

Committee Officer Report

APPLICATION NO: 22/01817/OUT (CBC) 22/01107/OUT (TBC)		OFFICERS: Nicole Golland (Cheltenham Borough Council) & Paul Instone (Tewksbury Borough Council)
DATE REGISTERED: 7th October 2022		DATE OF EXPIRY: Extension of time agreed with applicant 31 st October 2025
DATE VALIDATED: 7th October 2022		DATE OF SITE VISIT: throughout 2022-2025 member site visit 14 th October 2025
WARD: Springbank (CBC) Severn Vale South (TBC)		PARISH: Boddington (TBC)
APPLICANT:	Brighton STM Developments Ltd and Midlands Land Portfolio Ltd	
AGENT:	Savills	
LOCATION:	Land To South of Old Gloucester Road Cheltenham (Land West of Cheltenham)	
PROPOSAL:	Outline planning application for phased residential development comprising a mixture of market and affordable housing (use class C3), which could include retirement/extra care accommodation (use class C2/C3) a flexible mixed use area with a community hub (including potentially use classes E, F1 and F2), a primary school and children's nursery, a convenience store (use class E), site clearance and preparation, green infrastructure (including Suitable Alternative Natural Greenspace), walking and cycling routes, formal and informal public open space, sports pitch provision, drainage and other associated works and infrastructure, including utilities and highways works, all matters reserved except partially for access.	

RECOMMENDATION:

To delegate authority to the Head of Planning to permit the application subject to:

A) the conditions as set out or substantially similar as may be agreed under delegated authority given to the Head of Planning and;

B) completion of a S106 obligation and/or other legal document to deliver the infrastructure and other mitigation, as set out in this Report at paragraphs 7.330-7.33 and for alterations to s106 heads of terms as may be agreed under delegated authority given to the Head of Planning in consultation with the Chairman and Vice Chairman of the Planning Committee.

C) In the event that the S106 obligation and/or other legal document remains unsigned nine months after this resolution, that the application is reviewed by the Head of Planning in consultation with the Chairman and Vice Chairman of the Planning Committee, and if no progress is being made delegated authority is given to the Head of Planning to refuse the application in the absence of an agreed S106 Agreement.



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1. EXECUTIVE SUMMARY

- 1.1** This Executive Summary summarises the longer detailed report to enable readers to more easily and rapidly become acquainted with the large body of application material, considerations, and the subsequent conclusions drawn.
- 1.2** The proposal is located to the west of Cheltenham built up area and includes land within both Tewkesbury Borough and Cheltenham Borough administrative areas.
- 1.3** The scheme is for 1,100 homes and associated community facilities supporting this application and the wider allocation.
- 1.4** The application proposal plays a significant role in the West Cheltenham Strategic Allocation (A7) and is a key component of the adopted JCS spatial strategy with the principle of development already tested via the JCS examination. Delivering this site provides substantial benefits, including:
 - Addressing the urgent need for housing, including affordable housing, within the allocated plan period up to 2031 and beyond, by providing 1,100 homes on an allocated site.
 - Generating economic benefits through on-site employment during the construction phases.
 - Providing infrastructure for the wider allocation, these being; Primary School, Sports Fields, Community Centre and GP Surgery.
- 1.5** The Golden Valley SPD sets a high standard for development, and while this proposal aligns with its overarching objectives, it does not meet all the criteria outlined in the Golden Valley SPD in a line-by-line comparison. Particularly, the lack of employment on this site and the reduced affordable housing provision.
- 1.6** It is acknowledged that separate applications have been submitted by different developers, and not all developers agree to the collaborative documents. Despite this less-than-ideal situation, this planning application, which constitutes a major part of the strategic allocation A7, includes the development components required by JCS Policy A7 and the officer team have worked extensively to reach as much collaboration as possible. Due to the scale of this application site, it also facilitates a comprehensive scheme across the developable area within the strategic allocation, allowing infrastructure to be planned holistically in accordance with JCS requirements.
- 1.7** Officers have adopted a balanced and pragmatic approach to Section 106 obligations, striving to create an appropriate mix of Section 106 contributions and a suitable level of affordable housing for existing and future Cheltenham residents. Although this scheme does not provide the 35% affordable housing required by JCS policy, an extensive and robust review of viability has established the outcome of 22.91% (252 affordable units).
- 1.8** A comprehensive schedule of planning conditions is also recommended for imposition on the planning permission. These conditions aim to mitigate the impacts of development and ensure the delivery of sustainable development that complies with the requirements of Policy A7 of the JCS, as well as the broader spatial strategy. Significant effort has gone into the collaborative documents within these conditions to create a cohesive overall allocation when considering all four current planning applications in West Cheltenham.

- 1.9 The NPPF is an important material consideration, including the approach to decision-making. NPPF paragraph 11d) applies here such that the balance is that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The benefits are outlined above and collectively would be significant in their degree and the positive weight to be given to them. Furthermore, the proposal would align with key policies of the NPPF to direct development to sustainable, allocated, locations, make effective use of land and provide affordable homes. The proposal would therefore accord with the policies of the NPPF taken as a whole. It is not considered that the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
- 1.10 Overall, officers conclude that the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits of this allocated site, and no grounds for refusal have been identified.

2. DESCRIPTION OF SITE AND PROPOSAL

- 2.1 Full application details are available at [22/01817/OUT | Outline planning application for phased residential development comprising a mixture of market and affordable housing \(use class C3\), which could include retirement/extra care accommodation \(use class C2/C3\) a flexible mixed use area with a community hub \(including potentially use classes E, F1 and F2\), a primary school and children's nursery, a convenience store \(use class E\), site clearance and preparation, green infrastructure \(including Suitable Alternative Natural Greenspace\), walking and cycling routes, formal and informal public open space, sports pitch provision, drainage and other associated works and infrastructure, including utilities and highways works, all matters reserved except partially for access. | Land To South Of Old Gloucester Road Cheltenham Gloucestershire](#)
- 2.2 The applicant, Brighton STM Developments Ltd (Formally St Modwen Developments Ltd) and Midlands Land Portfolio Ltd, seeks outline planning permission for "Outline planning application for phased residential development comprising a mixture of market and affordable housing (use class C3), which could include retirement/extra care accommodation (use class C2/C3) a flexible mixed use area with a community hub (including potentially use classes E, F1 and F2), a primary school and children's nursery, a convenience store (use class E), site clearance and preparation, green infrastructure (including Suitable Alternative Natural Greenspace), walking and cycling routes, formal and informal public open space, sports pitch provision, drainage and other associated works and infrastructure, including utilities and highways works, all matters reserved except partially for access." The application is for a maximum of 1100 new homes and 1,052sqm of Class E and 498sqm of Class F (of which 250sqm can be Class E(f) Nursery).

- 2.3** The application site, is undeveloped agricultural land located within Cheltenham Borough Council (CBC) and Tewkesbury Borough Council (TBC), with varying topography from 25m AOD in the northwest to 50m AOD along the eastern boundary. A ridgeline (Hayden Hill) reaches around 45m AOD. The Cheltenham Circular Footpath runs north-south through the site, alongside several other footpaths.
- 2.4** A Tree Survey identified 117 individual trees, 42 tree groups, and 56 hedgerows, with no veteran trees present. A small woodland in the western part of the Site is protected by a Tree Preservation Order (TPO No. 400, dated 10.09.2020).
- 2.5** The Site is in Flood Zone 1, indicating a very low flood risk, though areas in the northwest face medium to high risks of surface water flooding. Two Unnamed Ordinary Watercourses (UOW) are nearby, with one running along the northwest boundary before culverting under Old Gloucester Road.
- 2.6** The southern end connects with another part of the Strategic Allocation that is subject to a separate planning application by HBD Golden Valley Ltd (23/01875/OUT) and also adjoining the application site, to the east, is another HBD Golden Valley Ltd application (23/01874/OUT) and the land to the south is subject of a planning application for commercial and residential (24/01268/OUT) by Nema Golden Valley Ltd.
- 2.7** The site is currently accessed via Old Gloucester Road.
- 2.8** The main vehicle access points for the development will consist of two junctions from Old Gloucester Road. The central road will lead into the adjacent development parcel to the south, while the other will connect to the development parcel to the east. Additionally, there will be a third access point to the east; however, this will be designated for buses, cyclists, and pedestrians only—cars will not be allowed to use this access. The predominant land use for the site is residential, accompanied by associated amenities that support both this application and the broader allocation. A local centre and a GP surgery will be situated in the centre of the site, and directly opposite these facilities, there will be land set aside for a primary school. To the west of the primary school, there will be some sports pitches. Running through the centre of the site will be a piece of open space located beneath existing pylons, and at the western edge of the site, there is another large area of open space. The residential zones are divided into Old Gloucester Road West, Main Street West, Main Street East, and Old Gloucester Road East, which will heavily connect to the adjacent development parcel to the east. Furthermore, there will be linkages to the wider public rights of way to the north. The second connection to Old Gloucester Road will provide direct access to Junction 10. All of the above is shown on the Illustrative Master Plan DE438_024REV – K.
- 2.9** The application is also accompanied by an Environmental Statement (ES) as the proposed development constitutes EIA (Environmental Impact Assessment) development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The ES has been updated via addendums as appropriate during the determination of the application and assesses a range of social, environmental and economic issues.
- 2.10** The application is supported by various plans; as well as technical documents which are reviewed and explained, as appropriate, in the following sections of this Report and all available to view via the council's website via the above link.

3. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Development Exclusion Zone (UI 121)
Hayden Water Odour Monitoring Zone
Strategic Allocations Red Line Boundary
Smoke Control Order
Strategic Allocations

Relevant Planning History

21/02463/PREAPP 8th November 2022

The applicant undertook a pre application, however this pre application was not concluded and matters have been dealt with during the course of the application.

(CBC Ref: 17/00967/SCOPE 1st August 2017

Scoping opinion issued by the Cheltenham LPA it was advised the scheme was EIA development and recommendations on the chapter was provided.

(TBC Ref: 17/00030/SCO) 1st August 2017

Scoping opinion issued by the LPA it was advised the scheme was EIA development and recommendations on the chapter was provided.

(CBC Ref: 17/00968/SCREEN) 8th June 2017

Request for a screening opinion under regulation 6 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017)

(TBC Ref: 21/00004/SCO) January, February and June 2022

Scoping opinion issued by the LPA and recommendations on the Scope of the EA provided

(CBC Ref: 21/02673/SCOPE)

(TBC Ref: 23/01201/FUL)

An application submitted to Tewksbury Borough Council, as it is within their area, to cover enabling works to allow the developer to start quickly by creating a temporary junction off Old Gloucester Road. Pending determination by TBC.

Current Planning Applications within West Cheltenham Allocation (JCS Policy A7)

24/01268/OUT 325* dwellings and 43,785 sqm of employment floorspace (south western parcel submitted by NEMA Golden Valley Limited (Nema). *The precise dwelling level is still being discussed during the course of the Nema application.

23/01874/OUT Northern Parcel 443 homes and up to 500sqm of flexible non-residential uses submitted by HBD Golden Valley Ltd, the development partner of Cheltenham Borough Council (CBC) as landowner.

23/01875/OUT Southern Parcel 576 new homes and up to 125,698 sqm (GIA) of employment floorspace (this application) submitted by HBD Golden Valley Ltd, the development partner of Cheltenham Borough Council (CBC) as landowner.

22/01817/OUT 1100 dwellings, retirement/extra care accommodation and a flexible mixed use area with a community hub of 1,300sqm (north western parcel). (this application)

4. POLICIES AND GUIDANCE

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The following planning guidance and policies are relevant to the consideration of this application:

National Planning Policy Framework 2024 (NPPF) (as amended February 2025) and National Planning Practice Guidance (NPPG)

Adopted Cheltenham Plan (2020) (CP)

D1 Design

L1 Landscape and Setting

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

BG2 Cotswold Beechwoods Special Area Of Conservation Air Quality

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

CI1 Securing community infrastructure benefits

CI2 Sports and open space provision in new residential development

CI3 Statutory and Non-Statutory Allotments

CI4 Broadband provision

EM3 Employment Skills Plan

Saved policies from the Cheltenham Borough Local Plan 2006 (CBLP)

RT1 Location of Retail Development

RT4 Retail Development in Local Shopping Centres

RT8 Individual Convenience Shops

Tewkesbury Borough Plan 2011-2031 (2022) (TBP)

RES2 Settlement Boundaries

RES3 New Housing Outside Settlement Boundaries

RES5 New Housing Development

RES12 Affordable Housing

RES13 Housing Mix

RES14 Specialist Accommodation for Older People

EMP5 New Employment Development (General)

RET1 Maintaining the Vitality and Viability of the Town, Borough and Local Centres

RET3 Retail Centres

RET4 Out of Centre Development

DES1 Housing Space Standards

HER1 Conservation Areas

HER2 Listed Buildings

HER4 Archaeological Sites and Scheduled Monuments

HER5 Non-Designated Heritage Assets

LAN2 Landscape Character

NAT1 Biodiversity, Geodiversity and Important Natural Features

NAT2 The Water Environment
NAT3 Green Infrastructure: Building with Nature
NAT5 Cotswold Beechwoods
ENV2 Flood Risk and Water Management
HEA1 Healthy and Active Communities
RCN1 Public Outdoor Space, Sports Pitch and Sports Facility Provision
RCN2 New Sports and Recreational Facilities
RCN3 Allotments & Community Gardens
COM2 Broadband Provision
TRAC1 Pedestrian Accessibility
TRAC2 Cycle Network and Infrastructure
TRAC3 Bus Infrastructure
TRAC4 High Frequency Bus Routes
TRAC9 Parking Provision

Adopted Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) (JCS)

SP1 The Need for New Development
SP2 Distribution of New Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD6 Landscape
SD7 The Cotswolds Area of Outstanding Natural Beauty
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD11 Housing Mix and Standards
SD12 Affordable Housing
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management
INF3 Green Infrastructure
INF4 Social and Community Infrastructure
INF5 Renewable Energy/Low Carbon Energy Development
INF6 Infrastructure Delivery
INF7 Developer Contributions
SA1 Strategic Allocations
A7 West Cheltenham

Minerals Local Plan for Gloucestershire (2020)

MLP establishes designated Mineral Consultation Areas (MCAs) and Mineral Safeguarding Areas (MSAs) throughout the county.

Supplementary Planning Guidance/Documents

Golden Valley Development SPD (2020) (Golden Valley SPD)
Cheltenham Climate Change SPD (2022)
The Hesters Way Neighbourhood Plan- They have a designated area which includes the Springbank Ward- Cabinet decision of 5 December 2017, but is unadopted currently
Tewkesbury Borough Council Flood and Water Management SPD (2018).
Gloucestershire Waste Minimisation in Development Projects SPD (2006)

Other Relevant Policies/Legislation

Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017
Human Rights Act 1998
Article 8 (Right of Respect for Private and Family Life)
Planning (Listed Buildings and Conservation Areas) Act 1990
Cotswolds National Landscape Management Plan 2030
National Design Guide and National Design Code (2021)

Gloucestershire's Local Transport Plan 2020-2041 – Adopted 2021 (LTP)

Policy PD0.1 (Reducing Transport Carbon Emissions and Adapting to Climate Change)
Policy PD0.2 (Local Environmental Protection)
Policy PD0.3 (Maximising Investment in a Sustainable Transport Network)
Policy PD0.4 (Integration with Land Use Planning and New Development)
Policy PD0.5 (Community Health and Wellbeing) - Policy PD0.6 (Thinktravel – Influencing Travel Behaviour Change)
Policy PD1.1 (Gloucestershire's Bus Network)
Policy PD1.2 (Improving the Quality of Road Based Public Transport)
Policy PD1.6 (Transport Interchange Hubs) 6.10 6.11
Policy PD2.1 (Gloucestershire's Cycle Network)
Policy PD2.2 (Cycle Asset Management)
Policy PD2.3 (Active Travel: Safety, Awareness and Confidence)
Policy PD4.1 (Gloucestershire's Highway Network)
Policy PD4.4 (Road Safety)
Policy PD4.5 (On-Street Parking)
Policy PD6.1 (Gloucestershire's Pedestrian Network)
Policy PD6.2 (Rights of Way)
Policy PD6.4 (Pedestrian Safety)

5. CONSULTATIONS

All consultation comments can be read in full online at [22/01817/OUT | Outline planning application for phased residential development comprising a mixture of market and affordable housing \(use class C3\), which could include retirement/extra care accommodation \(use class C2/C3\) a flexible mixed use area with a community hub \(including potentially use classes E, F1 and F2\), a primary school and children's nursery, a convenience store \(use class E\), site clearance and preparation, green infrastructure \(including Suitable Alternative Natural Greenspace\), walking and cycling routes, formal and informal public open space, sports pitch provision, drainage and other associated works and infrastructure, including utilities and highways works, all matters reserved except partially for access. | Land To South Of Old Gloucester Road Cheltenham Gloucestershire](#) these comments should be read in full alongside this Report.

Boddington Parish Council – Object

- The proposal is in not in keeping with the current nature of the parish.
- There will be a significant loss of Greenbelt land and associated wildlife to the area.

- Reassurance is required that the infrastructure is in place to support this development such as sewerage as the Parish are aware that this is a problem in the new Twigworth estate with sewerage backing up in the drains which would surely cause health and safety concerns.
- There should be increased GP surgeries as existing facilities are already stretched
- Measures should be put in place to prevent rat running through Boddington and Boddington Road and would like to see Vehicle Activated Signs installed to deter speeding
- The Parish would like its boundaries redrawn such that this proposed development is outside the Parish Boundary

Bishops Cleeve Parish Council – Object

- Concerned about impact on road network
- Concerned about old data being used to establish odour zones for sewage treatment plant. The odour is not minimal and question whether dwellings should be built in proximity
- There are no plans to increase essential services and law enforcement and GP surgery may not be properly staffed.
- Green space should not be situated under power cables and this may have health implications for users

Dumbleton Parish Council – Object

- Concerned about number of large developments taking place and that infrastructure should be in place prior to commencement of development

Shurdington Parish Council – Neither Support or Object

- Would like to ensure surrounding highway network not detrimentally impacted by rat-running, and the Parish is particularly concerned about Bageworth Lane

Staverton Parish Council – Object

- Concerned about increased traffic flows on the surrounding network and additional pedestrian and cycle networks should be considered

Stoke Orchard and Tredington Parish Council

- Support the Grampain condition imposed by National Highways to restrict quantum of development until J10 DCO scheme completed,
- Support detail comments and recommended conditions of LLFA

Uckington Parish Council – Object

- There is insufficient road on the road network to support this development
- The proposal will put additional pressure on existing hospitals, medical availability and emergency services which are seemingly overstretched

- The cumulative impacts of this development alongside Elms Park (16/02000/OUT) and other smaller development must be considered, including the cumulative impact of construction works

It should be noted that whilst the objections from the parish councils are understood, this site forms part of a strategic allocation in the JCS and as such a number of the high-level principles have been tested through that independent examination process and deemed sound.

Councils Landscape Consultant

Following extensive discussion, they don't raise an in principle concern but have reservations that can be dealt with at detailed design stage, which are discussed in full in the landscape section of the report.

Councils Urban Design Consultant

Similarly, following extensive discussion, they don't raise an in principle concern, but have reservations that can be dealt with at detailed design stage, which are discussed in full in the landscape section of the report.

Tree Officer (TO)

No objection, subject to conditions regarding maintenance and tree details at Reserved Matters stage.

Environment Agency

No objection subject to conditions requiring a condition for a site-wide green/blue infrastructure scheme, which has been added to the recommendation.

National Highways

No objection subject to the imposition of Grampian planning conditions to control the quantum of development that can be delivered before the M5 Junction 10 All Movements Improvement Scheme are complete and open to traffic. (Officer Note: These conditions are explained further in the highways section of this Report).

Cheltenham and Tewkesbury Affordable Housing Officer

No objection subject to a planning obligation to secure the agreed affordable which have been agreed following extensive discussions with the applicants and viability appraisals.

Education and Libraries (Gloucestershire County Council)

No objection (see below) subject to planning obligations to secure on site safeguarded land for the provision of 1 no. primary schools and expansion land and financial contributions to the delivery of these facilities and contributions towards off-site Secondary school places. Off-site financial contributions also requested towards the provision of a new off-site library serving the development.

It must be noted the consultee is not receiving the full S106 asks, which is discussed in the Report, as such this should be noted **as an objection** from the County Council.

Local Highways Authority (LHA)

No objection (see below) subject to the securing mitigation measures and the imposition of planning obligations and planning conditions. The mitigation measures include securing a package of highways works which are explained in this Report and providing planning obligations towards the M5 Junction 10 All Movements Improvement Scheme, implementation of a public transport strategy and securing Travel Plans. The LHA also recommend that the quantum of development which can be delivered is restricted until the M5 Junction 10 All Movements Improvement Scheme, which is also explained further in this Report.

Subject to the imposition of these measures, and others, which are explained in this Report, the LHA concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion. They conclude that there are no justifiable grounds on which an objection could be maintained subject to the mitigation proposed, conditions and financial obligations.

It must be noted the consultee is not receiving the full S106 asks, which is discussed in the Report, as such this should be noted **as an objection** from the LHA.

Active Travel England (ATE)

ATE recommends approval of the application, subject to the decision fulfilling a number of requirements, conditions and obligations. ATE have been engaged throughout the application and can now recommend approval. However, they have some design concerns that remain but can be picked up at detailed design stage (Reserved Matters).

ATE support the 4m wide shared use path between Henley Road and Marsland Road. ATE welcomes the submission of the IDP and ATE works listed within it that have been conditioned. ATE does have concerns with the erosion of a joined-up approach to the wider site. However, the IDP and subsequent conditions recommend do prescribe the exact connection points.

ATE has concerns around phasing, however the triggers for piece of active travel infrastructure are controlled by occupation trigger conditions.

Stagecoach

Concerns initially raised with the application as submitted which have been resolved through the determination period through liaison with the County Highways Authority.

The Architects Panel and Civic Society were formally consulted but did not comment on the scheme.

Ubico & Clean Green

Generic comments were provided on bin collection distances, which is covered at detailed design stage. Ubico confirmed they will not seek S106 monies for the scheme as they now charge developers separately when the properties are registered into the bin collection system.

Cheltenham Conservation Officer

No objection. The development proposal is not considered to affect the significance of any designated heritage assets, and their settings, within Cheltenham Borough.

Tewkesbury Conservation Officer – No objection

The proposed development is adjacent to and within the setting and curtilage of Grade II Listed Hayden Farmhouse and its Grade II Listed Barns which are located West of the site beyond Hayden Lane.

There are also a number of prominent unlisted buildings of local heritage interest along Old Gloucester Road such as Pilgrove Farmhouse and Hayden Hill and Hayden Hill House. These buildings are considered non-designated heritage assets.

This application is in outline only with layout and detail to be agreed through reserved matters as such it is the possible indicative impact that is to be assessed against the potential to mitigate any perceived harm. The significance and setting of the three identified non-designated heritage assets (Pilgrove Farmhouse and Hayden Hill and Hayden Hill House) are generally in regard to their presence along the Old Gloucester Road and the open land behind them. New development beyond the road behind the tree lined boundary is unlikely to have a significant impact upon the setting of these heritage assets and the way they are experienced. Likewise the setting of the Grade II Listed buildings that make up Hayden Farmstead are generally experienced within their immediate surroundings and the surrounding land holdings to the West of Hayden Lane. There will be some adverse visual impact from the development to the South-East.

This is likely to equate to a low to moderate level of less than substantial harm. In the cases of all built heritage assets present there is a probability of the harm being mitigated through screening by planting and landscaping.

Historic England

No objection to the application on heritage grounds.

Cotswold National Landscape Board

No objection.

Gloucestershire Constabulary (GC)

This police request S106 monies for; Recruitment and equipping of Officers and staff £ 85,428, Police Vehicles £ 13,211, Office Accommodation £272,475, Total £ 371,114. These monies are not being sought therefore it should be viewed the GC **object** to the application.

Gloucestershire Constabulary: Designing Out Crime Officer

There should be early design consultation as part of future reserved matters applications to incorporate Secure by Design principles.

Minerals and Waste

Requested conditions for construction and occupational waste. Waste storage will be shown at Reserved Matters stage as requested by the condition. They also requested Environment Health Officers view be sought. The Environmental Health Officer has been consulted.

NHS

No objection subject to the health facility being secured, which is required by the S106 and shown the current masterplan and proposal description.

Gloucestershire Wildlife Trust

Submitted to Tewksbury Council that they support the SANG provision.

Sports England

No objection subject to planning obligations on 22/01817/OUT (this application) and 23/01874/OUT (adjacent application) providing on site sports pitches and additional off-site sports contributions.

County Archaeologist

No objection subject to a planning condition being imposed requiring a Written Scheme of Investigation (WSI) for additional archaeological mitigation work to be submitted prior to the commencement of development for each phase or sub-phase in accordance with the submitted Archaeological Mitigation Strategy. This condition has been added; however, the applicant has requested an amendment to the condition. Due to report deadlines this amendment could not be published, however if the condition wording changes this will be given to committee members as a late representation.

Natural England (NE)

No objection subject to mitigation being secured (Suitable Alternative Natural Greenspace (SANG) on and off site and Strategic Access Management and Monitoring (SAMM) payments). The LPA has adopted an 'Appropriate Assessment' based on this HRA, which was agreed upon by NE. In their final response, Natural England confirmed that the proposed SANG measures are expected to effectively prevent adverse impacts on the integrity of the European sites within the zone of influence, particularly from recreational disturbances associated with the proposed residential development.

Environmental Health (Odour, Air Quality and Contamination) (EH)

No objection subject to conditions, which have been added and agreed with the EH Officers for both Tewksbury and Cheltenham.

Cheltenham Council Land Drainage Officer

No objection subject to conditions.

Lead Local Flood Authority

No objection. Requests imposition of conditions, which include securing a phased approach to deliver surface water drainage, management of SUDs and a flood strategy. These have been added to the recommendation.

Cheltenham Council Ecologist

No objection subject to conditions and S106 requirements covering SANG and biodiversity. The ecologist did request revised surveys and a revised BNG metric during the course of the application. The ecologist agreed with the findings of the relevant surveys and recommended a suite of conditions, which have been added to the recommendation.

Tewkesbury Council Ecology Advisors

No objection subject to conditions

Nature Space Newt Officer

Advised the applicant to submit a licence to Nature Space, however newts have been covered by the Council Ecologist as the independent expert.

Health and Safety Executive (HSE)

No comments raised, the sports pitches under Pylons were highlighted to them and on November 22nd 2024 they advised they have no comment and stipulated standardised wording for when they would comment on an application. As such HSE did not raise any comments on the application.

Public Rights of Way

The officer raised detailed design comments regarding moving rights of way. However, at this outline stage the precise details are not finalised and any will need to changes be applied for separately under Section 257 of the Town and Country Planning Act 1990 once detailed designs (and therefore the extent of any potential diversions) are fully known.

Severn Trent as Water Company

"The drainage proposals for this site that have been agreed with STW are as follows: Foul sewage to discharge to the 1450mm public combined sewer - Foul sewage connection subject to S106 application. No surface water to discharge to our sewer network. Based upon this I can confirm we have no objections to the proposals"

Ministry of Defence

No safeguarding objection to the proposals

6. PUBLICITY AND REPRESENTATIONS

- 6.1** The applications were advertised by way of 483 letters sent to neighbouring properties and businesses, site notices displayed at publicly accessible locations adjacent and near to the site, and adverts placed in the Gloucestershire Echo.
- 6.2** During the course of the application a total of 10 third party representations were received by Cheltenham Borough Council and Tewkesbury Borough Council, the majority in objection to the proposed development. When each resubmission occurred the LPAs reconsulted the public again.
- 6.3** As noted in the applicants Statement of Community Involvement considerable public engagement was undertaken by the applicant prior to submission of their planning applications as part of an active Planning Performance Agreement that supported pre application.
- 6.4** All of the comments have been made available on the planning website separately, and should be read in full, but the main comments and concerns raised are summarised as follows:

Building Heights and Density:

Concerns regarding the proposed heights of buildings (up to 3 storeys) directly opposite existing homes, which could lead to significant overlooking and a lack of privacy.
Emphasis on the need for 2 storey houses that align with the height of existing properties.

Landscape Impact:

The application fails in a 'landscape first' approach and locates too much built form on high ground (Hayden Hill) and fails to protect views of the Cotswold National Landscape. Insufficient landscaping space/landscaping buffers are proposed around the rural fringes

of the site, and higher density development should be located in proximity to Cheltenham built-up area.

Lack of Consideration for Community Feedback:

The proposal is criticized for ignoring public comments and objections, reflecting a lack of consideration for the existing community's needs and desires.

Violation of National Design Guidelines (NDG):

The development is seen as failing to meet several characteristics outlined in the NDG, particularly regarding context, built form, and integration with local surroundings.

There is a noted discrepancy between the scale and density of proposed buildings and existing lower density housing.

Environmental Impact:

The proposed development is viewed as detrimental to greenbelt land and local ecosystems, threatening established habitats and biodiversity found in the area.

Parking Issues:

Insufficient parking provisions are highlighted, with concerns that the plan to minimise private vehicle use ignores real world parking needs, likely resulting in congestion in surrounding residential areas.

Infrastructure Planning:

Critique of the proposed link road's placement within the development, suggesting it should be positioned to minimise impact on existing residential neighbourhoods and allow for a more sympathetic development approach.

Odour Concerns:

Mention of outdated odour reports that do not account for prevailing wind patterns, indicating potential oversight regarding environmental considerations related to smell. The existing sewage works may cause health impacts, including on the proposed primary school which would be in close proximity.

Flood Risk and Drainage:

The proposal will result in built form on fields which will increase run off and increase the risk of flooding

Affordable Housing:

The provision of affordable housing should be genuinely affordable.

Housing Mix:

The employment opportunities within the wider Strategic Allocation will attract higher earning people who will aspire to have larger low density homes. These should be provided in the development.

Car Parking:

There should be sufficient off-street parking on the development and it should not be reliant on on-street parking which could impact on parking provision for existing residents.

Community Infrastructure:

There are inadequate community facilities to support the development such as dentists and GP surgeries.

Utility Infrastructure:

The existing utility infrastructure in the area is inadequate and existing dwellings suffer from low electricity voltage, and phone and internet services are poor. The facilities should be upgraded for existing residents as part of the proposals and fully considered.

Loss of open space:

The proposal will result in loss of PRowS and open space which are of recreational and health benefit to the wider community.

Highways and Traffic:

The proposal will increase traffic which will all also increase noise, result in poorer air quality and increase risk of accidents, including at existing accident blackspots. The highways access points are unsuitable for construction and permanent traffic and conditions should be imposed restricting development until the J10 DCO works are completed.

Drainage and Third Party Land:

The application red line does not include a drainage ditch on third party land to the west of the application site, but proposes discharge to, and widen, this ditch. The red line should be extended to include this ditch, should be consistent in all submission documents and the appropriate notices served. It is advised that rights have not been granted to discharge into this ditch.

Cumulative and In Combination Flood Risk and Drainage:

A cumulative assessment should be undertaken of the surface water drainage issues alongside the J10 DCO scheme to ensure a proper EIA assessment has been carried out.

Comprehensive Development

Transport connections (including footpaths and cycleways) should ensure that the Strategic Allocation can be built out in a comprehensive and integrated manner

7. OFFICER COMMENTS

Determining Issues

7.1 The key issues (in no particular order of importance) for consideration are;

- Policy Framework and Principle of Development
- The Golden Valley Supplementary Planning Document and Employment
- Design and Layout
- Biodiversity, Ecology and Green Infrastructure
- Landscape, Trees and Visual Impact
- Impact on Neighbouring Amenity
- Odour, Air Quality and Noise

- Sustainability
- Drainage/Flood Risk
- Transport
- Viability
- Housing Mix
- Section 106 Obligations

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)

- 7.2** Environmental Impact Assessment (EIA) is a formal procedure underpinned by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). Following the screening and scoping advice of the LPAs the application is supported by an Environmental Statement.
- 7.3** During the course of the application various EIA addendums have been appended to the original EIA. At the type of writing, it is considered that the conclusions of the Environmental Statement ES (as amended and updated) remain valid in all respects.

Policy Framework and Principle of Development

- 7.4** 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), Tewkesbury Borough Plan 2011-2031 (2022) (TBP) and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS). Other material considerations include the National Planning Policy Framework 2024 (as amended February 2025) (NPPF), Golden Valley Supplementary Planning Document (Golden Valley SPD) (2020) and Planning Practice Guidance (PPG).
- 7.5** Policies EM3, D1, SL1, CI1 and CI2 of the Cheltenham Plan; policies RES5, RES12, RES13, RES14, RET3, DES1, LAN2, NAT1, NAT3, NAT5, ENV1, ENV2, HEA1, RCN1, RCN2, RCN3, TRAC1, TRAC2, TRAC3, TRAC9 of the TBP and policies , SP1, SP2, INF1, INF2, INF6, INF7, SD1, SD3, SD4, SD10, SD11, SD12, SD14 and SA1 and A7 of the JCS are most relevant.
- 7.6** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the LPA shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.7** Policy SP1 of the JCS identifies the need for new development over the plan period from 2011-2031 and identifies the need for approximately 35,175 new homes and a minimum of 192 hectares of employment land. Of these 35,175 new homes, Policy SP1 criterion 3 identifies there is a requirement for at least 10,917 new homes to meet the housing needs of Cheltenham.

- 7.8** Policy SP1 criterion 2 identifies that the strategy for delivering these identified needs will be achieved by, inter alia, urban extensions to Cheltenham. This spatial strategy aims to locate jobs next to economically active population, increase sustainability, and reduce carbon emissions from unsustainable car use.
- 7.9** Policy SP2 criterion 3 sets out 10,996 homes will be allocated within Cheltenham's administrative boundaries and in two cross boundary urban extensions.
- 7.10** Policy SP2 criterion 9 also identifies that employment land will be delivered on these Strategic Allocations to support economic growth in the JCS area, contributing to the overall requirement for of at least 192 hectares of employment land.
- 7.11** Policy SD10 states housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans.
- 7.12** The JCS allocates West Cheltenham as a Strategic Allocation under Policy A7 capable of delivering around 1,100 new homes and 45 hectares of employment land by 2031 and states development with be expected to deliver:
- i. Approximately 1,100 new homes;*
 - ii. Approximately 45 hectares of B-class led employment land to be focussed upon a cyber security hub and other high technology and high 'Gross Value Added' generating development and ancillary employment uses;*
 - iii. All development should be employment led, delivery of housing must be in tandem with employment development;*
 - iv. A comprehensive masterplan and development strategy for the Strategic Allocation, set within the context of the safeguarded land at West Cheltenham, which includes:*
 - a) A delivery strategy for employment focussed land release*
 - b) A positive impact on the regeneration of neighbourhoods in west Cheltenham*
 - c) Integrates built form and a comprehensive network of accessible green infrastructure, including local green space. The network will incorporate and protect notable natural features, including the Hatherley Brook, the Fiddlers Green Key Wildlife Site and important trees and hedgerows, and contribute to water quality enhancements.*
 - v. Vehicle accesses from Fiddlers Green Lane and B4634 Old Gloucester Road and facilitate links to the M5 J10 for strategic movements to and from the site;*
 - vi. Measures necessary to mitigate the traffic impact of the site, including the use of travel plans to encourage the use of sustainable transport modes;*
 - vii. High quality public transport facilities and connections within and adjacent to the site.*
 - viii. Safe, easy and convenient pedestrian and cycle links within the site, to key centres and with neighbouring existing development and the wider green infrastructure network;*
 - ix. A distribution of development that takes account of the proximity of the Hayden sewage treatment works and incorporates appropriate spatial planning arrangements and*

mitigation measures designed to minimise material impacts on residential properties and commercial premises. Development which is likely to be significantly affected by odours will not be permitted within the Odour Monitoring Zone identified on the policies map;

x. A landscape buffer to the western boundary of the site which will provide screening between the development and the Hayden sewage treatment works;

xi. A layout and form that respects landscape character, significance and setting of the heritage assets at Hayden Farmhouse and Barn;

xii. A layout and form that reduces the impact of electricity pylons and high voltage lines; with the siting of residential development being a particular consideration.

7.13 The Golden Valley SPD provides further guidance on what West Cheltenham should be and how it should be delivered. It reiterates the need for development to be “employment-led” (with a greater focus on cyber and high-technology industries) but increases the allocation capacity to around 2,370 dwellings alongside new public open spaces and community uses to better support the employment hub and create a sustainable new community. Conformity with the supplementary guidance is discussed in the relevant sections below.

7.14 This application only forms part of the West Cheltenham strategic allocation. The proposals for this predominantly residential scheme tie into other live applications for the Strategic Allocation A7, which also includes:

- 23/01875/OUT Approved by planning committee in July 2025, 576 new homes and up to 125,698 sqm (GIA) of employment floorspace.

- 24/01268/OUT Submitted proposals for a mixed-use of 365 homes and 43,785 sqm of employment floorspace by Nema to the west of this application.

- 23/01874/OUT The site to the east proposing up to 443 homes and land set aside for the primary school shared with this application.

7.15 All of the applications mentioned have a role in establishing the requirements for the Strategic Allocation A7 and the LPAs have facilitated extensive work of bringing the different developers together to deliver an overarching masterplan and infrastructure delivery plan.

7.16 It is important to note that the relevant JCS policies do not prevent development from moving forward if one party disagrees with the comprehensive masterplan and it does not prevent separate applications coming forward on a strategic allocation. Officers have worked to ensure alignment with Policy SA1, which states that “Development proposals should enable a comprehensive scheme to be delivered across the developable area within each Strategic Allocation.”

7.17 JCS Policy INF6 requires proposals to consider the cumulative impacts when providing infrastructure. It states that this infrastructure be delivered according to an agreed, phased timeline, in alignment with the other requirements of the JCS.

7.18 JCS Policy SA1 stipulates that proposals must be accompanied by a comprehensive masterplan for the entire Strategic Allocation. The JCS authorities will be flexible in considering various approaches to achieving a comprehensive masterplan, as long as the

proposals adequately address the development and infrastructure needs of the wider allocation and demonstrate that they do not hinder the sustainable delivery of the entire allocation.

- 7.19** Page 81 of the Golden Valley SPD states that an Infrastructure Delivery Plan (IDP) must be agreed upon by developers and landowners before the first planning application is submitted on site. This plan needs to outline a timely approach to infrastructure delivery, including site-wide phasing and trigger targets. The IDP must ensure that the scheme remains commercially viable and market-orientated. It is important to note that this requirement is not a specific objective of the Golden Valley SPD but appears in the concluding pages as advisory for future planning applications. Consequently, while it serves as a useful tool, it does not carry the same weight as the development plan policies examined above, which does not require agreement amongst developers.
- 7.20** The application, as well as the others approved by Cheltenham Planning Committee, is supported by an IDP. This IDP outlines the necessary infrastructure for the entire allocation and designates responsibilities for the delivery of each component. The policy states that these plans must be agreed upon with the LPA, rather than solely among the group of developers. An overarching phasing strategy has been provided to support the application; however, detailed phasing will be required as a condition to allow for future adjustments by whoever develops the site.
- 7.21** The IDP, submitted as part of this application, is supported by an allocation wide comprehensive master plan, which shows that, when viewed as a whole, the separate parameter plans for each application align with one another. For example, the road layouts and green infrastructure are cohesive, reflecting a unified vision for delivering of the wider allocation. This application provides some of the broader infrastructure needs, such as sports pitches and a primary school for the wider allocation. The policy explicitly states that the JCS authorities will be flexible in considering different approaches to achieve the comprehensive masterplan.
- 7.22** The LPAs are satisfied that the comprehensive masterplan meets the objectives of Policies SA1 and A7, as well as the further guidance within the Golden Valley SPD. The indicative phasing plan submitted alongside the comprehensive masterplan and IDP illustrates a natural sequence for development, starting from the edge of the site and progressing inward. This scheme provides the sport pitches, GP surgery and primary school land, which is not considered to prejudice the advancement of other elements of the strategic allocation coming forward, but in fact support them.
- 7.23** In terms of agreement among the three developers, this applicant Brighton STM Developments Limited (formerly St. Modwen Developments) (CBC ref:22/01817/OUT & TBC ref: 22/01107/OUT) and HBD (23/01874/OUT & 23/01875/OUT) are fully aligned regarding all aspects of the comprehensive master plan and the IDP, making up most of the allocation. The LPAs have requested that all developers produce a joint developer position statement (received 20th May 2025 and available on the planning website) that clearly outlines their agreements and disagreements related to the collaborative documents. While this statement should be reviewed in detail and form a part of your consideration of this application, the following summarises the points, at the time of writing, of disagreement from Nema the applicant for adjacent parcel to the west of this application (24/01268/OUT). Committee should also note the letter from Nema submitted under 23/01875/OUT and any subsequent letters submitted post publishing of this report.

- 7.24** They do not agree with the illustrative masterplan, as their own plan is still under consideration and requires revisions. Regarding public transport connections, they do not fully agree, as the applicant has requested significant reductions in parking numbers which could impact the public transport outcomes for 24/01268/OUT. Furthermore, they disagree with other plans related to the movement network, including the cycling connectivity plan, road connection plan, active travel measures, and off-site highway works; they feel unable to concur on these highway matters at this time.
- 7.25** While the applicant for 24/01268/OUT agrees with the provisions for open space, community, and sports facilities, they do not support the current GP care provision, as they seek clarity that the LPA deems this sufficient. However, the LPA has been clear that the GP surgery provided under 22/01817/OUT is sufficient to cover the whole allocation, a position reached from ongoing engagement with NHS. Additionally, they could not agree to the odour mitigation works, as whilst they would not be undertaking them, they still sought further information from Severn Trent, at the water treatment site. The LPA is content odour is sufficiently addressed and this is covered in the odour section of this Report.
- 7.26** They also do not agree with the illustrative strategic phasing plan, though an appendix to the Golden Valley SPD shows illustratively the land covering 24/01268/OUT as part of a later phase (page 35 Golden Valley SPD Appendix 1). Lastly, they do not agree with the memorandum of understanding, which is essentially a document in which developers commit to the IDP plans. They prefer a landowner agreement; however, this has been requested by the LPA and is not required by planning policy.
- 7.27** Whilst disappointing and despite continued and focussed efforts of the LPA, involving significant time to facilitate and mediate across the applications, the fact that the applicants cannot reach full agreement on certain matters does not preclude other applications from being determined and does not mean all applications must be refused on this basis.
- 7.28** This planning application, which forms a large part of the strategic allocation A7, includes the development components which are required by JCS Policy A7. By virtue of the scale of the application site, which forms a large part of the strategic allocation, the proposals also facilitate a comprehensive scheme to be delivered across the developable area within the strategic allocation allowing for infrastructure to be planned comprehensively in accordance with the requirements of Policy SA1 of the JCS. Officers are of the opinion that the planning applications are capable of being implemented to deliver the strategic allocation as a whole.
- 7.29** Officers consider that the application proposals address the strategic ambition of Policy A7 and propose a form of development which is in accordance with Policy A7 and Policy SA1 of the JCS, helping to meet the specific policy requirements and the wider ambitions of the JCS and is in accordance with spatial strategy and adopted Development Plan when read as a whole.
- 7.30** In terms of the decision-making context for the proposed development, legislation requires that the application is to be determined in accordance with the Development Plan unless material considerations indicate otherwise with the application being assessed on its own merits.
- 7.31** The principle of residential development is therefore considered acceptable, however there is no up to date development plan for Cheltenham as the latest published 5 year

housing land supply figure is 2.69 years for housing land supply. As such, paragraph 11d of the NPPF is therefore engaged which states:

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

7.32 The overall planning balance is undertaken at the end of the Report.

The Golden Valley Supplementary Planning Document & Employment

7.33 The purpose of this SPD was to provide further guidance and details relating to the interpretation of policies set out in the JCS. It was commissioned and approved by both Cheltenham and Tewkesbury borough councils. There is detailed design guidance within the Golden Valley SPD, however this relates to one vision of how the development may come forward. The Golden Valley SPD is therefore not seeking to be overly prescriptive and other design approaches may be considered appropriate but only if it can be demonstrated that they still respond positively to the overall Golden Valley SPD objectives and principles including the delivery of a garden community.

7.34 An assessment matrix has been completed and appended to this Report as required by the Golden Valley SPD (Figure 56 Qualitative assessment matrix of the Golden Valley SPD). The Golden Valley SPD contains 5 overriding objectives, broken into 32 sub objectives.

7.35 Whilst the principle is clearly established, the sections below examine the key issues and their relevant sub objectives with reference to relevant development plan policies and other material considerations where appropriate.

7.36 Policy A7 of the JCS allocates 45 hectares of employment land in West Cheltenham to ensure a vibrant mixed-use community. The Golden Valley SPD translates the 45 hectares of mixed-use employment land referenced in JCS Policy A7 into approximately '2 m square feet of non-residential floorspace'.

7.37 The Golden Valley SPD aimed to include a significant amount of employment through dense mixed-use development along the Main Street within this application. However, the applicant has proposed a predominantly residential development. The council must make a determination on the proposal before them.

7.38 It is important to note that this proposal includes a substantial amount of community facilities necessary for the broader allocation, such as a primary school, sports pitches, and a GP

surgery. By incorporating these facilities, this application enables other proposals to contribute significantly to employment opportunities.

- 7.39** Additionally, as previously mentioned, the Cheltenham Council is currently unable to demonstrate a five-year housing land supply. Consequently, the demand for housing is considerable. On balance, it is acknowledged that the absence of employment opportunities in this application is acceptable, as it contributes significantly to Cheltenham Council's five-year housing land supply and supports other applications within the broader allocation by offering extensive community facilities. Therefore, the conflict with Joint Core Strategy (JCS) policy, specifically A7, and the Golden Valley SPD regarding the lack of employment is not considered a defensible reason for refusal in this case and when viewed as a strategic allocation as a whole this allocation will be providing significant floorspace for one of Gloucestershire's key growth sectors.

Design and Layout

- 7.40** Section 12 of the NPPF sets out that good design is a key aspect to achieving sustainable development and creating better places in which to live. Similarly, Policy SD4 and the relevant criteria of Policy A7 of the JCS, require development to respond positively to and respect the character of the site and its surroundings, including in the case of A7, a layout and form of development that respects the landscape character and setting of the heritage assets and providing a landscape buffer; Design objectives are reiterated in Policy D1 of the Cheltenham Plan and Policy RES5 of the TBP which requires development to achieve a high standard of architectural design that complements and integrates with neighbouring development.
- 7.41** The Golden Valley SPD builds on Policy A7 regarding urban design. All objectives contribute to the urban design aspects of the applications; however, objectives B1-4 "vibrant and diverse range of uses and activities to serve existing and new communities," and objectives E1-3 P1-3 "character and placemaking," are particularly important for urban design considerations. The objectives of the Golden Valley SPD will be used to evaluate the urban design merits of the proposal in the following sections of this report.
- 7.42** The design approach for this proposal is primarily outlined in the submitted Design and Access Statement (DAS). The key principles are captured in the; Illustrative Masterplan DE438-024_REV_K, Illustrative Open Space Plan DE438_027_REV_C and Illustrative Play Provision. As well as the; Parameter Plan - Land Use DE438_020_REV_B, Parameter Plan - Access & Movement DE438_021_REV_B, Parameter Plan - Green & Blue Infrastructure DE438_022_REV_C, Parameter Plan - Building Heights DE438_023_REV_B.
- 7.43** The applicant undertook a pre application during December 2021 and received design review advice and since this time during both pre application, but mainly during the course of this application the illustrative masterplan underwent extensive discussions involving the applicant's team of specialists, including urban designers, transport planners, landscape designers, ecologists, and drainage engineers, alongside the LPAs in-house experts and consultants. The applicant remained committed to their original masterplan; however, over the years, several significant changes have occurred. The road alignment through the centre of the site has been made much straighter, other roads have been streamlined, substantial open spaces have been added, and significant provisions for sports facilities have been included.

- 7.44** The principles captured by the Parameters plans submitted with the outline application are as follows:

Parameter Plan - Land Use

- 7.45** The land use plan (Parameter Plan - Land Use DE438_020_REV_B) outlines predominantly residential development across the entire application site. A significant portion of the area has been reserved for open space. Additionally, the eastern edge of the site includes a safeguarded local centre designated for mixed-use and community facilities. There is also land allocated for a primary school and sports pitches. The development of sports pitches and the primary school depends on the adjacent HBD North (23/01874/OUT) application transferring some of its land to the developer responsible for this application. This agreement has already been established between the developers, and a trigger will be set on the HBD North (CBC ref:23/01874/OUT) application to facilitate the transfer of this land when necessary.

Parameter Plan - Building Heights

- 7.46** The building heights plan (Parameter Plan - Building Heights DE438_023_REV_B) indicates that the northern tip of the site is designated for a maximum of three stories. Additionally, there is a circular element that could form a crescent, which is permitted to rise to four stories. The centre of the site, along Main Street and the linear open space, is also allowed to have buildings up to four stories. Additionally, the neighbourhood opposite Headley Road is limited to three stories. Concerns raised by residents regarding the three-story buildings on the edge of the site have been noted. The Golden Valley SPD has aimed for higher densities across the entire allocation, and these building heights are in accordance with the guidelines established for this neighbourhood area. Therefore, the proposed heights are considered acceptable. The potential implications of these heights, such as overshadowing or an overbearing impact on neighbouring residences, will be evaluated during the detailed design stage in future reserved matters.

Parameter Plan - Green & Blue Infrastructure

- 7.47** The Green and Blue Infrastructure Plan (Parameter Plan - Green & Blue Infrastructure DE438_022_REV_C) outlines a significant area dedicated to green spaces, particularly in the form of semi natural grassland. Drainage areas are shown, these spaces are scattered throughout the site, primarily in the open areas beneath the pylons, which also indicate potential drainage locations. Each residential block is designed with suggested locations for play areas.
- 7.48** A key feature of the plan is a dark corridor that runs through the centre of the site and following the path of the pylons. To enhance this corridor, a buffer zone will be established. Additionally, the southern tip of the plan includes an area designated for allotments. Planning conditions will determine when these facilities need to be provided and their required sizes.
- 7.49** The Green and Blue Infrastructure Plan is further supported by an illustrative Open Space Plan (Illustrative Open Space Plan DE438_027_REV_C). This plan also highlights a significant amount of natural and semi-natural green spaces and further details the parks and garden areas, including provisions for play areas and formal sports facilities. It also incorporates the allotments. The plan contains a table outlining open space standards,

demonstrating that the proposal complies with policy requirements regarding type and quantity of green space.

Parameter Plan - Access & Movement

- 7.50** The Access and Movement Strategy (Parameter Plan - Access & Movement DE438_021_REV_B) outlines the main vehicle access points for the development, which will consist of two junctions from Old Gloucester Road. One junction will provide access to the adjacent development parcel to the south, while the other will connect to the development parcel to the east.
- 7.51** Additionally, there will be a third access point to the east, designated exclusively for buses, cyclists, and pedestrians; cars will not be allowed to use this access in order to prevent rat-running through the site. The plan retains the existing rights of way that run north to west and south to east along the pylon corridor. Extensive footpaths are also provided, creating interesting and diverse walking routes throughout the open space for pedestrians. All roads will feature adjacent cycle routes, and there are additional cycle paths that lead into the open space for more leisurely cycling.

Design Objectives

- 7.52** The Golden Valley SPD provides a broad masterplan setting out important principles including connections from existing neighbourhoods, the design of green spaces, new homes and community facilities. It lists a series of objectives to be achieved with the development of this site and the wider area masterplan. The below examines the proposal against these specific design objectives. Some objectives span multiple themes within the report, therefore the design elements are covered here, but for example landscape, are explored in further detail further into the report.

Objective B “A vibrant and diverse range of uses serving new and existing communities”

- 7.53** Objective B requires a high-profile and state-of-the-art ‘Cyber Innovation Centre’ will be established in partnership as the focal point of the Cyber Central Garden Community. Surrounding this hub, 45 hectares of mixed-use employment land will be developed, providing flexible business spaces, hotels, retail and leisure facilities, as well as cultural and community amenities to benefit both the local community and the wider region. The primary component of the employment space will be situated in the southern part of the wider allocation, with additional mixed-use development proposed for the site to offer both employment and community facilities. The construction of high-quality new homes within an attractive landscaped environment will further aid in attracting the types of employers envisioned for the Cyber Central cluster. To meet local housing needs sustainably and feasibly, a diverse range of tenures will be offered, including affordable housing and self-build options, with the specific mix and tenures to be determined in detail at the Reserved Matters stage. Furthermore, the development will implement higher densities and a variety of dwelling types to maximize the use of available land, in general alignment with the distribution of densities shown on the key plan for Objective B.
- 7.54** There are variations from the Objective B key plan within the SPD, the school is strategically located on the eastern edge of the site boundary, with the potential to expand to the CBC land. Nonetheless, it remains central to community activities, contributes to social interaction, and is accessible by safe and active travel routes. The SPD masterplan

framework proposes mixed-uses along the mainstreet, whereas the current proposed masterplan for the site proposes to locate mixed uses centrally within the site to promote maximum levels of communal interaction. The Golden Valley SPD is not a blueprint for development and the deviation is considered acceptable.

Objective C “Working with the natural landscape and its features”

- 7.55** The proposal aims to establish a comprehensive and interconnected green infrastructure network that respects the site's topography while preserving essential assets such as hedgerows with protected species and Category A and B trees. By aligning street typologies and key spaces with significant views, particularly towards the west overlooking the Vale of Gloucester, the masterplan enhances the site's natural features. It meets the necessary requirements for various open space typologies, primarily located in the southern part of the wider allocation. A sustainable drainage system is proposed, featuring a network of biodiverse basins and on-street swales for effective stormwater management, designed to operate independently of adjacent developments. The street hierarchy will support new tree planting in verges and enhance the existing hedgerows, contributing to a Biodiversity Net Gain through the retention and enhancement of species. The illustrative masterplan maintains all existing connections while introducing new links to surrounding communities. Additionally, it incorporates a food growing strategy that includes grow zones, foraging areas, orchards, and access to allotments. Public art initiatives will be detailed in subsequent stages, and a sustainability strategy alongside a Landscape and Environmental Management Plan will be required by condition to ensure the long-term viability of the site.

Objective D “An integrated and connected extension of west Cheltenham”

- 7.56** A permeable network of active travel routes is proposed to respect existing Public Rights of Way while enhancing connectivity with adjacent neighbourhoods and promoting public transport use. The pedestrian and cycle connections align with the Golden Valley SPD framework masterplan, with additional routes suggested for further active travel enhancements.
- 7.57** The masterplan features a comprehensive network of routes and street typologies developed with GCC Highways, serving various functions in the route hierarchy. The proposal includes the HIF junction on Old Gloucester Road, connecting through the site to land to the south and Telstar Way. The ‘main street’ has been designed with GCC input to prioritise active travel and public transport, strengthening existing Public Rights of Way connections.
- 7.58** All junctions comply with GCC Highways requirements for local vehicular and bus gate access. The school is strategically located adjacent to the Circular Path for safe access. Green corridors and retained public rights of way create a robust network of safe routes within the development.
- 7.59** While parking standards will be finalised with GCC Highways at the Reserved Matters stage and during the design coding process, the masterplan is intended to encourage active travel and public transport. Proposed mobility hubs will support trial modes like e-bikes.
- 7.60** There are some deviations from the objective D plan due to below ground and other constraints. The main street's alignment must maximise development blocks while retaining biodiversity corridors. The SANG position limits development along both sides of the Main

Street, leading to necessary adjustments that will ensure integration and access without relying solely on the HIF junction.

Objective E "Highest standards of design, good urban design principles, character and placemaking"

- 7.61** The Old Gloucester Road character area will focus on creating an accessible and distinctive neighbourhood, with new community facilities and a primary school at the heart of the development. Further information about the public realm, housing typologies, and character study will be provided in the Design Code and at the Reserved Matters stage.
- 7.62** The Main Street character area will emphasise creating a highly connected neighbourhood with various typologies and densities along the main street. The route will prioritise public transport and active travel while providing direct links to the existing network. Detailed information about the public realm, housing typologies, and character study will also be provided in the Design Code and at the Reserved Matters stage.
- 7.63** There are some changes from the Golden Valley SPD objective E key plan as noted, non-residential mixed uses are proposed to be centred around the school to generate maximum footfall, thereby enhancing vibrancy and vitality in the main civic space. This approach was considered more viable, given that, for large portions of the main street, it is not possible to have direct frontage onto the main street, as shown in the code.

Design Codes

- 7.64** As defined by the NPPF, design codes are sets of illustrated requirements that provide specific, detailed parameters for the physical development of a site or area. The design code should include both graphic and written components that build upon a design vision, such as a masterplan or other development frameworks for the site or area.
- 7.65** NPPF paragraph 115 states that it should be ensure that "the design of streets, parking areas, other transport elements, and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code."
- 7.66** Additionally, NPPF paragraph 134 notes that "Design guides and codes can be prepared at an area-wide, neighbourhood, or site-specific scale. To carry weight in decision-making, they should be produced as part of a planning document or as supplementary planning documents. Landowners and developers may contribute to these efforts, but they may also choose to prepare design codes to support planning applications for the sites they wish to develop. Regardless of who prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for development. They should also take into account the guidance found in the National Design Guide and the National Model Design Code. These national documents should guide decisions on applications in the absence of locally produced design guides or codes."
- 7.67** Tier 1 Design Code - The LPA held collaboration meetings with all the developers, each of whom had a slightly different approach to design codes. As a result, the LPA requested that the developers work together to produce a Tier 1 design code. This Tier 1 design code focuses on overarching aspirational principles, building upon the Golden Valley SPD. It also addresses the relationships between each application, such as road dimensions and

landscape buffers connecting TBC ref: 22/01107/OUT/CBC ref: 22/01817/OUT and CBC ref: 23/01874/OUT, as well as points of access between CBC ref: 23/01875/OUT and CBC ref: 24/01268/OUT.

- 7.68** However, the Tier 1 design code has a limited scope. Although it served as a useful design exercise during these applications, it does not carry any regulatory weight. Nonetheless, it will be used in the future to guide design teams and case officers when considering subsequent applications and design codes.
- 7.69** Tier 2 Design Code - The applicant began the coding exercise in collaboration with the local planning authorities and has participated in extensive workshops with the design consultant for the LPAs. However, the applicant wishes to move forward with the application quickly. In the event that a future developer purchases the site, the applicant requested that a design code be conditioned. There will be a requirement in the outline approval for a design code to be created for the entire application site, which must be agreed upon before the submission of any reserved matters. This approach is considered acceptable as it is standard practice for major applications.

Remaining Design Issues

- 7.70** Both the applicant and their design team have collaborated with the council's urban design consultant. However, the urban design consultant has raised two outstanding concerns that the applicants have not addressed. The first concern is regarding the pylons; the consultant is worried that they have not been moved underground and will be visible within the open space of the scheme. Although the council's officers thoroughly challenged the applicants on this matter, grounding the pylons would incur substantial costs amounting to millions. Given the wider viability issues related to this application, which will be discussed later in the report, it was deemed acceptable for the pylons to remain above ground to facilitate a deliverable site. Therefore, although the concerns are noted, they have not been incorporated into the current proposal.
- 7.71** The second concern from the urban design consultant pertains to access to the primary school. At present, the illustrative masterplan shows a small road that runs through a residential area to reach the school. The officer has expressed concerns about insufficient parking and a lack of thoughtful design (placemaking) around the school. However, this detailed matter will be addressed in the future Design Code, which is conditioned in the proposal. Additionally, it will be tackled at the Reserved Matters stage when the County Council provides an end design for the school, allowing for proper planning of the surrounding space. Thus, while the consultant's concerns are acknowledged, it is believed they can be adequately resolved in the future.

Design Conclusions

- 7.72** The submitted Illustrative Masterplan underwent a comprehensive assessment during the course of this application. This process has demonstrated the proposals resilience and confirmed it as a sound Illustrative Masterplan.
- 7.73** The Parameter plans and Illustrative plans align with the provisions set out within Policy SD4 and the pertinent criteria of Policy A7 from the JCS, as well as Policy D1 from the Cheltenham Plan, Policy RESR of the TBP and Golden Valley SPD.

- 7.74** In summary, by conditioning the requirement for a design code this will guarantee not only good design practices but also fostering the development of a successful and sustainable community. There is a strong assurance that the aspirations articulated in the Golden Valley SPD can be effectively realised in forthcoming Reserved Matters applications.

Biodiversity, Ecology and Green Infrastructure

- 7.75** 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.
- 7.76** JCS Policy A7 states iv. A comprehensive masterplan and development strategy for the Strategic Allocation, set within the context of the safeguarded land at West Cheltenham, which includes; c) Integrates built form and a comprehensive network of accessible green infrastructure, including local green space. The network will incorporate and protect notable natural features, including the Hatherley Brook, the Fiddlers Green Key Wildlife Site and important trees and hedgerows, and contribute to water quality enhancements.
- 7.77** Policy NAT1 of the TBP states that proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation. Within the reasoned justification paragraphs in respect of policy NAT1 it is set out that the policy should be interpreted and applied in the context of, as was then, the legislative proposals with the expectation that all major developments are to deliver a minimum net gain of 10%.
- 7.78** Policy NAT1 also states that proposals that are likely to have a significant effect on a European or internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.
- 7.79** Policy NAT 2 of the TBP states that in pursuance of the objectives of the Water Framework Directive the Council will, where practical, seek appropriate opportunities offered by new development proposals to recreate more natural conditions and new habitat along watercourses.
- 7.80** Policy NAT3 of the TBP states that development must contribute, where appropriate to do so and at a scale commensurate to the proposal, towards the provision, protection and enhancement of the wider green infrastructure network. The policy requires proposals for major development to provide a high standard of design for green infrastructure in accordance with established, recognisable standards – including the National Design Guide and Building with Nature Standards.
- 7.81** Policy NAT5 states that 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 Cotswold Beechwoods Special Area of Conservation (SAC) (alone or in combination), and the effects cannot be mitigated. The requirements of the Policy NAT5 are echoed in Policy BG1 and BG2 of the Cheltenham Plan.

- 7.82** NPPF paragraph 187 states planning decisions should “d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;”
- 7.83** Paragraph 188 of the NPPF sets out a mitigation hierarchy in terms of retained and enhanced environmental features that can be incorporated into a development proposal.
- 7.84** NPPF paragraph 193 states when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 7.85** The application details include a comprehensive ES Technical section 10 covering ecology which includes a Phase 1 Habitat Survey, protected and notable species surveys and an assessment of Biodiversity Net Gain (BNG).
- 7.86** The application site comprises predominantly areas of arable (parts set aside), together with smaller areas of improved grassland and semi-improved grassland fields. The fields are separated by hedgerows, copses, line of trees, and fence lines. Areas of rough grassland, scrub, and ruderal vegetation are also present as well as ponds and wet ditches.
- 7.87** Under objective A3 of the Golden Valley SPD “Connection to nature: Development at the Golden Valley Development will enrich local ecology and biodiversity”, the Golden Valley SPD mandates that new developments meet the Building with Nature (BwN) benchmark.
- 7.88** The masterplan, mainly the open spaces, has evolved during the course of the application as has the level of vegetation removal proposed. Additional information including an ES Addendum and an Outline Great Crested Newt Mitigation Strategy was submitted in September and February 2025, respectively. Detailed technical work identified a newly required hedgerow loss adjacent to Old Gloucester Road, which exceeds what was outlined in the initial application. Minor updates on hedgerow adjustments have been made, resulting in the retention of some existing hedgerow and slight losses in two other areas to facilitate pedestrian and cycle connections. Updated ecological surveys have been conducted to establish a current baseline of the site's use by notable species and a revised Biodiversity Net Gain (BNG) metrics were submitted.
- 7.89** The Golden Valley SPD also requires the masterplan to integrate green and blue infrastructure proposals, with a view to achieving full accreditation (‘Excellent’) from BwN upon delivery to exceed the statutory minima for green infrastructure. BwN standards have shaped the masterplan throughout the design process, ensuring Green Infrastructure has been considered at all stages and incorporating benefits to wildlife, water and people into the scheme’s design at a range of scales. At various points in the design process, an analysis tracking how the scheme’s green infrastructure met the BwN standards was undertaken to ensure the project was on track to meet the standards in preparation for the formal submission. An updated version of this summary tracker, based on the fixed outline

parameter plan scheme, was received in early September to demonstrate alignment with the standards. The applicant's intention remains to submit the final BwN assessment for audit by BwN once the scheme has the requisite level of detail associated with it to allow a robust assessment, and this detail will be set out within the conditioned Design Code.

- 7.90** Principles and details in the ES, and Shadow Habitats Regulations Assessment (explored below) will be secured via condition and s106, ensuring that details required are provided at detailed design stage.

Statutory designated sites

- 7.91** NPPF para 195 states “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”
- 7.92** The site is not subject to any statutory ecological designations; however, it lies within the zone of influence of the Cotswolds Beechwoods Special Area of Conservation (SAC). Furthermore, studies by Natural England (NE) have indicated that the floodplain habitats at Coombe Hill Canal and Meadows, located approximately 4.2 km and 4.7 km to the northwest of the Northern and Southern Parcels, respectively, are functionally linked to the Severn Estuary Special Protection Area (SPA) and Ramsar designations.
- 7.93** The site is providing all its SANG allocation on site. This will be secured through the S106 and the delivery of the SANG will align with the occupations of the development.
- 7.94** A Shadow Habitats Regulations Assessment (HRA) was conducted on behalf of the applicant and reviewed by the LPAs. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) as competent authority the LPA is required to undertake an Appropriate Assessment of the development on the basis of its likely significant effects on the SAC as a European Site. The LPAs have adopted an 'Appropriate Assessment' based on this shadow HRA, which was agreed upon by NE. In their final response, NE confirmed that the proposed SANG measures are expected to effectively prevent adverse impacts on the integrity of the European sites within the zone of influence, particularly from recreational disturbances associated with the proposed residential development. NE's advice is formally acknowledged as their consultation response on the appropriate assessment.
- 7.95** NE studies indicate that the floodplain habitats at Coombe Hill Canal and Meadows, located 4.2 km and 4.7 km from the development sites, are functionally linked to the Severn Estuary designations. While the proposed development could lead to increased recreational use at Coombe Hill Canal and Meadows, the impact is limited due to factors such as car parking capacity and ongoing management by the Gloucestershire Wildlife Trust (GWT) to reduce recreational disturbance. Regarding the potential for likely significant effects (LSE) on the Severn Estuary SPA/Ramsar from recreational disturbance, precautionary mitigation measures, including SANG provision, are proposed. It is considered the large SANG all being provided on site is more convenient and likely to be used for recreational use in preference to Coombe Hill by future residents.
- 7.96** Turning to soundness of the S106 and conditions to cover SAC mitigation, the PPG test relates to the imposition of Grampian conditions and states that it will be unreasonable to

impose a condition where there are no prospects at all of the action in question being performed. In short, 'certainty' is required in relation to the Regulation 63 test (Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017), whereas 'reasonable prospect' relates to the imposition of a Grampian condition.

- 7.97** NE's advice states that permission may be granted provided it can be ascertained that the proposal would not adversely affect the integrity of the SAC. The Council's view is that a negatively worded Grampian condition preventing any occupation until the SANG mitigation is secured on site, would ensure no adverse effects on the SAC. The occupation of the site and the phased delivery of the open space will ensure the SANG is available to residents from the day they move in.

Non Statutory Designated Sites

- 7.98** There are no non-statutory designated sites of nature conservation interest within or adjacent to the application site. The nearest previously identified site, Fiddlers Green Lane Meadow Key Wildlife Site, located approximately 0.38 km south, was designated in 2000. However, over time, the grassland has degraded due to soil disturbance and improper management. As a result, the site was removed from the local wildlife site list in 2017. The nearest non-statutory site now is Prior's Grove Local Wildlife Site (LWS), being approximately 2.56 km west, designated for ancient semi-natural woodland, and is separated from the application site by open countryside and roads.

On site ecology and biodiversity

- 7.99** The hedgerows, copse and woodland and semi improved grassland are considered of local importance. They provide significant biodiversity value for the site, which has been reflected in the biodiversity metric. Objective C1 of the Golden Valley SPD states, "Development must positively integrate existing landscape assets and features and use these features to inform the development of a green infrastructure network for the site."
- 7.100** As shown in Figure 3 of the Environmental Statement (ES), specifically in the tree and hedgerow removal plan received on May 28, 2025, much of these habitats remain retained. Removal is only occurring where necessary to accommodate key infrastructure. In the northern hedgerow, sections are removed to create two access points, which is acceptable. In the centre of the site, larger portions of hedgerows and trees are being removed to ensure proper alignment of Main Street. Additionally, to the east, a significant section of hedgerow and three trees are removed to facilitate the development of the school site and sports pitches. However, throughout the wider site, most of the hedgerows, trees, and copses are retained and have been included in the applicant's illustrative masterplan.

Protected Species

- 7.101** Specific surveys have been conducted for Badgers, bats, Dormice, Great Crested Newts, reptiles, and birds. Badgers, bats, birds, and Great Crested Newts were identified as residing on the site. During the construction phase of the proposal, there may be a temporary reduction in foraging and habitat availability for these species. However, with the proposed mitigation measures, such as an appropriate lighting plan, these impacts are not deemed significant. In the long term, the proposal is expected to enhance foraging and habitat options for these species through the creation of new natural and semi-natural habitats.

No evidence was found of additional protected species using the site, and the effects on non-protected species were not considered significant.

Mitigation Licence for Great Crested Newts (GCN)

7.102 The applicant has adopted a proportionate and flexible approach to GCN mitigation at outline stage. An outline GCN Mitigation Strategy has been agreed in principle with the Council's ecologist. It keeps open two lawful licensing pathways, either District Level Licensing (DLL) via NatureSpace or a bespoke Natural England licence, so the most appropriate route can be confirmed as detailed design, timing and phasing become certain. For parts of the site and for activities that do not trigger licensing, the strategy provides for Reasonable Avoidance Measures (RAMs) to avoid harm.

7.103 To ensure legal protection is secured at the right time, any works with potential to affect GCN which require a licence to be granted will be prevented from commencing until the developer has provided evidence of authorisation under either the DLL route or a bespoke Natural England licence and method statement. This evidence-based gateway gives the Council certainty without conditioning payments, preserves route-choice for subsequent reserved matters, and sits alongside separate conditions requiring CEMPs and LEMPs to deliver construction controls and on-site enhancements. A condition requiring an ecological survey for each RM will cover whether a GCN licence is needed.

Biodiversity Net Gain

7.104 Cheltenham and Tewkesbury Councils have a duty under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, to have regard to the conservation of biodiversity in exercising their functions. This duty includes the requirement to have regard to protected species.

7.105 The applications were submitted before requirements for mandatory 10% Biodiversity Net Gain (BNG) came into force in January 2024. Nevertheless, the NPPF paragraph 187 requires gain and JCS Policy SD9 requires development contribute positively to biodiversity and specifically for this allocation the Golden Valley SPD Objective A3 and C1 require the development to deliver biodiversity net gain. The supporting text of Policy NAT1 of the TBP also sets out an expectation that all major developments are to deliver a minimum of 10% biodiversity net gain, in circumstances where applications were submitted prior to the mandatory BNG legislation coming into force.

7.106 The Councils' Ecologist has reviewed the updated BNG Assessment. The proposal achieves 13.23% BNG, which is acceptable.

Ecology Overall

7.107 In conclusion, the Councils' ecologist has been consulted on this application as well as Natural England and neither object to the application subject to the imposition of conditions.

7.108 The application is on an allocated site where the principle of development is accepted. Officers consider the ecological approach within this application, protects and reinforces the existing ecological networks on the site, such that these networks would be resilient to current and future pressures. The planning condition framework also ensure that European

Protected Species and Nationally Protected Species will be protected in accordance with the law, and that the potential impacts on national and international designated sites are mitigated. As such, subject to incorporation of ecological mitigation, compensation, enhancement, and management in line with the recommendations of the submitted Ecological Assessments and ES, it is considered that the impact on ecology would be low. The embedded design measures and the additional mitigation measures have allowed the assessment to conclude that for both the construction and operational phases, that there would in regard to the EIA Regulations, be no significant effects, and indeed there are opportunities for enhancements.

7.109 It is concluded that the ecological and biodiversity impacts of the proposed development would be acceptable, and moreover the application has demonstrated compliance with Policies SD9 and A7 of the JCS, policies NAT1, NAT2, NAT3 AND NAT5 of the TBP as well as the Golden Valley SPD.

7.110 The applicant's ES was reviewed by the Councils' Ecologist (CE), who requested a suite of conditions regarding the aforementioned matters. The CE did not dispute any findings in the applicant's Ecological Baseline report or Environment Statement (biodiversity section) and its revisions.

7.111 Overall, the following plans and strategies are necessary:

1. Overall Biodiversity Gain Plan and subsequent Reserved Matters (RM) Biodiversity Gain Plan to achieve the targets set within the metric.
2. Habitat Management and Monitoring Plan (HMMP) to ensure that appropriate agencies manage the areas designated for biodiversity.
3. Ecological Mitigation & Enhancement Strategy (EMES) to secure details of wildlife improvements, such as bat and bird boxes and hedgehog boxes.
4. A lighting plan within each RM to prevent light pollution affecting sensitive species discussed above.
5. A Precautionary Method of Working (PMW) plan to ensure the protection of species such as otters and birds during construction.
6. A Construction Environmental Management Plan (CEMP) to fulfil the principles outlined in the Ecological Appraisal.
7. An updated ecological report within each RM to ensure that as time passes, each RM includes current survey information regarding species on-site.

Landscape, Trees and Visual Impact

7.112 The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem service.

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

reiterated in CP policy L1. SD6 requires applications are supported by a landscape and visual assessment.

7.114 Policy INF3 of the JCS also states that the green infrastructure network of local and strategic importance will be conserved and enhanced in order to deliver a series of multi-functional, linked green corridors across the JCS area.

7.115 JCS policy A7 requires a comprehensive network of accessible green infrastructure, including local green space. The network will incorporate and protect notable natural features, including the Hatherley Brook, the Fiddlers Green Key Wildlife Site and important trees and hedgerows, and contribute to water quality enhancements. And whilst not applicable to this application as it is not on the western edge, a landscape buffer to the western boundary of the site which will provide screening between the development and the Hayden sewage treatment works.

7.116 Policy LAN2 of the TBP states that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting. The Policy also advises that all proposals which have potential for significant landscape and visual effects should be accompanied and informed by a Landscape and Visual Impact Assessment (LVIA) to identify the sensitivity of the landscape, and the magnitude and significance of landscape and visual effects resulting from the development, using a suitably robust methodology.

7.117 Objective C1 of the Golden Valley SPD requires that development must positively integrate existing landscape assets, ecology and features and use these features to inform the development of a highly connective green and blue infrastructure network for the site.

7.118 Objective C2 of the Golden Valley SPD requires that proposals should respond to views into and out of the site and react to the existing topography and strategic landscape character.

On Site Landscaping

7.119 The landscape officer has expressed several outstanding concerns with the proposal. One of the primary issues raised is the sensitivity of the flood risk area. The officer is apprehensive about the placement of Sustainable Drainage Systems (SuDS) within locations identified as flood risk zones. There is a clear indication that SuDS attenuation basins should not be positioned in these sensitive areas, as their presence could exacerbate existing flood risks and detract from the landscape's natural characteristics.

7.120 Additionally, while the officer welcomes the proposed increase in canopy cover aimed at transitioning the area to woodland rather than maintaining it as open parkland, there is a pressing need for careful consideration regarding how these wooded areas will integrate into the broader rural landscape. The goal is to create a distinctive area that complements the natural surroundings for both aesthetic and environmental purposes.

7.121 The landscape officer raises concerns about the necessity for a comprehensive plan to accommodate and manage the dog-walking community effectively within the spatial design of the SANG. If these practicalities are overlooked during the detailed design phase, it could lead to future management challenges and conflicts among users, impacting the overall experience of the space.

- 7.122** Moreover, there are considerations about the visual experience and planting strategies along 'Vale View'. While the officer acknowledges the intention to enhance this experience, they advocate for more ambitious planting schemes at the edges of the space. Specifically, the planting of taller trees, could mitigate the harsh linearity currently posed by existing structures and enhance the visual integration of the development with the surrounding landscape.
- 7.123** A significant concern lies in the tension between achieving a strong sense of arrival while simultaneously creating a naturalistic character through SuDS elements. The officer stresses the importance of making entrances prominent without compromising the organic feel of the landscape. This balance is essential to ensure that the design enhances the overall aesthetic.
- 7.124** The impacts of overhead power lines are another focal point for the landscape officer. While reassured by the developer's acknowledgment of the preference to avoid placing sports pitches beneath these lines, they caution that achieving this goal presents significant challenges. This situation, particularly along the interface between different development parcels, may require innovative design solutions to address potential issues of safety and amenity.
- 7.125** Lastly, the long-term health of existing copses incorporated into the development raises questions that remain unresolved. Understanding how the woodlands will evolve and be maintained is critical to preserving their ecological and aesthetic value.
- 7.126** In conclusion, these concerns underscore the need for further engagement with landscape and ecological advisors to incorporate feedback and ensure that the designs are both functional and harmonious with the natural environment. Addressing these issues is essential for achieving a successful integration of built form with the surrounding landscape, ensuring long-term viability and aesthetic appeal. These matters will be covered by the design code and detailed landscape management practices required by condition.
- 7.127** In summary, when the site was allocated, it established the presumption for considerable physical development within this field. Although concerns remain by the landscape officer, they can be addressed at detailed design stage, following extensive review of the LVIA the visual impacts not deemed significant. Future Reserved Matters applications, guided by the approved design code required by condition, will ensure that landscape considerations are appropriately integrated into the scheme. At this outline stage, the landscape and visual impacts of the proposals are thus considered acceptable. As such, the proposal is deemed to comply with policies JCS A7, SD6, SD7, SD4, Cheltenham Local Plan L1, G12, G13, D1, policy LAN2 of the TBP, NPPF paragraph 135 and the Golden Valley SPD.

Trees

- 7.128** Paragraph 187 of the NPPF states that planning decisions should recognise benefits from natural capital and ecosystem services, including trees and woodland. Paragraph 193 states that when determining applications development which results in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Paragraph 136 also identifies trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. "Planning policies and decisions should ensure that new

streets are tree-lined...and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

- 7.129** Objective C6 of the Golden Valley SPD requires that development should promote and deliver a strategy for new tree planting and retention of existing trees. JCS Policy INF3 states that development proposals that will have an impact on woodlands, hedges and trees need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the LPA to mitigate losses.
- 7.130** Policy GI3 of the CP states that development which would cause damage to trees of high value will not be permitted and developments may be required to retain existing trees, plant new trees and ensure adequate measures are in place to ensure the protection of trees during construction works.
- 7.131** A tree survey, submitted with the outline, identified 117 individual trees, 42 tree groups, and 56 hedgerow features on the site. There is a small woodland situated in the western part of the site that is protected by a Tree Preservation Order (TPO).
- 7.132** As indicated in the hedgerow removal plan received on May 28, 2025, efforts have been made to retain existing trees and hedgerows within a network of green links. This includes primary green links along the Cheltenham Circular Footpath and through the centre of the site, flanking the pylon route, as well as secondary green links that penetrate the built-up areas, often alongside preserved hedgerows.
- 7.133** During the course of the application changes involved the removal of vegetation and trees, particularly affecting a section of hedgerow along Old Gloucester Road. These changes reflect ongoing detailed design work and further surveys associated with the separate enabling works planning application (Tewksbury Borough reference: 23/01201/FUL) for the secondary access road and construction access to facilitate the initial phases of construction. This work, detailed further in ES Appendix 3 received 28th May 2025, has revealed an additional need for hedgerow removal adjacent to Old Gloucester Road.
- 7.134** The updated proposals indicate a total loss of approximately 214 meters of hedgerow in this area, which is an increase of 181.3 meters compared to the original anticipated losses. In response to this additional loss, a mitigation and compensation strategy has been developed. This includes the planting of approximately 220 meters of new species-rich hedgerow with trees along an east-west alignment to the south of the existing location, creating a connection to the retained hedgerows.
- 7.135** Furthermore, minor updates have been made regarding the extent of removal in the middle of the site. These updates involve retaining more existing hedgerow around the designated tree (T162) and removing two small sections of hedgerow adjacent to the future school site to improve pedestrian and cycle connectivity. These alterations are now represented in the hedgerow removal plan received on May 28, 2025. The above BNG figures already discussed incorporate these amendments.
- 7.136** Overall, the councils Tree Officer did not raise an objection to the proposal in their latest response stating, “The proposed tree removals should be mitigated with generous planting

as evidenced by a landscape plan.” These detailed replacement planting will be secured at Reserved Matters stage.

Impact on Neighbouring Amenity

7.137 Paragraph 124 of the NPPF states that planning policies and decisions should support development that makes efficient use of land. Similarly, JCS Policy SD10 states that residential development should seek to achieve the maximum density compatible with good design and local amenity. Policy SD4 states that new development should respond positively to, and respect the character of, the site and its surroundings...It should be of a scale, type, density, and materials appropriate to the site and its setting. Golden Valley SPD objective B4 requires higher densities and a range of dwelling typologies.

7.138 NPPF paragraph 135(f) requires that decisions create places that are safe and maintain a high standard of amenity for both existing and future users. Policy SL1 of the Cheltenham Plan states that “development will only be permitted if it does not cause unacceptable harm to the amenity of neighbouring land users or the locality. In assessing the impact on amenity, the Council will consider various factors, including, but not limited to, loss of privacy, light, and outlook.” This policy aligns with the adopted JCS policy SD14.

7.139 Consequently, the need for high density must be balanced against the amenity of neighbouring residential areas. Page 52 of the Golden Valley SPD states the Old Gloucester Road area can be up to 3 storeys, with some terrace typologies being 4 storeys.

7.140 As mentioned earlier in the landscape section of this report, this site has been allocated for significant growth, with the Golden Valley SPD prescribing this area as (Page 62) “The scale and grain of this area will be more modest in comparison to areas of The Golden Valley Development to the south nearer Telstar Way. Buildings will generally be two to four storeys with scope for taller buildings on key corner plots or for significant locations and uses.”

7.141 Objections have been raised regarding the scale of the buildings at three storeys along the Old Gloucester Road edge. Given the road separating the nearest dwellings from the proposal, existing dwellings will not be unacceptably impacted by the principles established by the outline permission, albeit detailed design of future inter-relationships will be secured through future reserved matters. It is the case that existing residents, who currently overlook a fields, will soon see dwellings in the fields. However, the right to a view is not a material planning consideration; therefore, the loss of existing views over the field is not deemed a reason to refuse the proposal, given the overriding policy supporting high-density development in this location and recognising this is a strategic site allocated by the JCS.

7.142 Regarding future residents' amenity, the design code mandates minimum space standards, garden sizes, and separation distances, all of which will be reviewed in detail during the Reserved Matters stage. Officers believe that the illustrative masterplan, design access statement, and future design code will ensure that future residential amenity can be addressed appropriately at that stage.

7.143 For all the reasons outlined above, the proposals are considered to comply with paragraph 135 of the NPPF, Policy SL1 of the Cheltenham Plan, and Policy SD14 of the JCS.

Odour, Air Quality and Noise

7.144 Paragraph 198 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Policy SD14 of the JCS also states that new development must ensure that there are no unacceptable levels of pollution from, inter alia, air and noise.

Odour

7.145 Odour presents a significant constraint on the West Cheltenham allocation as a whole, primarily due to the Severn Trent Water sewage treatment centre located to the West.

7.146 NPPF paragraph 187 states planning decisions should be “e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans”

7.147 JCS Policy A7 states “ix. A distribution of development that takes account of the proximity of the Hayden sewage treatment works and incorporates appropriate spatial planning arrangements and mitigation measures designed to minimise material impacts on residential properties and commercial premises. Development which is likely to be significantly affected by odours will not be permitted within the Odour Monitoring Zone identified on the policies map. A landscape buffer to the western boundary of the site which will provide screening between the development and the Hayden sewage treatment works;”

7.148 Policy ENV1 of the TBP also states that all development adjacent to sewage treatment works must demonstrate by way of suitable mitigation how they will not cause unreasonable restrictions on existing upon sewage treatment operations or their ability to achieve sustainable development in the future over the time horizon of the plan.

7.149 As already noted, all the applications within the West Cheltenham allocation are affected by the current odour levels from the Hayden Sewage Treatment Works (HSTW). Indeed, the present odour levels preclude residential development within parts of the allocation and have a consequential impact on the delivery of the allocation. It is therefore necessary to undertake mitigation works at HSTW in order to reduce odour levels.

7.150 The applicant, for this outline application, commissioned a specialist odour consultant to undertake detailed modelling of the baseline conditions at HSTW based upon a scope of work and methodology which was verified by independent consultants appointed by the local planning authorities. Using this baseline position a number of scenarios were modelled to investigate a range of mitigation measures and their effectiveness in reducing the extent of the odour. This led to a proposed package of mitigation measures which enable the delivery of the masterplan contained within the application. Some of these measures form part of a wider statutory scheme which applies across the Water Industry and which requires upgrade works to be completed by the end of March 2030; others, referred to as the ‘developer works’, are additional measures which are to be funded by the applicant as part of the proposed development. All of these measures benefit not only the current application but also the other applications within the West Cheltenham allocation.

- 7.151** Viability is addressed further in the report. It is important to note the abnormal of odour was factored into the agreed benchmark land value in the viability assessment, odour was a known constraint at the point of allocation within the JCS, as such it would need to come off the land value.
- 7.152** Three important conditions apply to the management of these works.
- 7.153** First, prior to first occupation, the LPAs must be provided with evidence that the developer-funded works have been let and scheduled with a clear timeline, which demonstrates how the mitigation works will be completed prior to the occupation of the 200th dwelling.
- 7.154** The second condition stipulates that no more than 200 dwellings may be occupied before the completion of the odour mitigation works (including the developer-funded works). The limit of 200 dwellings is set because a significant portion of the site can be occupied without the need for odour mitigation. This approach also facilitates reaching the primary school trigger earlier in the development's phasing, allowing the County Council to access the land and build the primary school.
- 7.155** Finally, once the odour mitigation works have been implemented, there is a condition requiring the applicant to validate that these works are successful in mitigating odour for future residents.
- 7.156** While there is a risk that the full package of mitigation works may never occur, it is understood that a portion of these works are regulatory via OFWAT related to the Industrial Emissions Directive and therefore legally required. This provides some assurance that they will be carried out. Coupled Severn Trent Water are the landowner of this application and conditions specifically prevents occupation until the applicant has committed to a timeline and that no more than 200 dwellings can be occupied prior to completion of the odour mitigation works, officers are satisfied that it is highly likely the mitigation works will be completed within the time limits set by the permission.

Air Quality

- 7.157** The ES assesses air quality and demonstrates that in line with the Golden Valley SPD and JCS Policy SD14, the residual effects on human health arising from operation phase emissions are negligible. Whilst the site is not located within an air quality management zone (AQMA), in accordance with the Golden Valley SPD, the proposed development is situated in an area primarily influenced by road traffic emissions. The nearest AQMA is approximately 2.8km away, due to nitrogen dioxide (NO₂) exceedances, with another AQMA over 7km from the site.
- 7.158** During construction, dust and particulate matter may affect nearby properties. A qualitative assessment indicated high impact potential from dust before mitigation, but good site practices and a Construction Environmental Management Plan (CEMP) will reduce these impacts to temporary and negligible levels. Exhaust emissions from construction traffic are also expected to be low compared to existing traffic and will be managed, resulting in temporary and negligible effects on air quality.
- 7.159** The development promotes sustainable travel through enhanced walking and cycling links, a Travel Plan for occupants, and the provision of electric vehicle charging facilities.

7.160 Once operational, the development will increase vehicle movements, but a quantitative assessment suggests negligible impacts on pollutant concentrations at nearby sensitive receptors. Cumulative effects with other developments will also be negligible. Pollutant levels within the site will remain below air quality standards.

Noise

7.161 The submitted construction noise assessment evaluates a reasonable worst-case scenario in which some construction equipment is positioned along the site boundaries, while the rest is located in a more central area. This assessment indicates that significant noise effects are likely at the nearest existing houses but that average construction activities are unlikely to produce significant noise levels. Additionally, no significant construction vibration effects are anticipated.

7.162 Best practice measures to minimise construction noise and vibration will be detailed in a Construction Environmental Management Plan (CEMP) for the site. It is important to note that construction effects are temporary, and the most severe impacts are expected to occur for short periods. The CEMP will ensure sensible working hours to minimise noise.

7.163 Regarding the operational phase, the assessment examined changes in noise levels on surrounding roads due to the increased vehicle traffic associated with the proposal, as well as noise control from external building services. The changes in road traffic noise resulting from the additional vehicles are expected to be negligible, meaning they are not significant. Conditions have been applied to the outline for the sports pitches and school to manage hours of use and associated noise with these uses.

7.164 The ES assessment concluded that, with the implementation of appropriate glazing, ventilation strategies, and building orientation, the target internal and external noise criteria for residential and educational uses noise standards can be achieved for the site. As already noted, in the consultees section, the Environmental Health Officers raise no objection and have recommended a suite of conditions to safeguard residential amenity of existing and future residents.

Sustainability

7.165 NPPF para 163 states that the need to mitigate and adapt to climate change should be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.

7.166 In addition, NPPF para 166 states that in determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

7.167 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.

7.168 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 and alternative heating systems (heat pump).

7.169 Objective A of the Golden Valley SPD 'Embracing the highest standards of environmental sustainability' provides further guidance for tackling climate change in a West Cheltenham context. The Golden Valley SPD states new development at the Golden Valley Development will be net carbon zero (or better) and an exemplar in water and energy conservation and waste management, employing the highest standards of environmental sustainability.

7.170 In accordance with the Cheltenham Climate Change SPD, the Golden Valley SPD, and JCS Policies SD3 and INF5, the proposal seeks to support the move to a low carbon future by reducing energy demands (through efficient building design) and implementing renewable technologies throughout the site (such as solar PV and heat pumps) where feasible.

7.171 A sustainability and energy strategy was initially submitted in October 2022. Throughout the application process, officers collaborated with the applicant to review and enhance the environmental standards. The applicant completed the climate change SPD checklist, which can be reviewed to show a detailed breakdown of the metrics from the Climate Change SPD.

7.172 *Key features committed to include;*

- Goal of achieving Net Zero Carbon by 2030 for operational carbon emissions.
- Proposed flexible, low carbon, and future-proof energy strategy aligned with the Be Lean, Be Clean, and Be Green hierarchy:
 - Be Lean: Form and fabric-first approach to minimize space heating demand.
 - Be Clean: Utilize the most efficient energy supply methods.
 - Be Green: Consider low or zero carbon technologies for on-site generation, including an all-electric strategy using air source heat pumps and solar photovoltaics.
- Expected reduction of up to ~97% in site-wide carbon emissions with an all-electric strategy compared to a SAP10.1 carbon factor baseline.
- Targeted potable water usage of 100L/day/person.
- Incorporation of SuDs measures, such as dry, grassed basins, to minimize surface water runoff and attenuate extreme weather events.
- Adoption of circular economy principles to reduce resource demand, waste, and development footprint.
- Aim to meet and exceed a biodiversity net gain of 10%.

- Pursuit of Building with Nature accreditation.

7.173 As the application is at outline stage a condition will ensure all reserved matters adhere to the standards set out in the Cheltenham Borough Council's climate change SPD checklist received on 3rd December 2024 and the sustainability and energy strategy received 3rd December 2024 are adhered to. Additionally, a condition stating the site won't be connected to the gas grid has been added.

7.174 Overall, officers are now confident that the subsequent reserved matters, following the outline approval, will incorporate appropriate climate change mitigation measures. Whilst not meeting all the considerable targets of the Golden Valley SPD and Climate Change SPD, officers have utilised the SPDs effectively to seek considerable enhancements to the sustainability and low carbon approach to developing Golden Valley.

Drainage and Flood Risk

7.175 The application has been assessed in accordance with JCS Policies INF2 and A7, as well as Section 14 of the NPPF, specifically paragraphs 180 and 181. These outline that local planning authorities should ensure that flood risk is not increased elsewhere when determining planning applications. Additionally, applications should be supported by a site-specific flood risk assessment where appropriate and built forms should only be placed in the lowest risk areas. These requirements are also reflected in Policy ENV2 of the TBP.

7.176 In line with the Golden Valley SPD, the proposed development aims to achieve water conservation and includes sustainable drainage measures, attenuation areas, and technologies.

7.177 The Golden Valley SPD aims to minimise flooding risks through sustainable drainage measures, including the provision of street trees, landscape verges (including swales), and the use of permeable surfaces. While the detailed design of the drainage systems will be finalised at the Reserved Matters stage, sustainable drainage measures, including SuDS, attenuation, blue-green infrastructure, and planting, are proposed throughout the site in the illustrative plans and design and access statement.

7.178 Objective A2 of the Golden Valley SPD requires new developments to be resilient against flooding, while Objective C5 mandates the use of Sustainable Drainage Systems (SuDS). Most of the site is located within Flood Risk Zone 1, with the land around Hatherley Brook to the south falling into Flood Risk Zones 2 and 3. Following revised Environment Agency (EA) mapping, the previously classified dry brook (Fiddlers Brook) along the western edge has changed to Flood Zone 3. Consequently, the applicant submitted a statement to address this.

7.179 A review of the EA's surface water flood mapping reveals that the proposal is vulnerable to flooding from surface water runoff. Specifically, the western part of the proposal has been identified as at risk of surface water flooding. Significant surface water flow paths have been observed directing towards the ordinary watercourse on the western boundary of the site.

7.180 The River Chelt is located north of the site. During the ground investigation, groundwater was primarily found as seepages in the weathered bedrock. Within and near the site, there are several ordinary watercourses, including natural streams and historic agricultural field

drains. Additionally, various drainage assets traverse the site, which all contribute to the drainage catchment for the Hayden Wastewater Treatment Works (HwTW).

7.181 Despite the identified risks, based on the available information, the overall flood risk associated with surface water runoff from land is deemed low, provided that a suitable drainage strategy is implemented for the proposal.

7.182 The applicant submitted their original flood risk assessment in 2022, following feedback from the LLFA, the Cheltenham's drainage officer, and the EA. In February 2025, they submitted a revised assessment to respond to comments from the LLFA and drainage officer. This concerned clarification of the proposed Qbar runoff from the site during all events up to and including the 100 40% event. The revised assessment corrected this and updated the figure to 83.31l/s. A final flood risk assessment was submitted in May 2025, which was also reviewed by the Environment Agency, the LLFA, and the drainage officer. All three parties raised no objections and recommended conditions to address sustainable urban drainage, its management, and future flood risks associated with subsequent reserved matters. All of these conditions have been incorporated into the conditions at the end of this report.

7.183 Overall, it is concluded that the proposal complies with policy and guidance with respect to flood risk, surface water drainage, and the water environment. It is concluded that the flood risk and drainage impacts of the proposed development would be acceptable, and moreover the application has demonstrated compliance with policies within the NPPF, INF2 and A7 of the JCS, and policy ENV2 of the TBP.

Transport

7.184 Paragraph 109 of the NPPF states that transport issues should be considered from the earliest stages of development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve, inter alia, understanding and addressing the potential impacts of development on transport networks, and identifying and pursuing opportunities to promote walking, cycling and public transport use.

7.185 Paragraph 115 of the NPPF states that in assessing development proposals it should be ensured that, inter alia, sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; and that, any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

7.186 Paragraph 116 of the NPPF confirms 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

7.187 Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Criterion 2 of Policy INF1 states that where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they

must be mitigated to the satisfaction of the LPA in consultation with the Highway Authorities and in line with the Local Transport Plan.

7.188 Policy A7 of the JCS also states the scheme will have; Vehicle accesses from Fiddlers Green Lane and B4634 Old Gloucester Road and facilitate links to the M5 J10 for strategic movements to and from the site; Measures necessary to mitigate the traffic impact of the site, including the use of travel plans to encourage the use of sustainable transport modes; High quality public transport facilities and connections within and adjacent to the site. Safe, easy and convenient pedestrian and cycle links within the site, to key centres and with neighbouring existing development.

7.189 Policy TRAC1 of the TBP states that pedestrian connectivity should be a fundamental consideration in a design-led process for new major development and pedestrian networks will be protected across the Borough and opportunities sought to extend and enhance them. Policy TRAC2 of the TBP states that cycle infrastructure should be a fundamental consideration in a design-led process for new major development and the protection and enhancement of the cycle network will be sought. Under TRAC1 and TRAC2 proposals will be expected to demonstrate this proportionate to the scale of development. Policy TRAC3 also states that new development should, where appropriate, contribute towards improving bus infrastructure. Policy TRAC3 also states that on strategic-scale developments, including JCS Strategic Allocations, the potential for bus services to move through the site should be explored and, where possible and operationally viable, developments will be required to enable a sustainable service to be established or routed.

7.190 Objective A5. Of the Golden Valley SPD states the Golden Valley Development will be an integrated and fully connected extension of west Cheltenham. And Objective D: An integrated and connected extension of West Cheltenham requires;

- The design and delivery of new development will prioritise and support active and sustainable travel patterns and behaviour – public transport.
- Deliver new direct pedestrian and cycle connections to existing communities and facilities.
- Creation of an open network of streets and routes which can be managed to meet local needs.
- Delivery of a new ‘main street’ between Telstar Way and Old Gloucester Road, designed as a street for people, not a road for vehicles.
- Principal junctions should be designed to minimise land take and create safe and direct crossing points for pedestrians and cycles.
- Provision of safe routes to schools, which will be provided within or beyond the West Cheltenham site.
- A flexible and creative approach to the application of parking standards and emerging and new vehicle technologies and initiatives.

Means of access to Application Site

7.191 Whilst the application is submitted in outline, the application seeks detailed approval for the two accesses from Old Gloucester Road, these being;

- Drawing no. 21185-012-P02 – Old Gloucester Road – 3 way Signalised primary junction and;
- Drawing no. 21185-013-P05 – Old Gloucester Road - Secondary junction near Barn Close.

7.192 21185-012-P02 – Old Gloucester Road – 3 way Signalised primary junction constructed for Phase 3. This layout may be superseded by proposals for a 4-way signalised junction as part of the M5 Junction 10 ancillary works that include the Western Link Road. The Local Highways Authority (LHA) have examined this arrangement in their full response.

7.193 21185-013-P05 – Old Gloucester Road - Secondary junction near Barn Close Phase 1 /2. Should be viewed in conjunction with Tewksbury Borough Council application 23/01201/FUL for the temporary works and permanent access arrangements shown on plan 70083503-WSP-WC- SENW-DR-C-0100/P04. The applicant submitted this enabling works application to allow them to start with the access immediately.

7.194 Officers have consulted with Gloucestershire County Council as the LHA, who confirmed they had no objections to the scheme, subject to conditions, in March 2025. In August 2025, the LHA reviewed additional information provided by the applicants. The LHA confirmed again that they were satisfied with the access arrangements.

Other accesses

7.195 The movement parameter plan shows additional accesses. The first is a primary road corridor that goes into the parcel to the east of the site. This can be used by all modes of transport, including cars and buses. Another access comes from Hesters Way and punctures into the site from Henley Rd. However, this access is for public transport only; buses can use this, but cars cannot. Lastly, on the southern tip of the application site, there is an access route for buses only, allowing entry into the northern tip of the HBD southern parcel (23/01875/OUT). The HBD southern parcel (23/01875/OUT) is required to build a bus gate to ensure this access is for buses only. This supports their modelling, where cars could not go through the centre of the site.

7.196 All of these accesses have been reviewed by the LHA, who have deemed them safe and suitable. The exact detailed arrangement will be determined through the widths and material details shown in the design code and fixed in future Reserved Matters applications. Additionally, it is conditioned that the precise points of these accesses are fixed by the collaboration plans. This is to ensure that the access and parcels of this site align with and link into one another effectively. Both developers, this applicant and the adjacent HBD applicants, agree on the locations of these accesses and the broad principles of their widths and design.

Local Highway Network

7.197 During the determination of the application there have been extensive discussions between the applicants and the LHA and Active Travel England on a package of measures to mitigate the impact of the development on the Local Highway Network and encourage active travel.

7.198 These works have been agreed with the LHA, and the principal works are as follows:

7.199 North along Old Gloucester Road to the Gallagher retail park junction.: The initial request was for a minimum 5m segregated cycle lane construction on this route, however due to existing site constraints the provision of a 3m shared use path with verge buffer is shown. Active travel England indicates that wider facilities should be achieved where possible and although a 5m width could be achievable west of Blaisdon Way, the eastern stretch towards Hayden Lane / A4019 / Gallagher Retail Park would be restricted at numerous points therefore the lesser 3m proposal is accepted to ensure consistency of environment along the whole of the route for all users. These works are shown on plans; 205369-PD29.3 I – Old Gloucester Road – Active Travel Link (Pilgrove Way to Basildon Road) and 205369-PD29.4.E – Old Gloucester Road – Active Travel Link (Blaisdon Way to Hayden Road) received 8th August 2025. These works will be provided by the developer under s278 works. In the event that the HBD/CBC north 23/01874/OUT is delayed 21185 SK 001 P3 received October 2022 should be implemented as in interim access, this is reflected in the condition wording.

7.200 Hope Orchard: Currently a lane serving residential properties adjacent to the school, Hope Orchard will be resurfaced to accommodate pedestrians and cyclists. These works are shown on 205369/PD31.B - Hope Orchard received 8th August 2025. These works will be provided by the developer of 23/01874/OUT under s278 works.

7.201 Marsland Road corridor: A 3 metre wide shared pedestrian footway/cyclepath that links the site to Coronation Square through Elms Farm Park and along Fiddlers Green Lane. The route includes the conversion of an existing mini-roundabout to a priority-controlled junction; the introduction of two toucan crossings; and rationalisation of existing on-street parking. View port 1 within the drawing will be delivered by the developer. View port 2 will be delivered by GCC as LHA via S106 contributions from all West Cheltenham developers. The scheme is shown on drawing no. 21185-009-P09. The applicants will contribute £135,461.00 via S106.

7.202 Springbank Area: Improved cycleways and pathways onto Henley Road. To be provided by the developer under S278 works. Shown on drawing no. 21185-009-P10- Springbank Area received 31st July 2025. This plan also shows the new bus link into the site from the east as discussed above.

7.203 The LHA has been consulted on the application and have considered all of these mitigation measures and consider that they are acceptable and would assist in mitigating the highways impact of the development and encourage active travel.

Public Transport

7.204 The applicant's transport assessment and subsequent addendums outline the public transport strategy, specifically buses. The applicant proposes the application will be served by an extension of Route H. There has been disagreement between the applicant and the LHA on what route or service would best serve this development. However, it is not for the developer to provide the bus services. They are giving the LHA a considerable sum to help fund the initial services for this development. In much later phases of the development, the buses should be running effectively due to increased uptake once the development is occupied. At this time, there is not an agreement between the LHA and the developer on the exact bus route for this service. The phasing condition requires "accesses for

pedestrians, cyclists, buses, temporary bus turning facilities and other vehicles” to be shown prior to the submission of the first Reserved Matters. As such, this detail will be provided in the future. Furthermore, it is within the LHA gift to use the funds to provide an initial bus service within the site. The phasing plan condition also requires the developer to ensure there are turning facilities for this bus service. As such, it would be unreasonable to hold up decision making until a bus solution was found at this stage.

7.205 The LHA requested £ £4,945,000.00 towards future bus services. However, the applicant directly engaged with the bus service providers (Stagecoach) early in the application as the LHA did not engage until late in the application on bus sums. The applicant was quoted, by the bus service providers, £1,380,000.00 for their portion of the bus contribution. This amount is considered substantial to provide an initial bus service in the early stages of the development. As such £1,380,000.00 is being sought. Later in this report the viability balance is discussed regarding S106 asks.

7.206 The contribution to the bus services ensures that credible travel choices are provided for future occupiers by sustainable modes in accordance with the provisions of the NPPF and policies INF1, SA1 and A7 of the JCS and policy TRAC3 of the TBP.

Travel Plans

7.207 In accordance with the requirements of paragraph 118 of the NPPF and Policy A7 of the JCS, a Framework Travel Plan (FTP) has been submitted in support of the application, found in Transport Assessment addendum Appendix 15 to promote sustainable modes of travel. The key outcomes from the travel plan are found in Section 5 as follows:

- A sustainable neighbourhood promoting non-car based travel from the outset
- The health and wellbeing benefits of non-car based travel
- Provision of cycle parking / storage and EV charging
- Minimise single occupant vehicle trips made by residents and the promotion of car sharing
- Establishment of walking and cycling groups
- Provision of welcome packs including maps of how to reach key destinations sustainably
- Personal Travel Planning if requested
- Develop and on-going management and co-ordination process that will monitor and review achievement of agreed mode shift targets.

7.208 The LHA March 2025 response advised the section 106 agreement should include a developer contribution for the monitoring fees of the seven Travel Plan obligations for both residential and commercial uses, totalling £40,000, and a bonded deposit of £311,650 to implement residential and commercial Travel Plan measures if those measures are not implemented or mode share targets are not met. However, given this will largely be a residential based travel plan, which is not complicated, £10,000.00 is considered proportionate for the travel monitoring.

7.209 The LHA have recommended that planning conditions are imposed on the application to secure these detailed Travel Plans prior to the occupation of the residential, commercial and school elements of the development, and have requested the following planning obligations:

- Commercial Travel Plan Deposit Contribution - £21,667, however this is not agreed as the commercial element is very small for this scheme.
- Travel Plan Monitoring Fees - £10,000, agreed.
- Residential Travel Plan Deposit Contribution – £ 311,650.00, agreed.

7.210 It is considered that these two contributions meet the s106 tests insofar as they are directly related to the development, and fairly and reasonably related in scale and kind. They are also necessary and the most appropriate mechanism to extend and modify existing public transport networks and ensure that credible travel choices are provided for future occupiers by sustainable modes in accordance with the provisions of the NPPF and policies INF1, SA1 and A4 of the JCS.

Traffic Regulation Orders

7.211 In October 2025 GCC highlighted some of the TRO money will need to be used to consult on and undertake the speed reduction measures along Old Gloucester Road. A condition has been added at the end of the condition list as this was late into the application. The condition requires the applicant to provide the design details for this speed reduction and GCC would then consult on these plans and implement the speed reduction.

7.212 To the south of the site is considerable employment, as such people may park in this scheme and walk down into the southern parcel for HBD, and inappropriate parking could occur around the primary school on site. The LHA has requested £255,420 towards TROs. However, the LPA has allocated £35,000 towards TROs. It is considered that this contribution meets the S106 tests insofar as they are directly related to the development, and fairly and reasonably related in scale and kind. £255,420 is considered disproportionate given the residential nature of the scheme where there is little space for overspill parking the surrounding streets. They are also necessary and the most appropriate mechanism to ensure the surrounding roads are not impacted and people are encouraged to use sustainable modes in accordance with the provisions of the NPPF and policies INF1 and SA1 of the JCS.

Public Comments

7.213 Comments have been received regarding parking issues, congestion and the proposed link road's placement within the development, suggesting it should be positioned to minimise impact on existing residential neighbourhoods and allow for a more sympathetic development approach.

7.214 As already discussed, TROs will be funded by the developer and implemented by the LHA to manage dispersion of parking from the site. The effects of the development on the local highway network are discussed in detail throughout the highway section. Regarding construction traffic, this will be managed by a construction management plan that has been conditioned.

7.215 The placement of the link road to Junction 10 has been prescribed to the applicant by the development control order for the Junction 10 scheme, discussed above.

Strategic Highway Network

7.216 National Highways and the LHA have stated that the proposal, which results in a net increase in residential units and commercial floorspace, requires a financial contribution for improvements to Junction 10 of the M5 motorway.

7.217 The Section 106 tests state the following requirements:

- A. The obligation must be necessary to make the development acceptable in planning terms.
- B. It must be directly related to the development.
- C. It must be fairly and reasonably related in scale and kind to the development.

7.218 As already noted, the test for refusing on highway grounds is set out within paragraph 116 of the NPPF, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

7.219 Additionally, INF1 of the JCS states, "Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts attributable to the development are likely, including those resulting from cumulative impacts, they must be mitigated to the satisfaction of the LPA in consultation with the Highway Authorities and in line with the Local Transport Plan." This requirement to have regard to cumulative impact is reiterated in INF6 and INF7 of the JCS.

7.220 M5 J10 is critical to transport operations on the M5 motorway and the locality and is a project that Cheltenham and Tewkesbury Borough Councils support and have been actively working collaboratively with Gloucestershire County Council from the bid writing stage to the present day. The current junction arrangement provides for traffic movements to/from the north only, and the southbound off-slip is susceptible to queuing which blocks back onto the mainline during the AM peak period to the detriment of highway safety.

7.221 M5 J10 has been identified for improvement to an 'all movements' layout with a grade separated roundabout constructed over the mainline carriageway. The proposal also includes a new West Cheltenham Link Road south of the A4019 to join with the B4634 to the south and A4019 ancillary works. The scheme was promoted by Gloucestershire County Council and completed the Development Consent Order (DCO) examination in 2024. The Secretary of State Decision consented the J10 scheme in June 2025.

7.222 As part of the DCO, Gloucestershire County Council presented a funding methodology which apportioned the funding shortfall of the scheme costs between allocated development sites that may come forward at 'West' and 'Northwest' Cheltenham and in adjacent areas. Whilst this is Gloucestershire County Councils methodology other funding streams are available for the scheme. The LPA provided comments on the methodology. The LPA continues to work collaboratively with the County Council on the matter of the funding methodology, but at the time of writing this methodology is not agreed, nor has the transport

modelling upon which it has been based (GC3M model) been shared with the LPA or the applicant. The NPPF is clear that expectations of contributions should be set out in development plans, and the PPG explicitly discourages the use of SPD to provide formulae inter alia because this will not have been the subject of consultation and examination. As such, though taken into account very limited weighted is assigned to the current funding methodology draft paper and the councils continue to work proactively with the LHA to reach an appropriate resolution.

7.223 The principal components of the M5 J10 improvement scheme is as follows:

- Construction of a new Junction 10 on the M5, including four new slip roads, and demolition of the existing A4019 bridge and construction of a new roundabout over the M5.
- Realignment and widening of the A4019 with associated footway, shared use paths, private means of access. This includes a bus lane on the A4019 eastbound carriageway from the West Cheltenham Fire Station to the Gallagher Junction.
- Construction of a new West Cheltenham Link Road south of the A4019 to join with the B4634 to the south.

7.224 The proposed M5 Junction 10 scheme will not only mitigate traffic impacts of development on the Strategic Road Network. In addition to this, the A4019 ancillary works enable a significant amount of strategic traffic currently directed to M5 Junction 11, via the A40, Princess Elizabeth Way, Old Gloucester Road, Gloucester Road and from north Cheltenham to utilise the new all movements Junction 10 layout. This redistribution significantly reduces traffic on these local roads and benefits the wider network.

7.225 National Highways and the LHA state that the implementation of the Junction 10 upgrade will release the capacity to support the JCS growth.

7.226 The LHA is seeking £5,088,523.00. The LPA have no reason to dispute this request given the location of the site very close to the junction and modelling presented by LHA. It is considered that this planning obligation contribution is directly related to the highways impacts of the development; and fairly and reasonably related in scale and kind to the development. Therefore the £5,088,523.00 planning obligation contribution to the M5 J10 scheme accords with all of the planning obligation tests.

7.227 It should be noted that significant Community Infrastructure Levy (CIL) has also been allocated to help facilitate M5 J10, this includes up to £10m awarded from unallocated funds on the 4th March 2025 and a further up to £20m drawn from currently unallocated CIL funds and future funds at a meeting of the CIL Joint Committee on 25th September 2025.

Highways Impact and Grampian Apportionment

7.228 The M5 Junction 10 upgrade scheme is well developed, with an examination undertaken during summer 2024 and the Secretary of States (SoS) decision received on 5th June 2025. The SoS in her decision letter has echoed the examiners' view and concludes that "the Proposed Development aligns with paragraph 2.23 of the NPSNN which states that Government's wider policy is to bring forward improvements to the existing Strategic Road

Network through the delivery of enhancements of the type proposed by the Applicant. The Secretary of State agrees with the ExA that the Proposed Development will create additional capacity which will support the aspirations of local policy allowing for future much needed housing and employment development [ER 3.2.90].”

7.229 It is agreed that the implementation of the Junction 10 upgrade will release the capacity to support the JCS growth as a whole as set out in the supporting JCS Transport Strategy. In advance of the build out of M5 J10 there has been extensive transport modelling undertaken by the developers of the strategic allocations, National Highways and Gloucestershire County Council to understand the capacity that could be accommodated on the network in advance of the delivery of the Junction upgrade.

7.230 Assessment by National Highways is that a total of 5,474 new homes could be accommodated before there was severe impact on the strategic road network (SRN). However, the modelling that supports this indicates that whilst this level could be appropriate for the strategic road network, impacts are passed onto the local highway network (LHN). To understand this impact further Gloucestershire County Council has undertaken further transport modelling which has led to a capacity figure of 1,711 new homes that could be accommodated on the local road network.

7.231 Therefore, the assessments conclude that a Grampian condition is required should all currently live planning applications be recommended for approval, limiting development levels within the context of the highway capacity identified.

7.232 It is for the LPAs to consider the Grampian as decision takers. The LPAs view is that an approach is needed to steer the consideration of apportionment in order to provide transparency in consideration of all the live planning applications and in the context of the JCS and wider material considerations. This approach has been reached collaboratively between Tewkesbury and Cheltenham Borough Councils. The table below is the list of applications the LPAs are applying the Grampian to.

Site	App ref
NW Cheltenham (Home Farm)	23/00354/OUT
NW Cheltenham 4115 (Elms Park)	16/02000/OUT
West Cheltenham 443 (HBD southern parcel)	23/01875/OUT
West Cheltenham 576 (HBD Northern parcel)	23/01874/OUT
West Cheltenham 1,100 (St Modwens) (cross boundary application) (this application)	22/01817/OUT (Cheltenham BC reference) 22/01107/OUT (Tewkesbury BC reference)
West Cheltenham 365 (Nema)	24/01268/OUT

7.233 The LPAs assume that wider development within the authorities will be dealt with separately in recognition of the strategic importance of the JCS allocations and the priority of Government for delivery of new homes and jobs. Gloucestershire County Council as LHA will need to consider the implications of this, particularly in relation to their funding methodology seeking to address the shortfall in funding for the M5 Junction 10 scheme.

7.234 Having undertaken extensive review, the LPAs will split the Grampian based on the below table. The key considerations have included:

- Maximising the delivery of new homes through multiple residential sale outlets across the strategic allocations to support shorter term delivery and future supply to support Cheltenham's 5-year housing land supply position.
- Enable choice to the market through the different housing types, sizes and tenures that would be brought to the market.
- Link to triggers that enable key community infrastructure to be developed in line with new homes.
- Recognising the local, regional and UK importance of the delivery of the Innovation Centre to support the cyber and digital tech ecosystem in the context of economic growth and deliver against the National Cyber Strategy (2022).

7.235 In the context of West Cheltenham, this strategy allows developments to commence while ensuring a proportionate number of dwellings are available prior to Junction 10, supporting the opportunity to maximise outputs to support the 5- year housing land supply alongside maximising the range of housing types, sizes and tenures. It provides for a significant amount of commercial floor space to be created in the West Cheltenham allocation.

					GRAMPIAN 1 LHN		GRAMP 2 SRN	
SITE	APP REF	RESI	CLASS E	% RESI	RESI LHA	CLASS E LHA	RESI NH	CLASS E NH
NW Elms Park	16/02000/OUT	3,849	49,150	60.8	1040	7,261	3327.00	43,400
WC St Modwens	22/01817/OUT(CBC) 22/01107/OUT (Tewks) (this application)	1,100	1300	17.4	297	500	951	1300
WC HBD NORTH	23/01874/OUT	443	500	7	120*	500	382	500
WC HBD SOUTH	23/01875/OUT	576	92,985	9.1	156*	25,009	497	43,400
WC NEMA	24/01268/OUT	365	43,785	5.8	99	25,009	317	43,400
Total		6,333	187,720	100	1,711	58,279	5,474	132,000

7.236 It is important to note there are two conditions, to control severe impacts on the LHN and the SRN and there are different occupation triggers for those conditions, based on the respective consultation responses from LHA and National Highways and the statutory consultees considerations of severe impact and the tests in the NPPF.

7.237 The Grampian condition to control severe impact on the LHN is recommended by the LHA taking account of the LPA's apportionment strategy. This condition will cease to be operative once the construction contract for the works have been awarded.

7.238 The Grampian condition to control severe impact on the SRN is recommended by National Highways taking account of the LPA's apportionment strategy.

7.239 These Grampian conditions are directly supported by INF6 and INF7 of the JCS. The need for the conditions are clearly evidenced, given the conclusions by the LHA and National Highways that there will be severe impacts on the operation of the LHN and SRN if more

than the specified number of dwellings and Class E floorspace is occupied before the delivery of the M5 J10 improvement scheme (and the interim scheme).

- 7.240** The conditions are fairly and reasonably related to the developments, specifically dealing with an identified issue arising directly from the proposals and serves the specific planning purpose of preventing unacceptable severe impacts. Such impacts relate to the character of use of the land and are clearly a planning purpose. The conditions are reasonable, precise and enforceable, meeting the tests of conditions.

Highways Conclusions

- 7.241** In conclusion, National Highways and the LHA have been consulted on this application and raise no objection to the application subject to the imposition of planning conditions and securing the planning obligations specified above.

- 7.242** The LHA no objection was based on the agreement of the requested S106 sums and the LHA accepted technical aspects of the scheme, such as the access and active travel works. The current objection stems from the fact that the LPA has not agreed the requested S106 sums. The justification for this issue (namely bus contribution) has been discussed in the report, but the committee must note and have regard to the LHA objection in considering this report and in their decision making.

- 7.243** It is considered, the planning obligations and conditional framework will ensure that there is no unacceptable impact on highway safety, and the residual cumulative impacts on the road network, following mitigation, would not be severe, taking into account all reasonable future scenarios.

- 7.244** The application meets the broad aims of the Golden Valley SPD in terms of transport and has responded to the Golden Valley SPD visions in its own way. The Golden Valley SPD was not a blueprint for development and the response taken by the applicants is considered acceptable in terms of internal road design, movement and accesses.

- 7.245** In addition, the application has demonstrated that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location. It is also demonstrated that safe and suitable access to the site can be achieved for all users. Furthermore, opportunities have been taken, where appropriate, to extend and modify existing walking, cycling and public transport networks and links, to ensure that credible transport choices are provided by sustainable modes.

- 7.246** As such it is concluded that the impacts of the proposed development on the transport network would be acceptable, and moreover the application has demonstrated compliance with the NPPF, Golden Valley SPD and policies INF1, INF6, INF7 and A7 of the JCS as well of policies TRAC1, TRAC2 and TRAC3 of the TBP.

Viability

- 7.247** NPPF para 59 states it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was

brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning practice guidance, including standardised inputs, and should be made publicly available.

7.248 The LPA appointed an independent cost consultant and viability consultant to review the applicant's financial viability assessments prepared by the applicant. This involved extensive check and challenge on the inputs and benchmarks used to build up the assessment.

7.249 Policy INF7 of the JCS states where, having regard to the on- and / or off-site provision of infrastructure, there is concern relating to the viability of the development, an independent viability assessment, funded by the developer and in proportion with the scale, nature and / or context of the proposal, will be required to accompany planning applications.

7.250 Policy SD12: Affordable Housing of the JCS seeks 35% housing on the strategic allocation sites. It states if a development cannot deliver the full affordable housing requirement, a viability assessment, conforming to an agreed methodology, in accordance with Policy INF7 will be required. It also provides that developers should consider i) varying the housing mix and design of the scheme in order to reduce costs whilst having regard to the requirements of other policies in the plan, particularly SD4, and the objective of creating a balanced housing market; ii) securing public subsidy or other commuted sums to assist the delivery of affordable housing.

7.251 Policy RES12 of the TBP states that where there is an issue relating to viability that impacts on the delivery of the full affordable housing requirement developers should consider:

- 1) varying the housing mix, tenure mix and design in order to reduce costs whilst having regard to the requirement of other policies to create a balance housing market,
- 2) securing public subsidy or commuted sums to assist housing delivery,
- 3) if development cannot deliver full affordable housing a viability assessment to an agree methodology must be provided in accordance with Policy INF7 of the JCS.

7.252 The applicants submitted a viability assessment in December 2024, which underwent an initial review by the council's independent viability assessor internally.

7.253 There was a significant difference between the applicant's cited infrastructure costs and those estimated by the LPA. The LPA instructed an independent quantity surveyor to examine all of the infrastructure costs associated with the scheme. These discussions took place over several months and subject to significant check and challenge. There still isn't agreement between the applicant and the council's quantity surveyor. As such, the LPA adopted their quantity surveyor's lower values for the infrastructure as this the LPAs position. This was input into the viability assessment undertaken by the council's independent viability advisor.

7.254 After concluding the infrastructure costs, these were input into the viability assessment and reviewed by the council's independent viability consultant. They scrutinised all elements of the applicant's financial viability assessment. Additionally, the case officers prioritised the S106 asks and affordable housing tenure mix. This was then sent to the applicant for review.

There is currently not agreement between the applicant and the local planning authority on the viability assessment.

7.255 It is not uncommon for strategic sites to have lower levels of affordable housing due to significant infrastructure burdens, as is reflected in the JCS policies that sets a requirement of 35% as opposed to non-strategic sites of 40%. However, there are additional costs incurred by these sites that were not anticipated when the JCS allocated the site. Initially, the Junction 10 improvement works were a fully funded scheme, but changes now require additional funding due to increased delivery costs influenced by external factors. Furthermore, a substantial level of contributions for highways, education and bus contributions is being requested alongside the Golden Valley development being designated as a Garden Community and the requirements set by the Golden Valley SPD.

7.256 The suggested value for each of the Section 106 contributions has/will be discussed elsewhere in this report, particularly regarding highways, libraries, and sports facilities. It has also been noted that several obligation requests made by consultees were not included in the proposed heads of terms. Including all requests and full affordable housing would have rendered the application unviable resulting in no profit for the developer i.e they would not develop the site. Approximately 25 million pounds worth of requests were initially sought, but it's essential to consider these in the context of the Community Infrastructure Levy (CIL) regulations to determine whether they are necessary. A degree of prioritisation has been required by the LPA to focus on the most essential requirements to create a sustainable community. Officers have had to undertake a careful balancing exercise between providing funding for infrastructure, such as buses, and the much-needed affordable housing in the borough. Whilst the site could have provided the full bus and library requests from GCC, this would have resulted in 0% affordable housing for the future and existing residents of Cheltenham and Tewkesbury, on balance this was not considered to meet the expectations of the NPPF in creating mixed and balanced communities. After the Section 106 prioritisation exercise and a slight adjustment in the affordable housing tenure mix, the council's independent viability assessor re-evaluated the appraisals and determined that the site could now provide an increased affordable percentage based on the new Section 106 profile, which has resulted in 22.91% (252 affordable units).

7.257 The final financial viability assessment has been shared with the applicant who advised "on behalf of Brighton STM Developments Ltd, we are happy to proceed with the viability position outlined in your email on the 10th October. The position that gets to 22.91% and the AH mix is acceptable to us, noting the potential for some flexibility at RM stage on the overall mix." The applicant needs to agree with the landowner and will formally write to the LPA before planning committee and this will be a late representation for committee.

7.258 The balance between the achievable affordable housing level and that of the S106 value is therefore considered to be appropriate. Whilst disappointing that higher levels of affordable housing cannot be achieved, this is however considered to be the most appropriate balance and as such, ensures that the development is sustainable as a whole whilst at the same time making an appropriate contribution to the M5 J10 scheme.

Review Mechanism

7.259 In circumstances where issues relating to viability are identified by applicants and accepted by the LPAs, the LPAs would usually seek to agree that a Viability Review Mechanism is included in the S106 agreement. As viability assessments offer a viability appraisal at a

snapshot in time, taking into account known viability factors at an early stage in a project, the purpose of a review mechanism is to allow for a reassessment of viability over the lifetime of the development to assess whether policy compliance can be achieved i.e. in this instance the delivery of 35% affordable housing.

7.260 During the consideration of the planning application, officers sought to agree with the applicants that a Viability Review Mechanism should be included in the s106 agreement. In response, the applicant's provided a Legal Opinion which considered the justification for the LPAs seeking a Viability Review Mechanism, having regard to Development Plan Policy, other material considerations including guidance in National Planning Guidance, and recent appeal decisions.

7.261 The applicant's Legal Opinion concludes that the position of the LPA in seeking the imposition of a Viability Review Mechanism has no basis in policy and to seek and require any S106 agreement to contain such a clause or obligation would be unlawful.

7.262 The applicants have clearly stated to the LPAs that they would not accept a Viability Review Mechanism in the s106, and as such this could give rise for the LPAs to refuse the planning application.

7.263 The LPAs have carefully considered the Legal Opinion and the applicant's position on this matter.

7.264 Paragraph 009 of PPG (revision date 9th May 2019), sets out Guidance on viability review and advises 'How should viability be reviewed during the lifetime of a project'. This Guidance advises that:

'Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.'

7.265 Officers acknowledge that there are no policies in the adopted Development Plan which set out the circumstances where review mechanisms may be appropriate. However, it is considered by officers that the absence of a direct reference to review mechanisms in development plan policy does not preclude a determination as a matter of planning judgement that a review mechanism is necessary to make the development acceptable in planning terms. This is particularly relevant given this is part of a strategic allocation.

7.266 Paragraph 58 of the NPPF is clear the planning obligations must only be sought where they meet all of the following tests:

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

7.267 It is considered that the absence of a planning policy requiring a review mechanism, does not preclude entering into a planning obligation if these legal tests are met. The requirement for a review mechanism is a planning judgement.

7.268 In the circumstances of this case, a planning judgement must be made on whether, having regard to the planning balance as a whole, including the benefits arising from the development proposals as part of the wider Strategic Allocation, whether the application should be refused due to applicants non-acceptance of a Viability Review Mechanism.

7.269 In the individual circumstances of this planning application, officers consider that there are planning reasons to accept as a matter of planning judgement, that the application should not be refused for failure to agree a Viability Review Mechanism. These reasons include:

- The inter-relationship with this application site and other planning applications/permissions within the wider Strategic Allocation. If this planning application were to be refused solely for the failure to provide a Viability Review Mechanism, it may cause significant delay and undermine infrastructure, housing and employment land delivery the wider Strategic Allocation.

7.270 In these circumstances, instead of seeking a Viability Review Mechanism within the s106 agreement, officers consider a pragmatic alternative is to reduce the time period for submission of reserved matters.

Shorter time limit condition

7.271 The standard time condition for the outline permission has been amended it reads;

"No part of the development shall take place on a particular phase, subphase, or development parcel until full details of the layout, scale, appearance and landscaping within the phase, subphase, or development parcel (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority. Application for approval of the reserved matters for the first phase as identified by the phasing plan required under Condition 4 shall be made to the local planning authority no later than the expiration of TWO years from the date of this permission and the last application for reserved matters approval shall be made no later than SIX years beginning on the date of this permission.

Reason: To support the lack of a viability review mechanism and ensure timely delivery of housing.

7.272 The standard time condition for submission of reserved matters has been amended in response to the applicant's refusal to agree to a review mechanism within the Section 106 agreement. Viability assessments represent a snapshot in time, and without a review mechanism, it is considered reasonable to reduce the time period for implementation to ensure the validity of the submitted viability assessment is maintained.

7.273 While the LPAs do not agree with the applicant's stance and would ordinarily seek review mechanisms where appropriate, the reduced time period for submission of reserved matters provides a pragmatic alternative. It ensures that the viability assumptions remain relevant and that the development progresses within a reasonable timeframe.

7.274 Section 91 of the Town and Country Planning Act 1990 requires planning permissions to include a condition setting a time limit for commencement typically three years, unless varied by the LPA. The PPG allows for flexibility in this period to support delivery, and the PPG encourages shorter timeframes for housing delivery where appropriate.

7.275 In this case, the applicant contends that the proposal will deliver a substantial number of homes within the current JCS plan period (2025–2031). The six-year limit for submitting reserved matters aligns with this timeframe and supports the delivery of housing to meet identified needs. Importantly, the condition requires submission of reserved matters within the plan period, not completion or occupation of the dwellings, allowing flexibility for build-out.

7.276 Given the Council's inability to demonstrate a five-year housing land supply, significant weight is afforded to housing delivery in the planning balance. The condition ensures that a high proportion of the proposed dwellings contribute to meeting current housing needs.

7.277 Although there are Grampian conditions affecting occupation namely, those related to odour mitigation and Junction 10 of the M5 these do not render the scheme undeliverable with the reduced timescales. The odour works are within the applicant's control, and the J10 scheme is expected to be completed within the plan period. The applicant has been made aware of the revised condition and requested 8 years based on the odour works being completed by 2030. However, planning is likely to be issued in 2026 given a S106 must be subsequently signed, the odour mitigation works would be required to be completed within four years from the date of the outline planning permission, in accordance with the 'worst-case odour mitigation scenario'.

7.278 Given that the outline planning permission stipulates that all reserved matters must be submitted within six years, this would allow a further two-year period following the completion of the odour mitigation works for the submission of reserved matters. This timeframe is considered reasonable and achievable, and it remains within the control of Severn Trent Water (landowner for this application) to expedite the completion of the odour mitigation works should they choose to do so.

Affordable Housing

7.279 Paragraph 8 of the NPPF states that the planning system needs to perform a number of roles, including a social role in supporting strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations. Paragraph 66 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures.

7.280 Policy SD12 requires that within the Strategic Allocations a minimum of 35% affordable housing will be sought. Policy SD11 of the JCS also confirms that housing mix should meet the needs older people as set out in the local evidence base including the most up to date Strategic Housing Market Assessment.

7.281 The applicants have constructively engaged with officers during the determination of the application and have provided an affordable mix which would significantly contribute towards the area's affordable housing needs.

7.282 In accordance with the requirement of Policy SD12, the applicant will provide 22.91% (252 units) affordable housing on site. Following the outcome of the viability assessment. Whilst the applicant does not agree to this mix it is ultimately prescribed by AH Officer and its implications fed into the viability assessment.

7.283 See below breakdown of the affordable housing mix, which will be secured via the S106. Each reserved matters will need to provide the agreed percentage of affordable, to ensure affordable housing is not left until the end.

Assumed Dwelling Type- Social Rent	No. of Dwellings (Social Rent)	Assumed Dwelling Type- Shared Ownership	No. of Dwellings (Shared Ownership)	Assumed Dwelling Type- Combined AH	No. of Dwellings (Combined AH)
1 Bed Apartments	8	1 Bed Apartments	0	1 Bed Apartments	8
1 Bed Maisonette	24	1 Bed Maisonette	12	1 Bed Maisonette	36
2 Bed Apartments	0	2 Bed Apartments	0	2 Bed Apartments	0
2 Bed Maisonette	6	2 Bed Maisonette	0	2 Bed Maisonette	6
1 Bed Bungalow	12	1 Bed Bungalow	0	1 Bed Bungalow	12
2 Bed Bungalow	4	2 Bed Bungalow	0	2 Bed Bungalow	4
1 Bed House (assume Maisonette)	2	1 Bed House (assume Maisonette)	0	1 Bed House (assume Maisonette)	2
2 Bed House	34	2 Bed House	70	2 Bed House	104
3 Bed House	24	3 Bed House	44	3 Bed House	68
4 Bed House	8	4 Bed House	0	4 Bed House	8
5 Bed House	4	5 Bed House	0	5 Bed House	4
Total:	126	Total:	126	Total:	252

7.284 The Councils' Housing Enabling Officers has been engaged throughout and has advised that this mix complies with policies SD11 and SD12, in so far as they relate to mix when considering viability, of the JCS and has due regard to local needs, community cohesion and affordability considerations. Officers consider that the provision of this amount of affordable housing, particularly the provision of social rent units and first homes, is a substantial benefit of the proposals.

Open Market Housing Mix

7.285 Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Housing mix should be based on the most up to date evidence of local housing need and market demand.

7.286 The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications, however this evidence base document would be updated during the build out time of the proposed development.

7.287 The applicant's DAS sets out the proposals allow for a range of dwellings across the site to be delivered with varying sizes to accommodate a variety of household types. Given the proposal is in outline, it is recommended that a condition is imposed requiring the submission of a housing mix statement alongside the submission of reserved matters, secure a mix of market housing in broad accordance with the most up to date evidence of the local housing market need and market demand at the time of determination of future reserved matters.

7.288 With a development of this scale, which is submitted in outline, officers consider that that imposition of a planning condition is the most appropriate mechanism to deliver a balanced

housing market on this site, having regard to the latest evidence base at the time of future reserved matters applications. It is therefore considered that subject to the imposition of conditions the application complies with policy SD11 of the JCS, and the conditional framework will facilitate the delivery of an appropriate mix of dwellings sizes and a balanced housing market.

- 7.289** The planning conditions for HBD 23/01875/OUT and Nema 24/01268/OUT contain quantum conditions that specify the number of flats and houses for the scheme. As these schemes rely on apartments in order to achieve anywhere close to the quantum applied for. However, this scheme does not rely on apartments to achieve most of 1100 dwellings applied for, as such the condition refers to 1100 dwellings overall. Additionally, as the applicant has stated a possibility of an extra care living facility the condition will read;

Quantum

In line with the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification), the maximum amount of development permitted comprises:

Up to 1100 dwellings (Use Class C3); and of the 1100, up to 60 units can be self-contained extra care/retirement dwellings (Use Class C2 / Use Class C3).

Up to 1,300 sqm Gross Internal Floorspace of non-residential development, comprising of Use Classes E and F (excluding the primary school).

Allotments, Play and Sports

Allotments

- 7.290** Planning obligations will deliver new allotments. The Illustrative Open Space Plan DE438_027_C received 28th May 2025 shows an allotment in the south of the proposal at a size of 0.66ha. This quantum of provision accords with the Cheltenham Council's Open Space Study Standards Paper (November 2016) of 0.25ha per 1,000 population. The exact design of the allotments would be covered at Reserved Matters stage. The end management of the allotments will be confirmed via the S106 as it may be the management company or another group who wish to take on the site.

Play

- 7.291** Illustrative Play Provision DE438_030 received 28th May 2025 shows the locations and type of play showing;

- 2 LEAPs 0.04ha each
- 14 LAPs
- 1 NEAP 0.1ha

- 7.292** These are well dispersed and offer a range of play opportunities for different age groups. A condition has been added to the recommendation ensuring play is in accordance with this

plan and ensures each phase should seek to achieve a minimum standard of 0.04 Ha of play per 1,000 people.

Sports

7.293 The Illustrative Open Space Plan DE438_027_C received 28th May 2025 shows 2.8ha formal sports provision which will consist of;

- Grass playing pitches for youth, junior, and mini-soccer comprising 2x youth (11v11), 2x mini-soccer (7v7), plus pavilion and car parking.
- 2x tennis courts with sports lighting.

7.294 CBC/HBD Northern Parcel (23/01874/OUT) will contribute part of the land shown for sports facilities and this applicant will be responsible for contributing land and delivering the facilities within the north of the allocation.

7.295 While this may not be the ideal solution, it would be inappropriate to scatter sports facilities throughout the allocation merely to ensure that each application includes some. It is better to consolidate these facilities from a management perspective and a placemaking standpoint. Additionally, having the sports facilities adjacent to the primary school enhances the benefits of placemaking and supports the outcomes of Cheltenham's recently approved Playing Pitch Strategy and action plan (March 2025).

7.296 In addition to the on-site sports facilities, it has been agreed, having regard to the evidence base provided by Cheltenham Borough Council's Sports Facility Needs Report (2024) (SFNR) , that the application will provide the following planning obligations to off-site sports facilities.

- Hockey - £ 61,265.22 towards the development of an AGP facility for Hockey that will provide additional capacity to meet the needs of the new population for a proposed scheme at Pates Grammar School. The current pitch at the school has been classed as being poor quality and due to the state of the pitch and the lack of floodlighting, the school is not able to make the pitch available for community use. The school has been in discussions with local hockey clubs to use the school as a base, and the contribution would require a community use agreement to be entered into. Should this proposal not be delivered the planning obligation will include a clause for the contribution to go towards other facilities within the locality.

Hockey - £ 40,033.09 towards improvement of hockey pitches and installation of sports-lighting at the following site that will provide additional capacity to meet the needs of the new population. Scheme being Bournside School Sports Centre. Rugby Union - Contribution of £88,832.53 towards the improvement of Rugby Union Facilities that will deliver proposed schemes within the area as identified by the CBC/TBC communities teams.

Cricket – contribution of £106,900.16 towards the improvement of cricket facilities that will provide additional capacity to meet the needs of the new population. Scheme will improve the pitch quality at Swindon Village Park.

7.297 Previously, the off-site sports ask was £1,417,729.95 in total, however as already noted above following prioritisation this has changed to the above (£297,031.00 in total).

7.298 The applicant has indicated a willingness to enter into a legal agreement to secure these planning obligations. It is considered by officers that it is more appropriate for the development to contribute to these existing off-site facilities rather than provide small pieces on site. This is due to the fact that these clubs are club based and may not wish to take on small facilities.

Community Centres

7.299 The indicative location of the Community Centre is shown on the Parameter Plan – Land Use DE438_020_B received 3rd December 2024 shows a Mixed-use (Community Hub) area, which will be the below breakdown;

Non-residential floor space (maximums)		GIA Floorspace (sqm)
Community Hub (indicative uses)	Small convenience store or equivalent Class e	250
	Healthcare Facility Class e	452
	-Local community & learning floor space (Use class F1 & F2) -Potential for nursery (Use class E)	498
Community Hub Total		1,200
Standalone	Small convenience store or equivalent Class e	100
Total (Community Facilities)		1,300

7.300

7.301 The S106 will stipulate a trigger for the community centre element to be available for the end user. The management of community centre will be handed over to a community body that could come forward or will be left with the wider site management.

Healthcare

7.302 The Gloucestershire Integrated Care Board (GICB) have been consulted on the planning application who have delegated authority from NHS England for the commissioning of Primary Care Services. This includes consideration of premises requirements to deliver these services. As part of the wider allocation this application (CBC ref:22/01817/OUT/TBC ref: 22/01107/OUT) (MLPL/St Modwen in the north of the allocation) is providing the GP surgery for site. HBD, the applicant to the east and south, is paying this developer for their share of creating the GP surgery.

7.303 The LPA has taken a pragmatic approach, and when examining the allocation as a whole, it is clear that a GP surgery will be provided to serve the new population for the whole allocation. The Gloucestershire Integrated Care Board agree with this in their email dated 29 Jul 2024 (NHS letter ref AH/NGWestChelt220724a).

7.304 The S106 will secure a 452sqm healthcare facility consisting of;

391m2 for core General Medical Services

44.5m2 for core community physical and mental health services.

16m2 for changing places facility.

7.305 This will be within the community hub as identified on Parameter Plan – Land Use DE438_020_B received 3rd December 2024, and the S106 clause wording will be agreed with the Gloucestershire Integrated Care Board.

Police

7.306 Gloucestershire Constabulary (GC) are seeking a planning obligation contribution towards the following additional infrastructure: Recruitment and equipping of Officers and staff £85,428, Police Vehicles £13,211, Office Accommodation £272,475, Total £ 371,114.

7.307 In requesting these contributions, GC advise that this is a development to be constructed on land which is predominantly free from any development requiring currently minimal amount of policing. On this basis, GC advise that the proposed development would create new additional crime and other incidents to occur.

7.308 As set out above, planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

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

7.309 Paragraph 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which, inter alia, provide safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

7.310 Criterion 1 of policy INF6 of the JCS also advises that where infrastructure requirements are generated as a result of individual site proposals and / or having regard to cumulative impact, new development will be served and supported by adequate and appropriate on- and / or off-site infrastructure and services. In identifying infrastructure requirements, development proposals will also demonstrate that full regard has been given, where appropriate, to implementing the requirements of the Joint Core Strategy Infrastructure Delivery Plan.

7.311 Criterion 2 of Policy INF6 also identifies that where need for additional infrastructure and services and / or impacts on existing infrastructure and services is expected to arise, the LPA will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. This includes at criterion xi for safety and security including emergency services. Criterion 3 of Policy INF6 states that priority for provision will be assessed both on a site-by-site basis and having regard to the mitigation of cumulative impact, together with implementation of the JCS Infrastructure Delivery Plan.

7.312 In this regard, JCS Infrastructure Delivery Plan, identifies that development growth in the JCS area would generate requirements for police property infrastructure and non-property infrastructure (including patrol cars and protective equipment). At page 100 of the

Infrastructure Development Plan, it is noted that funding will be sought from developers through S106 Planning Obligations or CIL.

7.313 Criterion 4 of Policy INF6 states the planning permission will be granted only where sufficient provision has been made for infrastructure and services to meet the needs of new development and/or which are required to mitigate the impact of new development upon existing communities.

7.314 It is primarily a matter of planning judgement for the Councils in the first instance as to whether it considers the relevant tests have been satisfied on the evidence provided. Officers acknowledge the scale of this application site and that it will result in an increase of population and a built-up area in an area that was previously undeveloped.

7.315 Although GC have provided some details in respect of the methods GC has used to calculate the contributions requested, these are considered to be generic in nature lacking in background detail including as regards the extent (or otherwise) of surplus/existing provision in the area and the extent (or otherwise) this could provide towards the additional policing and resources demand arising from the development. It is therefore not considered by the officers that these have been shown to be necessary in planning terms to mitigate the impact of the development, or that they are directly related to the development, fairly and reasonably related in scale and kind to the scheme and necessary to make the development acceptable in planning terms.

7.316 It is therefore considered that these requests do not comply with the CIL regulations tests.

7.317 Members will be aware of press and social media coverage by the Office of the Police and Crime Commissioner further to the consideration of the Planning application at Elms Park on 29th May 2025 and Southern Parcel West Cheltenham 23/01875/OUT In July 2025. To advise, the LPA's position on this matter remains unchanged. However, there has been further direct engagement with the constabulary on this issue, including supporting the understanding of what is appropriate in the context of S106 and potential future bids for CIL funding via the CIL Joint Committee. The latter would be dependent on level of funds available via CIL and future CIL priorities.

Libraries

7.318 Gloucestershire County Council request £ 534,215 towards libraries. Combined with the other requests for libraries at West Cheltenham the total allocation, based on the GCC requests would provide £1,206,354.60. The County Council state the library contribution of £ 534,215, is required towards the provision of a new library serving the development or enhancements, including extension or premises relocation, of Hesters Way and/or Cheltenham Libraries, including the improvement of customer access to services through refurbishment of buildings, improvements to stock, IT and digital technology, and increased services.

7.319 As already stated at the start of this section S106 prioritisation has to occur. As such, this scheme will provide £178,071 towards libraries, 1/3 of the previous ask. The allocation total will be around £400k towards library improvements at Hesters Way and/or Cheltenham Libraries. This is considered a reasonable contribution related sensibly in scale and kind to the size of the development and when viewed as a whole allocation 400k is sufficient for improvement and expansion at existing services. Further, these future residents will pay

council tax and the developer CIL, as such other funding streams are available for community services.

- 7.320** It is considered by officers that the contribution (£178,071) meets the s106 tests insofar that it is directly related to the size of the development, and fairly and reasonably related in scale and kind for what is a substantial development which will generate a need for new library space.

Education

- 7.321** Gloucestershire County Council as Local Education Authority (LEA) have been consulted on the application. For primary school places, the proposed development would be expected to generate an additional demand for 330 primary places. There is also a requirement for a safeguarded 1.6-hectare site for a new primary school to meet additional demand, with a contribution of £7,180,155.89 towards building those new places.

- 7.322** The Cheltenham Secondary Planning Area is forecast to be full. This additional demand from this development would equate to a contribution of £4,489,833.35 towards the provision of additional secondary (11-16) places to meet the need arising from the development. Additionally, the proposal would be expected to generate an additional demand for £1,407,732.19 secondary (16-18) places.

- 7.323** The applicant has agreed to these planning obligations requests and the primary school site will be provided as part of this application (CBC ref: 22/01817/OUT & TBC ref 22/01107/OUT) and HBD north (23/01874/OUT) applications. The LEA is accepting of this approach.

- 7.324** The primary school site will be given to GCC serviced and accessible at 400 occupations across the whole allocation. The S106 will have an appendix defining the occupations via a plan outlining the entire allocation.

- 7.325** It is important to note that slightly reduced education costs have been incorporated into the viability assessment. It would be inappropriate to include worst-case scenarios, as the applicants might benefit from a reduction in affordable housing costs based on education sums that they will not actually incur. This is because the LEA has confirmed that the final contributions towards primary and secondary schools will be calculated at each Reserved Matters Stage, based on the qualifying dwellings. The exact wording for this will be finalised within the Section 106 agreement.

Public Art

- 7.326** It is recognised that public art can be an element of place making that can positively impact on health. Golden Valley SPD objective states proposals will be devised with partners to develop and deliver an innovative public art programme. The role and identity of any new public art will help to celebrate the natural setting and assets within the site. £17,377.56 will be prescribed in the S106 for the developer to spend on public art.

Summary S106 Obligations, S106 Tests and Heads of Terms

- 7.327** The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Councils do have a CIL in place, infrastructure requirements specifically related to the impact of the

development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

7.328 These tests are as follows:

- A. necessary to make the development acceptable in planning terms.
- B. directly related to the development; and
- C. fairly and reasonable related in scale and kind to the development.

7.329 JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The LPA will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.

7.330 Discussions on the proposed section 106 planning obligations are ongoing and have reached an advanced stage, which is considered good practice in terms of a scheme which gives rise to the need for mitigation in one form or another, over many years. The agreed planning obligation monies are specified in this report, however, officers seek delegated authority to continue negotiating the planning obligation monies. They are provided below as a summary.

S106 TYPE	SUM	TRIGGER PAYMENT/DELIVERY
GCC ASKS		
M5 J10	£ 5,088,523.00	
Residential Travel Plan Deposit Contribution	£ 311,650.00	Given back after 5 years as this a bond in case the TP isn't delivered by the developer.
Travel Plan Monitoring Fees	£ 10,000.00	
Implementation of Public Transport Strategy	£ 1,380,000.00	
Implementation of Marsland Road 20mph and active travel scheme by GCC	£ 135,461.00	
Implementation of local Traffic Regulation Orders	£ 35,000.00	
PRIMARY EDUCATION	£ 6,473,409.38	
PRIMARY SAFEGUARD LAND		GCC education require safeguarded land.
SECONDARY EDUCATION (11-16YRS)	£ 4,163,300.01	

SECONDARY EDUCATION (16-18YRS)	£ 1,276,870.21	
LIBRARIES	£ 178,071.00	
CBC/TBC ASKS	22/01817/OUT/ 22/01107/OUT	
PUBLIC ART	£ 17,377.56	To be provided by the applicant at a cost of £17,377.56 by 500 th occupation.
CBC/TBC/GCC MONITORING S106	£ 20,000.00	
SPORTS OFF SITE	£ 297,031.00	To be paid by applicant at 200 th occupation.
SAMM (SANG)	£ 212,300.00	50% to be paid upon 1 st and 500 th occupation.
AFFORDABLE HOUSING		As per mix on AH section of report.
BIODIVERSITY NET GAIN		Standardised 30-year management wording.
SANG		On site delivery linked to occupations and managed in perpetuity as part of open space.
OPEN SPACE		Open space type and quantum to be provided in accordance with The Illustrative Open Space Plan DE438_027_C received 28th May 2025 Standardised open space management wording for clause.
ALLOTMENTS		The Illustrative Open Space Plan DE438_027_C received 28 th May 2025 shows an allotment in the south of the proposal at a size of 0.66ha
PLAY		Illustrative Play Provision DE438_030 received 28th May 2025 shows the locations and type of play showing; 2 LEAPs 0.04ha each 14 LAPs 1 NEAP 0.1ha
SPORTS ON SITE		The Illustrative Open Space Plan DE438_027_C received 28th May 2025 shows 2.8ha formal sports provision which will consist of; Grass playing pitches for youth, junior, and mini-soccer comprising 2xyouth (11v11), 2x mini-soccer (7v7), plus pavilion and car parking. 2x tennis courts with sports lighting. The trigger will be discussed during drafting of the S106.
COMMUNITY CENTRE		The indicative location of the Community Centre is shown on the Parameter Plan – Land Use DE438_020_B received 3 rd

		December 2024 shows a Mixed-use (Community Hub) area, which will the breakdown shown in the report. The trigger will be discussed during drafting of the S106.
HEALTH (GP SURGERY)		The S106 will secure a 452sqm healthcare facility consisting of; 391m2 for core GMS. 44.5m2 for core community physical and mental health services. 16m2 for changing places facility. This will be within the community hub as identified on Parameter Plan – Land Use DE438_020_B received 3rd December 2024, and the S106 clause wording will be agreed with the Gloucestershire Integrated Care Board. The trigger will be discussed during drafting of the S106.

7.331 Discussions are also ongoing with the applicant regarding the future management arrangements of the site including for public open space, allotments and community buildings. A number of options are being considered including private management companies and stewardships schemes, and these discussions will continue to progress. Additionally, discussions continue around the education review mechanisms and triggers for payments. Officers also seeks delegated authority to continue these negotiations and complete the planning obligations following the outcomes of these discussions.

7.332 Officers are seeking delegated authority for the completion of a S106 obligation to deliver the infrastructure and other mitigation and for alterations to s106 heads of terms as may be agreed under delegated authority given to the Head of Planning in consultation with the Chairman and Vice Chairman of Planning Committee.

Other considerations

Loss of Best and Most Versatile Agricultural Land

7.333 The NPPF sets out that planning decisions should contribute to and enhance the natural environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land (BMV Land). The PPG advises that this aims to protect BMV agricultural land and soils in England from significant, inappropriate and unsustainable development proposals, and managing soils in a sustainable way.

7.334 Agricultural land quality across the site is limited variably by soil wetness. Most of the site is limited to Subgrade 3b. Subgrade 3a and two small areas of Grade 2 are also present, mainly in the east.

7.335 The NPPF states that planning policies and decisions should recognise the economic benefits of the best and most versatile agricultural land.

7.336 Firstly, the site is not Category 1 (the highest grades), but it is of course a material consideration in the determination of the application, that the application site comprises the majority of Strategic Allocation A7 in the JCS and therefore the loss of BMV Land and other agricultural land in this location has already been considered through the plan-making process and the principle of development of this site and the loss of BMV is already accepted. The JCS Inspector found that the Spatial Strategy for focussing growth mainly around Cheltenham and Gloucester was sound and therefore there will inevitably be the loss of large areas of agricultural land to accommodate these large scale urban extensions.

7.337 Nevertheless, the loss of BMV Grade 2 is something that weighs against the proposal and must be assessed against the benefits of the development in the overall planning balance.

Minerals

7.338 Paragraph 222 of the NPPF states that it is essential there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. It is therefore necessary for this application to consider the value of the site as a potential mineral resource.

7.339 Policy MS01 of the Minerals Local Plan for Gloucestershire 2018-2032 states that non-mineral development proposals within a Mineral Safeguarded Area (MSA) will be permitted provided: that i. they are exempt from safeguarding requirements, or ii. needless sterilisation of mineral resources will not occur; or iii. the mineral resources of concern are not economically valuable; or iv. it is appropriate and practicable to extract minerals prior to development taking place; or v. the overriding need for development outweighs the desirability to safeguard mineral resources.

7.340 Policy SD3 of the JCS also states that to avoid unnecessary sterilisation of identified mineral resources, prior extraction should be undertaken where it is practical, taking into account environmental acceptability and economic viability relating both to extraction of the mineral(s) and subsequent implementation of the non-minerals development of the site.

7.341 Gloucestershire Minerals and Waste Authority (GMWA) have been consulted, they raise no in principle objections and request a condition for waste be added. The RM details condition requires waste details for each Reserved Matter.

Heritage and Historic Environment

7.342 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in exercise of planning functions. Section 66(1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA or, as the case may be, the Secretary of State

shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72 of the act refers to the councils' need to pay special attention to the desirability of preserving or enhancing the character or appearance of and building of land in a Conservation Area in the exercise of their duties.

7.343 Paragraph 208 of the NPPF goes on to state that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

7.344 JCS Policy A7 states the layout and form that respects landscape character, significance and setting of the heritage assets at Hayden Farmhouse and Barn.

7.345 Policy HER2 of the TBP sets out that any development within the setting of Listed Buildings, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest. Policy HER4 states that Scheduled Monuments and sites of national archaeological importance will be preserved in situ. Policy HER5 also states that Non-Designated Heritage Assets will be conserved having regard to the significance of the asset and its contribution to the historic character of the area. Proposals affecting a Non-Designated Heritage Asset and/or its setting will be expected to sustain or enhance the character, appearance and significance of the asset.

7.346 In regard to non-designated heritage assets, Policy HE1 of the CP states that development proposals that would affect a locally important or non-designated heritage asset, including its setting, will be required to have regard to the scale of any harm or loss to the significance of the heritage asset.

7.347 There are no designated heritage assets within the Site. The following heritage assets within the wider surroundings have been identified; Hayden Farmhouse (Grade II); Barn at Hayden Farmhouse (Grade II); The Old Forge (Grade II); and Uckington Medieval Moated Site (Scheduled Monument no. 1016835).

7.348 Historic England and both Tewkesbury and Cheltenham Council Conservation Officers have been consulted and raise no objections to the scheme.

7.349 The Officers consider that the setting of the Grade II Listed buildings that make up Hayden Farmstead are generally experienced within their immediate surroundings and the surrounding land holdings to the West of Hayden Lane. There will be some adverse visual impact from the development to the South-East. This is likely to equate to a low to moderate level of less than substantial harm. In the cases of all built heritage assets present there is a probability of the harm being mitigated through screening by planting and landscaping.

7.350 In terms of the NPPF the harm identified would come at the moderate level of the "less than substantial" category in paragraph 215. In weighing the above less than substantial harm against the public benefits of the proposal, as required in paragraph 215 of the NPPF, officers consider that, the public benefits of the scheme including the delivery of housing and affordable housing clearly outweigh the identified moderate level of less than substantial harm to heritage assets.

7.351 It is concluded the impact of the proposed development on listed buildings would be acceptable, and potential impacts can be further controlled through the subsequent reserved matters applications and the conditional framework. The proposal would accord with the NPPF in this regard, as the less than substantial harm that it would cause to the significance of the setting of listed buildings would be outweighed by its public benefits. It is also the case that the application accords with policies SD8 and A7 of the JCS, and policy HER2 of the TBP.

7.352 In respect to non-designated heritage assets, the significance and setting of the three identified non-designated heritage assets (Pilgrove Farmhouse and Hayden Hill and Hayden Hill House) are generally in regard to their presence along the Old Gloucester Road and the open land behind them. New development beyond the road behind the tree lined boundary is unlikely to have a significant impact upon the setting of these heritage assets and the way they are experienced

7.353 It is concluded the impact of the proposed development on listed buildings and non-designated heritage assets would be acceptable, and potential impacts can be further controlled through the subsequent reserved matters applications and the conditional framework. The proposal would accord with the NPPF in this regard, as the less than substantial harm that it would cause to the significance of the setting of listed buildings would be outweighed by its public benefits. It is also the case that the application accords with policies SD8 and A7 of the JCS, policies HER2, HER4 and HER5 of the TBP and policies HE1 of the CP.

Archaeology

7.354 An archaeological resource is present within the site, including the remains of ridge and furrow cultivation, Medieval occupation/ settlement activity, and significant later prehistoric/Roman settlement and field system remains. development will also not increase the level of impact. As stated in the ESA Chapter 12, a Written Scheme of Investigation (WSI) for the northern part of the Application has been agreed with the County Archaeologist the rest of the scheme has yet to have been agreed. Mitigation works will be discussed and agreed with the County Archaeologist through the provision of a Written Scheme of Investigation for Mitigation (WSI) for the rest of the site. The condition requires the works will be undertaken to prior to all groundworks and construction works.

7.355 While developing the site will still result in the physical loss of these archaeological remains, the strategy, which has been agreed and conditioned, will ensure that the low and medium sensitivity remains are preserved through documentation. Consequently, this will reduce the magnitude of the effect to low, resulting in a negligible to minor adverse effect overall, which is considered 'not significant' in terms of EIA conclusions.

8. PLANNING BALANCE AND CONCLUSION

8.1 The application proposal plays a significant role in the West Cheltenham Strategic Allocation (A7) and is a key component of the adopted JCS spatial strategy with the principle of development already tested via the JCS examination. Delivering this site provides substantial benefits, including:

- Addressing the urgent need for housing, including affordable housing, within the allocated plan period up to 2031 and beyond, by providing 1,100 homes on an allocated site.
- Generating economic benefits through on-site employment during the construction phases.
- Providing infrastructure for the wider allocation, these being; Primary School, Sports Fields, Community Centre and GP Surgery.

- 8.2** However, it is not surprising that a development proposal of this scale raises various issues and concerns, leading to potential tensions and conflicts with other policy interests. Consequently, a considerable amount of time has been invested in reviewing, assessing, and refining the submission documents to understand and shape the necessary mitigation strategies. These strategies are intended to ensure that the new homes, community uses, and other components of this development proposal are capable of being sustainable.
- 8.3** This process included extensive discussions with consultees regarding the planning obligations needed to make the development acceptable from a planning perspective. These obligations must be directly related to the development and should be fair and reasonable in scale and kind.
- 8.4** The proposal will significantly alter the current residents' experience of the field, as it will introduce high-density development, resulting in increased activity in the area. Furthermore, this application will lead to the loss of agricultural fields.
- 8.5** In terms of the NPPF the harm identified to designated heritage assets would come at the moderate level of the "less than substantial" category in paragraph 215. In weighing the above less than substantial harm against the public benefits of the proposal, as required in paragraph 215 of the NPPF, officers consider that, the public benefits of the scheme including the delivery of housing and affordable housing clearly outweigh the identified moderate level of less than substantial harm to heritage assets.
- 8.6** The Golden Valley SPD sets a high standard for development, and while this proposal aligns with its overarching objectives, it does not meet all the criteria outlined in the Golden Valley SPD in a line-by-line comparison. Particularly, the lack of employment on this site and the reduced affordable housing provision.
- 8.7** It is acknowledged that separate applications have been submitted by different developers, and not all developers agree to the collaborative documents. Despite this less-than-ideal situation, this planning application, which constitutes a major part of the strategic allocation A7, includes the development components required by JCS Policy A7 and the officer team have worked extensively to reach as much collaboration as possible. Due to the scale of this application site, it also facilitates a comprehensive scheme across the developable area within the strategic allocation, allowing infrastructure to be planned holistically in accordance with JCS requirements.
- 8.8** Officers have adopted a balanced and pragmatic approach to Section 106 obligations, striving to create an appropriate mix of Section 106 contributions and a suitable level of affordable housing for existing and future Cheltenham residents. Although this scheme does not provide the 35% affordable housing required by JCS policy, an extensive and robust review of viability has established the AH level of affordable housing as 22.91% (252 units).

- 8.9** A comprehensive schedule of planning conditions is also recommended for imposition on the planning permission. These conditions aim to mitigate the impacts of development and ensure the delivery of sustainable development that complies with the requirements of Policy A7 of the JCS, as well as the broader spatial strategy. Significant effort has gone into the collaborative documents within these conditions to create a cohesive overall allocation when considering all four current planning applications in West Cheltenham.
- 8.10** Section 38(6) of the Planning and Compulsory Purchase Act 2004 mandates that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 requires that the LPA considers the provisions of the development plan relevant to the application and any other material considerations.
- 8.11** The NPPF is an important material consideration, including the approach to decision-making. NPPF paragraph 11d) applies here such that the balance is that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The benefits are outlined above and collectively would be significant in their degree and the positive weight to be given to them. Furthermore, the proposal would align with key policies of the NPPF to direct development to sustainable, allocated, locations, make effective use of land and provide affordable homes. The proposal would therefore accord with the policies of the NPPF taken as a whole. It is not considered that the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
- 8.12** Overall, officers conclude that the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits of this allocated site, and no grounds for refusal have been identified.

9. RECOMMENDATION

To delegate authority to the Head of Planning to permit the application subject to:

A) the conditions as set out or substantially similar as may be agreed under delegated authority given to the Head of Planning and;

B) completion of a S106 obligation and/or other legal document to deliver the infrastructure and other mitigation, as set out in this Report at paragraphs 7.330-7.33 and for alterations to s106 heads of terms as may be agreed under delegated authority given to the Head of Planning in consultation with the Chairman and Vice Chairman of the Planning Committee.

C) In the event that the S106 obligation and/or other legal document remains unsigned nine months after this resolution, that the application is reviewed by the Head of Planning in consultation with the Chairman and Vice Chairman of the Planning Committee, and if no progress is being made delegated authority is given to the Head of Planning to refuse the application in the absence of an agreed S106 Agreement.

10. CONDITIONS/ INFORMATIVES

1. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the following drawings and documents:

- a) Site Location Plan DE438_01_D
- b) Parameter Plan – Land Use DE438_020_B
- c) Parameter Plan – Access & Movement DE438_021_B
- d) Parameter Plan – Green & Blue Infrastructure DE438_022_C
- e) Parameter Plan – Building Heights DE438_023_B
- f) Vegetation and Tree Removal Plan DE438_026_D
- g) General Arrangement - Secondary Site Access – Old Gloucester Road
21185_13_P5
- h) General Arrangement - Bus Only Access – Henley Road 21185_005_P07
- i) Pedestrian and Cycle Connectivity Plan (IDP plan)
- j) Road Connections Plan (IDP plan)

Reason: To clarify the permission and provide the comprehensive masterplan and delivery strategy expected by Policy A7 of the JCS.

Illustrative / Indicative Material The development hereby permitted shall be carried out in broad accordance with the following drawings and documents:

- a) Illustrative Masterplan DE438_024_K
- b) Indicative Phasing Plan DE438_025_B
- c) Illustrative Open Space Plan DE438_027_C
- d) Illustrative Play Provision DE438_030
- e) Illustrative Comprehensive Masterplan dated June 2025

Reason: Whilst illustrative, future reserved matters applications should be in broad accordance with these plans to support the delivery of a high quality development.

2. Quantum

In line with the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification), the maximum amount of development permitted comprises:

- a) Up to 1100 dwellings (Use Class C3), and of the 1100, up to 60 units can be self-contained extra care/retirement dwellings (Use Class C2 / Use Class C3).
- b) Up to 1,300 sqm Gross Internal Floorspace of non-residential development, comprising of Use Classes E and F (excluding the primary school).

Reason: To define the scope of the permission.

3. Phasing Plan

Prior to or alongside the submission of the first of the Reserved Matters, regarding layout, a phasing strategy, covering the full extent of the outline permission red line, including a timetable for delivery of development and associated infrastructure to be provided within each Phase, shall be submitted to and approved in writing by the local planning authority. This shall include details of:

A) the sequence for the delivery of:

- I. Location of open spaces, (Suitable Alternative Green Space (SANG,) play areas, green infrastructure.
- II. Approximate number of market and affordable homes to be provided for each phase.
- III. The non-residential components.

- IV. Accesses for pedestrians, cyclists, buses, temporary bus turning facilities and other vehicles.
- V. Location for the bus stop facilities and mobility hub within the site.

B) The phasing strategy shall be accompanied by a statement demonstrating how the development proposal enables a comprehensive scheme to be delivered across the developable area and demonstrate that it would not prejudice the sustainable delivery of the entire allocation.

The Reserved Matters shall be submitted in accordance with the approved phasing strategy unless further changes are agreed to the strategy in writing by the Local Planning Authority.

Reason: To ensure there is a clear and phased framework for both the development and for the submission of applications for Reserved Matters approvals and so that the development is carried out in a sustainable and coherent manner.

4. Design Code

Prior to the submission of the first Reserved Matters application, a Design Code covering the phases of the development to the north of the electricity power lines shall be submitted to and agreed in writing by the Local Planning Authority. A further Design Code covering the phases of the development to the south of the electricity power lines shall be submitted to and agreed in writing by the Local Planning Authority, prior to the submission of the first Reserved Matters application within that area.

The Design Codes shall provide, where relevant, details and guidance in respect of:

- (a) Residential Areas: Including information on character areas, densities, block types, building types, clustering of affordable housing, the palette of materials, architectural details, building heights, building lines and boundary treatments.
- (b) Local Centre: Including Information on design, form, character, scale, public realm and palette of materials.
- (d) Streets: Including information on the hierarchy, nature and form of streets, cycleways and footways; cross sections; character areas; materials, permeability and street landscaping where possible.
- (e) Non-Vehicular Movement: Including information on the framework and hierarchy for pedestrians, cyclists and horse riders, rights of way, desire lines, connectivity, materials, landscaping and surveillance.

- (f) Parking: Information on car, lorry and cycle parking standards for residential, employment, commercial, leisure and schools.
- (g) Landscape: Including information on landscaped areas and green infrastructure including amenity spaces; public open space; parks and play areas, street furniture; conservation of flora and fauna; and biodiversity mitigation measures.
- (h) Drainage: Details of surface and foul water drainage.
- (i) Crime Prevention: Information on all residential, commercial, employment, leisure and public areas.
- (j) Fire Hydrants: A scheme for the location of one fire hydrant within 90m of an entry point to a building and not more than 90m apart.
- (k) Electricity Sub Stations: Details of the location and type of electricity sub stations.
- (L) Foul Pumping Stations: Details of the location and type of foul pumping stations.

Thereafter Reserved Matters applications shall be brought forward in accordance with the principles of the approved Design Code unless agreed otherwise with the Local Planning Authority.

Reason: To provide a detailed framework to achieve high quality, well-designed places, ecological enhancement/mitigation, satisfactory means of drainage thereby preventing the risk of flooding, and appropriate parking provision.

5. Reserved Matters & Timing of Submission

No part of the development shall take place on a particular phase, subphase, or development parcel until full details of the layout, scale, appearance and landscaping within the phase, subphase, or development parcel (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority. Application for approval of the reserved matters for the first phase as identified by the phasing plan required under Condition 4 shall be made to the local planning authority no later than the expiration of TWO years from the date of this permission and the last application for reserved matters approval shall be made no later than SIX years beginning on the date of this permission.

Reason: To support the lack of a viability review mechanism and ensure timely delivery of housing.

6. Implementation Constraints

Each phase or sub-phase of the development hereby permitted as approved under condition 6 shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved for that phase or sub-phase.

Reason: To accord with Section 92 of the Town and Country Planning Act 1990 as this permission is outline.

7. Reserved Matters Applications

Reserved Matters applications shall accord with the relevant approved plans and documents listed in Condition 2 (Approved Plans and Documents). Applications shall include, where applicable, details of:

- i. Layout and scale;
- i. Housing mix and/or quantum and type of non-residential uses in broad accordance with the most up to date evidence of the local housing market need;

- ii. Existing and proposed ground levels;
- iii. Existing and proposed finished floor levels;
- iv. Design Code Compliance Statement
- v. Compliance with nationally described space standards;
- vi. Surface water drainage;
- vii. Foul water drainage;
- viii. Access;
- ix. Car parking;
- x. Ecological mitigation measures;
- xi. Appearance including elevational treatments and materials;
- xii. Boundary treatments;
- xiii. Waste storage;
- xiv. External lighting;
- xv. Noise conditions and mitigation measures;
- xvi. Odour emissions and mitigation measures;
- xvii. Electric Vehicle charging points and Solar Panels; and
- xviii. Statement of conformity with the relevant design code.
- xix. Employment skills plan for commercial uses
- xx. *Reason: To provide a satisfactory and well planned development and to define the information required as part of future reserved matters applications,*

8. Nationally Described Space Standards

Room sizes in all dwellings constructed as part of the development hereby approved must meet or exceed the Nationally Described Space Standards (March 2015).

Reason: to safeguard residential amenity of future occupiers.

Sustainability

9. Sustainability Compliance Statement

Each reserved matters application shall include a Climate Change Compliance Statement that provides details of how energy saving measures will be incorporated into the design and how carbon dioxide emissions will be reduced in conformity with the Sustainability and Energy Strategy received 3rd December 2024, unless otherwise agreed in writing with the LPA. No dwelling, apartment or commercial building hereby approved shall be occupied until their climate change features, such as PV and ASHP, have been fully installed in accordance with a specification approved by the reserved matters application.

Reason: Necessary to ensure that the proposal meets the requirements of the Golden Valley Development and Climate Change SPDs.

Landscape

10. Open Space

Each application for the approval of reserved matters shall include the following details for each phase that includes open space provision within that application:

- a. Open spaces, including on-site SANG;
- b. Locations, specifications and product literature relating to street furniture including signs, seats, bollards, planters and refuse bins;

- c. Whether public access will be permitted to such land; and
- d. Details of measures to promote ecological interests and biodiversity.

The open space provision shall be implemented in accordance with the details agreed as part of the reserved matters approval for that phase. The open space shall be completed and available for use prior to the first occupation of that phase and shall be permanently maintained and retained for such amenity purposes thereafter.

Reason: To ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the development are suitably addressed.

11. SANG Homeowner Pack

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

- a) Public Open Space (POS) on Your Doorstep: Information pertaining to both existing POS within the development and any future POS coming forward as part of the scheme. It should detail walking routes on site of different lengths, connections to offsite footpaths and locations of open POS and the facilities (play areas etc.).
- b) Public Open Space a Short Drive or Bus Ride.
- c) Visiting the Cotswolds: Provide information on local places to visit within the Cotswolds with car parks and visitor facilities at different scales, focusing on those areas that are most easily accessible and those further afield. Provide general information regarding the country code, keeping to footpaths, reading and following visitor information signs etc.
- d) Weekend and Day Visits: Provide several options for visits that are 30mins to 1 hour from Site, that offer scenic views and facilities.

Reason: To ensure that appropriate measures to mitigate for any adverse effects to the Cotswold Beechwoods SAC that could potentially occur as a result of the development are suitably addressed.

12. Play Spaces

Each application for the approval of reserved matters for any phase that includes play space shall include a detailed specification for the play space within that phase. Locations will be in accordance with the Illustrative Play Provision DE438_030 showing;

2 LEAPs 0.04ha each

14 LAPs

1 NEAP 0.1ha.

Each phase should seek to achieve a cumulative minimum standard of 0.04 Ha per 1,000 people. No development of any relevant phase shall be occupied until details of the play spaces for that phase have been approved in writing by the local planning authority. No more than 50% of the dwellings in any relevant phase shall be occupied unless and until the play space in that phase has been implemented and completed in accordance with the approved details. The play space(s) shall be maintained and retained for such amenity purposes thereafter.

Reason: To ensure sufficient play provision for future residents.

13. Allotments

Each application for the approval of reserved matters for any phase that contains allotments shall include a detailed specification for the allotments within that phase. The specification shall include the following details:

- a) A minimum provision of 0.25 Ha per 1,000 people. 0.66ha as shown on plan Illustrative Open Space Plan DE438_027_C
- b) A plan to show the location and layout of the allotments;
- c) Access and parking arrangements to allow easy and safe access to the allotments. This should include vehicular access and a turning area, access for those with disabilities, cycle parking within the site and associated car parking;
- d) Boundary treatment, including security arrangements;
- e) Location of communal areas, toilets and water supply; and
- f) A programme of implementation and ongoing management.

No development of any relevant phase shall commence until details of the allotments for that phase have been approved in writing by the local planning authority. No more than 50% of the dwellings within a relevant phase (or any subsequent phase of the development) shall be occupied until the allotments have been completed in accordance with the approved specification. The allotments shall be retained and maintained for their intended use thereafter.

Reason: To ensure sufficient access to allotments for the future occupations.

14. Landscape Management Plan

No development within each phase shall be occupied until a Landscape Management Plan (LMP) for that phase, including a programme for implementation, addressing management responsibilities and maintenance schedules for upkeep of all landscaped areas, other than domestic gardens, has been submitted to and approved in writing by the local planning authority. The LMP shall be implemented in accordance with the details of the programme of implementation and shall be maintained and retained thereafter.

Reason: In the interests of the character and appearance of the area.

15. Tree Protection

No development within each phase shall commence until details of tree protection measures for that phase have been submitted to and approved by the local planning authority. The approved measures shall be carried out in accordance with the requirements of BS5837:2012 and retained in accordance with the approved details for the duration of the construction phase.

If, within five years from the completion of the development within each phase, a retained tree, shrub or hedgerow is removed, destroyed, dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree (as the case may be) shall be planted within the site of such species and size, and shall be planted at such time as specified in writing by the local planning authority.

Reason: To safeguard the existing tree(s) in the interests of visual amenity. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

Commercial

16. Hours of Use

Any Reserved Matters containing non-residential building in Use Classes E, F, and any mobility hubs, shall provide details of the hours of use and/or of deliveries and collections to be submitted to and approved in writing by the local planning authority. The use of the premises and mobility hubs shall be implemented in accordance with the details as approved.

Reason: To safeguard the amenity of adjacent properties and the general locality.

17. External Plant

No external plant or machinery shall be installed in any of the non-residential uses unless and until details of the ventilation and extraction equipment have been submitted to and approved in writing by the local planning authority. Any measures required by the local planning authority to reduce noise from the plant or equipment shall be completed prior to the ventilation and extraction equipment being brought into use in accordance with the details as approved and shall be retained and maintained as such thereafter.

Reason: To safeguard the amenity of adjacent properties and the general locality.

Archaeology

18. Archaeology

No development shall commence within each phase until a programme of archaeological evaluation for that phase has been secured and undertaken in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the local planning authority. A mitigation strategy detailing the approach to excavation/preservation shall be submitted to and approved in writing by the local planning authority following the completion of the programme of archaeological evaluation. No development shall commence on those areas of the site containing archaeological deposits until the satisfactory completion of any fieldwork and/or other requirements detailed in the mitigation strategy. Within six months of the completion of any fieldwork a post-excavation assessment shall be submitted to and approved in writing by the local planning authority. This will include a programme and timetable for completion of post excavation analysis and preparation of a full site archive. Any post-excavation analysis shall be carried out as approved.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present.

Environment Management

19. Construction Environmental Management Plan (CEMP)

Prior to the commencement of development of any phase (including site clearance works), a Construction Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the local authority.

The CEMP shall include or be accompanied by, details of the following where relevant:

- Protected Species protection measures;
- Tree and hedgerow protection measures;
- Construction Operations and Access detail including;
- Construction vehicle routing;

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- Details of any temporary construction accesses and their reinstatement;
- A highway condition survey and timescale for re-inspections;
- Demolition works;
- Nuisance mitigation measures including
 - Noise and vibration
 - Mitigation of the impacts of lighting proposed for the construction phase
 - Hours of working
- Pollution control measures including measures for controlling leaks and spillages, managing silt and pollutants; and
- Soil handling measures, including moisture conditions, storage and re-use of soils on-site

The CEMP shall also include details of the ecological protective measures to be used during construction, including measures to comply in full with the recommendations made in the Ecological Appraisal (EDP, October 2023). Provision shall be made within the CEMP for the appointment of an Ecological Clerk of Works (ECoW) to undertake site visits and to supervise ecologically sensitive operations.

The development hereby approved shall be carried out at all times (including during all ground and vegetation clearance works) in accordance with the approved CEMP. Any modifications to the approved CEMP details, for example as a result of requirements of a protected species license, must be submitted to and agreed in writing by the Local Planning Authority and prior to the implementation of any modifications.

Reason: To safeguard important ecological species and to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area during the construction and operational phases of the development. Approval is required upfront to ensure appropriate mitigation for the protection and enhancement of ecological species during all stages of the development. Further to protect residential amenity of the surrounding neighbours and road networks.

Biodiversity

20. Habitat Management and Monitoring Plan

No development within each phase shall commence until a Habitat Management and Monitoring Plan (HMMP) for that phase, prepared in accordance with the approved Biodiversity Gain Plans (contained within the Biodiversity Net Gain Note, September 2024, in Appendix 29 of the ES Addendum), 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 occupation within each phase 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.

21. Ecological Mitigation & Enhancement Strategy

Prior to the commencement of development in each phase, an Ecological Mitigation & Enhancement Strategy (EMES) for that phase shall be submitted to the local planning authority for approval. The EMES shall include details of the provision of bird, bat, insect and 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 the local planning authority.

Reason: Ecological enhancement is a requirement of the National Planning Policy Framework (December 2024) which states (in paragraph 180) that 'Planning policies and decisions should contribute to and enhance the natural and local environment...'. And 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".

22. Precautionary Method of Working Statement

Prior to the commencement of development in each phase, including all site clearance and vegetation removal, a Precautionary Method of Working Statement (PMWS) with respect to all legally protected and priority species shall be prepared by a suitably qualified ecologist and submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved PMWS.

Reason: To ensure the protection of legally protected and priority (Section 41) species which are a material planning consideration. And to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended) and the 2017 Habitats Regulations.

23. Ecological Survey Reports

Each application for the approval of reserved matters shall contain an updated Ecological Survey Report (ESR) carried out by a suitably qualified ecologist for approval in writing by the local planning authority. The ESR shall include updated protected species surveys and details of any licensing arrangements that may be required. The ESR shall conclude whether the Ecological Mitigation & Enhancement Strategies (EMES) and/or Precautionary Working Method Statement (PWMS) should be updated, and if so, an updated EMES and/or PWMS shall be submitted to and approved in writing by the local planning authority prior to the commencement of works.

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

24. Living Walls and Roofs

Where living walls and / or roofs are proposed, applications for the approval of reserved matters shall contain a method statement prepared by a suitably qualified ecologist or landscape architect for the creation of living roofs and/or walls. This shall include management details (e.g. watering/care schedule, species/seed mix avoiding the sole use of sedum, provision of features for invertebrates) and details of the provision of new plants should the originals fail. The development shall be carried out in full accordance with the details submitted unless otherwise agreed in writing by the local planning authority.

Reason: To ensure appropriate management if living walls are used.

25. Nesting Birds

If works are proposed within the nesting bird period (March to August inclusive), nesting bird checks shall be completed by a suitably qualified ecologist to ensure that no breeding birds would be adversely affected including by disturbance by the works. Where checks for nesting birds are required, they shall be undertaken no more than 48 hours prior to the removal of vegetation. If nesting birds are found, a 5m buffer zone shall be implemented and works shall not be carried out in that area until the chicks have fledged.

Reason: To ensure that wild birds, building or using their nests are protected, to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended).

Environmental Health

26. Contaminated Land

Prior to the commencement of development for each phase, a Phase 1 desktop study shall be submitted to and approved in writing by the local planning authority in respect of potential ground contamination. Thereafter if further site investigations or remediation works are deemed to be required these shall be undertaken in full and validation reports submitted to the local planning authority for approval. The development shall take place in full accordance with any recommendations (including agreed timescales) set out within the approved remediation strategies. If during development, contamination not previously identified is found to be present within a development parcel, then no further development shall be carried out in the affected area out until a remediation strategy has been submitted to and approved in writing by the local planning

authority, detailing how this contamination shall be dealt with. Thereafter the approved remediation strategy shall be implemented, and the development completed accordingly.

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.

27. Noise Residential

Noise levels within all dwellings hereby approved shall not exceed those set out in the prevailing British Standard guidance (currently BS8233:2014 "Sound Insulation and Noise Reduction for Buildings") applicable at the time of submission of reserved matters which include dwellings. Noise levels measured at enclosed outdoor private amenity areas (balconies and private rear gardens) shall attain the 50dB(A) desirable criteria where possible and not exceed the upper limit recommended in BS8233:2014 of 55dB(A). Details of glazing, barrier and ventilation systems including overheating assessments shall be submitted in writing and approved by the Local Planning Authority.

Reason: To safeguard the amenity of future occupiers and the general locality.

28. Hours of Construction

During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out, and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00-18.00, Saturday 8.00-13.00, nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenity of future occupiers and the general locality.

29. Piling

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

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

30. Noise from extract and odour treatment on commercial kitchens

No external plant or machinery shall be installed on any of the following:

- a. Primary School
- b. Commercial buildings
- c. Local centre building(s)

unless and until details of the external plant and equipment have been submitted to and approved in writing by the local planning authority. The external plant and equipment shall be installed and operated in accordance with the approved details and maintained and operated in accordance with the approved scheme.

Reason: To safeguard the amenity of adjacent properties and the general locality.

31. Noise from Commercial Premises

Prior to installation of any plant on Class E or F Uses, a Noise Impact Assessment detailing noise from all fixed and mobile plant along with proposed mitigation measures shall be submitted in writing to the Local Planning Authority. The noise assessment shall be in accordance with BS4142:2014+A1:2019 or subsequent edition. The approved noise control scheme shall be implemented prior to the plant being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme. Plant includes all air conditioning, heating, refrigeration and extraction equipment.

Reason: To safeguard the amenity of adjacent properties and the general locality.

Drainage

32. Sustainable Drainage System

Prior to the commencement of development, a detailed surface water drainage scheme which accords with the Outline Drainage Strategy (September 2024) (Document Reference: 3503-WSP-WC-XX-RP-C-0500) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall be carried out in accordance with the approved surface water drainage scheme.

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.

33. Management of Sustainable Drainage System

No phase of development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development within that phase has been submitted to and approved in writing by the local planning authority. The SuDS management and 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 SUDS maintenance plan shall be implemented in full.

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

34. Watercourses

Prior to the commencement of development, full details of all proposed watercourse enhancements (existing streams, ditches, and water bodies) including future management plans shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: To positively integrate existing landscape assets, ensure a connective green blue network and enhance the existing water environment.

Highways

35. Local Road Network Capacity

No more than 297 dwellings and 500 sqm of commercial use (or any other combination with a trip generation equivalent quantum) shall be occupied until the Main Works Contract has been signed and procured for the 'M5 Junction 10 All Movements Improvement Scheme and ancillary works'.

Reason: To manage and mitigate operational traffic impacts in the interest of the safe and efficient operation of the Local Road Network.

36. Initial Site Access and Active Travel Link

Prior to the first occupation of any dwellings within the development, the highway works shown on drawings;

21185-010-P05 – Old Gloucester Road Active Travel Proposal

21185-013-P05 – Old Gloucester Road – Proposed Secondary Site Access

Shall be implemented in accordance with the approved drawings unless superseded by the completion of footway/cycleway links to Pilgrove Way within adjacent 3rd party land application 23/01874/OUT

Reason: In the interest of highway safety and to encourage sustainable travel and healthy communities.

37. Henley Road Active Travel Link

Prior to the first Reserved Matters application relating to layout within the development to the south of the electricity powerlines, construction details of the rerouted public right of way ZCH102 / ZCH5 or highway works linking to the proposals as indicated on drawing;

21185-005-P07 – Henley Road Active Travel Link

shall be submitted and approved in writing by the local planning authority.

Prior to the first occupation of any dwelling of the development these Highways Works shall be implemented in accordance with the approved drawings.

Reason: In the interests of Highway Safety.

38. Primary Site Access

Prior to the occupation of 297th dwelling within the development, layout and construction details of the highway works associated with the access junction west of Hayden Hill Farm (as indicated as 'Vehicular Primary Access Point on Drawing DE438_021 'Parameter Plan – Access and Movement) shall be submitted and approved in writing by the local planning authority, unless superseded by the completion of the 'M5 Junction 10 All Movements Improvement Scheme and ancillary works' specifically the Western Link Road 4-way signalised junction proposals (Sheet 16).

These works will be implemented and available for use prior to occupation of the 600th dwelling.

Reason: In the interests of Highway Safety

39. Henley Road Bus Link

Prior to the occupation of the 600th dwelling the bus link as indicatively shown on 21185-005-P07 – Henley Road Active Travel and Bus Gate Link element shall be implemented in accordance with

the approved drawings. The details of the link should be provided in a reserved matters application which demonstrates how the bus link connects to the highways network within the development.

Reason: In the interests of Highway Safety.

40. Interim Bus Strategy

Prior to submission of the first Reserved Matters a phased strategy for bus movements and bus stop/shelter locations will be submitted and approved in writing by the local planning authority in relation to the phased buildout.

Prior to occupation of any dwelling in the development in any phase, the strategy will have been implemented for that phase in accordance with the approved document.

Reason: To encourage sustainable travel and healthy communities.

41. Off-site Active Travel

Prior to commencement of the 190th dwelling the active travel measures detailed on;

205369-PD29.3 I – Old Gloucester Road – Active Travel Link (Pilgrove Way to Basildon Road)

205369-PD29.4.E – Old Gloucester Road – Active Travel Link (Blasidon Way to Hayden Road)

21185-009-P10- Springbank Area.

21185-018-P02 – Henley Road to Marshland Road [applicant to confirm who is delivering this]

Shall be implemented in full and made available for use.

Reason: To encourage sustainable travel and healthy communities.

42. Southern Bus Gate Golden Valley

Prior to the occupation of 600th dwelling the highway link to application site 23/01875/OUT for the bus gate and active travel works as indicatively shown on the masterplan shall be implemented to the satisfaction of the Local Planning Authority and thereafter maintained for public use.

Reason: To facilitate access from the development to high quality public transport and to provide a comprehensive connected development in accordance with the JCS policies.

43. Strategic Road Network Capacity

No more than 951 dwellings and 1300sqm of Class E floorspace of the development hereby permitted shall be occupied unless or until the “M5 Junction 10 All Movements Improvement Scheme” (Housing Infrastructure Fund major improvement scheme) is complete and is open to traffic.

Reason: To manage and mitigate operational traffic impacts in the interest of the safe and efficient operation of the Strategic Road.

44. Residential Travel Plan

Prior to first occupation of any relevant phase, details of a residential travel plan shall be submitted to and approved in writing by the local planning authority. Prior to first occupation of each relevant phase, the travel plan shall be implemented in accordance with the approved details. The Travel Plan shall use Modeshift STARS residential to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation.

Reason: To reduce vehicle movements and promote sustainable access.

45. Commercial Travel Plan

Prior to first occupation of any relevant phase containing commercial, details of a commercial travel plan shall be submitted to and approved in writing by the local planning authority. Prior to first occupation of each relevant phase, the travel plan shall be implemented in accordance with the approved details. The Travel Plan shall use Modeshift STARS commercial to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation.

Reason: To reduce vehicle movements and promote sustainable access.

46. School Travel Plan

Prior to first use of the primary school, details of a school travel plan shall be submitted to and approved in writing by the local planning authority. Prior to first use of the school, the travel plan shall be implemented in accordance with the approved details. The Travel Plan shall use Modeshift STARS commercial to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation.

Reason: To reduce vehicle movements and promote sustainable access.

Odour

47. Delivery of Works

Prior to first occupation of any dwelling, the LPA shall be provided with evidence that a contract for the odour mitigation works at the Hayden Wastewater Treatment Works (WwTW) has been let which removes the primary school site and wider allocation residential areas from the 2.5 OU/m3 isopleth as shown in 'Odour impact assessment of Hayden WwTW' (Ref: WESTCHEL23A_Version_V6_FINAL), and a timeline for the works to be completed has been provided, which demonstrates how the mitigation works will be completed prior to the occupation of the 200th dwelling. The works shall be completed in accordance with the agreed timeline unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide assurances that the odour mitigation works will be undertaken promptly so as not to delay development at West Cheltenham.

48. Implementation of Works

No more than 200 dwellings can be occupied within the development prior to the completion of the odour mitigation works (let in accordance with the preceding condition) which remove the primary school site from the 2.5 OU/m3 isopleth as shown in 'Odour impact assessment of Hayden WwTW' (Ref: WESTCHEL23A_Version_V6_FINAL). All such homes must fall outside of the 2.5 OU/m3 isopleth as shown in 'Odour impact assessment of Hayden WwTW' (Ref: WESTCHEL23A_Version_V6_FINAL).

Reason: to safeguard the future resident's amenity and health from current odour pollution.

49. Validation of Works

Upon completion of odour mitigation works at Hayden WwTW, and prior to the occupation of 200 dwellings above, the 'Odour impact assessment of Hayden WwTW' (Ref: WESTCHEL23A_Version_V6_FINAL) must be updated to compare the assumptions made

regarding odour mitigation works against monitored olfactometric sampling data. Providing the olfactometric sampling results do not change the conclusions of the odour impact assessment, further construction of the development(s) can commence, up to the post-mitigation (amended) 2.5 OU/m³ isopleth. The results of the new olfactometric sampling, alongside details of the completed odour mitigation works, must be submitted to and agreed by the Local Planning Authority prior to occupation of dwellings, except those excluded by Condition 48 above.

If olfactometric sampling results suggest that any development areas previously deemed acceptable for their end-uses are no longer acceptable (i.e. odour concentrations would remain above 2.5 OU/m³ following the odour mitigation works), a report detailing further odour assessment(s), further abatement at the WwTW, and/or the redesigning of the development shall be submitted to and agreed by the Local Planning Authority prior to occupation of dwellings, except those excluded by Condition 48 above.

Reason: to safeguard the future residents amenity and health from current odour pollution.

50. Energy Supply

No dwelling or commercial building hereby permitted shall be connected to mains gas supplies.

Reason: To ensure that the development contributes towards the mitigation of climate change.

51. Sports Pitches Construction

No development shall take place on any sports playing fields unless and until:

a) A detailed assessment of ground conditions of the land proposed for sports pitches as has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

b) Based on the results of this assessment to be carried out pursuant to (a), a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field.

52. Sports Pitches Noise and Lighting

Reserved matters applications for the grassed and / or artificial sports pitches and the accompanying changing building shall be accompanied by noise and lighting assessments that assess the impacts on nearby sensitive receptors, including residential properties and protected species, and included mitigation measures where appropriate.

Reason: To protect the residential amenity of existing and future residents.

53. Sports Pitches Management and Maintenance

Prior to the occupation of the 200th residential dwelling, a scheme for the management and maintenance of playing field drainage, including a management and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The playing fields shall thereafter be managed and maintained in accordance with the approved scheme.

Reason: To ensure that new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

TRO

54. The Development hereby approved shall not commence until drawings of the off-site highway works comprising:

Speed limit changes along Old Gloucester Road as shown indicatively on Drawing 025-P3. Have been submitted to and approved in writing by the Local Planning Authority.

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

a. CBC Southern Parcel: Golden Valley Development SPD Compliance Matrix LPA

		Red	Amber	Green	
CYBER CENTRAL GARDEN COMMUNITY VISION					
V	Does the proposal accord with the spirit of the Cyber Central vision and would its implementation help to realise this vision?				V
OBJECTIVE A: Embracing the highest standards of sustainability					
A1	Resource efficiency: New development at Cyber Central Garden Community will be net carbon zero (or better) and an exemplar in water and energy conservation and waste management, employing the highest standards of environmental sustainability				A1
A2	Resilience: The design of new buildings, streets, open spaces and other required infrastructure will				A2

A3	ensure new development is resilient in terms of flooding and overheating				A3
	Connection to nature: Development at Cyber Central Garden Community will enrich local ecology and biodiversity and will take proper account of air quality issues				
	Community and culture: Cyber Central Garden Community will mature into a thriving and mixed sustainable community, providing jobs, homes and community facilities for existing and new residents in a beautiful landscape setting				
	Mobility: Cyber Central Garden Community will be an integrated and fully connected extension of west Cheltenham				
OBJECTIVE B: A vibrant and diverse range of uses and activities, serving existing and new communities					
B1	Delivered in partnership, a high profile and state of the art 'Cyber Innovation Centre ' will be the focal point of the Cyber Central Garden Community				B1
B2	45Ha of mixed-use employment land, focussed around the Cyber Central hub, will provide flexible business space, hotels, retail and leisure provision and cultural and community uses to serve the local community and wider region				B2
B3	A sustainable and deliverable range of		Viability has lowered AH%		B3

B4	housing tenures, including affordable housing and self-build, to meet local needs supported by community infrastructure				B4
	Higher densities and a range of dwelling typologies which make the best use of available land				
OBJECTIVE C: Working with the natural landscape and its features					
C1	Development must positively integrate existing landscape assets and features and use these features to inform the development of a green infrastructure network for the site				C1
C2	Proposals should respond to views into and out of the site and react to the existing topography and strategic landscape character				C2
C3	Proposals shall include a network of public spaces to meet local open space requirements				C3
C4	A high quality new public space will be provided at the gateway of Cyber Central which will be designed to provide flexible spaces for events and activity				C4
C5	New development should take a creative approach to sustainable drainage to reduce the long-term risk of flooding				C5
C6	Development should promote a strategy for new tree planting and retention of existing species				C6
C7	The boundaries with existing communities, the wider countryside,				C7

C8	the sewage works, and between phases of development shall be carefully planned and designed to maximise opportunities for physical and visual integration				
	The development must promote a positive approach to local food growing through the adequate provision of allotments as part of a wider strategy to meet existing and future need		Allotments to be agreed in S106		C8
	Proposals should be devised with partners to develop and deliver an innovative public art programme		Public art strategy to be agreed S106		C9
	A management strategy shall be developed across the site to inform the design process and with consideration to longer term sustainability		To be agreed by S106		C10
OBJECTIVE D: An integrated and connected extension of West Cheltenham					
D1	The design and delivery of new development will prioritise and support active and sustainable travel patterns and behaviour - public transport				D1
D2	Deliver new direct pedestrian and cycle connections to existing communities and facilities				D2
D3	Creation of an open network of streets and routes which can be managed to meet local needs				D3
D4	Delivery of a new 'main street' between Telstar Way and Old				D4

D5	Gloucester Road, designed as a street for people, not a road for vehicles				D5
	Principal junctions should be designed to minimise land take and create safe and direct crossing points for pedestrians and cycles				
	Provision of safe routes to schools, which will be provided within or beyond the West Cheltenham site				
	D7	A flexible and creative approach to the application of parking standards and emerging and new vehicle technologies and initiatives			
OBJECTIVE E: Character and placemaking					
E1	New development will deliver a range of housing densities and typologies to ensure effective use of land is made				E1
E2	New development will look to local precedent in Cheltenham to help deliver locally distinctive forms of development				E2
E3	New development will contribute to the distinct character of its neighbourhood whilst delivering the overall vision for Cyber Central Garden Community				E3
P1	Cyber-central hub - streets and movement; landscape and public realm; character and scale; land uses and activities			N/A	P1
P2	Gloucester Road neighbourhood - streets and movement; landscape and				P2

P3	public realm; character and scale; land uses and activities				P3
	Main street neighbourhood - streets and movement; landscape and public realm; character and scale; land uses and activities				