 legal agreements.

Consultations Appendix

Minerals And Waste Policy Gloucestershire 1

6th June 2024 – due to table format, full response available to view in documents tab

Summary – The Sustainability and Energy Statement (including Waste Management Strategy) provides an overview of Waste Minimisation matters. It states ‘a Waste Management Plan will be developed and implemented for the development’ One would be encouraged as part of any Reserved Matters application.

Minerals And Waste Policy Gloucestershire 2

26th June 2024 – due to table format, full response available to view in documents tab

Summary - Thank you for the further correspondence. The proposed conditions are to ensure that the Waste Management Plan (as referred to in the Sustainability Statement) is produced as part of any Reserved Matters and/or commencement of any development.

Ideally, we would encourage such a document to include details of any waste tonnages generated from the construction of the site, and the percentage of recyclable content used in the development, for example. Guidance is provided in our GCC Waste Minimisation SPD. For occupation of the development, we encourage applicants to state whether advice has been sought from the local district council for example. Further guidance is stated in the SPD.

Minerals And Waste Policy Gloucestershire 3

11th July 2024 –

I have taken a look at the statement and acknowledge reference to recycled material. We do not have any further specific comments to make. However, if you are minded to approve the application, we would be looking for the waste minimisation conditions on our first consultation response to be included.

GCC Highways Planning Liaison Officer 1

21st June 2024 –

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

The justification for this decision is provided below.

Background

The proposed application site is located to the western side of Cheltenham with an extant approval for multiple commercial development units. This proposal introduces segregation of the remaining site area with a single commercial unit accessed via the existing internal road (Corinthian Way) and seeks a new highway access from the existing southern boundary highway (North Road West) for the new residential estate. The closest bus stops are located on Grovefield Way to east plus a terminus for the Arle Court Park and Ride within 500m and a budget supermarket now operating within the extant application approval.

- Grovefield Way

This public highway is a C-classified road that forms a key local distributor route for the western side of Cheltenham from the A40. It is subject to a 30mph speed limit with sections of both verge & footway to one or both sides at various locations along its length. In this vicinity it has a footway to the west and verge/footway to the eastern side with pedestrian links to the modern housing estate further to the east. The road serves as both a key collector & distributor for public transport options with links to Arle Court terminus.

- Corinthian Way

The use of Corinthian Way (Private Road) to access the new commercial development unit is considered acceptable but it is noted that this road is currently privately maintained and has raised/lower security barriers set within the site to discourage unauthorised vehicular access. At the time of this review, no evidence has been provided to indicate that this road will be offered to the HA for future adoption (and have the security barriers removed) to allow the general public direct access to Grovefield Way from the rear of the site.

- North Road West

The public highway at its junction with Grovefield Way is subject to a 30mph speed limit with 17m of footway provided for visibility purposes to a tactile paved drop kerb facility. After this short length the hedgerow / grass verge extends along the whole remaining site frontage on the northern edge of the carriageway. A macadam footway serves the southern side of the road allowing access to existing residential properties and The Reddings District Community Centre approximately 150m from the junction. The southern side then also becomes verge and its appearance is distinctly rural. At approximately 200m from Grovefield Way the speed limit changes to 50mph and this extends to the end of the junction at Badgeworth Road.

Highway Impact

Policy INF1 of the Joint Core Strategy sets out transport related requirements and expectations for developments in the Borough. Of particular note is Part One of INF1 which ensures that all proposals improve and encourage access to more sustainable modes of travel. JCS Policy SD4 also requires new development to prioritise sustainable movement through design.

A TRICS review has been carried out to ascertain likely number of resulting trips from the proposed development. TRICS is the industry standard tool in predicting the vehicular generations of new developments, and its use here is accepted. The potential change of the commercial unit to a ground floor veterinary surgery with office space above, both now Class E use, will have a negligible impact on the existing capacity of the Corinthian Way junction because that was originally designed to accommodate the rear of the site as multiple office developments. The residential use has been calculated to have a trip generation figure of 0.52 trips during the AM and PM peak hours and this is in line with the expected generation for this use. The Highway Authority has reviewed the selection criteria chosen for the assessment and are satisfied that an appropriate selection has been completed.

The NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The resulting level of impact from the development proposal has not shown to result in a severe impact on the local road network.

Primary Vehicular Access

The west or rear of the site was originally only to be accessed via Corinthian Way that was designed to meet a high volume turning movements. Whilst it is appreciated that both existing users and potential residents may not wish to share an industrial style access, it is always preferable to have a junction safely operate within its designed capacity rather than create additional potential highway conflicts at other locations. It is therefore extremely disappointing to observe that the initial proposal places the new access within the 50mph speed limit section of carriageway given the availability of a lower speed limit section on the southern boundary line. I would have expected an initial assessment matching DMRB standards at the 50mph speed limit (85A = 160m), acknowledgement of the measured speeds <40mph (70A = 120m) and then justified mitigation such as topography to request any further reduction. National assessment of the effectiveness of speed limits has provided

the best practice guidance to graduate speed limit reduction in advance of changes in environment and therefore in this location I can only recommend that the current posted speed limit is reduced from 50mph to 40mph at the developer's expense and then MfS compliant desirable splay of 'x' 2.4m by 'y' 93m be provided in both directions to match the recorded traffic speeds of 37.4mph.

The proposal indicates an estate road width of 6m with a 6m corner radius. It is accepted that this may be appropriate within an urban environment, however this site is within a 50mph speed limit and therefore it is required that a carriageway width of 7.3m is provided for the initial 10m and then appropriate tapers should reduce the carriageway width within the site to 5.5m to satisfy Manual for Gloucestershire Streets requirements.

Primary Pedestrian Access

This application segregates pedestrian movements from vehicular access and directs potential residents to cross North Road West within the 30mph speed limit at historical field access that has been gated as part of the development. Even with prudent and regular future maintenance of the hedgerow, this convenient position is invisible to approaching drivers and considered wholly unsuitable. It will be necessary to provide a new 3m wide shared use footway/cycleway from this point to the junction of Grovefield Way to allow direct access to the local budget supermarket and bus stop locations.

Other Pedestrian Access

It is noted that an alternative pedestrian access is shown linking to the adjacent to private road Corinthians Way. The Highway Authority will not retain for perpetuity any control of the existing commercial use to facilitate this benefit for future residents and therefore the developer must, provide within the existing public highway or put forward for adoption appropriate facilities.

Internal Layout observations

The development's internal highways, parking and plot layouts are indicative only. The HA response & recommendation and any conditions or informative notices can only be to determine those items requested and submitted. However, the following observations on various issues should be reviewed by the applicant to avoid abortive works if the scheme is to be viable at a future date. Any matters omitted from these points do not include or imply that no objection will come forward for items submitted at reserved matters, for example; waste servicing, parking design, materials etc that must comply with Manual for Gloucestershire Streets and the technical approval process.

- Carriageway width after 10m to be a minimum 5.5m with 2m footway and appropriate provision for highway trees,
- Pedestrian and Cycle route connectivity, shared or segregated to LTN1/20 standards to encourage modal shift,
- Private driveways restricted to six dwellings and to include visitor parking provision,
- All residential parking should be within 15m of the primary doorway with a direct access route, excessively remote parking will be rejected especially in relation to EV connectivity unless specified for communal use.
- Shared space within primary / secondary access roads is discouraged unless within a cul-de-sac situation.

At the present time I am unable to support this outline application for access and believe that amendments can be achieved that can significantly improve the proposal for future occupants, therefore at the present time the Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

GCC Highways Planning Liaison Officer 2

16th August 2024 –

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

The justification for this decision is provided below.

The applicant has responded to the initial comments made on the proposed development and included the third party road safety audit assessment of concerns regarding the pedestrian access. It is still considered that the proposal as currently presented does not adequately provide for partially sighted pedestrians with an uncontrolled drop kerb & tactile paving crossing point.

Primary vehicular access

The original commercial site approval provided a junction design for Corinthian Way appropriate to manage the significantly higher trip generation associated with multiple offices blocks. The capacity of this junction to accommodate the lower residential use remains preferable rather than introducing an additional hazard on the highway network. The addendum transport note (ATN) dismisses this request because it is considered appropriate for the applicant to have a segregated residential access. The Highway Authority does not accept this consideration is a materially sufficient to necessitate a new access from North Road West with the proposal being desirable rather than essential for the introduction of residential units.

However, in the spirit of the NPPF development guidelines, the principle of the segregation of planning uses may be recognised as a potential well being benefit for future residents if this can be achieved without introducing new conflicts on the highway network. It was therefore requested that the visibility splays be increased and/or a speed limit reduction be introduced as mitigation to reduce potential risk.

The ATN has dismissed the request to lower the approach speed limit from 50mph as only desirable rather than essential on the grounds that pedestrians will be segregated within the site over the extent of the higher speed limit and the use of the highest recorded 85thile speed at 37.4mph because it is to the west of the proposed access and travelling away from the site. It also rejected a request to enhance the prominence of the new junction by increasing the initial carriageway width within the estate and did not proposed any entry treatments to enhance the conspicuity within the mature hedgerow. It is the HA considered position that the data indicates that to the east (away from Grovefield Way approaching the access) speeds are recorded increasing from 35.1mph across the frontage to 37.4mph therefore the use is entirely appropriate because driver behaviour is clearly demonstrated. To comply with this percentile worst case value and MfS2 calculations, a splay of 'x' 2.4m by 'y' 75m will be accepted to protect future residents on occasions because the applicant does not offer any mitigation against behaviour where drivers travel within the posted limit. This visibility splay is achievable by the minor amendment of the proposed site access approximately 6.0m to the east, still maintaining both T19 and T20 as shown.

Primary pedestrian access

No location plan has been provided for the traffic surveys positions but it is considered that the two will have been undertaken towards the outer limits of the site frontage. The referencing of a lower the speed limit as desirable rather than essential on the grounds that pedestrians will be segregated within the site over the extent of the 50mph speed limit would

only be accepted on the premise given the same survey indicates vehicles are travelling at 34.6mph at the point pedestrians are set to emerge from the hedgerow and attempt to cross. The independent road safety audit notes a potential pedestrian / vehicle conflict and suggests a localised narrowing to enhance visibility. This recommendation was rejected and the alternative signing and road markings shown on plan HTP/2387/05/A are not considered sufficient to mitigate the HA's concerns at this location. If the idea had been developed and signed as a priority give way feature (TSRGD 615/811) this may have been considered more appropriate due to the straight road alignment on approach and beyond the feature towards the junction.

To increase the visibility of any pedestrian crossing point it is considered that this could be achieved by the introduction of a more obvious vehicular access serving the indicative apartments to the east of the site closest to the local supermarket. This would permit a contained number of dwellings to be accessed with a potential maximum visibility splay appropriate to a lower surveyed speed of 28mph = 39m MfS and noting T17 although this may be higher subject to detail design consideration.

It is requested that the applicant seriously consider the benefit of this arrangement, however the addendum note has provided another acceptable solution to the concerns regarding pedestrian access to and from the site and other access concerns can be mitigated subject to reasonable conditions.

The ATN document does reiterate that North Road West is currently a designated as a national cycle route (no.41) and therefore the initial request for a widened shared use path is unnecessary. The dimensioned extent of highway plan does clearly show that a new 2.0m pedestrian footway can be provided to link directly to the Grovefield Way so residents are not forced to cross until traffic is virtually stationary at the existing tactile paving. The proposed crossing point would then only serve residents if attending an event at the Community Hall and be desirable and not essential use.

Subject to the applicants acceptance of the revisions above, the Highway Authority concludes that potentially there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. A revised plan without the internal layout is requested prior to determination and it should include;

- the revised access position and the minimum 'x' 2.4m by 'y' 75m visibility splay appropriate to the proposed primary vehicle access
- the wider extent of construction required for the essential footway link within the site's red line boundary up to the existing construction
- the secondary access and best visibility splay achievable subject to maintaining T17, if considered beneficial to the applicant.

The Highway Authority therefore submits a further response of deferral to allow the applicant time to present the updated information and plans for consideration.

GCC Highways Planning Liaison Officer 3

12th November 2024 -

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

The justification for this decision is provided below.

The applicant has positively entered into discussions to resolve the residents concerns about a proposed carriageway narrowing restricting access to properties. The pedestrian link has now been relocated to the west of the community hall with tactile paving and footway

construction as detailed by plan 2387/10.Rev.C and this proposal is considered acceptable. Additional details of the street lighting improvements to highlight the crossing point and change in environment for the 30mph area will be conditioned to be required as part of the future reserve matters application together with appropriate construction due to the existing mature trees.

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 by the provision of a new access from North Road West. There are no justifiable grounds on which an objection could be maintained.

Conditions

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 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 75 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres 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 for pedestrians and all other users.

Highway improvements / offsite works / site access (Details not provided)

The Development hereby approved shall not commence until drawings of the offsite works and site access works comprising:

Works Description A - Construction Details for the initial 10m Site Access to be adopted.

Works Description B - Construction Details for Pedestrian Access footway link on North Road West linking to existing footway.

Works Description C - Street Lighting upgrade for the full extent of North Road West within the existing 30mph speed limit.

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

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

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 Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated.

REASON: To reduce vehicle movements and promote sustainable access.

Construction Management Plan

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

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading / unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- 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 allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

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

Private Road

You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority 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, unless and until you agree to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

Private Signage Indicating a Private Road

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

No Drainage to Discharge to Highway

Sustainable 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

Nature Space

21st May 2024 – full comments and accompanying tables are available to view via the documents tab

These comments are valid for 12 months (in line with CIEEM guidelines for ecological survey lifespan) and if any additional or revised ecological information is submitted, we request that we be re-consulted.

Recommendations:

In line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:

- Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Cheltenham Borough Council's District Licence; or
- Provide further information in the form of an outline mitigation strategy which demonstrates how the applicant will carry out the development in a way that avoids, reduces or compensates for impacts on great crested newts, including long term management and monitoring*.

Thank you for your consultation. Newt Officers provide impartial advice to the council on great crested newts as the Council's delivery partner in the Great Crested Newt District Licensing Scheme.

Response: More information required

*Please be aware that, as part of this, additional population assessments may need to be undertaken by a suitable qualified and experienced ecologist in accordance with the Great Crested Newt Mitigation Guidelines (English Nature, 2001), particularly if a reserved matters application is delayed by more than 2 years. If great crested newts are identified, then a Natural England site-based mitigation licence may be required. Some of the surveys are seasonally constrained.

More details on the district licensing scheme operated by the council can be found at www.naturespaceuk.com

In response to the information provided in the Preliminary Ecological Appraisal we recommend that more information is needed, either in the form of an outline mitigation strategy or evidence of entry into the District License Scheme to demonstrate that impacts to great crested newts and/or their habitat as a result of the development being approved can be adequately dealt with. Currently, the applicant has not made an enquiry with NatureSpace.

If the applicant does not wish to pay to join the district licensing scheme at this outline

planning stage, then they must submit an outline great crested newt mitigation strategy, which keeps their licensing options open, and the implementation of this can be secured as a condition of planning consent. The licensing route can then be confirmed as part of the ecological information submitted with a subsequent reserved matters application.

However, the applicant must consider whether any site access works or other enabling works that would impact great crested newts or their habitats will be taking place before they submit a reserved matters application, and therefore would need to be licensed at an earlier stage. If this is the case, a detailed mitigation strategy should be submitted for these works specifically as part of the current outline planning application or they must pay to join the district licensing scheme to ensure that they are licensed before the reserved matters application is submitted.

Summary:

- The development falls within the amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a likelihood of great crested newt presence.
- There are 9 ponds within 500m of the development proposal.
- There is connectivity between the development and surrounding features in the landscape.
- There is suitable habitat on site.
- Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.

Figure above: Outline of the site (red) in the context of the surrounding landscape, including the Impact Risk Zones for GCN. Ponds are shown in light blue. A 250m buffer is shown around the site in green and a 500m buffer in blue. Contains public sector information licensed under the Open Government Licence v3.0.

The applicant has provided an ecological report; An Updated Preliminary Ecological Assessment Report for Land at Corinthian Park, Wilder Ecology, 11/04/2023. Within this report it states that:

The semi-improved grassland area as shown in figure two below is comprised of areas of bare ground between some of the early colonizers as shown below in figure three & large spoil heaps on site that have become covered in tall ruderal vegetation as shown below in figure two & over the page in figure four.

The fact that the ponds three, four & five are divided by main roads & unconnected by habitats from the proposed site & as the main roads are considered as a physical barrier to newts means these three ponds can be discounted.

As ponds one & two were found to be absent for GCN's & Ponds three, four & five are all divided by main roads & unconnected by habitats & out side of the key newts foraging zone the likelihood of GCN being present on site is considered to be negligible.

The applicant has not surveyed the 4 other ponds south of the M40 within 500m of the site (see figure above), so the status of these ponds is currently unknown. Should GCN be present in these nearby ponds they may well use the site during their terrestrial dispersal phase. There is suitable habitat on site, including the spoil heaps, grassland, hedgerows and tall ruderal vegetation.

Ponds 3,4, and 5 to the south of the site, should not be ruled out due to the road as a dispersal barrier. The road directly south of the site and Badgeworth road would not be considered barriers to great created newts because it is a minor road with no raised curbs to inhibit GCN movement. The potential for newts to cross roads successfully depends largely on traffic volume and the presence of any barriers, such as kerbs. Small roads and tracks with low vehicle numbers appear to present no major problems for newts, whilst larger,

busier ones can limit dispersal and result in high mortality. (Great Crested Newt Mitigation Guidelines, page 45, English Nature, 2001)

The ponds to the north of the site are separated by the A40 road, multiple lanes and fast flowing traffic, and would constitute a barrier to GCN. These ponds can be ruled out for this site.

Ecologist 1

30th May 2024 -

I have reviewed the Preliminary Ecological Assessment (PEA) and accompanying Biodiversity Metric calculation, prepared by Willder Ecology. I have also reviewed the Planning Statement, the Illustrative Landscape Masterplan and the proposed Site Masterplan. My response regarding ecology is provided below.

Baseline Information and Assessment

A desk study was carried out, but the PEA does not state when. I note the desk study did not include a request for data from the local records centre (Gloucestershire Centre for Environmental Records (GCER)). I refer the applicant to page 15 of the CIEEM Guidelines for Preliminary Ecological Appraisal (Second Edition, December 2017). The decision not to obtain data from GCER should be justified in the PEA or else GCER data should be obtained and used to update the report.

An extended Phase 1 habitat survey was carried out on 20th June 2023, with an updated visit on 28th March 2024. It appears that the Phase 1 habitat survey data was translated into the UK Habitat Classification (UKHab) system in order to enable a Biodiversity Net Gain (BNG) calculation, however this is not explained in the PEA.

The application site comprises mainly species-poor semi-improved grassland which is cut annually. It is described as waste ground with a sparse sward, areas of bare ground and spoil heaps overgrown with tall ruderals and bramble. The boundaries comprise species-poor hedgerows and trees, with dense scrub also on the western boundary. Five ponds were identified within 500m of the site. eDNA surveys were conducted of Ponds 1 and 2, and the results were negative for great crested newt (GCN). Ponds 3, 4 and 5 were ruled out for GCN survey. The PEA states that they are separated from the site by main roads and so lack connectivity to the site. However, they are only separated from the site by a single lane, minor road, so this is not correct. This minor road would not be a barrier to the movement of GCN from Ponds 3, 4 and 5 to the site. The site supports suitable terrestrial habitat for GCN. Further survey and assessment of GCN is therefore required of Ponds 3, 4 and 5.

The boundary habitats are likely to support nesting birds and foraging / commuting bats. The PEA states that a bat activity survey of the southern boundary only is planned for 30th May 2024. Bat activity surveys of the site should follow the new updated bat survey guidelines and should be of all suitable boundaries, not only the southern one. There is no assessment of the potential of the site to support invertebrates. The habitats described may meet the description of 'open mosaic habitat on previously developed land', which is known to be valuable for invertebrates. There is also no mention of the potential of the site to support other protected or notable species, such as dormice in the boundary hedgerows and scrub, and hedgehogs. Desk study information would be useful in order to fully assess this.

Impacts, Mitigation and Enhancements

The development would result in the loss of the grassland, tall ruderals and scrub to housing. The boundary habitats would be retained apart from small sections of the southern boundary hedgerow, which would be removed for access. All trees would be retained.

The mitigation proposed during site clearance and construction comprises precautionary measures to protect amphibians, reptiles and nesting birds.

There would be compensation planting for the loss of the sections of hedgerow, with new hedge, shrub and tree planting. Wildflower grassland with fruit trees would be created as part

of community green spaces and play areas. A SuDS pond would be included as part of the development, which would be designed for wildlife and planted up with native aquatic plants.

Bat and bird boxes would be installed on the new buildings, but there is no indication of the type, number and location of these. Additional features for wildlife should be considered, such as insect houses and hedgehog highways.

A statement is made that light spill onto the boundaries would be avoided. This should be further addressed following the results of the bat activity surveys.

The BNG calculation shows that the habitat enhancements proposed would result in a net gain in biodiversity of approximately 60% for habitats and 13% for hedgerows. The development as indicated in the Illustrative Landscape Masterplan would therefore meet the BNG requirements. However, it is not possible to check the BNG calculation because a BNG assessment has not been provided. This should show how the Phase 1 habitats were converted to UKHab, the detail of the habitat condition assessments, and plans showing the areas of pre- and post-development habitats, i.e. where the numbers entered into the Metric came from.

Designated Sites

The PEA states that the development site is located 8km from the Cotswold Beechwoods Special Area of Conservation (SAC). It is therefore within the 15.4km zone of influence of the SAC. Since there is potential for impacts on Cotswold Beechwoods SAC due to increased recreational pressure from residents of the new housing, the applicant should prepare a shadow Habitats Regulations Assessment (HRA) to address the potential impacts and propose site-specific mitigation. The alternative would be for the applicant to make a financial contribution in line with the Cotswold Beechwoods SAC Recreation Mitigation Strategy. This would need to be agreed with the LPA and Natural England.

Requirements prior to determination:

1. The decision not to obtain data from GCER should be justified in the PEA or else GCER data should be obtained and used to update the report.
2. A BNG assessment should be provided which should show how the Phase 1 habitats were converted to UKHab, the detail of the habitat condition assessments, and plans showing the areas of pre- and post-development habitats, i.e. where the numbers entered into the Metric came from.
3. Further assessment of the site for GCN is required, in particular the potential for Ponds 3, 4 and 5 to be breeding sites, and therefore the potential of GCN from these ponds to be present in terrestrial habitats on site.
4. The results of the bat activity surveys should be provided and used to fully assess the use of the site by bats and inform mitigation and enhancements (including lighting considerations).
5. Consideration of the potential of the site to support invertebrates and other protected / notable species should be provided.
6. The applicant's consultant should prepare a shadow HRA to assess whether the proposals would impact on Cotswold Beechwoods SAC. Alternatively, a financial contribution to address potential recreational impacts to Cotswold Beechwoods SAC should be agreed in writing with the LPA and Natural England.

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

1. The mitigation measures in the updated PEA / additional submissions that apply to the site clearance and construction phase of the development should be included in a Construction Environmental Management Plan (CEMP) for the site, with detailed Method Statements.
2. The enhancement measures outlined in the PEA / additional submissions should be further expanded on in a Landscape and Ecology Management Plan (LEMP). Management should be applicable for a minimum period of five years, though in

relation to BNG this should be for 30 years and include a monitoring regime to ensure habitats establish well and that wildlife features remain in good condition. The LEMP should include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation needs to be stated and the method by which the protection of retained, enhanced and created habitats will be secured. The extent and location of removed, retained and newly created habitats presented in the LEMP should match that set out in the BNG assessment. The LEMP should demonstrate that the BNG proposed in the BNG assessment would be achieved.

3. Prior to commencement, details of external lighting should be submitted to and approved in writing by the Council. The details should clearly demonstrate that lighting will not cause excessive light pollution of the retained boundary habitats and the proposed bat roosts and bird boxes. The details should include, but not be limited to, the following:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii) A description of the luminosity of lights and their light colour including a lux contour map;
- iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings; and
- v) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting should be installed in accordance with the specifications and locations set out in the approved details. These should be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed unless agreed with the LPA.

4. Any mitigation and compensation measures needed to protect Cotswold Beechwoods SAC (as presented in the HRA document) should be undertaken if required.

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
- SD9 Biodiversity and Geobiodiversity
- INF3 Green Infrastructure

In England, biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. For significant on-site gains, and all off-site gains, the BNG must be maintained for at least 30 years. Responsibilities should be set out in a legal agreement. Further guidance can be found at <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

1 The NPPF Paragraph 179 states: "To protect and enhance biodiversity and geodiversity plans should: b) ... identify and pursue opportunities for securing measurable net gains for biodiversity."

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

Ecologist 2

24th July 2024 -

I have reviewed the submitted plans, previous ecology comments, additional ecological information (Willder Ecology, July 2024), and BNG technical note (unnamed, undated).

The additional ecological information is a satisfactory response to the previous ecology comments, bar the following:

- On the GCER records provision, can we have the species at points 45, 43, 90 and 203?
- I have no objection to the Homeowner Information Pack (HIP) condition suggested, however the previous ecology comments regarding the Cotswolds Beechwoods SAC still apply; a shadow Habitats Regulations Assessment will be required.

Biodiversity Net Gain

This application is subject to the mandatory Biodiversity Net Gain requirements because it was submitted after February 12th, 2024. The submissions made for BNG for this proposal therefore need revision.

An old version of the biodiversity metric has been used (metric 4.0). The following revisions need to be made in the statutory metric for this proposal:

- Some user comments from a previous project look like they have been retained in the metric submitted on the A-1 tab. These need to be amended to reflect this proposal.
- The delay in habitat creation column in tabs A-2 and B-2 have not been completed. This is the number of years between the habitat being cleared and the landscaping commencing. This is usually at least one year. This needs to be updated.
- 125 small trees in poor condition have been calculated in the tree helper on the Main Menu tab in the metric. We can assume these are part of the landscaping proposals because this number roughly aligns with the Illustrative Landscape Masterplan (dwg number: DLA-2206-DR-L-08-S03) but they have not been input to tab A-2. The trees outside of private gardens (i.e those accessible for long-term management) should be input to the metric.
- 0.75ha of other neutral grassland (wildflower meadow) is included in the habitat creation tab of the metric, this is approximately three times the area of vegetated garden. Can we have some more information on what this figure is based on because the Illustrative Landscape Masterplan doesn't necessarily reflect this figure.
- Only the 2m of hedgerow removal required for public access has been included in the metric. The 15m hedgerow removal required for vehicular access from North Road West and the second access from Corinthian Way shown on the Illustrative Landscape Masterplan need to be included in the metric.
- Areas where the hedgerow has become overgrown at boundary 2 (as identified in the Updated Preliminary Ecological Assessment Report, Willder Ecology 2024) should be included in the metric as additional scrub unless it can be justified why this habitat is not distinct from the hedgerow.
- 100m of hedgerow creation is included in the metric which appears to be in the north-east of the site around car parking spaces, and double stacked parallel to the existing hedge along North Road West. Can we have some clarification on whether the hedgerow is going in both these locations, and what the justification for the double stacking would be along the North Road West boundary.

As this proposal is subject to the mandatory BNG requirements, the BNG technical note submitted needs to be updated to a BNG report. As this is an outline application, the CIEEM BNG Feasibility Report (CIEEM-BNG-Report-and-Audit-templates2.pdf) could be used. Completed condition assessment sheets and a UKhab plan of the site pre-development is required within this report.

CBC Ecologist 3

11th September 2024 –

I have reviewed the Additional Ecological information note, the Biodiversity Net Gain Feasibility Report, and the statutory Biodiversity metric (all Wilder Ecology, Augst 2024). Most of my comments have been addressed apart from the following one:

"100m of hedgerow creation is included in the metric which appears to be in the north-east of the site around car parking spaces, and double stacked parallel to the existing hedge along North Road West. Can we have some clarification on whether the hedgerow is going in both these locations, and what the justification for the double stacking would be along the North Road West boundary."

I also read the note about wildflower planting across the site in the additional ecological information note, and I'd like to advise that the statutory metric is revised to split the wildflower areas (other neutral grassland) up in to other neutral grassland in moderate condition (not good as these areas will be publicly accessible at all times), and a suitable alternative habitat classification for the children's play area as currently it looks like this takes up a large portion of what is being classified as future wildflower area.

Finally, the illustrative masterplan appended to the BNG feasibility report shows woodland creation around the site, but this is not included in the statutory metric submitted. If woodland creation is proposed, not hedgerow, this needs to be included in the metric.

Ecologist 4

11th November 2024 –

The site is located in an urbanised area and is not within or directly adjacent to any designated wildlife sites. The site is partially within the Low Priority Open Habitats and Medium Priority Woodland nature opportunity areas within the Gloucestershire Local Nature Partnership (GLNP) Nature Recovery Network (NRN).

The Preliminary Ecological Appraisal (PEA) (Wilder Ecology, April 2023) and subsequent Additional Ecological Information reports appropriately describe the ecological features of the site and mitigation required. The proposal is also set to achieve a net gain in biodiversity according to the statutory biodiversity metric. Ecological impacts to the GLNP NRN are therefore deemed to be mitigated appropriately.

The Biodiversity Net Gain (BNG) Assessment (author, date) calculates a 34.19% gain in area habitat units and a 55.1% net gain in hedgerow habitat units. This is supported and a 30-year Habitat Monitoring and Management Plan (HHMP) is conditioned.

The BNG informative must be added to the decision notice of this planning application if it is deemed approved.

The applicant has committed to delivering 10% Biodiversity Net Gain. This is supported. The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 modifies the general biodiversity condition for planning permissions which are phased development. Instead of the standard approach for the Biodiversity Gain Plan:

- an Overall Biodiversity Gain Plan must be submitted to and approved by the planning authority before any development can begin; and
- a Phase Biodiversity Gain Plan for each phase must be submitted to and approved by the planning authority before the development of that phase can begin.

Pre-construction surveys for nesting birds (to include owls) and bats in trees and buildings, changes to/new badger setts, and the presence of other protected species such as GCN or Otter will be required. The results of these surveys must be reported in an updated ecology report submitted with every reserved matters application. This is conditioned below.

NatureSpace have submitted comments (May 2024) regarding the development proposals

potential to impact legally protected Great Crested Newts. Their comments must be addressed pre-determination.

If this application is approved, the following conditions should apply:

Ecological Mitigation & Enhancement Strategy (EMES)

Prior to the commencement of the development hereby approved the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES). This shall include details of the provision of 10No bird, 10No bat, 6No insect and 5No hedgehog boxes suitably located across the site. The bird boxes must include bricks or tiles for swift and house sparrow. The location, specification, height and orientation of these features shall be shown on a site plan. The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by Cheltenham Borough Council.

Reason: (1) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA '... in exercising its functions, [to] have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2023) which states (in paragraph 180) that 'Planning policies and decisions should contribute to and enhance the natural and local environment...'. And (3) Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) which encourages new development to: "contribute positively to biodiversity and geodiversity whilst linking with wider networks of green infrastructure. For example, by incorporating habitat features into the design to assist in the creation and enhancement of wildlife corridors and ecological steppingstones between sites".

Lighting Plan

Reserved Matters applications shall show the details for any proposed external lighting. Development shall be undertaken in accordance with the approved details. This shall include a lux level contour plan, and shall seek to ensure no light spill outside of the site boundaries or on to habitat suitable for nocturnal protected species. The lux contour plan shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g visors.

Advice note: Lux Levels on natural habitats potentially used by nocturnal species such as bats and badgers, not previously exposed to increased light levels, will receive approximate lux levels of between 0.1 (typical moonlight/cloudy sky) and 10 (sunset) lux 'Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust Increasing lux levels in these natural habitats is likely to cause disturbance, therefore the implementation of visors etc as mitigation is strongly advised.

Guidance: According to paragraph 191 of the National Planning Policy Framework (2023), 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Reason: To conserve legally protected bats and other nocturnal wildlife complying with the 1981 Wildlife & Countryside Act (as amended).

Soft Landscape Plan

Reserved Matters shall contain a soft Landscape Plan including a planting schedule, which will demonstrate that the proposal will achieve a minimum 10% net gain in biodiversity in line with the proposals set out in the Biodiversity Gain Plan.

The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: to comply with the revised National Planning Policy Framework (NPPF, 2023). The NPPF states in paragraph 180 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity..." and in paragraph 185 (b) "To protect and enhance biodiversity and geodiversity, plans should...identify and pursue opportunities for securing measurable net gains for biodiversity".

Ecology Report

Reserved Matters shall contain an updated ecological survey carried out by a suitably qualified ecological consultant submitted to and approved in writing by the Local Planning Authority. The Survey Report shall include updated protected species surveys.

Reason: To ensure legal and policy compliance with regard to valued ecological species and habitats as well as to invasive plant species.

Habitat Management and Monitoring Plan (HMMP)

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Notice in writing shall be given to the Council when the:
 - (f) [HMMP] has been implemented; and
 - (g) habitat creation and enhancement works as set out in the [HMMP] have been completed.

No occupation shall take place until:

- (h) the habitat creation and enhancement works set out in the approved [HMMP] have been completed; and
- (i) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990

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

Flood Risk

The Flood Risk Assessment and Drainage Strategy (Ref: 004-8230393_CS_Flood_Risk_Assessment; Issue 2; 17 April 2024) The site is in flood zone 1 but there is an area at risk of surface water flooding along the northern boundary of the site according to the Risk of Flooding from Surface Water maps. It's been shown that this area will remain open space and no houses will be built in the area at risk.

Surface Water Management

Discharge strategy

The geology of the site means that infiltration is unlikely to be possible. Instead, it is proposed to discharge the western part of the site into the ordinary watercourse to the north of the site and the eastern part to the attenuation basin built as part of the wider development in the area. This was part of the 16/02208/FUL application that formed this wider development so it appears the basin will be able to accommodate this surface water.

The construction of the headwall may require consent under S.23 of the Land Drainage Act 1991. This is a separate process to the planning process and is issued by Cheltenham Borough Council.

Discharge rates

The discharge rates will be limited to 1.2 l/s for the eastern site and 1.7 l/s for the western site, which are both approximately equal to the greenfield runoff rate for QBar. This forms the development's surface water volume control.

Drainage strategy and indicative plan

For the eastern site, surface water will be stored in an underground geocellular crate and permeable paving. It has been shown that these can accommodate rainfall events up to and including the 1 in 100 year event plus 40% for climate change and the permeable paving will offer some management of water quality. However, it will not provide any amenity or biodiversity benefits.

Surface water in the western site will be stored in a balancing pond and drained through the site through swales and permeable paving. The strategy has been shown to accommodate the 1 in 100 year rainfall event plus 40% and will manage water quality as well as provide amenity and biodiversity benefits to the development. The outfall for the western site appears to be discharging into the watercourse against the flow, which could adversely impact the flow in the receiving watercourse. Further detail would need to be provided in order to get S.23 consent, however, it should also be provided with a detailed design and shown that this will not be the case.

Climate change

The value of 40% used to simulate climate change is in line with the latest estimates from the Environment Agency.

Exceedance flow plan

Routes that surface water will flow when the design of the drainage has been exceeded have been provided. This will ultimately depend on the final topography of the site and further detail can be provided with a detailed design. This should also include the exceedance route for the balancing pond to ensure it does not flow towards the neighbouring properties if it overtops.

LLFA Recommendation

The LLFA has no objections to the proposal subject to the following conditions:

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 (Outline Drainage Scheme; 8230393-106-P1; April 2024). 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 e-mail address. Please quote the planning application number in the subject field.

GCC Local Flood Authority (LLFA) 2

21st August 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.

Following a discussion with the Cheltenham Borough Council (CBC) drainage engineer who provided anecdotal evidence from a CBC investigation into flooding to a property downstream of the site that showed flood water could have come from the direction of the site. I therefore concur with CBC that further information should be provided to demonstrate the development will not increase flood risk here or that any changes in the risk is mitigated against.

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

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

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

GCC Local Flood Authority (LLFA) 3

1st November 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.

A new Flood Risk Assessment (2400377-ENV-S1-SW-TR-C-0001; 03/10/2024) has been submitted in which a model of the watercourse that flows under the A40 to the northeast of the site and a proposal to mitigate potential increases in flood risk as a result of the development have been included. The point that surface water will be discharged from the site also appears to be changed.

The model of the watercourse shows that in a 1 in 100 year rainfall event plus 40% for climate change, the culvert under the A40 could be overwhelmed and could cause flooding along the northern portion of the site. However, the mitigation, which aims to deal with the displacement of flood water caused by raising the level of the land by storing it in underground crates, appears to be based on the Risk of Flooding from Surface Water (RoFfSW) maps rather than this watercourse model. This is OK, however, it is felt that more information needs to be provided to show that the mitigation will be sufficient to ensure flood risk is not increased elsewhere. This can be done in two ways, either by showing there is level for level compensation being provided (if using the RoFfSW maps) or that the discharge from the watercourse predicted by the model can be accommodated within this area.

There also appears to be a change in the discharge strategy so that surface water is being discharged to the area of land northwest of the site rather than to the watercourse to the northeast, as originally proposed. There isn't a mapped watercourse to the northwest of the site so, if the discharge strategy has changed, more information should be provided to show that this will be suitable. There needs to be a continuous ditch/channel that water can take between the site and the ordinary watercourse at Badgeworth Road to ensure surface water doesn't cause a nuisance to neighbouring properties and that this area can be kept clear, via the Land Drainage Act, through the lifetime of the development.

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

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

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

GCC Local Flood Authority (LLFA) 4

4th November 2024 –

An additional flood risk assessment (FRA) has been provided (Ref: 2400377-ENV-S1-SW-TR-C-0001) with analysis of the surface water/ordinary watercourse flood risk at the site and proposed mitigation. The FRA has identified the capacity of the existing A40 culvert is exceeded in the pre-development 1 in 100 + climate change event and 325l/s excess is estimated to leave the watercourse and flow towards the site, similar to the flooding represented by the national surface water flood risk map. This part of the FRA analysis is considered appropriate.

In the pre-development scenario, the surface water flood map indicates that some of this 325l/s hydrograph would be stored on the "floodplain" east of the site (between the culvert and the proposed development) and there is further storage within/on the boundary of the proposed development, before the flood flow continues west to neighbouring property. The pre-development peak flow and volume exiting the site to the west has not been quantified.

In the post-development scenario it is expected that some of the flood storage currently provided will be displaced and a mitigation option has been proposed. Further analysis is required to prove that this mitigation option works effectively. The timing at which flood storage comes into effect is impacted by the proposed flow control and weir structures and it has not been demonstrated that the hydrograph leaving the site to the west will be either bettered or comparable with the pre-development scenario.

Alternatively a level-for-level floodplain compensatory storage analysis as per Environment Agency FRA guidance would be acceptable, but the current mitigation would not provide this without further hydraulic analysis, due to the inclusion of control structures which impact the timing at which each level of floodplain storage comes into operation.

The FRA also shows discrepancies with the April 2024 drainage strategy for the proposed site and potentially with the landscape masterplan. Commentary and figures in the FRA imply that the drainage strategy for the site is to discharge to the west but the April 2024 FRA had an outfall near the A40 culvert. Although an identified flood flow, it is not clear if there is a continuous drainage ditch (an ordinary watercourse) connecting the site to Badgeworth Road for regular discharge. The application also needs to confirm how the proposed placement of attenuation storage tanks for flood mitigation will be coordinated with the proposed tree and scrub belt identified in the same location in the landscape strategy and how issues such as root ingress, maintenance access etc. will be managed.

GCC Local Flood Authority (LLFA) 5

6th December –

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 Risk of Flooding from Surface Water Flood Risk Assessment document (2400377-ENV-S1-SW-TR-C-0001; 25/11/2024) provides further modelling of the watercourse and an estimate of the volume of flood water anticipated to flow through the northern portion of the site in a 1 in 100 year plus climate change scenario. It also states that "the proposed regrading and widening of the base of the existing ditch will in fact increase the storage capacity at the base of the proposed slope". This widening of the ditch should ensure that there is no increase in the rate of water passing through this area and should remain in the designs through the process of the development. It should be included in the exceedance flow routes plan for the detailed design of the drainage strategy.

The point of discharge from this pond has been changed again to a culverted watercourse in North Road West, nearby to the point where water naturally draining from the site would end up.

The LLFA has no further objections to the proposal subject to the following conditions:
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 (Outline Drainage Scheme; 8230393-106-P1; April 2024 and Northern Ditch Sections and Drainage Strategy Updates; 2400377-ENV-S1-SW-DR-C-0001; Rev 1.4; 03/10/2024). The SuDS Strategy must include a detailed design, an exceedance flow route plan, 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 e-mail address. Please quote the planning application number in the subject field.

CBC Drainage And Flooding

21st May 2024 –

The current Flood Risk Assessment (FRA, dated 17/04/2024) has not demonstrated that flood risk will not be increased off-site by the development. The area of concern being the displacement of flood volume on the northern boundary by proposed landscaping without an appropriate accompanying effects assessment.

Cross sections in Appendix G show that existing predicted flood volumes will be displaced by the proposed landscaping (particularly at section A-A) and it has not been demonstrated how this loss of volume will be compensated. Section 5.10 of the FRA claims that the flowpath channel has been made more efficient, but essentially this just means that more flow is being passed west to neighbouring properties. Property to the west of the site has recorded flood history and is in an area of high surface water flood risk.

The FRA mentions uncertainties with the broad-scale national surface water flood risk map in section 4.18 and concludes in 4.19 that it likely overpredicts flood risk. Whilst this may be a possibility there is no evidence to support the assumptions made. The model used to create the surface water flood risk maps may actually over-estimate the capacity of the culvert under the A40 or under estimate inflows from upstream urban drainage. The surface water map appears to pre-date the existing topography of the wider development as the flowpath does not follow the re-routed watercourse downstream of Grovefield Way. The assumption in 4.18 that attenuation basins in the wider development intercept this overland flowpath (the watercourse) is therefore not considered valid.

Given the above uncertainties a more thorough hydraulic and hydrological modelling analysis should be provided to show that effects off-site are managed. This analysis will also give further confidence to proposed floor levels to manage flood risk on-site. Whilst the surface water strategy for the site has reduced runoff to greenfield values, it has diverted these flows towards the A40 culvert which is not the existing flow regime for the majority of the site which drains west. The requested analysis should therefore include this diversion of runoff in the post-development scenario in addition to proposed topographical changes.

CBC Drainage and Flooding 2

11th December 2024 –

I am now satisfied that matters relating to flood risk are managed by the proposed drainage strategy and ditch widening, subject to a condition for the sustainable drainage design to be reviewed and approved by the local planning authority at a later design stage if planning permission is granted. It is noted for consideration of the planning officers that the drainage strategy now proposes a new surface water pipeline along the North Road West Highway which is outside of the application boundary.

An updated flood risk assessment has been provided (2400377-ENV-S1-SW-TR-C-0001, Issue 1.4, dated 25/11/2024). Whilst the requested assessment of the flood volume/hydrograph and potential displacement through the site has not really been included within this FRA, the FRA has shown that flood volumes of up to 215m³ are anticipated to overtop the channel at the A40 culvert in a 1 in 100 +40%CC event (pre and post development scenario) which would enter the northern boundary flowpath. This is before runoff volume from the site itself is taken into consideration, which would be greater than 215m³ in the pre-development scenario (1 in 100+40%CC event).

In the post-development scenario, the site runoff is proposed to be released at a controlled greenfield QBAR rate (for both flow and volume control purposes) across the range of rainfall events up to and including the 1 in 100+40% CC. This controlled QBAR discharge for the western side of the site is also now proposed to be diverted around the neighbouring properties on North Road West, further reducing the flow and volume on the northern boundary flowpath. The FRA also proposes regrading and widening at the base of the flowpath/ditch on the northern boundary through the site.

If planning permission is granted, please request the following conditions:

Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Drainage System (SUDS) principles and appropriate flood risk management, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall adhere to best practice SUDS principles, with above ground devices / flowpaths that incorporate water quality, biodiversity, and amenity benefits prioritised over below ground attenuation / pipe networks. The surface water drainage off the site should mimic existing natural flowpaths and watercourse hydrology and the interception of the first 5mm of rainfall should be provided. The scheme should include the management of exceedance flow routes (including managing any flows that enter the site) to minimise risk to people and property. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure flood risk management and sustainable drainage of the development, having regard to adopted policies INF2, INF3, SD6, and SD9 of the Joint Core Strategy (2017).

Prior to the commencement of development, a construction phase surface water management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall outline what measures will be used throughout the construction

period of the development to ensure that surface water does not leave the site in an uncontrolled manner and put properties elsewhere at increased risk of flooding. The plan shall also outline how risks to downstream water quality will be mitigated during the construction phase. The construction phase shall be implemented in strict accordance with the approved plans until the agreed sustainable drainage system strategy is fully operational.

Reason: To ensure flood risk management and water quality mitigation during construction of the development, having regard to adopted policies INF2 and SD14 of the Joint Core Strategy (2017).

Severn Trent Water Ltd

24th May 2024 –

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

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- o Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Severn Trent Water advise that there is a public foul water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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

NO BUILD ZONES:

100mm to 299mm diameter - 3m either side of the pipe, measured from the centreline of the sewer.

The applicant is advised to visit: www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/diversion-of-waste-assets-application/

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

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

Cheltenham Chamber Of Commerce

31st May 2024 - On behalf of Cheltenham Chamber of Commerce I am writing in support of the above application. We understand the change of direction in view of the need for residential accommodation in the region but we are concerned about the loss of employment land and feel that it is important for an alternative suitable site to be identified to compensate for the loss of opportunity that will result from this application.

Natural England 1

10th May 2024 - Response available to view in documents tab.

Natural England 2

29th October 2024 -

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

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as The Cotswold Beechwoods SAC. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment. Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure. Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

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

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Annex A –Natural England general advice

Protected Landscapes Paragraph 182 of the National Planning Policy Framework - GOV.UK (www.gov.uk) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the Levelling-up and Regeneration Act 2023 (legislation.gov.uk) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 187 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and

enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Guidelines for Landscape and Visual

Impact Assessment (GLVIA3) - Landscape Institute for further guidance.

Biodiversity duty Section 40 of the Natural Environment and Rural Communities Act 2006 (legislation.gov.uk) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making.

We refer you to the Complying with the biodiversity duty - GOV.UK (www.gov.uk) for further information.

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)). Both the direct and indirect impacts of the development should be considered.

A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see Habitats regulations assessments: protecting a European site - GOV.UK (www.gov.uk) and Natural England must be consulted on 'appropriate assessments' (see Appropriate assessment - GOV.UK (www.gov.uk) for more information for planning authorities).

Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the SSSI Impact Risk Zones (England) (arcgis.com) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified (Sites of special scientific interest: public body responsibilities - GOV.UK (www.gov.uk)).

Protected Species

Natural England has produced Protected species and development: advice for local planning authorities (gov.uk) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to Wildlife licences: when you need to apply - GOV.UK (www.gov.uk) for more information.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 187, 188 and 192 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geo conservation groups or recording societies. Emerging Local nature recovery strategies - GOV.UK (www.gov.uk) may also provide further useful information. Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be

mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to Habitats and species of principal importance in England - GOV.UK (www.gov.uk) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making. Natural England does not routinely hold priority species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the Brownfield Hub - Buglife for more information and Natural England's Open Mosaic Habitat (Draft) - data.gov.uk (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 187(d), 192 and 193. Major development (defined in the National Planning Policy Framework (publishing.service.gov.uk) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to Biodiversity Net Gain moves step closer with timetable set out - GOV.UK (www.gov.uk). Biodiversity net gain - GOV.UK (www.gov.uk) provides more information on biodiversity net gain and includes a link to the draft Biodiversity net gain - GOV.UK (www.gov.uk) Planning

Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to Calculate biodiversity value with the statutory biodiversity metric - GOV.UK (www.gov.uk) for more information. For small development sites, The Small Sites Metric - JP040 (naturalengland.org.uk) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met. The mitigation hierarchy as set out in paragraph 193 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England.

More information is available on Sites of Special Scientific Interest: managing your land

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife. The Environmental Benefits from Nature Tool - Beta Test Version - JP038 (naturalengland.org.uk) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric. Natural environment - GOV.UK (www.gov.uk) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 193 of the NPPF. The Natural England Access to Evidence - Ancient woodlands Map can help to identify ancient woodland. Natural England and the Forestry Commission have produced Ancient woodland, ancient trees and veteran trees: advice for making planning decisions

- GOV.UK (www.gov.uk) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 187 and 188). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the Guide to assessing development proposals on agricultural land - GOV.UK (www.gov.uk). Find open data - data.gov.uk on Agricultural Land Classification or use the information available on MAGIC (defra.gov.uk).

The Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (publishing.service.gov.uk) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to Reclaim minerals extraction and landfill sites to agriculture - GOV.UK (www.gov.uk), which provides guidance on soil protection for site restoration and aftercare. The Soils Guidance (quarrying.org) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to Green Infrastructure Home (naturalengland.org.uk) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well_managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 GI How Principles (naturalengland.org.uk). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate. The Green Infrastructure Map (naturalengland.org.uk) and GI Mapping Analysis (naturalengland.org.uk) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation:

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

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

Paragraphs 105 and 187 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on any nearby National Trails. We refer you to Find your perfect trail, and discover the land of myths and legend - National Trails for information

including contact details for the National Trail Officer.

The King Charles III England Coast Path (KCIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails. Further information is set out in the Planning Practice Guidance on the Natural environment - GOV.UK (www.gov.uk)

Environmental Health 1

28th May 2024 –

The application includes a submitted noise impact assessment (ref: 10/15111). At this stage, further information would be required to satisfy noise concerns for this site. The report states that 'a strategy for ventilation and management of overheating is to be developed', however the report does not detail what ventilation is needed to adhere to BS8233 internal noise levels. Please could this clarification be provided in order for EH to appropriately assess the noise impact assessment and condition/ comments accordingly. Additionally, the noise impact assessment report demonstrates how the front garden areas exceeds the BS8233 outdoor external limit.

The noise impact assessment report also details that 'Building services plant will also likely be required for the commercial unit', and therefore a BS4142 noise assessment would be required to assess the suitability of use for the commercial site. This assessment will account for the entirety of BS4142 scope, where applicable. This assessment will be undertaken prior to the occupation of the premises and preferably as soon as the developer knows the occupier/the activities to take place. The assessment will be submitted in writing to the LPA for EH approval prior to occupation.

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

- 24 hour emergency contact number
- hours of operation
- 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)
- routes for construction traffic
- locations for loading / unloading and storage of plant, waste and construction materials
- method of prevention of mud being carried onto highway - measures to protect vulnerable road users (cyclists and pedestrians)
- any necessary temporary traffic management measures - arrangements for turning vehicles
- arrangements to receive abnormal loads or unusually large vehicles - methods of communicating the construction management plan to staff, visitors and neighbouring residents and businesses
- waste and material storage
- noise controls and mitigation
- details of demolition and controls for this
- control measures for dust and other air-borne pollutants
- measures for controlling the use of site lighting whether required for safe working or for security purposes.

The application notes that an Air Source Heat Pump is being considered. If the applicant decides to install an ASHP - the Environmental Health department will require further acoustic information relating to the operation of the pump prior to any works taking place. If the applicant indicates that they will be installing an ASHP, please can we request that we are further consulted by the Planning team.

For the construction phase to be kept within the times of work as follows: 07:30 - 18:00 Monday - Friday and 08:00 - 13:00 Saturdays with no works to take place on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

Environmental Health 2

5th July 2024 –

Please could the below condition be added to my initial consultation response.

No development shall begin until a sound insulation scheme has been submitted to and approved by the Local Planning Authority. The scheme should incorporate how to protect the habitable rooms in the residential units of the proposed development from road traffic as well as the commercial noise from the proposed commercial use unit.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 "Guidance on sound insulation and noise reduction for buildings", any acoustic attenuation scheme designed for this property shall achieve at least the 'reasonable' design range for living rooms and bedrooms from the British Standard referenced. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Contaminated Land Officer

28th May 2024 –

The application submitted a Contaminated Land Report (ref: 729381R2) and please could a compliance condition be attached to ensure the recommendations of the report are fulfilled during the development. Following this appropriate validation works will need to be undertaken and the verification documents will need to be provided.

GCC Community Infrastructure Team (Education and Libraries)

15th August 2024 – Due to table format, full comments are available to view in documents tab.

Summary

Financial contributions will be required to make the development acceptable in planning terms. The County Council would have concerns if provision of and funding for the necessary infrastructure requirements could not adequately be addressed by planning obligation.

A contribution to GCC of £11,760.00 is required (based on 60 dwellings), and which would be used at Hesters Way Library or Up Hatherley Library to improve customer access to services through refurbishment and upgrades to the library building, improvements to stock, IT and digital technology, and increased services

The proposal is for 60 dwellings, the Design and Access Statement describes it as including 9 x 1-bed dwellings. The number of qualifying dwellings would generate an additional demand for 15.3 primary places. There is adequate spare capacity available, therefore the County Council is not currently seeking a contribution towards these additional places. (See Tab.3 of the Education Analysis Workbook

The proposal is for 60 dwellings, the Design and Access Statement describes it as including 9 x 1-bed dwellings. The number of qualifying dwellings would generate an additional

demand for 7.97 secondary (11-16) places. The Secondary education data indicates there will not be adequate spare capacity to accommodate numbers arising from this development; therefore, the County Council is requesting a secondary (11-16) a contribution of £208,165.00 towards the provision of additional places. (See Tab.5 of the Education Analysis Workbook)

The proposal is for 60 dwellings, the Design and Access Statement describes it as including 9 x 1-bed dwellings. The number of qualifying dwellings would generate an additional demand for 2.550 secondary (16-18) places. The Secondary education data indicates there will be adequate spare capacity to accommodate numbers arising from this development; therefore, the County Council is not currently requesting a secondary (16-18) a contribution towards the provision of additional places. (See Tab.5 of the Education Analysis Workbook)

Clean Green Team

10th May 2024 - Response available to view in documents tab.

Architects Panel

4th June 2024 -

Design Concept:

The panel questioned whether this is a site for residential development given the proximity to the commercial uses and the main road.

Detail Design:

Due to the proximity of the road there are concerns over the noise and air pollution that will generate for any future residents. The application is simply for the access but the panel were not convinced that the scheme was resolved enough for them to make an informed decision over whether the revised access point was acceptable or not. Within the Design and Access Statement there were some schematic layouts that showed more promise in terms of the sites potential for development than the presented scheme. If we accept that this is a site for residential development the panel questioned whether the density could be increased to make better use of the site. The proposed layout doesn't appear to link very well to the surrounding highways infrastructure.

Recommendation:

Not supported

Cheltenham Civic Society

23rd May 2024 -

Outline application for the erection of up to 60 dwellings (including 40% affordable housing), up to 550 sq. metres of flexible commercial use (Use Class E), provision of new vehicular and pedestrian access with associated landscaping, drainage and other works. Approval sought for means of access. Appearance, landscaping, layout and scale are matters reserved for future consideration. | Land At North Road West and Grovefield Way Cheltenham Gloucestershire

SUPPORT WITH COMMENTS

We support the principle of using this land for housing. However, in developing a Full Planning Application, we hope the applicants (and the Council) will pay attention to these points:

Noise: The noise issue from the A40 should be properly addressed as traffic noise has been demonstrated to be harmful to people's health and life expectancy. A hard barrier should be erected between the road and the residential area and concealed within the roadside vegetation, see: <https://nationalhighways.co.uk/our-work/environment/air-quality-and-noise/noise/>

Hard surfacing: The amount of hard surfacing in the estate should be reduced to minimise the flood risk.

Street trees: these should be a feature of every street in accordance with government guidance (para. 136 of the NPPF).

Net biodiversity: we are unimpressed by the BNG calculation, which is complicated and hard to understand: and omits completely any reference to the one feature - the pond - that is likely to increase biodiversity.

A more user-friendly presentation is needed, albeit incorporating the BNG calculation.

Sustainability: needs to be built into the design of the new homes from the start, not retro-fitted.

Play area: this should be more centrally located and not next to the pond.

Affordable housing: this should be integrated throughout the scheme and largely indistinguishable from other housing.

Tree Officer

10th May 2024 –

Further details should be provided at reserved matters stage, as described in the arb statement. This should include tree protection measures, method statement for works within RPAs of reserved trees (including surfacing / footpaths), detailed landscape proposals (tree species, size and location, pit details). Where applicable, these documents should reference BS5837:2012.

Reason: to protect the amenity value of trees in the borough as per Policies GI2 and GI3 of the Cheltenham Plan and to secure the planting of appropriate trees as per Para 136 of the NPPF.

Social Housing

21st May 2024 – Due to format of comments, full response available to view in documents tab.

Summary

This officer is broadly satisfied with the proposals outlined by the applicant within this application, with the proposed delivery of a 70% social rented and 30% shared ownership affordable scheme being particularly welcome. This officer would request that the applicant submit further details regarding the affordable housing distribution, and exact proposed tenure mix at the soonest possible opportunity to assist this officer in gauging policy compliance. This officer would welcome conversations with the applicant to better understand the affordable housing proposals for this scheme in due course.

Gloucestershire Centre For Environmental Records

15th May 2024 - Report available to view in documents tab.