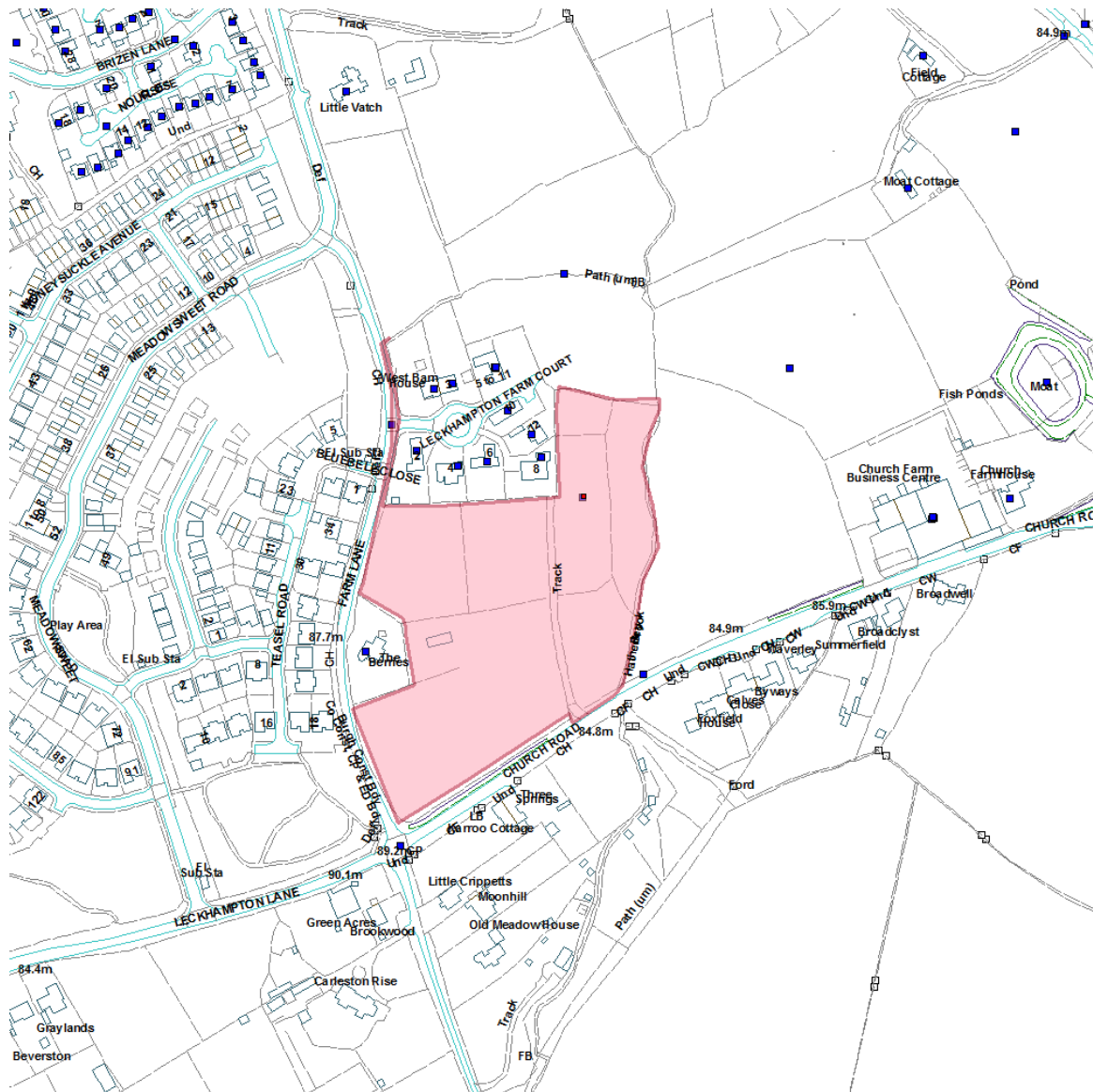


APPLICATION NO: 25/01031/CONDIT	OFFICER: Mr Ben Warren
DATE REGISTERED: 5th July 2025	DATE OF EXPIRY: EoT agreed 24 th November 2025
DATE VALIDATED: 5th July 2025	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	New Dawn Homes Ltd
AGENT:	
LOCATION:	Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton
PROPOSAL:	Variation of condition 2 (approved plans) of planning permission 21/02750/FUL to allow for change in house types/design and associated site layout changes.

RECOMMENDATION: Permit subject to a 106 Obligation



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a parcel of land, with an approximate size of 2.84 hectares, and is located to the northeast of the junction between Church Lane and Farm Lane in Leckhampton. This road junction forms the edge of the Cheltenham administrative boundary. Land to the west is within the Tewkesbury Borough and consists of a newly completed Redrow housing development known as Brizen View. To the north of the application site is a small residential cul-de-sac known as Leckhampton Farm Court, some of which are Grade II listed and further north is the newly constructed Leckhampton High School. A single detached dwelling known as The Berries is located on the western boundary of the application site, accessed via Farm Lane.
- 1.2 The Hatherley Brook runs north to south along the eastern boundary of the application site, as does an existing Public Right of Way (CHL14). The site is covered by a TPO and is occupied by numerous orchard trees. To the south of the site is Church Road which forms the edge of the Cotswold National Landscape (CNL) and of the Green Belt. To the north-west and west of the site is land which is allocated as Local Green Space.
- 1.3 Planning Permission was sought in 2021 under planning application reference 21/02750/FUL, for the erection of 30 dwellings with associated works including access, pedestrian and cycle links, highway improvements, public open space, landscaping, orchard planting, children's play space, and surface water attenuation. The application was refused by the Local Planning Authority (LPA) for two reasons, these relating to: harm to the setting of the AONB now CNL, by virtue of the proposed location of development and poor layout and design of development. The second refusal reason related to the lack of a suitable S.106 agreement to secure the affordable housing provision and contributions towards education and libraries.
- 1.4 The LPA's decision was appealed, and the Inspectors decision was to grant planning permission subject to conditions and S.106 legal agreements (appeal ref: APP/B1605/W/23/3317851).
- 1.5 Redrow Homes, the applicant for the scheme allowed at appeal, has since sold the site, the applicant for this new application is New Dawn Homes Ltd. It is understood from the applicant that Redrow Homes have not given permission to New Dawn Homes Ltd to use their approved house types, and as such, New Dawn Homes have been required to submit a new application. New Dawn Homes is therefore seeking consent to vary condition 2 (the approved plans) of the permission under section 73 of the Town and Country Planning Act 1990. The proposed changes relate to the house types and design, with associated layout changes.
- 1.6 This report should be read in conjunction with the Inspectors appeal decision and the officer report for the LPA's original decision which are attached as appendices 2 and 3.
- 1.7 The application is at planning committee at the request of Councillor Horwood whose main concern relates to the environmental impacts of the development. Councillor Horwood also referred the application to committee based on the concerns raised by the Parish Council, these relating to an increase in scale of dwellings, sewer capacity issues, design and materials for proposed dwellings and due to a change in affordable housing offering, a potential increase in the price of such units.
- 1.8 It should be noted that an earlier Section 73 application (25/00636/CONDIT) was withdrawn following a number of concerns raised by officers. This new submission is submitted with amendments to the scheme that have sought to address the issues previously raised.
- 1.9 Whilst some unauthorised site clearance has taken place, the development is not considered to have commenced in development terms.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Tree Preservation Order

Relevant Planning History:

16/00450/PREAPP 6th October 2016 CLO

Residential development and associated works

20/02233/PREAPP 16th July 2021 CLO

Erection of 42 new dwellings

21/02750/FUL 14th December 2022 REF

Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works

25/00440/AMEND 1st April 2025 PAMEND

Non-material amendment to planning permission ref. 21/02750/FUL for the conversion of the planning permission from an unphased permission into a phased permission through the addition of the submitted phasing plan to the approved plans schedule and the addition of a planning condition which reads-The development hereby permitted shall be carried out in phases in accordance with the submitted phasing plan 32042 PL-03.

25/00636/CONDIT 17th June 2025 WDN

Variation of condition 2 (approved plans) of planning permission 21/02750/FUL to allow for change in house types/design and associated site layout changes.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 13 Protecting Green Belt land

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

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure

SL1 Safe and Sustainable Living

GI1 Local Green Space

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

Adopted Joint Core Strategy Policies

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD5 Green Belt
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
INF1 Transport Network
INF2 Flood Risk Management
INF3 Green Infrastructure
INF4 Social and Community Infrastructure
INF6 Infrastructure Delivery
INF7 Developer Contributions

Supplementary Planning Guidance/Documents

Cotswolds National Landscape Management Plan 2025 - 2030
Climate Change (2022)

4. CONSULTATIONS

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

- 5.1 17 Letters have been sent to neighbouring land users and site notices have been displayed near to the site. This process was repeated on receipt of revised plans. In total 5 letters of objection have been received; the concerns have been summarised but are not limited to the following points:

- Foul water/sewage capacity issues
- Flood risk and surface water drainage issues
- Loss of privacy
- Location of affordable housing units
- Design and material concerns
- Traffic and highway capacity concerns
- Scale of development
- Environmental impacts

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The applicant has submitted an application under Section 73 of the Town and Country Planning Act 1990. The PPG guidance (Paragraph: 013 Reference ID: 17a-013-20230726), sets out how a section 73 application 'can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.'
- 6.3 As noted in the introduction, planning permission has been granted by appeal for the erection of 30 dwellings on this site, the permission being extant. The principle of developing the site for housing has therefore already been established as being acceptable, as such, the considerations of this application relate to the acceptability of the proposed changes in terms of design and layout, impact on the Cotswold National Landscape (CNL), impact on the Green Belt, impact on amenity, flooding and drainage, parking and highway safety,

climate change and sustainability, environmental impacts, impacts on the Beechwoods SAC and Biodiversity Net Gain (BNG).

- 6.4 As originally submitted a number of concerns were raised by officers, consultees and residents, these concerns were relayed to the applicant, and a suite of revised plans have been submitted in response to those concerns.

6.5 Design and layout

- 6.6 Having considered the plans originally submitted as part of this application, officers raised a number of concerns relating to site layout, the scale of the proposed dwellings, proposed landscaping works and the overall design and appearance of the proposed dwellings. Revised plans have been submitted in response to the concerns raised.

- 6.7 With regards to site layout, officers raised concerns regarding the proposed re-orientation of certain plots which resulted in exposed rear gardens and was generally considered to result in a poor layout of development. Issues were also raised regarding the enclosure of a protected mature tree within a private garden which is discussed later in the report. Amendments to the site layout have been made, and the revised layout is now considered to be acceptable.

- 6.8 Officers raised concerns with the scale of the proposed dwellings, namely with regards to the heights of the development where the new house designs had a higher ridge and eaves height than that of the consented scheme; officers considered this to be unacceptable as it would have a greater impact on its surroundings in this sensitive location. Revised plans show the eaves and ridge heights of the dwellings have now been reduced, the eaves and ridge heights now broadly matching that of the consented scheme. Officers also suggested that the proposed dwellings should look to include a hipped roof form to ensure the scale/bulk of development was not significantly increased. Whilst different design ideas, including a part hipped roof form were discussed and considered, the proposed house designs have retained a fully pitched roof with gable ends. It has however been demonstrated that in most cases the overall width of the proposed dwellings would now be less than that of the permitted scheme and as such the overall scale and bulk of the dwellings is not dissimilar to the approved development. It is also duly noted that this roof form would reflect that of the Leckhampton Farm Court development to the north and would therefore be in keeping with its context. As amended, the scale and form of development is now considered to be acceptable.

- 6.9 With regards to the proposed house designs and proposed materials as originally submitted, whilst officers felt the quality of design was good and could be appropriate in certain locations, officers did not consider the overall design, appearance and use of materials to be appropriate for this sensitive site. Significant amendments have been made, a variation in house types across the site is now proposed and the palette of materials has been amended. The proposed house types are either proposed to be finished in a red brick or reconstituted Cotswold stone. The red brick finish is the same as that previously approved in the consented scheme, whilst the Cotswold stone finish picks up on the facing materials of the Leckhampton Farm Court development to the north. All house types include grey windows and doors. Overall, officers consider the amended house types to achieve a high standard of design and appropriate use of materials for its location and context.

- 6.10 Officers identified a distinct lack of new tree planting across the proposed site layout when compared with the approved scheme, this has been addressed in the revised plans and officers are satisfied that the exact details can be secured through the detailed landscaping proposals required by condition.

6.11 Impact on Cotswold National Landscape (CNL) and Green Belt.

- 6.12 In the inspector's decision, when considering the planning balance and specifically the impact on the CNL and the site as a valued landscape, they state:

'The Framework does not state such landscapes should be immune from development, but rather that they should be protected and enhanced. In my opinion, and in the light of this guidance, the harm I have identified runs contrary to the need for protection, and so should be afforded great weight in the decision-making process. I am mindful though that the trees around the site and the scale of the development, although not allaying it, nonetheless reduce the magnitude of harm to the valued landscape.'

They then go on to say:

'I therefore recognise the great level of protection afforded to a valued landscape but I am also aware that I have found the shortfall in housing land supply to be very large, and demonstrates a pressing and urgent need. On balance, the harm identified, even taking all the areas of harm together, does not significantly and demonstrably outweigh the benefit of providing these houses in the face of such a shortfall. As a result, I conclude that planning permission should be granted.'

- 6.13 With permission granted and remaining extant, the consideration of this revised proposal is whether the proposed changes would have any greater impact on the CNL than that already approved, and if so, whether this greater impact would amount to a level of harm that provides a strong reason for refusal, or would significantly and demonstrably outweigh the benefits of the scheme, as required by paragraph 11d) of the NPPF.
- 6.14 As already discussed in this report, the number of dwellings remains the same as that of the permitted scheme, the general layout also reflects that of the permitted scheme, and having sought revisions, the overall scale of dwellings is broadly similar, although different in form to that of the consented scheme. It is also important to note that some of the dwellings have a lesser width than that of the consented scheme which results in an increase in the space and gaps between the dwellings, thus allowing for increased views through the site and an increased sense of space throughout the development. Given the changes proposed, officers do not consider the proposed amendments to amount to any greater harm to the CNL than that of the consented scheme.
- 6.15 With regards to the Green Belt, for the same reasons discussed above, officers do not consider the proposed amendments to be harmful to the Green Belt and is therefore acceptable in this regard.

6.16 Environmental Impacts

- 6.17 For similar reasons to those discussed under the heading 'Impact on Cotswold National Landscape (CNL) and Green Belt' above, officers do not consider the proposed development would have any greater ecological impacts than that of the consented scheme and as such the proposal remains acceptable in this regard. This is however subject to a number of relevant ecology related conditions which were imposed by the inspector and are again suggested for this application.

6.18 Impact on neighbouring property

- 6.19 As can be seen in the submitted overlay plan, the proposed site layout broadly reflects that of the approved scheme, and whilst there are some changes to the position of dwellings and their orientation due to house type changes, these amendments are not considered to have any greater impact on neighbouring amenity in terms of any loss of light, loss of outlook or overbearing impact.

6.20 A concern has been raised by a resident in the Leckhampton Court development to the north of the site which relates to a loss of privacy as a result of accommodation being provided within the roof space of some of the dwellings, this being facilitated by the addition of rear dormers. The plots where this is most relevant are plot number 20 and 21, which are positioned on the shared boundary with numbers 6 and 8 Leckhampton Farm Court. However, the orientation of these proposed dwellings means that neither of the elevations which include the dormers face towards the shared boundary with 6 and 8 Leckhampton Farm Court, and the dormers will either face east or west. In this orientation officers do not consider any unacceptable overlooking or loss of privacy would occur.

6.21 Overall, officers do not consider the proposed amendments to result in any unacceptable neighbouring amenity issues.

6.22 Drainage and Flooding

6.23 Whilst the proposed site layout changes within this application are relatively minor, some initial concerns were raised by the Council's drainage officer with regards to some of the drainage related information provided within this submission. Drainage and flood risk is also a concern raised in the objections received from the local residents and in comments from the Parish Council.

6.24 The drainage officer's comments have been addressed in the form of revised plans and revised information submitted. The drainage officer confirms the scheme is acceptable subject to the submission of a detailed drainage strategy to be secured via condition as per the extant permission. As such, with regards to drainage and flooding, this revised proposal is acceptable. The Local Lead Flood Authority (LLFA) raise no objection to the minor changes proposed.

6.25 Concerns have also been raised by residents and by the Parish Council with regards to current sewage capacity issues, these issues are suggested to have occurred since the development of the Redrow site to the west was completed. This section 73 application does not seek to increase the number of dwellings from that already approved and as such, there is unlikely to be a significant increase in pressure on the sewage network as a result of the proposed changes. Having said that, comments have been sought from Severn Trent (ST) on this particular matter, and their full comments can be read in the appendix at the end of this report. In summary, ST confirm that the foul drainage design is in line with the existing approved strategy and as such have no further comment to make. However, they do go on to say that they are aware of the issues raised by the Parish Council but also confirm there are no performance issues indicated in the network and investigations are therefore ongoing.

6.26 Impact on Trees

6.27 As originally submitted, a concern was raised by the tree officer as detailed in their comments which can be read in the appendix at the end of this report. The main concern was with regards to plot 17 and an existing pear tree being enclosed within a private garden. The applicant has addressed this concern in the revised site layout plan.

6.28 The tree officer highlights some other concerns regarding proximity of plots to existing trees and the planting of new hedging near existing trees, however it is also acknowledged by the tree officer that this is a situation already approved in the extant scheme. The tree officer highlights the need for a suitable surface water drainage strategy to ensure no harm to protected trees will occur and for a detailed arb method statements to be submitted. All this information is captured by way of suggested conditions; these conditions already having been attached to the inspector's approval.

6.29 With the conditions attached, the proposed amendments are considered to be acceptable with regards to the protection of existing trees.

6.30 It is duly noted that following the grant of planning permission and before the appropriate pre-commencement conditions were discharged, some trees have been unlawfully removed from the site. This matter is being dealt with by the Council but is not directly relevant to the acceptability of the changes sought through this Section 73 application.

6.31 Access and highway issues

6.32 Whilst no changes are proposed to the site access, minor layout and parking changes are proposed and as such Gloucestershire Highways as the Local Planning Authority were consulted on this application. No objection or concerns have been raised and as such the proposed amendments are considered acceptable in this regard.

6.33 Sustainability

6.34 With regards to sustainability and climate change, the officer's report which accompanied the council's refusal of the original application confirmed that there would be no gas connection to the site and each dwelling would be served by an Air Source Heat Pump (ASHP) and EV charging point. Sustainability and climate change was not discussed in the Inspectors decision, nor were any relevant conditions attached to their decision.

6.35 In this instance the applicant has confirmed that there will be no gas connection to the site and no gas boilers will be installed. However, ASHPs are not proposed, and instead Solar Panels are proposed for each unit and would support an all-electric heating system. They also confirm that the proposed dwellings will comply with the latest standards in energy saving, including additional insulation and airtightness and that EV Chargers will be installed in line with the latest building regulation requirements.

6.36 Officers consider the proposed approach in this amended scheme to be acceptable in addressing climate change and the measures to be an acceptable alternative to that suggested in the extant permission. With the agreement of the applicant, two relevant conditions have been added which prohibits the installation of a gas supply to the site and requires the installation of the solar panels before occupation of the dwellings. This would go beyond that of the inspector's decision where no relevant conditions were attached.

6.37 Affordable housing and developer contributions

6.38 The original permission achieved a policy compliant affordable housing provision of 40% which equated to 12 affordable dwellings; this revised proposal achieves the same level of provision. The housing enabling officer has confirmed that following some amendments, the proposed mix of affordable dwellings and their design is acceptable and meets with the Council's current needs. A new S.106 agreement is not required in this regard as there is an appropriate Section 73 Clause within the original agreement which means the commitment is carried across to any subsequent permission, however a deed of variation is necessary to formalise the changes within this submission.

6.39 The Inspectors decision also secured financial contributions towards education and libraries via a S.106 agreement with Gloucestershire County Council. Again, as this agreement includes a section 73 clause, this commitment is also carried across to this scheme, if approved.

6.40 Other considerations

6.41 As this is a Section 73 application, the applicant is exempt from the mandatory BNG requirement for a 10% gain. However, it is important to note that new landscaping and planting is proposed as part of the site redevelopment and the exact details will be dealt with by way of the discharge of condition process.

- 6.42 As this application does not result in an increase in residential units beyond that already approved, there will be no increased pressure on the Beechwood's Special Area of Conservation, as such, no further mitigation beyond that already secured by the original consent is necessary, however as there is no relevant section 73 clause within the original Unilateral Undertaking either a deed of variation is required or a new Unilateral Undertaking is required. This needing to be dealt with before a decision can be issued.

7. CONCLUSION AND RECOMMENDATION

- 7.1 At the time of considering this application, the council cannot currently demonstrate a 5 year housing land supply and therefore the housing policies of the development plan are out-of-date. This was also the case previously and was discussed in the Council's officer report and in the Inspectors decision for the extant scheme. With this being the case, the NPPF requires development proposals to be approved without delay, unless a strong reason for refusing development has been identified (NPPF para 11 d) i), or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme (NPPF para 11) d) ii), when assessed against the NPPF policies as a whole.
- 7.2 With regards paragraph 11 d) i), in this instance, the protected assets, or assets of particular importance relates to the CNL and Green Belt.
- 7.3 Paragraph 11 d) ii) of the NPPF requires any harm to be weighed against the public benefits of the development, and consideration given to whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole. In this instance, the main benefits of the scheme include:
- the provision of 30 residential units to Cheltenham's much needed housing stock,
 - the provision of 12 affordable housing units,
- 7.4 Having considered all of the above, officers do not consider the proposed changes to the permitted scheme provide a strong reason for refusal or to result in a level of harm that would significantly and demonstrably outweigh the benefits of the scheme, as such, the tilted balance in favour of sustainable development is engaged.
- 7.5 With the above in mind, officer recommendation is to permit the application subject to conditions as set out below. As a section 73 application results in a new decision that sits alongside the original consent, it is necessary to repeat all relevant and necessary conditions from the original consent. The conditions reflect those of the conditions imposed by the planning inspector when allowing the appeal, however two further conditions are suggested which relate to sustainability and climate change.
- 7.6 The applicant has confirmed their agreement to the relevant pre-commencement conditions and the two further conditions.
- 7.7 The officer recommendation is subject to a deed of variation with respect to the existing affordable housing S.106 agreement, and either a deed of variation for the existing Unilateral Undertaking with respect to recreational pressures on the Beechwoods SAC, or the submission of a new Unilateral Undertaking.

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of the original decision, planning ref: 21/02750/FUL. For the avoidance of doubt this date is 12th September 2023.

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

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 on the decision notice for 21/02750/FUL, unless amended by approved plans listed in Schedule 1 of this decision notice.

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

- 3 Prior to the commencement of development, and notwithstanding any details on the approved plans, drainage plans for the disposal of foul and surface water flows, together with a SuDS Strategy document, a SuDS management and maintenance plan and a timetable for the implementation of the works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable, and thereafter retained, and managed and maintained in accordance with the approved SuDS management and maintenance plan.

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

- 4 Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and the NPPF.

- 5 Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should include a 5-year management plan and link with the habitats described in the Biodiversity Net Gain report/calculations. The development shall be implemented in accordance with the approved details, and managed in accordance with the approved management plan.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and the NPPF.

- 6 Prior to the commencement of development, details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The construction phase shall then be undertaken in accordance with the methodology in the approved CMP.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and the NPPF.

- 7 Prior to the commencement of development, a site investigation and risk assessment in accordance with the recommendations in the Geotechnical and Geoenvironmental Interpretative Report (dated November 2021) shall be submitted to and approved in writing by the Local Planning Authority, together with details of any remediation that is necessary and a timetable for its implementation. The works shall then be undertaken in accordance with the approved recommendations and timetable.

Reason: To ensure the protection of biodiversity on the site during construction, in accordance with adopted policies SD9 and INF3 of the Joint Core Strategy (2017) and the NPPF.

- 8 Prior to the commencement of development, and notwithstanding any details on the approved plans, details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all trees, hedgerows and other planting which are to be retained, and provide details of all new walls, lighting columns, fences, or other boundary treatments; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position, method of planting and tree pits of all new trees and shrubs; and a timetable for its implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details within the approved timetable. Any trees or plants on the approved scheme which, within a period of 10 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 9 Prior to the commencement of development an Arboricultural Method Statement and a Tree Protection Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall include measures and practices to protect the trees to be retained during the construction phase (including how hardsurfacing, roads/paths, and services are going to be laid within the vicinity of retained trees) and also after the construction period has finished. The approved tree protection measures and practices for the construction phase shall be in place during that period, and the approved tree protection measures for after the construction phase shall be in place prior to the first occupation of any dwelling and thereafter retained.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies G12 and G13 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 10 Prior to the commencement of development an Arboricultural Monitoring scheme and a Post-development Arboricultural Management Plan (detailing management prescriptions for a 30-year period) shall be submitted to and approved in writing by the Local Planning Authority. The trees shall then be managed and monitored in accordance with the approved Arboricultural Monitoring scheme and Post-development Arboricultural Management Plan.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies G12 and G13 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 11 Prior to the commencement of development, a Landscape Maintenance and Management Plan (LMMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan will describe how the hard and soft landscaping will be managed by the site's owners and subsequent beneficiaries of the planning permission and stipulate how the continuation of the LMMP by future site, or homeowners is entered into.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 12 Prior to any construction works above slab level, and notwithstanding any details on the approved plans, details and samples of any external facing or roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details and samples only.

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

- 13 Work during the construction phase shall not take place on Sundays or Bank Holidays, and otherwise shall be within the following times only: 0800h - 1800h Monday - Friday and 0800h - 1300h Saturdays.

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

- 14 No development shall take place within the application site other than site clearance works necessary to enable a geophysical survey, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation informed by the geophysical survey, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with Adopted Cheltenham Plan Policy HE2 and paragraph 211 of the National Planning Policy Framework.

- 15 No dwelling shall be occupied until the pedestrian link along Farm Lane as shown on drawing R406/06 Rev C (under planning ref:21/02750/FUL) has been constructed and completed.

Reason: To ensure a safe and suitable access to the development is provided and maintained in the interests of highway safety, and in order to achieve sustainable development having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 16 No dwelling shall be occupied until the means of access for vehicles, pedestrians and cyclists has been constructed and completed as shown on drawing R406/05 Rev C (under planning ref:21/02750/FUL).

Reason: To ensure a safe and suitable access to the development is provided and maintained in the interests of highway safety, and in order to achieve sustainable development having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 17 No dwelling shall be occupied until sheltered, secure and accessible bicycle parking has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities, and ensure the adequate provision and availability of cycle parking, having regard adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 115 and 117 of the National Planning Policy Framework (2024).

- 18 No dwelling shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of
- a) a Travel Information Pack, and
 - b) a Home Owner Information Pack that presents informal recreation opportunities concerning public space nearby, a short drive away by car or bus, and further afield, together with details of how these documents will be delivered to all initial and subsequent occupiers, and how they will be updated over time. These documents with the approved wording shall then be submitted to all initial and subsequent occupiers, and updated in accordance with the approved approach.

Reason: to help avoid disturbance to wildlife and encourage awareness of these sites' sensitivities of the Cotswold Beechwoods SAC.

- 19 Notwithstanding any details on the approved plans, no external lighting shall be installed unless its siting, scale and luminance has been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area with regard to Cheltenham Plan policies D1, L1 and SL1, adopted JCS policies SD6, SD7, SD9 and SD14, and the Cotswolds National Landscape Management Plan 2025 - 2030.

- 20 No dwelling hereby permitted shall be connected to mains gas supplies.

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

- 21 Prior to first occupation of the relevant dwellings hereby approved, solar PV panels shall be installed in accordance with the approved drawings. The solar PV panels shall be retained as such thereafter unless otherwise first agreed in writing by the local planning authority.

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

INFORMATIVES

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

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

In this instance, the authority sought revisions to the site layout to address comments and concerns relating to drainage and trees, revisions to the scale, form and design of the proposed dwellings to address officer concerns. Additional information was also sought with regards to sustainability and climate change measures.

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

- 2 Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company (Severn Trent) under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

- 3 Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk

Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are assets that may be affected by this proposal and as such the applicant must contact Severn Trent before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

- 4 This permission is granted pursuant to Section 73 of the Town and Country Planning Act 1990. The obligations contained in the Section 106 agreement dated 5 July 2023 between (1) CHELTENHAM BOROUGH COUNCIL, (2) REDROW HOMES LIMITED and (3) MARTIN DAWN (LECKHAMPTON) LIMITED (in liquidation), obligations contained in the Section 106 dated 5 July 2023 between (1) MARTIN DAWN (LECKHAMPTON) LIMITED (in liquidation), (2) REDROW HOMES LIMITED and (3) GLOUCESTERSHIRE COUNTY COUNCIL, and Section 106 Unilateral Undertaking dated 10 August 2023 given by (1) REDROW HOMES LIMITED and (2) MARTIN DAWN (LECKHAMPTON) LIMITED (in liquidation) to CHELTENHAM BOROUGH COUNCIL (including any variations made by deed of variation) relating to planning application reference 21/02750/FUL (PINS appeal reference APP/B1605/W/23/3317851), shall continue to apply to this varied permission

Consultations Appendix

Parish Council - 10th October 2025

The Parish Council objects to this application as there is no evidence of a suitable solution to the foul water drainage system independent of the current plan to connect to the Redrow development system, which is known to have longstanding unresolved problems.

Parish Council - The Parish Council objects to this application as there is no evidence of a suitable solution to the foul water drainage system independent of the current plan to connect to the Redrow development system, which is known to have longstanding unresolved problems.

Also the choice of finishing materials is not in keeping with the area.

Drainage And Flooding - 17th September 2025

The applicant has provided further detail on exceedance flowpaths and has now routed surface water through the ponds for water quality purposes. Therefore, there are no objections to the change in layout and finer details of the drainage design can be addressed as part of the drainage condition.

Drainage And Flooding - 25th July 2025

The exceedance flood flowpath on the road by plots 19 and 20 has been reversed to flow against the natural/existing gradient of the land. This implies that the changes also include a change to the proposed site levels.

Otherwise there are no objections to the change in layout, but the following matters will need to be addressed as part of the drainage condition.

Some of the attenuation tanks and surface water sewers have been moved into back gardens which is not considered best practice. Maintenance access and easements will need to be detailed if the SUDS features are to remain in these areas.

The revised drainage scheme does not currently provide water quality mitigation as low flows now bypass the ponds. This will need to be rectified under the drainage condition.

GCC Local Flood Authority (LLFA) - 24th July 2025

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

As described in the document "Drainage strategy including SuDS and Water Management Statement Approval 21/02750/FUL", the proposed change in the layout of the site will result in relatively minor changes to the surface water drainage strategy that can be addressed through the discharge of Condition 3. However, the Surface Water Management Drainage Strategy plan

showing these changes (131-20; July 2025) also includes a change to the pipe network that will

result in the detention basins no longer having any impact on water quality.

The LLFA has no objections to the principle of the change in layout and considers them minor enough to be addressed through condition 3, however, doesn't recommend the plan schedule is

changed from "Surface Water Drainage Strategy DR-C-1002-P07" because the latest plan won't

address water quality.

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

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

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

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

Severn Trent Water Ltd - 6th August 2025

As the foul drainage design is in line with the original approved strategy, Severn Trent have no additional comment to make but we would like to make you aware of the concerns raised to ourselves about sewer performance in the area. Please find attached correspondence from the Parish Council, I would add that although there are no performance issues indicated on the network, investigations are ongoing into the concerns raised and at present the underlying cause has not been identified or removed.

The changes to the surface water strategy should be agreed with the LLFA/LPA/EA.

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

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative - affected sewers and water mains

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk

Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are assets that may be affected by this proposal and as such the applicant must contact Severn Trent before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

GCC Highways Planning Liaison Officer - 6th August 2025

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

The justification for this decision is provided below.

The proposed changes from the approved scheme are detailed on drawing 131-05-A and relate to slight variation in house type and location within their plot. There are no changes to the estate road layout or access.

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

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

The justification for this decision is provided below.

The proposed changes from the approved scheme are detailed on drawing 131-05-A and relate to slight variation in house type and location within their plot. There are no changes to the estate road layout or access.

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

The Highway Authority therefore submits a response of no objection.

Social Housing – 29th October 2025

Full response available to view in public access.

Social Housing - 18th August 2025

Full response available to view in public access.

Social Housing - 31st July 2025

Full response available to view in public access.

Tree Officer - 10th October 2025

The arrangements around T7 are now acceptable, although it would be preferable not to plant a hedge within the RPA of this tree.

Siting Plot 12 so close to a protected tree is far from ideal but it is accepted that a previous approved scheme has already set a precedent for this. However, channelling waste water through the RPA of this tree (or any protected tree) should be avoided. It would be preferable for a revised surface water drainage strategy to be submitted to this effect. If this is not possible, a detailed arb method statement would need to be submitted to demonstrate that these works can be completed without damage to the tree and its roots.

Tree Officer - 29th August 2025

The arrangements around T7 are still not acceptable. Although the revised plans are to site this tree outside of gardens, it will still overhang them in an inappropriate way, leading to conflict with the residents and pressure for removal of the tree. The plans should be revised to give this tree the space it deserves or the application should be refused. The pears on this site are protected by TPO and make up the last remains of a traditional orchard. In order for the site to be successfully developed without irreplaceable harm to these green infrastructure assets, due consideration should be afforded to them. It's noted that no new arb details have been submitted.

Tree Officer - 10th July 2025

The sensitivities of the site should be given due consideration. Changes to the previously approved design and layout should be reflected in an updated tree survey, arb impact assessment and tree protection plan (to BS5837:2012). New landscape plans will also be required.

One obvious new consideration from the illustrative plans is T7. Enclosing this large, mature pear in the garden of Plot 17 is likely to lead to continuous conflict between tree and owner and this should be avoided. The previously approved scheme afforded this tree more space by fencing it off as part of a public space / SUDS area. Although the increased soil moisture may not be ideal for a pear, this approach was preferable to recontextualising the tree in an inadequately sized garden space.

Note that the plans are now out of date as protected trees which should have been retained have been removed without prior application to this Council. The plans should reflect this.

Reason: to protect the amenity value of trees in the borough as per Policies GI2 and GI3 of the Cheltenham Plan.



Appeal Decision

Hearing held on 12 July 2023

Site visit made on 12 July 2023

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/B1605/W/23/3317851

Land north of Church Road, Leckhampton GL51 3GS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Redrow Homes Ltd against the decision of Cheltenham Borough Council.
 - The application Ref 21/02750/FUL, dated 9 December 2021, was refused by notice dated 14 December 2022.
 - The development proposed is a residential development of 30 dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for Residential development of 30 dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works, at land adjoining Leckhampton Farm Court, Cheltenham, GL51 3GS in accordance with the terms of the application, Ref 21/02750/FUL, dated 14 December 2021, and the conditions in the Conditions Schedule below.

Main Issues

2. The main issues with this scheme are
 - a) whether the development accords with the spatial strategy for the distribution of housing;
 - b) whether it would preserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB) and preserve the character and appearance of the area;
 - c) its effect on ecology, including the Cotswold Beechwoods Special Area of Conservation (SAC);
 - d) whether the nature and distribution of affordable housing is acceptable, and
 - e) if harm would be caused by any or all of the above, whether that would be outweighed by material considerations.

Reasons

Spatial strategy

3. Policy SP2 in the *Gloucester, Cheltenham and Tewkesbury Joint Core Strategy* (the JCS) broadly aims to focus development in built-up areas, allocated sites and designated urban extensions. JCS Policy SD10 says that housing development will be permitted on a list of locations, including on allocated sites and on previously developed land in the Principal Urban Areas of Cheltenham and Tewkesbury. Policy SD10(4) goes on to say that on other sites, housing will only be permitted if it accords with one of 4 specific criteria.
4. On its western side, the appeal site abuts Farm Lane, which at this point forms the boundary between the boroughs of Cheltenham and Tewkesbury. On the opposite side of that lane are the recent housing developments of Brizen Park and Brizen View (which I shall collectively term the Brizen Farm development). These are in a Principal Urban Area within Tewkesbury borough, though on the ground appear as part of the built-up area of Cheltenham. However, while the appeal site is therefore very close to that Principal Urban Area, separated by only a narrow lane, it nonetheless lies outside of the Principal Urban Areas of both Cheltenham and Tewkesbury. It is also unallocated and not in a designated urban extension, while the development accords with none of the criteria given in JCS Policy SD10(4).
5. Moreover, locating in Principal Urban Areas can be assumed to ensure residents would enjoy a greater choice of alternative transport modes to services and facilities. The site is close to the school, and access there and to whatever services lay beyond would be enhanced by a pavement the appellant is proposing along part of Farm Lane. However, the most recent version of the *Leckhampton and Warden Hill Neighbourhood Plan* shows the site as being just over 1000m from any shops that serve the neighbourhood area, and I consider the pavement along Church Road to the nearest shop is narrow in places. Therefore, while some residents may not find walking such distances a problem, I consider many may look upon a round trip of 2km to be too far or too unattractive to walk. On balance, I therefore find this location would offer limited choices of alternative transport modes, resulting in a reliance on private motorised vehicles. Whilst it may not be as far from services as the Brizen Farm development that does not lead me to different findings.
6. Accordingly, I conclude the scheme would be contrary to the spatial strategy, with limited alternative modes of transport available for future residents, and so would conflict with JCS Policies SP2 and SD10 and guidance in the *National Planning Policy Framework* (the Framework).

Character and appearance

7. The appeal site contains no buildings apart from a dilapidated shed, and comprises an overgrown orchard with numerous old fruit trees, most of which are subject to a Tree Preservation Order (TPO). Its western and southern boundaries are strongly defined by dense hedging and scrub along Farm Lane and Church Road respectively, while a woodland is on the east side and a modern housing development around Leckhampton Farm Court is to the north.
8. It forms part of a wedge of land (the wedge) that is constrained between the Brizen Farm development to the west, the village of Leckhampton to the east,

and the built-up area of Cheltenham to the north. Much of this wedge comprises Local Green Space, paddocks or playing fields, and so has an open, undeveloped character, maintaining its historic rural nature. The site is not in the Local Green Space while the wedge has no specific status in the adopted development plan other than being outside of the Principal Urban Areas. Moreover, the site is subject to no other specific development plan or national landscape designation.

9. To the south, the land rises steeply up to the Cotswolds escarpment, and offers a high level of public access through a widely used footpath network and vantage points. From not just the escarpment itself but also from the slopes, there are impressive views over Cheltenham along the Severn valley and across to the hills in Wales. Church Road, as it passes the appeal site, forms the boundary to the AONB beyond. The scenic and landscape beauty of this area lies, to a great extent, in its pleasing pattern of fields, woodland and rocky outcrops, and the dominant effect of the escarpment. This is emphasised all-the-more as it abuts the built-up area of Cheltenham and the expansive and relatively flat valley floor of the Severn.
10. The proposal comprises 30 dwellings arranged to either side of a central spine road. Strong emphasis has been placed on retaining the trees across the site, especially those that are protected, resulting in open space being intended in the north-west corner, along the Church Road frontage to the south, and down the eastern boundary. Accordingly, as the site's area is just under 3ha, the scheme has a density in the region of 10 dwellings per hectare. It would be removing from this undeveloped orchard some boundary planting and would be reducing the extent of open grassland, while it would be introducing a small suburban housing estate, with its associated hard-surfacing, lighting and other paraphernalia.
11. The presence of the Brizen Farm development means the proposal would not have an effect on the wider rural landscape to the west. However, it would diminish the extent of the wedge, particularly as it would be narrowing its southern boundary, and so reducing its integration and visual link to the countryside on the opposite side of Church Road.
12. The Framework states that decisions should contribute to and enhance the natural environment by, amongst other things, protecting and enhancing valued landscapes (paragraph 174). There is no definition in the Framework as to what constitutes '*a valued landscape*'. However, in this regard reference was made to an appeal from 2016 (Document LPA2 which I shall refer to as the 2016 appeal), and that sought permission for a larger housing development (650 dwellings plus other elements on a 31.7ha site) at the northern end of the wedge. I understand that at that time the Brizen Farm development had not been built but Tewkesbury Borough Council had indicated it was minded to approve it, and so the Secretary of State no doubt gave it appropriate weight. The school may also have been built since then, but otherwise the character of the wedge was similar to what is now before me.
13. In that decision the Inspector (the previous Inspector), in his report, described that site as being in a '*memorable landscape*' due to its mosaic of uses, its varied topography, its history and its network of footpaths, fields and mature vegetation. No doubt taking these criteria into account, he then went on to conclude that the scheme before him would lead to a loss of '*a valued*

landscape' (paragraph 264) and this he identified as one of its adverse effects (paragraph 307). These views were shared by the Secretary of State who, despite describing it as a '*locally valued landscape*' in paragraphs 19 and 32 of his decision, nonetheless concluded in paragraph 20 that the development of the site would harm the character and appearance of the area through the loss of '*a valued landscape*' and, in paragraph 33, confirmed he agrees with the conclusions in paragraph 307 of the previous Inspector's report.

14. When assessing what constitutes a valued landscape I consider that a single field or site should be viewed as part of a landscape rather than being assessed as a landscape in its own right. Moreover, in any such landscape there will be areas that contribute more positively than others to its overall value, while parts will add to the value in different ways.
15. From the submissions before me it is not totally clear what either the previous Inspector or the Secretary of State considered the extent of the valued landscape to be. The previous Inspector spelled out that the landscape value of the site was due not to its visual relationship to the AONB but rather to its own intrinsic charm (paragraph 260), while the Secretary of State accepted the scheme would not harm the structural elements of the wider contextual landscape character, such as the nearby AONB. Moreover, I am aware that the wedge, even then, had a constrained character, and so it is unlikely the previous Inspector and the Secretary of State were taking into account the countryside outside of the AONB to the west of what is now the Brizen Farm development. It is therefore fair to assume the valued landscape that both the previous Inspector and the Secretary of State found would be harmed was contained within the wedge, rather than included any wider landscape.
16. Overall, I share the views of the characteristics of the wedge identified by the previous Inspector, considering its mosaic of uses, its history and its network of footpaths, fields and mature vegetation are positive attributes. I therefore have no basis to depart from the findings of the Secretary of State. Consequently, as it would be within the constrained area of the wedge, I am of the view that the appeal site too is within a valued landscape.
17. The scheme would be introducing a suburban development into this wedge of open land that runs into Cheltenham. More particularly, it would result in a housing development in this historic orchard that would fragment its extent and scale, and change its context. Although much of the boundary planting would remain, the development would be apparent from a short length of the public footpath that runs to the north of the site, with housing replacing and impeding not only the trees and grassland in the foreground, but also the longer views of the escarpment beyond. As a result, it would cause some harm to the countryside character of this path, and so detract to a degree from the enjoyment of its users.
18. Furthermore, the new access would open up views into the development, thereby reducing the rural nature of Church Road. On Farm Lane there is already an awareness of the Brizen Farm development, and the appeal proposal is showing only one dwelling near to the carriageway. However, the creation of the pavement link would also allow the housing to be apparent, meaning the character of that rural lane would also be harmed. Indeed, while the retention of much planting round the site would soften the impact of the

scheme, it would not be concealed totally when looking from surrounding land, and there would still be an awareness of the development.

19. Therefore, mindful it is outside of the settlement boundary, and even taking into account the suggested conditions, I consider the scheme would cause harm to the character and appearance of the countryside. Moreover, this encroachment of suburban form into the wedge would fail to protect or enhance the valued landscape.
20. However, the Local Green Space is currently defined to a great extent by the escarpment to the south and otherwise by the development around. As such, whilst there may be an awareness of this proposal, I consider the recreational value of the Local Green Space would not be unduly harmed.
21. Turning to the effect on the AONB, in paragraph 176 the Framework states that

'Great weight should be given to enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues'.

As the site is outside of the AONB it will not directly affect the landscape and scenic beauty 'in' that area. Indeed, while I had no evidence to explain why the boundary was drawn where it was, it is of note that, although immediately adjacent, the site was not included in the AONB when that was designated.

22. However, Framework paragraph 176 goes on to say

'The scale and extent of development within [Areas of Outstanding Natural Beauty] should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'.

This is therefore requiring development outside of an Area of Outstanding Natural Beauty, but nonetheless within its setting, to have regard to the designated area. However, it does not impose upon the setting the same level of protection as is confirmed within the Area of Outstanding Natural Beauty itself. Moreover, it does not preclude new development in the setting or state that adverse impacts must always be avoided. Rather, it accepts that adverse impacts can be acceptable if minimised.

23. This position is broadly supported by JCS Policy SD7, which says

'All development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities'.

I take the reference to 'its' in the second line of that extract to be referring to the designated AONB rather than the setting.

24. The setting of an Area of Outstanding Natural Beauty is not defined. However, it was nonetheless agreed that the development would be within the setting of the AONB and I share this view. Furthermore, as it would be immediately adjacent to the boundary, I consider its relationship to the AONB would be different to that of the scheme subject of the 2016 decision.
25. From Crippetts Lane, near to its junction with Church Road, the site would remain substantially concealed by boundary planting, even in winter months.

Given this, and mindful too of the prominence of the Brizen Farm development at that junction, the scheme would not have a harmful effect. From the south side of Church Road, although the development would be visible I consider any adverse impacts would be minimised by the retention of boundary planting and from this viewpoint its effects would not be so noticeable as to compromise the landscape and scenic beauty of the AONB.

26. Leckhampton Hill and Devil's Chimney on top of this escarpment are popular viewpoints, being the destination for a number of footpath routes and having an array of benches that allow an appreciation of the expansive panoramic views over Cheltenham and across the Severn valley. The appeal site is a relatively small element of the overall view, with much of the middle-distance being taken up by the built-up area of Cheltenham. Moreover, it is some distance away, and even after the scheme was implemented, it would be cradled by trees, especially on its eastern side, that would conceal the development to some extent in these longer views. From where it could be seen, and although separated by the trees along Farm Lane, it would be set against the much larger Brizen Farm development, which is a relatively striking and unbroken mass of new housing when seen from this point. Moreover, the retention of many of the trees on the site would mean they continued to play any softening role they might now have on that neighbouring residential scheme. As such, when taking into account the proposed retention of planting, I consider any impact of the scheme on the landscape and scenic character of the AONB from these viewpoints would be minimised.
27. Seen from the top of Crippetts Lane, again the site would be viewed very much in the context of the dominant Brizen Farm development and once more would be a small part of an expansive view and some distance from the viewer.
28. When on the footpath running down Leckhampton Hill towards the church, the appeal scheme would be closer and the views less extensive, and so it would be more apparent. However, once more it would be against the Brizen Farm development, while the lower angle would mean the screening effects of the trees would be improved.
29. Therefore, when taking into account the proposed retention of planting, I accept that there would be a change to the view from inside the AONB. However, being visible, and even introducing some change, does not necessarily equate to unacceptable conflict with Framework paragraph 176. Given its size, the distances involved, the planting to be retained and the scheme being in the context of the built-up area of Cheltenham in general and the striking Brizen Farm development in particular, I consider any impact the proposal may have on the AONB would not harm its landscape and scenic beauty.
30. It was also contended that Framework paragraph 176 should be engaged because the proposal would impede views of the AONB from within its setting. I accept there would be an effect in this regard when looking from the footpath to the north of the site. However, built form in the setting of the AONB would often impede views of the AONB from somewhere and to some extent. Furthermore, such a consequence does not affect the landscape and scenic beauty 'in' the AONB, and does not have adverse impacts 'on' the designated area. Rather, its effects relate solely to the setting, which of course is outside of the designated area and not a part of it. As such, I consider Framework

paragraph 176 does not apply to such harms. In any event, the effect on the views of the AONB from that footpath would be minimised by the extent, siting and height of the northernmost terrace in the scheme and, to my mind, would not have an appreciable effect on the appreciation of the landscape and scenic beauty of the AONB by its users. As such, I am not satisfied the scheme would conflict with Framework paragraph 176, even if I had found differently concerning the application of that paragraph to views towards the AONB from within the setting.

31. Accordingly, whilst I have not found the adverse effects on the AONB would conflict with paragraph 176 of the Framework, I nonetheless conclude the development would detract from the character and appearance of the countryside, and cause harm to a valued landscape, in conflict with JCS Policies SD4 (which requires development to respond positively to its context) and SD7, *Cheltenham Plan* Policy D1, which requires development to complement the locality, and guidance in paragraph 174 of the Framework. It would also conflict with Policy LWH5 in the Neighbourhood Plan, though this plan has not yet been 'made' and so the weight it is afforded is reduced accordingly.

Natural environment

32. Numerous old pear trees are now on site that can be defined as forming 2 traditional orchards (although in some submissions they are considered to form a single large one) and fall under the definition of a Priority Habitat in the *Natural Environment and Rural Communities Act 2006*. The protection of biodiversity is a theme running through the Framework. In paragraph 179 it states that plans should promote the conservation, restoration and enhancement of priority habitats, while paragraph 174(a) seeks the protection and enhancement of biodiversity sites and paragraph 180 says that development resulting in the loss or deterioration of irreplaceable habitats should be refused.
33. The site is identified on the Green Infrastructure list in the Neighbourhood Plan, and so under Policy LWH4 its role should be positively considered. The site is also in the Cotswold Nature Improvement Area, as identified by the Gloucestershire Natural Capital Mapping Project (the Project).
34. These fruit trees are of a value in their own right, and also for the biodiversity they accommodate. This is reflected in the Project identifying it as an ecosystem of greater importance than much of the agricultural land around. Moreover, they also represent a key element of the history of the area, which has been known for its orchards. However, these fruit trees appear to be unmanaged, and there is no public access to the land. Therefore, in the absence of proper husbandry, it cannot be assumed their lifespan or their benefits to the community will be maximised.
35. The appeal scheme seeks to safeguard the orchard trees, with the north-west corner and the southern band remaining free from new houses and used as open space. Any development in these areas would be limited to paths, and, to the south, the play area, the access road and the SuDS ponds. Furthermore, protective measures are to be placed around the trees to mean they would not be subject to climbing or other damage from users of those areas. The trees would also remain protected by the TPO in place on the site.

36. The development would change the context of the orchard by putting it in proximity to housing. It would also introduce much more activity within the orchard, as residents would walk and play among the trees. However, mindful the orchard would be proactively managed, on the evidence before me I am not satisfied that it would be harmed to any material degree, either directly through construction for example, or indirectly as a result of subsequent activity. Therefore, its value as a priority habitat would not be diminished, and the trees' contribution to the history of the area would be protected. Indeed, while I have little before me to show that if the appeal was dismissed the future of the fruit trees would be secured, with suitable management it is realistic to consider that through this scheme the orchard trees could be conserved and enhanced.
37. Down the eastern side of the site is a dense area of woodland around a stream. I have no reason to consider the habitat this creates would be compromised unacceptably by the development.
38. As it is a relatively unmaintained site with little public access on the edge of the built-up area, it is to be expected that it contains an appreciable variety and diversity of wildlife, which uses the land as either habitat or for foraging. Indeed it was said that numerous protected species were found on the site. I recognise too that it is a significant part of the connection between the wedge and the AONB to the south. However, whilst accepting there would be a loss of habitat and foraging, I have no basis to find that any harm to the protected species would be unacceptable. Furthermore, while I note the value of the site identified by the Project, I am aware that is not part of the development plan and carries no statutory weight in that regard. Therefore, when taking into account the Biodiversity Net Gains proposed, I have insufficient grounds to consider I can resist the scheme on this basis. Similarly, whilst the Biodiversity Net Gain maybe relatively low, that of itself is not unacceptable in the current planning policy context.
39. The site is 4.7km from the Cotswold Beechwoods Special Area of Conservation (the SAC). This comprises attractive, floristically rich, beechwoods that are vulnerable to damage from visitor pressures. Therefore, given the closeness of the site, the development could have a likely significant effect on the integrity of the SAC, whether alone or in combination with other plans and projects.
40. In coming to this view, I have had regard to the extensive nearby public footpath network, in both the Local Green Space and the AONB, that is available for use by residents of the scheme for recreation and is much nearer to their homes than the SAC. However, even accounting for this, the attractiveness of the beechwoods and their proximity means they would still draw recreational pressure from residents. As a result these alternative options may reduce the scheme's impact on the SAC but would not mean there would be no likely significant effect on its integrity.
41. To address this, 3 areas of mitigation have been proposed. The first is the delivery of on-site green space. This though is not extensive, and whilst it would no doubt be much used by the future residents, it would not fulfil the same recreational needs as the SAC as it would not allow lengthy walks or a sense of remoteness that I anticipate would be found in the woods. Secondly, householder packs are proposed that would inform the residents about the beechwoods and how they should be visited. On the evidence before me

though I consider this places a great deal of weight on the householders being aware of the packs, noting their contents and responding suitably. As a result, although they would be of some assistance in this regard, I consider these 2 areas of mitigation would not be sufficient, even if taken together, to allay my concerns.

42. However, there is also now a further requirement for financial contributions to be provided. These would be to fund Strategic Access Management and Monitoring measures, such as management, education and awareness monitoring, and Sustainable Alternative Natural Greenspace. The monies are to be secured through a Unilateral Undertaking the appellant has submitted (dated 10 August 2023), and I have no basis to consider the Council would not then use the money responsibly for the purpose it was given.
43. I therefore conclude that, when considered in combination with other plans and projects, the development would adversely affect the integrity of the SAC, but this would be suitably mitigated by the measures secured under the submitted Unilateral Undertaking and proposed conditions. As such, the scheme would not conflict with the Regulations or the Framework, which seek to protect the SAC from adverse effects on its integrity.
44. Accordingly, I therefore conclude that the development would not have an unacceptable effect on biodiversity, whether on the site or nearby, and so would not conflict in this regard with the Framework or the emerging Neighbourhood Plan.

Affordable housing

45. The number and nature of affordable houses in the scheme was deemed satisfactory by the Council, and I have no reason to conclude differently. Whilst they would be grouped at the northern end, and would comprise smaller units, it appears they would be equal to that of the market housing elsewhere on the site in terms of appearance, build quality and materials. Moreover, the scheme is not large, and so this distribution would not be unsatisfactory. The affordable units would not have a view towards the AONB, but neither would all the market houses. In any event, some would overlook the attractive pond feature with the footpath beyond, whilst others would sit in the general streetscape of a housing scheme. They would also not look onto the play area, but only a few properties would, and the play area could be accessed by a short walk along estate roads that would be relatively quiet.
46. Overall, I therefore conclude the affordable housing would be suitably integrated into the estate as a whole, and so would not conflict with Policies SD4 and SD12 in the JCS, which require inclusive design with such housing being seamlessly integrated into, and distributed throughout developments, and paragraph 92 of the Framework, which seeks inclusive places.

Other matters

47. I consider visibility from the access would be satisfactory, and the traffic flows associated with the scheme would not compromise highway safety on Church Road, Farm Lane or any of the other lanes and road junctions in the vicinity. I also have no reason to find the site cannot be suitably drained.
48. As well as the Unilateral Undertaking concerning the SAC monies, an agreement under section 106 of the Act (dated 5 July 2023) was also

submitted. This not only secures the affordable housing, but also addresses the delivery and maintenance of on-site open space. I consider the requirements of both of these legal obligations satisfy Regulation 122 in the *Community Infrastructure Levy Regulations 2010* and so are reasonable, necessary and justified. While the Council has said it is 'unfortunate' that there is no indexation clause in the Unilateral Undertaking, the implications of this are not sufficient to render the Undertaking unacceptable. Although reference was made to overstretched health facilities nearby, there was neither evidence nor planning policy support for contributions to address those areas.

49. Leckhampton Farmhouse is a Grade II listed building that stands just to the north of the site. Its significance lies, in part, in its setting that reflects its rural origins. This though has already been compromised to some degree, most notably by the Leckhampton Farm Court development adjacent. Mindful of this, and noting the separation between the listed building and the northernmost terrace now proposed, I consider that what is before me would not harm the significance of Leckhampton Farmhouse. Various other listed buildings were also cited in the area, but the development would not be within their settings, and so again would not harm their significance.
50. I was told of commitments the appellant had given in the past about the site, but they do not affect the planning merits of this case.

Other considerations and the Planning Balance

51. I have therefore found development plan conflict in relation to the spatial strategy with regard to the proposal's location outside of the Principal Urban Areas and its access to services. There is also harm to the character and appearance of the area, mindful that I have considered it to be within a valued landscape. However, section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework. Therefore, whilst the development plan has primacy in decision-making, there are situations where material considerations could indicate a decision that was otherwise than in accordance with the plan. In this regard a number of such considerations have been offered by the appellant.
52. Principally, attention is drawn to paragraph 11(d) in the Framework. This says that where the development plan policies that are most important in determining the application are deemed to be out-of-date planning permission should be granted unless one of 2 scenarios are applicable.
53. The first of these is in Framework paragraph 11(d)(i), which says permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance (listed in Framework Footnote 7) provide a clear reason for refusing the development. It was contended that the effect on the AONB and also on the priority habitat site and the irreplaceable habitat would mean this paragraph was applicable, as these were listed in the Footnote. However, as I have found that none provides a clear reason for refusing the development then I consider they do not result in the application of that paragraph.
54. The second scenario is in Framework paragraph 11(d)(ii) and says permission should not be granted if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits - often referred to as 'the tilted

balance'. As the Council accepts that it can show a housing land supply of 2.9 years, below the 5 years required in the Framework, I consider that the policies relating to the location of housing are deemed out-of-date and so this 'tilted balance' is engaged.

55. In terms of the benefits, and starting with the Council's housing land supply shortfall, I share the view of the Inspector in the Oakley Farm appeal (the Oakley Farm decision APP/B1605/W/21/3273053 dated 5 October 2022) and find it is very large, and demonstrates a pressing and urgent need. This scheme would therefore make a notable contribution to addressing this shortfall.
56. Furthermore, it would also contribute to reducing the shortage of affordable dwellings, while there would be economic benefits through the construction period, and subsequently as the new residents used local shops and facilities. I have found too that the scheme is likely to preserve the historic orchard, open it up for community enjoyment, and deliver biodiversity benefits. These factors are given appreciable weight in favour of the scheme.
57. The appellant has drawn attention to the delivery of the footpath along Farm Lane and the desire lines for pedestrians across the site to Church Road, but I am aware of no pressing need for these in the absence of the development and so afford them limited weight. The scheme would also bring payments under the legal obligations but those are needed to make it acceptable in planning terms, so have a neutral weight in my decision-making. Finally, how any New Homes Bonus would deliver a benefit relevant to this specific scheme is unclear.
58. Turning to the weight to be given to the areas of harm, it is often necessary for sites to be developed outside the Principal Urban Areas to meet a shortfall in housing land supply. Moreover, in such instances the development would often be changing an area of countryside to a housing estate, and the development would, in all probability, be generally further from local services when compared to houses in the Principal Urban Area. As a result, these are not harms that, collectively, outweigh the benefits.
59. However the additional concern I have found arises from this site being in a valued landscape. The Framework does not state such landscapes should be immune from development, but rather that they should be protected and enhanced. In my opinion, and in the light of this guidance, the harm I have identified runs contrary to the need for protection, and so should be afforded great weight in the decision-making process. I am mindful though that the trees around the site and the scale of the development, although not allaying it, nonetheless reduce the magnitude of harm to the valued landscape.
60. I therefore recognise the great level of protection afforded to a valued landscape but I am also aware that I have found the shortfall in housing land supply to be very large, and demonstrates a pressing and urgent need. On balance, the harm identified, even taking all the areas of harm together, does not significantly and demonstrably outweigh the benefit of providing these houses in the face of such a shortfall. As a result, I conclude that planning permission should be granted.
61. In this regard I recognise similarities and differences between my position and the 2016 decision. As stated above, I too defined the wedge as being a valued

landscape while the 2016 decision was made against the backdrop of the Council being '*about 2 years short of an identified 5-year housing land supply*', so therefore having a supply of about 3 years. However, in that case there were further harms, namely the severe residual cumulative transport impacts and the scheme prejudicing the possible designation of the Local Green Space, and these would have provided greater weight against any benefits that existed.

62. I have also noted the Oakley Farm decision but, as that Inspector was at pains to make clear, it was based on the very specific circumstances of that case, including the site characteristics, which are unlikely to be replicated elsewhere. Therefore, beyond sharing the view on the scale of the housing land shortfall, I have given that decision little weight.
63. It was said that Leckhampton has been subject to much housing over recent years. However, this may well be because it is one of the few places around Cheltenham that is not designated as Green Belt and so is one of the limited areas where development of this nature is possible. To my mind though, whilst I acknowledge these concerns, they are not a reason to dismiss the scheme or to assess the 'tilted balance' differently.

Conditions

64. The general commencement condition should be imposed [Condition 1]. For the avoidance of doubt the approved plans should be specified [2] and the development should be in accordance with them unless otherwise required by subsequent conditions.
65. Having regard to the character and appearance of the area, the materials should be approved [12]. Mindful of the effect on the SAC, Householder Information Packs should be provided to inform about recreation [18]. In order to safeguard the character and appearance of the area and have regard to biodiversity, there should be agreement of
- a Construction Environmental Management Plan [4]
 - a Landscape and Ecological Management Plan [5]
 - landscaping details [8]
 - tree protection methods and practices during and after construction, including how the trees to be retained will be safeguarded when forming pathways, roads and services that would run through or close to their root protection areas [9];
 - tree management details including an Arboricultural Monitoring scheme and a Post-development Arboricultural Management Plan [10];
 - a Landscape Maintenance and Management Plan [11] and
 - lighting details [19].
66. To ensure the site is adequately drained a drainage scheme, together with a SuDS strategy, management and maintenance programme should be approved [3], and contamination should be addressed along the lines of the scheme already submitted [7]. Whilst the contamination measures can be in accordance with the submitted GCL Geo-technical and Geo-environmental

Interpretative Report I am aware that is now nearly 2 years old and so will need to be revisited. If any contamination is found on the site outside of that identified, other legislation will require it being addressed and so a further condition is not required.

67. To protect neighbouring living conditions a Construction Management Plan should be agreed [6] and the hours of construction work limited [13]. In the interests of accessibility the pavement to Farm Lane [15], the access to Church Road [16] cycle storage [17] and Travel Packs [18] should all be provided. A condition relating to archaeological investigation is also justified [14].
68. Many of the suggested conditions involved lengthy lists of what was required for the plan or scheme in question. However, I have felt it is not necessary to include those, as the precise contents of the plans or schemes could be subject to discussion between the parties to ensure relevance. I also consider elements of the suggested landscaping condition were more akin to informatives, and so again have not been justified.
69. Given other requirements, there is now no need for a condition relating to electric charging points.
70. Many of the conditions require agreement of matters 'pre-commencement'. This is justified though because the matters in question will either influence how the development is undertaken or safeguard what could otherwise be lost.

Conclusion

71. Accordingly, I conclude planning permission should be granted.

JP Sargent

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise modified under the conditions below, the planning permission hereby granted shall be carried out in accordance with drawings and plans listed in the Plan Schedule below.
- 3) Prior to the commencement of development, and notwithstanding any details on the approved plans, drainage plans for the disposal of foul and surface water flows, together with a SuDS Strategy document, a SuDS management and maintenance plan and a timetable for the implementation of the works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable, and thereafter retained, and managed and maintained in accordance with the approved SuDS management and maintenance plan.
- 4) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.
- 5) Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should include a 5-year management plan and link with the habitats described in the Biodiversity Net Gain report/calculations. The development shall be implemented in accordance with the approved details, and managed in accordance with the approved management plan.
- 6) Prior to the commencement of development, details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The construction phase shall then be undertaken in accordance with the methodology in the approved CMP.
- 7) Prior to the commencement of development, a site investigation and risk assessment in accordance with the recommendations in the Geotechnical and Geoenvironmental Interpretative Report (dated November 2021) shall be submitted to and approved in writing by the Local Planning Authority, together with details of any remediation that is necessary and a timetable for its implementation. The works shall then be undertaken in accordance with the approved recommendations and timetable.
- 8) Prior to the commencement of development, and notwithstanding any details on the approved plans, details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all trees, hedgerows and other planting which are to be retained, and provide details of all new walls, lighting columns, fences, or other boundary treatments; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position, method of planting and tree pits of all new trees and shrubs; and a timetable for its implementation. All hard and/or soft landscaping works shall be carried out in accordance with the approved details within the approved timetable. Any trees or plants

on the approved scheme which, within a period of 10 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

- 9) Prior to the commencement of development an Arboricultural Method Statement and a Tree Protection Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall include measures and practices to protect the trees to be retained during the construction phase (including how hardsurfacing, roads/paths, and services are going to be laid within the vicinity of retained trees) and also after the construction period has finished. The approved tree protection measures and practices for the construction phase shall be in place during that period, and the approved tree protection measures for after the construction phase shall be in place prior to the first occupation of any dwelling and thereafter retained.
- 10) Prior to the commencement of development an Arboricultural Monitoring scheme and a Post-development Arboricultural Management Plan (detailing management prescriptions for a 30-year period) shall be submitted to and approved in writing by the Local Planning Authority. The trees shall then be managed and monitored in accordance with the approved Arboricultural Monitoring scheme and Post-development Arboricultural Management Plan.
- 11) Prior to the commencement of development, a Landscape Maintenance and Management Plan (LMMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan will describe how the hard and soft landscaping will be managed by the site's owners and subsequent beneficiaries of the planning permission and stipulate how the continuation of the LMMP by future site, or homeowners is entered into.
- 12) Prior to any construction works above slab level, and notwithstanding any details on the approved plans, details and samples of any external facing or roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details and samples only.
- 13) Work during the construction phase shall not take place on Sundays or Bank Holidays, and otherwise shall be within the following times only: 0800h – 1800h Monday – Friday and 0800h – 1300h Saturdays.
- 14) No development shall take place within the application site other than site clearance works necessary to enable a geophysical survey, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation informed by the geophysical survey, which has been submitted to and approved in writing by the Local Planning Authority.
- 15) No dwelling shall be occupied until the pedestrian link along Farm Lane as shown on drawing R406/06 Rev C has been constructed and completed.
- 16) No dwelling shall be occupied until the means of access for vehicles, pedestrians and cyclists has been constructed and completed as shown on drawing R406/05 Rev C.

- 17) No dwelling shall be occupied until sheltered, secure and accessible bicycle parking has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be kept available for the parking of bicycles only.
- 18) No dwelling shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of
 - a) a Travel Information Pack, and
 - b) a Home Owner Information Pack that presents informal recreation opportunities concerning public space nearby, a short drive away by car or bus, and further afield,together with details of how these documents will be delivered to all initial and subsequent occupiers, and how they will be updated over time. These documents with the approved wording shall then be submitted to all initial and subsequent occupiers, and updated in accordance with the approved approach.
- 19) Notwithstanding any details on the approved plans, no external lighting shall be installed unless its siting, scale and luminance has been first submitted to and approved in writing by the Local Planning Authority.

Plan Schedule

Site Location Plan-32042 PL-01-B
Constraints and Opportunities Plan-32042 CON-01-E
Existing Site Section-32042 ES-01
Housetype Planning Drawing Warwick (Plots 12-13)-32042 HT-WARWICK-01
Housetype Planning Drawing Harrogate (Plots 5, 8)-32042 HT-HARROGATE-01
Housetype Planning Drawing Hampstead (Plots 2, 3) - Elevations-32042 HT-HAMPSTEAD-01.1
Housetype Planning Drawing Hampstead (Plots 2, 3) - Floor Plans-32042 HT-HAMPSTEAD-01.2
Housetype Planning Drawing Hampstead (Plot 11) - Elevations-32042 HT-HAMPSTEAD-02.1
Housetype Planning Drawing Hampstead (Plot 11) - Floor Plans-32042 HT-HAMPSTEAD-02.2
Housetype Planning Drawing Richmond (Plots 1, 4, 6, 9) - Elevations-32042 HT-RICHMOND-01.1
Housetype Planning Drawing Richmond (Plots 1, 4, 6, 9) - Floor Plans-32042 HT-RICHMOND-01.2
Housetype Planning Drawing Wye (Plot 30)-32042 HT-WYE-01
Housetype Planning Drawing Chew (Plot 27)-32042 HT-CHEW-01
Housetype Planning Drawing Single Garage-32042 HT-SGAR-01
Housetype Planning Drawing Warwick (Plots 18-19)-32042 HT-WARWICK-02-A
Housetype Planning Drawing Shaftesbury (Plots 7, 22) - Floor Plans-32042 HT-SHAFTESBURY-01.1-A
Housetype Planning Drawing Shaftesbury (Plots 7, 22) - Elevations-32042 HT-SHAFTESBURY-01.2-A
Housetype Planning Drawing Harrogate (Plot 21)-32042 HT-HARROGATE-02-A
Housetype Planning Drawing Harrogate (Plot 10)-32042 HT-HARROGATE-03-A
Housetype Planning Drawing Harrogate (Plot 20)-32042 HT-HARROGATE-04-A
Housetype Planning Drawing Leadon (Plots 23-26)-32042 HT-LEADON-01-B
Housetype Planning Drawing Tavy (Plot 16-17)-32042 HT-TAVY-01-A
Housetype Planning Drawing Severn (Plot 15)-32042 HT-SEVERN-01-A
Housetype Planning Drawing Severn (Plot 29)-32042 HT-SEVERN-02
Housetype Planning Drawing Yeo (Plots 14, 28)-32042 HT-YEO-01-A
Adoptable Construction Details-R406/24
Adoptable Drainage Details-R406/25
Longitudinal Sections-R406/26
Tree Constraints Plan 12914_P08-D
Orchard Path Plan R406/32
Planning Layout-32042 PL-03-H
Materials Layout-32042 PL-04-D
Boundary Treatments Plan-32042 PL-05-D
Car Parking Plan-32042 CP-01-E
Refuse and Recycling Strategy Plan-32042 RS-01-C
Street Scenes and Site Section-32042 SS-01-C
Proposed Site Access Arrangements-R406/05-C
Farm Lane Pedestrian Link-R406/06-C
Engineering Layout-R406/21-A
General Arrangement-R406/22-A
Lighting Lux Plan-R406/23-A
Impermeable Areas and Catchments DR-C-1001-P07
Surface Water Drainage Strategy DR-C-1002-P07
Exceedance Flow Paths DR-C-1003-P07
Foul Water Drainage Strategy DR-C-1004-P07
Illustrative Landscape Masterplan 20-03-PL-201-I

APPEARANCES

FOR THE APPELLANT:

C Flannagan	Planning consultant
C Goodman-Smith	Ecology consultant
D Manley KC	Counsel instructed on behalf of the appellant
J Pratt	Arboricultural consultant
P Richards	Landscape consultant
D Trundle	Planning consultant

FOR THE LOCAL PLANNING AUTHORITY:

N Gillett	Principal Planning Officer for the Council
Dr E Pimley	Ecology consultant
S Ryder	Landscape consultant
H Waller	Barrister instructed by the Council

INTERESTED PARTIES:

C Braunholtz	Local resident
Cllr M Horwood	District Councillor for Leckhampton Ward
Dr A Mears	Local resident
K Pollock	Local resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

BY THE APPELLANT

- APP1: Bundle of the plans subject of the appeal.
- APP2: Selection of photographs showing existing and expected views of the site
from Viewpoints 10, 16, 17 & 18.
- APP3: Natural England's response to the planning application.
- APP4: Comments on the effect on the hedgerow along Farm Lane
(dated 18 July 2023).
- APP5: Comments on Cllr Horwood's submissions (dated 3 August 2023).
- APP6: Comments on Natural England's response (dated 4 August 2023).
- APP7: Signed Unilateral Undertaking dated 10 August 2023.
- APP8: Comments on Local Planning Authority's email of 16 August 2023
(dated 24 August 2023).

BY THE LOCAL PLANNING AUTHORITY:

- LPA1: Statement of Case by Ewan Wright.
- LPA2: The Secretary of State decision (dated 5 May 2016) and the associated report from the Planning Inspector for appeal APP/B1605/W/14/3001717 at Kidnappers Lane, Leckhampton.
- LPA3: Judgement of *Stroud District Council v SSCLG & Gladman Developments Limited [2015] EWHC 488 (Admin)*.
- LPA4: *Cotswold Beechwoods SAC Recreation Mitigation Strategy*.
- LPA5: Comments on the draft Unilateral Undertaking concerning SAC payments (dated 16 August 2023).

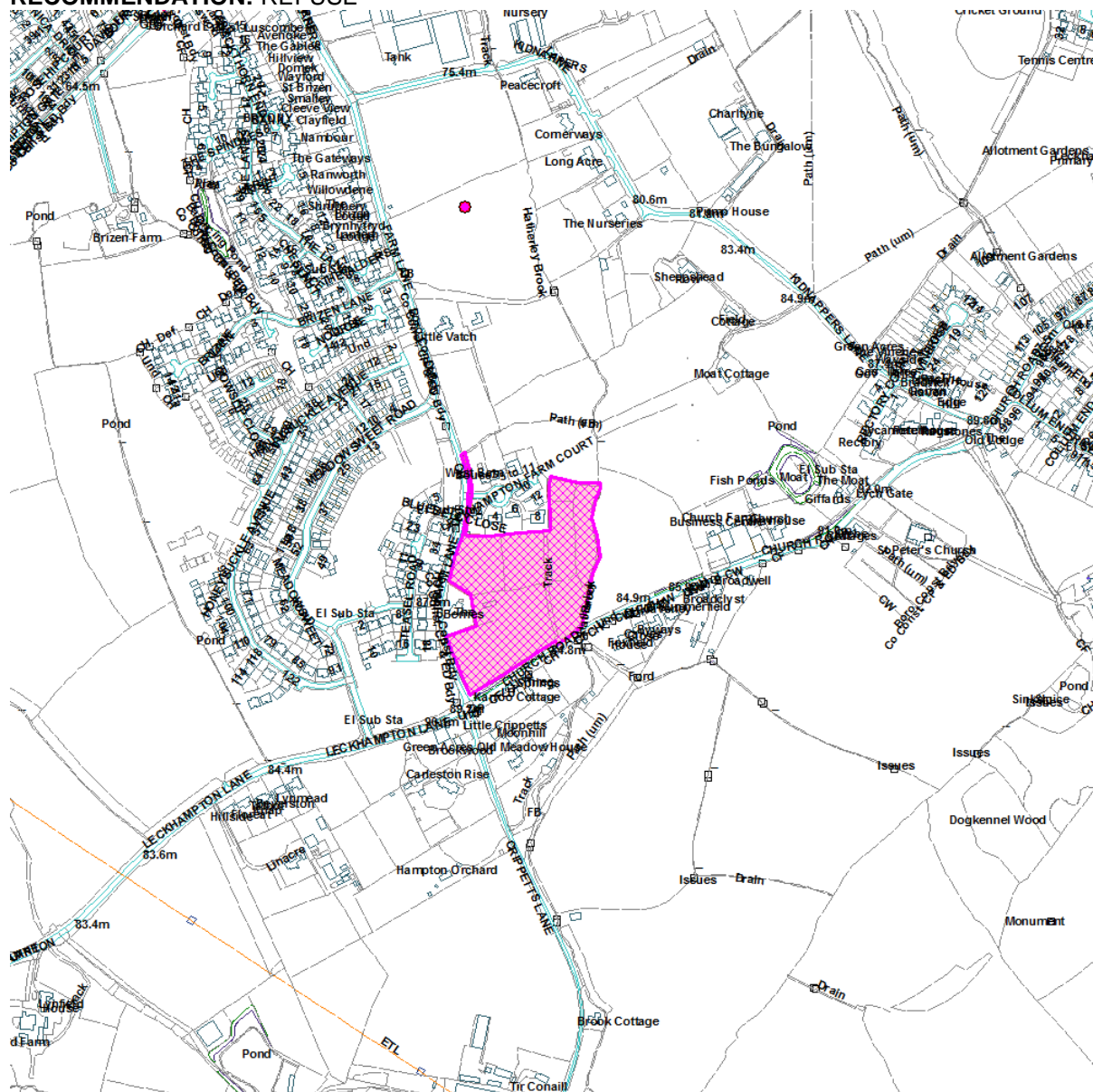
BY OTHER PARTIES

- OP1: Statement by Dr Adrian Mears CBE.
- OP2: Comments from Cllr Horwood (dated 18 July 2023).
- OP3: Comments from Natural England concerning the Cotswold Beechwoods
(dated 19 July 2023).

Delegated Officer Report

APPLICATION NO: 21/02750/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 14th December 2021	DATE OF EXPIRY: 15th March 2022
DATE VALIDATED: 14th December 2021	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Redrow Homes Ltd
AGENT:	Black Box Planning
LOCATION:	Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton
PROPOSAL:	Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works

RECOMMENDATION: REFUSE



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an irregular shaped parcel of land of some 2.84 hectares located to the east of Farm land the north of Church Road. The site is located adjacent to the administrative boundary between Tewkesbury Borough Council (TBC) and Cheltenham Borough Council (CBC). To the west of the site, within TBC land, is the Brizen View development which is nearing completion. To the north of the application site is a cul-de-sac; Leckhampton Farm Court, which comprises a small number of dwellings, the majority of which are detached and some of which are grade II listed. Beyond this is the new Secondary School. On the east side of Farm Lane immediately adjacent to the application site is The Berries, a detached dwelling.
- 1.2 The site itself is free of buildings apart from a derelict agricultural buildings towards the west of the site. The site is covered by a TPO and is occupied by numerous orchard trees. The Hatherley Brook runs along the eastern boundary of the site. To the south of the site is Church Road which forms the edge of the Cotswold Area of Outstanding Natural Beauty and of the Green Belt. To the north-west and west of the site is land which is allocated as Local Green Space.
- 1.3 Planning permission is sought for the erection of 30 dwellings. These would be accessed from Church Road where a gated access exists, albeit overgrown. A central road would lead into the site with a small spur to the east serving two detached dwellings. Three spurs lead to the west which would serve a total of 11 detached dwellings. The road continues towards the north eastern part of the site which provides a mixture of detached, semi detached, terraced dwellings and flats, including 12 affordable dwellings. In total the scheme would provide 12 affordable dwellings and 18 open market dwellings.
- 1.4 The scheme includes a play area towards the south western corner of the site, suds attenuation ponds distributed through the site and areas of open space.
- 1.5 The house types proposed are similar to those within the Redrow element of the Brizen Park scheme. The material palette comprises red brick and render elevations with slate grey forticrete roof tiles.
- 1.6 Cllrs Nelson and Horwood originally requested a committee decision on this application, however they have since confirmed that in the event of a recommendation of refusal they would not wish the application to be determined at committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

250 Metre Land Fill Boundary
Land Allocated for Mixed Use
Airport Safeguarding over 45m
Indicative Area for Secondary School
Tree Preservation Order

Relevant Planning History:

20/02233/PREAPP 16th July 2021 CLO
Erection of 42 new dwellings

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 13 Protecting Green Belt land
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design
D3 Private Green Space
L1 Landscape and Setting
BG1 Cotswold Beechwoods Special Area Of Conservation Recreation Pressure
SL1 Safe and Sustainable Living
GI1 Local Green Space
GI2 Protection and replacement of trees
GI3 Trees and Development
CI2 Sports and open space provision in new residential development

Adopted Joint Core Strategy Policies

SP1 The Need for New Development
SP2 Distribution of New Development
SD3 Sustainable Design and Construction
SD4 Design Requirements
SD5 Green Belt
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
INF7 Developer contributions

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Climate Change (2022)

4. CONSULTATIONS

GCC Local Flood Authority (LLFA)

10th January 2022 - I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation

Flood Risk

The Flood Risk Assessment and Drainage Strategy (M43174-JNP-XX-XX-RP-C-1001; December 2021) shows that the majority of the site is in flood zone 1 with only a small strip of land on the eastern boundary where the Hatherley Brook is, shown to be in flood zone 2 or 3.

This same area of land is also the only part of the site shown to be at risk of flooding from surface water according to the Risk of Flooding from Surface Water map.

Surface water management

Discharge strategy

Infiltration tests have shown that infiltration not be a suitable option for managing surface water.

Instead, the proposal is to have two outfalls discharging into the Hatherley Brook, which is in line with the discharge hierarchy.

Discharge rates

Surface water will be discharged from the site at a controlled rate of 2.7 l/s, approximately equal to the greenfield runoff rate for QBar. This serves as the runoff volume control as well.

Drainage strategy and indicative plan

A number of Sustainable Drainage Systems (SuDS) will be used including permeable paving, underground attenuation tanks and attenuation basins. It has been shown that the drainage will function without flooding in rainfall events up to and including the 1 in 100 year rainfall event plus climate change.

The attenuation basins will be constructed to have 1 in 3 side slopes, in accordance with the CIRIA SuDS Manual (C753). This will aid maintenance as well as entrance and exit of the basins. They, along with the permeable paving, will provide some management of water quality and could provide some amenity and biodiversity benefits to the development.

A maintenance schedule has been provided as well as potential management arrangements.

This should be determined prior to the occupation of the site, which can be ensured through the use of a condition.

Climate Change

The effects of climate change has been incorporated into the design of the drainage by simulating an increase in peak rainfall intensity of 40%, in line with the latest guidance from the Environment Agency.

Exceedance flow plan

A flow route plan has been provided for events that exceed the design of the drainage where surface water develops on site. This shows that water will flow across and off site following the contours of the highways.

LLFA Recommendation

The LLFA has no objections to the proposal, subject to the following condition to determine the maintenance and management arrangements for the drainage.

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

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

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

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

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

7th September 2022

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

The Flood Risk Assessment has been updated to reflect the change in layout and the LLFA still recommends a condition for a maintenance and management plan for the surface water drainage.

Since the LLFAs previous response a nearby resident has provided photos of surface water accumulating on the site at the location of dwellings 21 and 22. To ensure this is sufficiently dealt with, without putting these properties at risk or displacing the water and causing a nuisance to the properties north of the site on Leckhampton Farm Court, it is recommended that a more detailed plan is provided of this northern boundary with an explanation of how surface water will be prevented from accumulating here. It is recommended that this is provided prior to approval as it could affect the layout of the site or the drainage strategy.

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

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

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

15th October 2022

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

Following the evidence of surface water accumulating along the northern boundary of the site, a detailed plan of the ground level along this boundary should be provided along with a detailed design of the surface water drainage. This should demonstrate that water will not accumulate along this border post development or be displaced onto neighbouring properties.

LLFA Recommendation

Condition:

No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Surface Water Drainage Strategy; M43174-JNP-92-XX-DR-C-1002-P07). The SuDS Strategy must include a detailed design of the surface water drainage as well as proposed site levels along the border to Leckhampton Farm Court properties to ensure surface water will not accumulate in this region. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied.

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

Condition:

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

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

NOTE 1 :

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

NOTE 2 :

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

NOTE 3:

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

GCC Highways Planning Liaison Officer

27th April 2022

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

The justification for this decision is provided below.

The proposal seeks planning permission for a residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works at Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton Cheltenham Gloucestershire. A Transport Assessment has been prepared PFA Consulting in support of the application.

The Highway Authority has considered potential works towards surface level improvements for Farm Lane, however seeking such a level of mitigation would prove unreasonable in reflection of the scale of the present proposal and the predicted impact on the surrounding highway network.

Site Access

The proposed access arrangements are considered suitable in reflection of the outputs of an ATC survey carried out at the frontage of the site. The resulting visibility splays of 2.4m x 60m either side of the edge of the carriageway based on Manual for Streets parameters for Stopping Sight Distance as set out in the Manual for Streets 2 for 85th percentile speeds of 38.9mph (62.6kph) eastbound and 38.6mph (62.1kph) westbound are considered appropriate and achievable within public highway.

Internal Layout

The proposed streets within the proposal create a low-speed environment which includes measures to prioritise walking and cycling movements. Road 1 and 2 require turning heads, which can be addressed at a later stage. Car and bicycle parking provision is agreed including electric vehicle provisions, but some refinement of details on these points is required so conditions are proposed to address this. No Road Safety Audit has been presented at point, but it will need to be submitted at a later stage which could influence some alterations to the development design.

Off-site Highway Works

The proposed off-site highway works encompass the construction of a footway on the east side of Farm Lane between the site and the existing footway to the north, to encourage pedestrian connectivity to the future High School Leckhampton, bus stops along the A46 Shurdington Rd and additional services and facilities within walking distance to the site.

Overall, the proposal is considered to be acceptable and proposes suitable mitigation through offsite improvements. On this basis, the Highway Authority would not wish to object subject to conditions be attached to any permission granted. The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

Highway improvements

The Development hereby approved shall not be occupied until the highway improvements works comprising of Pedestrian Link along Farm Lane as shown on drawing R406/06. Have been constructed and completed.

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

Completion of Vehicular Access – Shown on the approved plans

The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing R406/05.

Reason: In the interest of highway safety.

Bicycle Parking

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

Reason: To promote sustainable travel and healthy communities.

Electric Vehicle Charging Points (Residential)

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

Reason: To promote sustainable travel and healthy communities.

Construction Management Plan

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

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

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

Provision for street tree planting

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

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

Informatives

Works on the Public Highway

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

Contact the Highway Authority's Legal Agreements Development Management

Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

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

Highway to be adopted

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

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

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

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

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

Street Trees

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

Impact on the highway network during construction

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

Protection of Visibility Splays

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

Construction Management Plan (CMP)

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

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

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

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

No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway.

No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Tree Officer

11th January 2022

The CBC Tree section maintains it's significant concerns regarding the proposed development at this location.

Whilst it is much appreciated that the latest proposal involves the retention of all the mature pear trees and much other vegetation on site would be retained as a part of green open space, it is considered that even with recommended "buffer/barrier" planting within the orchard and adjacent to other retained pears, their future prospect would rely on the such planting succeeding and being effective and deterring human interaction. In several instances where development is adjacent, such a protection form would not be feasible. Many/most of these old pear trees are in a highly vulnerable structural condition. There are many cavities, cracks, seams etc within their trunks. Experience has shown that development and future occupancy pressure could likely to contribute to an accelerated structural and biological decline (not to mention the risk posed to adjacent people and property as a result of their retention).

The whole of G3 has been regarded as "a "veteran group" as well as 7 other individual pear trees. This gives these trees special status as mentioned in NPPF para 180C "development resulting 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". Whilst this area has been left as open space a pedestrian footpath is proposed to be created within the Root Protection Area of 2 veteran trees.

Other trees, not formally recognised as "veteran" are to become built up adjacent by roads, dwellings etc. It is not considered that these trees would likely survive new pressures in the longer term should this proposal proceed.

Whilst there has been reference to a landscape strategy, there are few details and insufficient attention has been given as to how these fragile trees could be protected in the longer term (ie following occupation of the dwellings).

The "woodland" adjacent to the stream banks has not been thoroughly addressed. Whilst some thinning works are proposed, the presence of such a watercourse and adjacent trees would require a bespoke short, medium and long term management plan so as to ensure the area is retained in an acceptably safe condition as well as to continue to provide arboricultural amenity.

16th September 2022

The Aug 2022 Tree Protection and Management Plan (heads of Terms Supporting Information) is a well thought out and detailed document. It describes in broad terms conditions which would be further developed as a part of any Tree Protection Plan, Method Statement and Management Plan set of conditions which could be attached to any Planning permission.

It contains many thoughtful ideas to enhance the perceived value of trees such as benches for sitting in high profile areas, interpretative boards explaining the on-site natural heritage, visually smart barriers to help protect trees in high profile locations etc.

The Heads of Terms for the Management Plans for the orchard and veteran trees are appropriate, but any detailed Management Plan must take advice from a suitably qualified and experienced Veteran Tree and Orchard specialist.

It is noted that the main body of the orchard (G3) is initially marked as being composed as a Veteran Tree Group but the later submitted Raven veteran tree assessment excludes this group and specifically nominates 7 trees as veterans. These trees have all been given appropriate "buffer zoning" excluding development and the Management Plan alludes to buffer planting to exclude human interaction with these very delicate and valuable trees.

Whilst such human exclusion measures can be put in place in line with formally approved documentation, enforcement of such planting retention can be difficult in several years time as 30 families settle into the estate and children and dog walkers etc want to use these apparent leisure/open spaces. The overwhelming majority of the existing pear trees are in a very vulnerable (to human interaction) condition. Attention of vandals and children wanting to climb, dog wee etc will be harmful to their condition. It is vital that deterrent planting and other landscaping to make the area into a permanent exclusion zone, is successful. It is noted that there is a large new housing estate on the other side of Farm Lane. It is anticipated that there will likely be significant interaction between this proposed small estate and the much larger estate to the west. The proposed hoggin path through the orchard from the proposed development to Farm Lane will help facilitate this and could introduce significant extra pedestrian traffic and the associated pressures. The creation of this path needs to be undertaken by hand and under strict arboricultural supervision.

Indeed implementation of any planning permission must be under the regular and close observation of suitably qualified and experienced arboriculturist.

It is pleasing to note that advice would be taken from the Glos Orchard Group regarding the planting of new traditional Gloucestershire/regional fruit species. It is noted that there are no self-sown apple/pear trees regenerating naturally from existing pears. Such a planting scheme may be the only way to secure longevity of the area to grow old/traditional species. It is noted that there is to be proposed planting between the site and 8 Leckhampton farm Court. Special consideration of this needs to take place as there is (apparently) significant standing water in the area for long periods of time especially during winter months.

Appropriate species should be selected which should not only tolerate such standing water for long periods, but the standing water may also reflect the presence of heavy clay.

Any/all tree planting and indeed foundation detail must take account of this so that no claims of root related subsidence are claimed as new trees grow.

It is noted that the proposed foul sewer avoids all trees of significant value.

It is noted that Trees 13 + 14 and to a lesser extent 16 are to be on the side of the proposed access into the site. Realistically, it is not thought it appropriate to retain such trees in such a location due to understandable safety concerns. The trees have been described as being in "fair" and "poor/fair" condition-ie they are delicate and could be prone

to total or partial collapse. To introduce a new access road immediately adjacent to the canopy and have the pedestrian walkway under the canopy will likely lead to unwelcome calls for heavy pruning/removal. It is recommended that the proposed access route is reconsidered so that it is completely away from the crowns and root protection areas of all trees BS 5837 (2012) Category A + B trees. It may be preferable to remove T13 and move the access route away from T's 14 + 16 so as to decrease potential impact. Whilst it would be regrettable to remove T13, on site observations note its much reduced vitality and it is unlikely that such a vulnerable tree would survive any adjacent development.

It is also noted that veteran tree T7 is somewhat separated by an access road from the adjacent orchard. Traditional road construction practices will likely significantly damage/destroy underground mycelial networks which in this instance of veteran trees are likely to be very old and highly developed. This road construction type should be modified or moved so as to have a negligible impact on underground rooting and mycelial activity. Appropriate robust protection during the course of construction should be installed prior to any construction which should protect the underground links between this tree and other trees within the larger G3 group. Barrier planting and new old variety fruit/pear planting should take place adjacent.

Should development be permitted, please could a tree pruning proposal be conditioned. The trees outside the orchard are not currently subject to a Tree Preservation Order. Should permission be permitted, it is intended that all suitable trees will be placed under such protection.

Contaminated Land Officer

6th September 2022

Contaminated land:

Historic maps show part of the site as being historic landfill as well as areas of the site being recorded as potentially contaminated due to historic use, this is most likely due to the previous use of the site being farm land and an orchard.

As a result, a full and intrusive site survey would need to be undertaken prior to the build commencing. This is due to our records showing landfill at this site and the potential of contamination. As the application is for residential units with gardens, the survey is to check on the extent of any possible contamination and the extent of any remedial work which may need to be undertaken to ensure the safety of future receptors. The contaminated land survey will need to be made available to this department for review and we may at that stage put forward further conditions to ensure recommendations from the survey are adhered to which would mitigate the transfer of any known contamination on human receptors.

Severn Trent Water Ltd

21st December 2021

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

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

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided

with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Social Housing

21st January 2022

Comment available to view in documents tab.

2nd November 2022

Comment available to view in documents tab.

Summary of comments:

Following on from this Officer's previous comments dated 21/01/2022, the proposed quantum, affordable housing mix and affordable housing tenures proposed are both acceptable to this officer and consistent with the Council's policy position, as found within JCS Policy SD12: Affordable Housing. Notwithstanding this point, as set out below, the proposed location and distribution of the affordable housing element of this scheme falls significantly short of meeting JCS Policy SD12: Affordable Housing in terms of evenly distribution affordable housing throughout the development scheme. The proposed affordable housing provision (Plots 14-17 & 23-30) are confined exclusively to the right side of the scheme, which cannot be described as "seamlessly distributed" throughout the development scheme as per JCS Policy SD12: Affordable Housing. Thus, whilst the affordable housing mix and tenure are acceptable, this officer objects to proposed distribution of the affordable housing units. This officer is opening to work with the applicant to find a reasonable solution to this issue.

Public Rights Of Way Department – Gloucestershire County Council

22nd December 2021

This planning application has been forwarded for the attention of the Area Public Rights of Way Officer for further investigation. They may respond in further detail.

Unless the Officer has responded in full, the following must be strictly observed: -

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) If the development will permanently affect the public right of way, then the developer must apply for a diversion of the route by the Planning Authority under the Town and Country Planning Act 1990 as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

2nd September 2022

Good afternoon,

We have not previously been consulted on this application, whilst we have no objections, the wording within the design and access statement appears misleading on page 12, under the heading 'Pedestrian and Cycle Access' - which then goes on to state 'There is a Public Right of Way to the east of the site which provides access to various village facilities including playing fields and beautiful country walks', which is in reference to Public Right of Way CHL 14, please note this is a footpath limited to the use by foot and not by cyclists.

Please Note:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) If the development will permanently affect the public right of way, then the developer must apply for a diversion of the route by the Planning Authority under the Town and Country Planning Act 1990 as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order.

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a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

GCC Community Infrastructure Team

21st January 2022

comment available to view in documents tab.

Historic England

10th January 2022

Thank you for your letter of 15 December 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

County Archaeology

6th January 2022

Thank you for consulting the archaeology department on this application.

The county Historic Environment Record informs that the proposed development site does not contain any known heritage assets. A Scheduled Monument lies approx. 190m to the east of the site which is a medieval moated site with fishponds. Just to the south is the possible site of a medieval deer park, mapped from aerial photography and marked on the 1835 tithe map as "Lower Park" which is immediately west of the Grade II* manor house known as Leckhampton Court (NHLE no. 7606) where further earthworks and ditches may relate to medieval settlement.

There has been a large number of archaeological investigations surrounding the site which the Desk Based Assessment submitted with the application provides further detail on but includes Neolithic to early Bronze Age flint scatters, an early Bronze Age enclosure and possible cremation and late Iron Age/Romano-British settlement and enclosures. Based on these investigations the assessment considers there to be a moderate potential for the site to contain archaeological remains from the prehistoric to Roman periods.

I consider there to be a relatively high potential for archaeological remains to be present within the proposed development site, based on the extent of recorded remains from nearby investigations. The extent of such remains and relative significance however has not been established. I therefore recommend that further archaeological investigations in the form of evaluation through geophysical survey and trial trench excavation needs to be carried out before I am able to advise further on the significance of heritage assets with archaeological interest that may be impacted by the proposals. This is in line with the policies as set out in the National Planning Policy Framework.

Due to the nearby Scheduled Monument I also recommend that the views of Historic England is sought so they can advise on the impact of the development on the setting of designated heritage assets.

I will be happy to advise further once I am in receipt of this additional information.

30th March 2022

Further to my previous advice on this application, the applicant's archaeological consultant has issued a statement outlining the vegetative and ecological constraints within the site which will limit the accessible areas for archaeological evaluation. For this reason I advise that the archaeological investigation work and any subsequent mitigation can be made a condition of planning permission. To facilitate the archaeological work I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

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

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

I have no further observations.

9th September 2022

Thank you for consulting the archaeology department on the additional details submitted with the application. I can advise that I have no further comments to make from those made previously, for a programme of archaeological investigation to be made a condition of planning approval.

Natural England

20th July 2022

Thank you for consulting NE. This proposal is:

o in the 15.4km recreational Zone of Influence of the Cotswold Beechwoods SAC

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

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

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

13th September 2022

Comment available to view in documents tab.

Environment Agency

16th September 2022

Letter available to view in documents tab.

Architects Panel

6th January 2022

Design Concept

The panel had no objection to the principle of this residential development and welcomed the design approach which "takes its lead from the established green infrastructure, ensuring that it remains part of the fabric of the proposal and the dominant feature of the site". The density of the development is relatively low compared to adjoining development sites which ensures an attractive landscape proposal and quality amenity spaces are provided.

However, the panel questioned the access road layout which appears to anticipate applications in the future for further denser developments. This should be avoided. Earlier scheme site plans included in the D&A statement offered a more appropriate access road layout.

Design Detail

The design of individual dwellings follow Redrow house design types that are tried and tested and as part of the overall site layout are acceptable. However, the panel was particularly concerned that the applicants were not adequately addressing sustainability issues. The D&A statement plays lip service to the issue and does not offer an effective sustainability strategy.

In 2019, Cheltenham Borough Council declared a climate emergency, this was followed by a pledge of Carbon Neutrality by 2030 and backed up by the Carbon Neutral Cheltenham: Leadership Through Stewardship report [referred to as CNC]. Developments of this scale must look to provide renewable energy from sustainable sources to meet the Council targets. It is primarily due to the lack of a convincing sustainable design strategy that the panel concluded this scheme could not be supported.

Recommendation

Not Supported

Gloucestershire Centre For Environmental Records

6th January 2022

Report in documents tab

John Mills Cotswold Conservation Board

20th January 2022

Comment available to view in documents tab.

In summary the comment requests additional information and objects to the proposal.

18th October 2022

Letter available to view in documents tab.

In summary the comment states that original concerns have not been addressed and maintains objection to the proposal.

CBC Waste Team

17th December 2021

- 1 Pathway Pathways need to be of hard standing
- 2 Bins Locations If private dwellings residents would need to be informed that due the ownership would be for them to present on the kerbside for 7am on the morning of collection unless communal properties.
- 3 Road Layout Ideally off road parking is advisable with a space for refuse and recycling trucks that is to be kept free on collection days. Ideally on the highway a turning circle is recommended. The road will need to with stand 26 tonnes and until the road is finished Ubico and CBC can not be held responsible for any damage. If access is not permitted whilst the road is still being finished then all properties would need to present at the nearest adopted highway on collection day
- 4 Presentation Points (if single dwellings) The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to the pathway or driveways.
- 5 Storage of bin and boxes for single dwellings Property's need adequate space to store bins and boxes off the public highway when not out for presentation
- 6 Communal If any of the property's are to be communal then a bin shed will need to be planned. The bin shed needs to be of adequate size to house all the receptacles needed for the occupancy. Ideally the bin shed should be no further than 30 metres away from the adopted highway as per the planning guidance document, and the pathway leading to the bin shed must be of hard standing

Building Control

17th December 2021

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

17th January 2022

Response on CF5 application v06 17Jan.doc.pdf see in documents tab.

9th September 2022

The Parish Council maintains its strong objection to this proposal. There have been very few revisions at all by the applicant that answer the concerns in our previous submission. As well as this further response, we are also now able to submit the professional Landscape Character Assessment Update and evaluation of Landscape Value just completed by Lepus Consulting following 2021 Landscape Institute published guidance on the assessment of landscape value for areas lying outside national landscape designations. The assessment study area includes the Local Green Space but also the application site. We previously raised specific concerns many of which have been supported or reinforced since our response by other evidence including the Lepus study:

1. Immediate proximity to the AONB and impact on the view from Leckhampton Hill and the valued landscape

We are pleased that the expert Landscape and Visual Matters report by Stuart Ryder recommends refusal and that the Cotswold Conservation Board also object to this application which they point out is "directly adjacent" to the AONB boundary and visible from "multiple viewpoints within the AONB" including the iconic view from the Devil's Chimney.

The applicant, by contrast, repeatedly and obviously wrongly seeks to present the landscape as urban - their revised Design & Access Statement says that the existing Redrow development "Brizen View, a new residential development currently under construction, announces the arrival into a more urban environment. The site lies just after

this transition, on Church Road” (Revised Design & Access Statement p6). We reject this obviously spurious argument and agree with the Board that the application “downplays the potential adverse landscape and visual impacts on the Cotswolds AONB”.

The applicant also repeatedly presents the new High School Leckhampton site as effectively urban development, ignoring the fact that it will be very largely green playing fields.

We agree with the Board’s view that this site is in exactly the kind of AONB setting to which Paragraph 176 of the NPPF applies and that “the potential impact of the proposal on the Cotswolds National Landscape has not been adequately assessed”. We see no modifications by the applicant that address this concern. The board requested further information to allow them to fully assess any potential adverse impact of the proposal, particularly in views to and from the Cotswold escarpment, which are one of the ‘special qualities’ of the Cotswolds National Landscape, those being the features of the AONB that makes the area so outstanding that it is in the nation’s interest to safeguard it.”

We pointed out in our earlier submission the applicant themselves admitted “adverse” effects and note that Stuart Ryder confirms that “the overall visual effects on views from the National Landscape are considered as Minor, Adverse at Year 1 and Year 15 – Applicant LVIA (page 76). This is recognising that there is no conserving or enhancement of the quality of the views” in contravention of NPPF paragraph 176 and Cheltenham Policy L1.

Even the photomontages the applicant has now supplied in response to the Board’s request - although they use very wide angles which minimise visibility and magically blend the proposed development into the landscape quite differently to Redrow’s real development next door - actually demonstrate this adverse impact by showing how prominent this concentrated development will be in the immediate foreground of iconic views from the Devil’s Chimney and the Cotswold Way (viewpoint 17).

We agree with the Board’s reminder that Mr Justice Ouseley’s 2015 judgement in the High Court clarifies that “harm 1 to land outside the designated AONB, for example views of new development in the context or backdrop of the AONB” is a “separate material consideration” and their citation of Policy SD7 of the JCS which requires development proposals within the setting of the AONB to conserve and, where appropriate enhance its landscape and to be consistent with the AONB Management Plan 2018-23, in which Policy CE1 addresses views into and out of the AONB and the need for proposals to reinforce their landscape character.

Cheltenham Plan Policy L1 also applies as explained in paragraph 7.5 which specifies the “need to protect views into and out of acknowledged areas of importance such as.. the AONB”.

It is important to note that the site was assessed as of high visual sensitivity during the JCS process and that since 2 sensitivity was considered to increase with proximity to the AONB at the south of the map (below), it can be assumed that the site (marked) is the most sensitive part of all:

[plan omitted but available to view in documents tab]

The JCS inspector concluded that this was not an area appropriate for development in contrast to the northern fields which were subsequently earmarked for development under Cheltenham policy MD4 .

This view is also reinforced by the Parish Council's own professional Landscape Character Assessment and evaluation of Landscape Value carried out by Lepus Consulting - which we also now submit in evidence. Importantly this new study postdates the Redrow development west of Farm Lane and the new High School Leckhampton which was substantially complete when the study was carried out. It again strongly reinforces this view that this site is part of a highly valued landscape that features (amongst other important qualities):

- "A strong landscape pattern in many parts of the study area, created by the vegetated historic field boundaries;
- A sense of visual unity created by the consistent pattern of grasslands combined with vegetated field boundaries and watercourses;
- Part of the setting to the designated landscape of the Cotswolds Area of Outstanding Natural Beauty (AONB). The study area lies at the footslopes of the escarpment to the Cotswolds Hills, which allows opportunities for views towards and from the ridgeline and to appreciate this geomorphological feature, one of the identified Special Qualities of the Cotswolds AONB.
- The study area has strong visual connectivity with the nationally important landscape and forms part of the transitional landscape between the designation and the suburban edge of Cheltenham"

Viewpoint 11 on p101 of the Lepus report specifically highlights the area of green fields including this application site and describes how "the field parcels and treed character of the study area between Leckhampton Court Farm and Burrows Field create a soft transition between the designated landscape of the Cotswold Hills and the development edge of southern Cheltenham".

They conclude: "This assessment has found the landscape of the study area is highly valuable under the majority of the indicators of landscape value set out in the LI LGN21 Guidelines. This conclusion is supported by numerous other previous assessments of the value and sensitivity of the landscape as well as in the comments from Planning Inspectors made during the preparation of the Local Plans for Cheltenham and the Joint Core Strategy."5

2. Importance in mitigating the impact of the Redrow housing estate west of Farm Lane

The Lepus Landscape Character assessment confirms what is obvious to any lay person from Leckhampton Hill: that the Farm Lane Redrow development is a prominent urban incursion into this valued landscape. But this should not be used as the applicant argues for more urban development, Rather it is a clear reason to protect what remains.

But NPPF paragraph 185 warns against the "cumulative effects" of development on locations, including on the natural environment.

Cheltenham Plan paragraph 185 is equally clear in the context of the AONB: "The council considers it particularly important to protect the scarp as the dominant feature of Cheltenham's setting and is concerned at the cumulative effect of even small-scale development and of development in new locations within the AONB" and then explicitly links this to JCS Policy SD7 and the AONB Management Plan which protect views out of as well as into the AONB.

3. The protected old pear orchard and ecological sensitivity along Hatherley Brook

The applicant has not modified the layout of the proposal at all in response to concerns from both ourselves and the author of the ecological assessment Dr Pimley who notes the very high ecological value of the boundary hedgerows and treelines,, brook and woodland

and the two traditional orchards designated as Priority Habitats and so protected under legislation including the Natural Environment and Rural Communities Act 2006 (NERC Act). Trees on the site include ecologically important mature specimens and 27 with bat roosting potential.

The GCER report lists 24 internationally legally protected species, a further 11 nationally legally protected and priority species and an additional rare and locally important species in the immediate vicinity of the site. This is clearly a site of very high ecological importance.

Gloucestershire Nature Partnership's Natural Capital mapping shows the whole site has importance as a site of 6 significance for biodiversity and woodland habitat connectivity and parts have significance for nature resilience and as part of the locally designated Cotswold Scarp Nature Improvement Area, illustrated in their latest mapping below:

[plan omitted but available to view in documents tab]

The presence of the traditional orchards on site is particularly important. As the UK Biodiversity Action Plan (BAP) guidance made clear it is not just the orchards themselves that have to be protected: "The wildlife of orchard sites 7 depends on the mosaic of habitats they encompass, including fruit trees, scrub, hedgerows, hedgerow trees, non-fruit trees within the orchard, the orchard floor habitats, fallen dead wood and associated features such as ponds and streams." The connectivity between the brookline, shrubs and hedgerows and the orchards are therefore an important part of the ecological value of this site.

The NERC Act contains a statutory duty on every public authority to "have regard.. to the purpose of conserving 8 biodiversity". Traditional orchards are listed as a Habitat of Principal Importance in Section 41 of the Act and the two orchards on this site are clearly marked on Defra's map as shown below, overlaid over an aerial photo and the 9 application site layout:

[plan omitted but available to view in documents tab]

A pathway cuts through the northern orchard while the southern access road and its westward spur road still clearly cut right into the southern orchard. The clear modification of earlier plans to point a truncated road north-west directly towards the northern orchard poses a clear long-term risk to its future. In practice the whole urban-style development - 30 dwellings and families, their cars, roads, pathways and associated noise, light and pollution - will obviously disturb wildlife, disrupt the mosaic of habitats referred to in the BAP guidance, break the connections between the orchards, brooks and hedgerows and cause significant harm to a site of prime ecological importance.

As such the application breaks policy commitments to biodiversity at every level:

- The NPPF's core commitment to promoting the effective use of land in meeting the need for homes, Paragraph 119, makes an explicit exception in footnote 47 where this would "cause harm to designated sites of importance for biodiversity" and paragraph 182 says clearly that the presumption in favour of sustainable development does not apply if there is likely to be "a significant effect on a habitats site".
- NPPF Paragraph 174 says decision-makers should "contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value" and "providing net gains for biodiversity".
- Policy SD9 of the JCS, also supported by Chapter 10 of the Cheltenham Plan, encourages the "creation, restoration and beneficial management of.. priority habitats and

populations of priority species". It says that "within nationally designated sites, development will not be permitted unless it is necessary for appropriate on-site management measures and proposals can demonstrate that there will be no adverse impacts on the notified special interest features of the site."

- The draft Leckhampton with Warden Hill Neighbourhood Plan which has already been put once to formal Regulation 14 public consultation and so carries weight as emerging policy. This site's role in the valued landscape and a site of biodiversity importance contributes to draft LWH OBJECTIVE 3 ("To protect and enhance local green space, the landscape and support nature conservation through improvements to habitats") and draft Policy LWH4 Green Infrastructure ("the roles and functions of existing green infrastructure described.. should be protected when considering new proposals for development"). The draft Green infrastructure list accompanying Policy LWH4 will specifically list this site as important for both landscape and biodiversity, referring to the importance of the orchards and pointing out that it "was not excluded from the LGS [Local Green Space] on landscape or visual sensitivity grounds but because local planners and councillors trying to limit the size of the Local Green Space according to the Cheltenham Plan inspector's instructions prioritised areas which were more publicly accessible and thought to be more at risk from development, considering development very unlikely to be permitted at this location. "

We therefore maintain our strong opposition to this development and our belief that councillors have at their disposal a huge weight of evidence against permission.

Environmental Health

6th September 2022

Conditions:

Environmental Health:

1. For the construction phase to be kept within the times of work as follows: 08:00 - 18:00 Monday - Friday and 08:00 - 13:00 Saturdays with no works to take place on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site
2. This proposal is primarily for the construction of new dwellings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

"The developer shall have a plan for the control of noise and dust from construction works at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be made available upon request by the Local Planning Authority or by the Environmental Health team in the event of any complaints relating to the site."

Historic England

25th August 2022 - Thank you for your letter of 18 August 2022 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

Environment Agency

22nd August 2022

Thanks for consulting us on the revised/additional information for this application. I note from our previous response dated 10 January 2022, our ref SV/2021/111190/01-L01, that our reason for commenting was in relation to groundwater protection and the presence of a closed/historic landfill on the site according to our records. Given that the new information does not appear to relate to that matter then I can advise we have no further comments to make beyond those in our 10th January letter.

Clean Green Team

22nd August 2022

Comment available to view in documents tab.

Building Control

23rd August 2022

This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Ecology Consultant

11th April 2022

The site comprises a few buildings, grassland (amenity and poor semi-improved), scrub and tall ruderal vegetation of site ecological importance and boundary hedgerows and treelines (of high ecological value), scattered trees (some are mature specimens and of high ecological value), a brook and woodland (eastern side, of high ecological value) and traditional orchard (northwest and southern parts of site, of high ecological value). The proposed development seeks to retain the majority of these valuable ecological features, which is welcomed. However, some mature trees will be lost and the southern orchard will be bisected by the access road and presumably lighting, which is not desirable and consideration should be given to re-routing the access road to avoid the orchard. Details relating to how these valuable habitats will be protected, including site drainage scheme to avoid polluting the brook, will need to be submitted in the form of a Construction Ecological Management Plan (CEMP). The Landscape Ecological Management Plan (LEMP) needs to detail how these valuable habitats will be managed to maintain their ecological value in addition to creation of other ecologically valuable habitats (especially those that will benefit the wildlife known to use the site) to ensure positive Biodiversity Net Gain (BNG). Use of the DEFRA BNG metric 3.0 will be necessary to calculate whether the development can deliver positive BNG (it is our understanding that the applicant's ecologist is preparing the BNG report).

Two statutory designated sites are located within the vicinity of the site, Cotswolds Beechwoods Special Area of Conservation (SAC) located 4.7 km south and Leckhampton Hill and Charlton Kings Common Site of Special Scientific Interest (SSSI) located 1 km southeast. Further consideration of the impact of the proposed development in combination with the cumulative effects of new and proposed developments will be required in the form of a shadow HRA (which the applicant's ecologists are preparing). As the new development in combination with other developments is likely to have an impact (particularly in terms of recreation) on the SSSI as well as the SAC, this should be considered together within the shadow HRA for completeness, with combined mitigation for any negative effects given.

Nesting bird precautions are recommended when clearing trees/shrubs and scrub. Use of sparrow terraces is recommended, however, latest research implies that swift boxes/bricks are used more readily by sparrows and other species and so more versatile...it is therefore recommended that sparrow terraces are replaced by swift boxes/bricks.

Reptile surveys undertaken in 2020 have confirmed the presence of a low population of common lizard. Due to the low number of reptiles, a precautionary method of working to involve displacement is recommended and should be detailed in the CEMP. This should

also be implemented to minimise the risk of harming amphibians such as common toad that use the site (NERC Priority Species).

Low levels of commuting and foraging bats were also recorded on site, including particularly light sensitive species such as Myotis species, brown long-eared bat, greater horseshoe, lesser horseshoe and barbastelle bats. Therefore a sensitive lighting scheme as outlined in the lighting plan and lighting impact assessment should be adopted to avoid illuminating bat foraging routes along woodland, orchard, hedgerows and treelines. These documents should be referenced in the CEMP for completeness.

There are twenty-seven trees with bat roosting potential. Those scheduled to be removed with moderate or high potential were surveyed as per the current guidelines. No roosts were found, but care should be taken that retained trees with bat roost potential are adequately protected along with their root protection zones to be detailed in the CEMP. Update inspections by bat licensed ecologist of all trees with low potential immediately prior to felling will be required and should be conditioned and detailed in the CEMP. Installation of bat boxes on buildings and trees is recommended. While Schwegler 1FF bat boxes are mentioned to use on trees, the Schwegler 2FN should be considered for use on trees too.

No evidence of water vole and otter were observed during surveys.

No evidence of dormouse was found during surveys, however the species is known to be present in the immediate vicinity and as the tubes were only checked bimonthly there is a chance that dormouse evidence could have been missed, therefore a precautionary method of working is necessary and needs to be detailed in the CEMP. To include use of dormouse licensed ecologist to inspect/supervise removal of dormouse habitat (e.g. wooded/scrubby areas) and should dormice/nests be found then works are to cease and Natural England be consulted in order to apply for an EPS Mitigation licence for dormice. This precautionary approach would also minimise the risk of harming hedgehogs that are likely to be present and are a NERC Priority Species.

An invertebrate scoping survey was undertaken in 2021, which identified the presence of three key species, all associated with the old fruit trees on the site. These trees are proposed to be retained, therefore avoiding potential impacts to the associated invertebrates, as well as the trees that are of high ecological value. Details of how these trees and other mature/ecologically valuable trees will be protected should be included in the CEMP. Japanese knotweed was noted on the site and this species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to allow the plant to escape or cause it to grow in the wild. Further details to be provided in the CEMP.

Requirements prior to determination:

1. Clarification as to whether the southern orchard can be kept intact and the access road formed around this area to avoid splitting it up/damaging the orchard (a NERC Priority Habitat) and also to avoid illuminating the orchard area, which would diminish its ecological value.
2. Shadow HRA to include consideration of impacts on Cotswolds Beechwoods SAC and Leckhampton Hill SSSI (for completeness) from the proposed development as well as cumulative impacts from other developments. Mitigation measures for any impacts should be included.
3. Demonstration of positive Biodiversity Net Gain (using DEFRA metric 3.0).

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

1. Mitigation measures for outlined in the Ecology report to be expanded on in the form of a CEMP, to be submitted to the LPA for review prior to commencement. Species to include bats, dormice, reptiles, amphibians, hedgehogs and invertebrates living in old trees. CEMP to include drainage strategy to protect brook and should make reference to the submitted

'bat sensitive' lighting plan and lighting impact assessment, which if followed ensure that bat foraging areas are not illuminated.

2. Enhancement measures (in the form of retained/created habitats and wildlife features) outlined in the Ecology report to be detailed in the LEMP, which is to be submitted to the LPA for review prior to commencement and to include a plan showing location of wildlife features. Species for which enhancements are to be given should include bats, dormice, reptiles, amphibians, hedgehogs and invertebrates living in old trees. The LEMP should include at least a five-year management plan and link in with the habitats described in the BNG report/calculations.

3. Home Owner Information Pack to be submitted to LPA for review prior to commencement and include details as mentioned above and in the Ecology report.

4. Japanese knotweed to be controlled to prevent spread of this plant as briefly outlined in the Tree report, although it is advised to contact a specialised contractor to deal with this invasive species.

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

- NPPF Para 170 – 182 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework
- SD9 Biodiversity and Geobiodiversity
- INF3 Green Infrastructure Wildlife legislation context:
- Wildlife and Countryside Act 1981 (as amended)
- Conservation of Habitats and Species Regulations 2017
- Natural Environment and Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992

8th June 2022

Thanks for sending over the consultant's letter and Appendix, which clarifies some concerns I had relating to the orchard and its protection/retention.

Therefore, with reference to my original comments, point 1 has now been clarified while points 2 and 3 will need addressing prior to determination (included below for reference).

1. Clarification as to whether the southern orchard can be kept intact and the access road formed around this area to avoid splitting it up/damaging the orchard (a NERC Priority Habitat) and also to avoid illuminating the orchard area, which would diminish its ecological value.

2. Shadow HRA to include consideration of impacts on Cotswolds Beechwoods SAC and Leckhampton Hill SSSI (for completeness) from the proposed development as well as cumulative impacts from other developments. Mitigation measures for any impacts should be included.

3. Demonstration of positive Biodiversity Net Gain (using DEFRA metric 3.0).

With regards to my other comments re. 'Requirements prior to commencement/conditions to be attached to planning application', it is reassuring that the consultant has noted some of these (especially CEMP, LEMP) and will be addressing them in due course (outlined below for reference).

1. Mitigation measures for outlined in the Ecology report to be expanded on in the form of a CEMP, to be submitted to the LPA for review prior to commencement. Species to include bats, dormice, reptiles, amphibians, hedgehogs and invertebrates living in old trees. CEMP to include drainage strategy to protect brook and should make reference to the submitted 'bat sensitive' lighting plan and lighting impact assessment, which if followed ensure that bat foraging areas are not illuminated.

2. Enhancement measures (in the form of retained/created habitats and wildlife features) outlined in the Ecology report to be detailed in the LEMP, which is to be submitted to the

LPA for review prior to commencement and to include a plan showing location of wildlife features. Species for which enhancements are to be given should include bats, dormice, reptiles, amphibians, hedgehogs and invertebrates living in old trees. The LEMP should include at least a five-year management plan and link in with the habitats described in the BNG report/calculations.

3. Home Owner Information Pack to be submitted to LPA for review prior to commencement and include details as mentioned above and in the Ecology report.

4. Japanese knotweed to be controlled to prevent spread of this plant as briefly outlined in the Tree report, although it is advised to contact a specialised contractor to deal with this invasive species.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	34
Total comments received	32
Number of objections	31
Number of supporting	0
General comment	1

5.1 The application was publicised by way of letters to 34 nearby properties, a site notice and a notice in the Gloucestershire Echo. 32 representations have been received. The consultation process was repeated upon receipt of revised plans. The main points raised in the representations can be summarised as follows:

- Site not allocated in the local plan. Development should be plan-led
- Impact on AONB. Views from the AONB and views of it, particularly from footpaths
- Relevance of adjacent Local Green space designation and allocation process
- Impact on protected ancient trees
- Ecology impact
- Traffic and access issues. Road and pedestrian safety. Increase in pollution
- Impact on local infrastructure
- Not a sustainable location for development. Inadequate footpath and cycle paths.
- Cumulative impact with other nearby development
- Flooding issues
- No account taken of climate change
- Impact on setting of listed buildings
- Impact on privacy and outlook of adjacent properties
- Poor, standardised design – inappropriate for location

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The key issues in determining this application are considered to be (i) principle of development, (ii) Impact on AONB & Green Belt, (iii) Impact on, and relationship with Local Green Space, (iv) Trees, (v) ecology and biodiversity, (vi) design, appearance and layout (vii) neighbour amenity, (viii) highway safety and access, (ix) sustainability, (iix) Heritage impacts, (ix) affordable housing and s.106, (x) planning balance.

6.3 Principle of development

- 6.4 Policy SD10 of the Joint Core Strategy (JCS) states that new housing will be permitted at allocated sites, on sites which are not allocated but fall within the Principal Urban Area (PUA) on previously developed land or on infill sites.

- 6.5 None of these circumstances apply to the site in question and as such the proposal is contrary to the adopted housing policy.

- 6.6 However it is acknowledged that the Authority cannot currently demonstrate a 5 year housing land supply. Therefore Paragraph 11(d) of the National Planning Policy Framework (NPPF) is applicable with regards to housing development. This states that in such circumstances, applying the 'presumption in favour of sustainable development' means granting planning permission unless (i) the application of policies in the framework that protect areas of particular importance provide a clear reason for refusing development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 6.7 There are no over-riding policies which protect the area from development, although there are a number of constraints within the site. The site is also adjacent to protected areas as referred to in Footnote 7 of Para 11(d) i.e. Green Belt, Local Green Space and Areas of Outstanding Natural Beauty.

6.8 AONB & Green Belt

6.9 AONB

- 6.10 Policy SD7 of the JCS states that "*all development proposals in or **within the setting** of the Cotswolds AONB will be required to conserve and, where appropriate enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities*".

- 6.11 Para 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in ...Areas of Outstanding Natural Beauty. The NPPG states that "*land within the settings of [AONBs] often makes an important contribution to maintaining their natural beauty and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.*"

- 6.12 The application was accompanied by a Landscape and Visual Impact Assessment. The Local Planning Authority sought independent advice on this matter from a Chartered Landscape Architect. The comments are available in full, however to briefly summarise, he raised the following concerns regarding the application:

- The proposal is out of keeping with the Local Green Space of small fields and paddocks that gives this area of Cheltenham its remaining semi-rural character.

- The landscape character would change which would neither protect nor enhance the adjacent landscape character of the LGS and the semi-rural character of the landscape between Leckhampton and Brizen Park.
- Given the truncation of the view from CHL8 (PROW to north of site) and adverse impact upon landscape character of LGS there is a reduction in the quality of the AONB's setting. There is also a minor adverse visual effect for users of the footpath on the AONB escarpment slopes and Leckhampton Hill.
- Reduction in quality of views from footpaths and LGS reduces local distinctiveness of landscape setting
- Impact on setting of 'valued landscape' (AONB)

6.13 The Cotswolds Conservation Board objected to the proposals. Their response is available in full but to briefly summarise their concerns relate to the following:

- The LVIA assessment downplays the potential adverse landscape and visual impacts on the AONB
- No photomontage provided from viewpoint 17 (Devil's Chimney/Leckhampton Hill)
- LVIA does not consider the potential effects on Landscape Character Types (LCT) individually.
- Considering the impact on the whole LCT downplays the potential impact given the size of the LCT.
- LVIA does not consider cumulative impacts in terms of views of and views towards AONB.
- LVIA does not consider impacts on views on access to viewpoints
- Transport assessment does not consider impact of traffic on tranquillity of AONB

6.14 Leckhampton and Warden Hill Parish Council object to the proposals. Their response is available in full but to briefly summarise their concerns in relation to the AONB refer to the following:

- Development would have adverse effects even after 15 years.
- View from Leckhampton Hill is nationally significant – semi-rural edge of Leckhampton Fields is important
- Site is important in mitigating the impact of the Brizen view development

6.15 The Parish Council are currently in the process of drawing up a Neighbourhood Plan (NP). This is at a very early stage of preparation and as such the weight that can be attached to it is limited. The Parish Council have submitted with their an objection a copy of a report which has been commissioned to support the preparation of the NP entitled 'Landscape Character Assessment Update with an evaluation of Landscape Value', prepared by LEPUS consulting, dated August 2022 (post the construction of the school and Brizen Park). The study area of this report includes the application site as part of a wider area, the majority of which is included in the Local Green Space designation. The report highlights a number of 'valued qualities' of the study area including a strong landscape pattern, range of habitats including priority habitats such as traditional orchards, part of the setting to the AONB, visual connectivity with nationally important landscape and forms

part of the transitional suburban edge of Cheltenham. It also highlights the importance of retained vegetation in softening views of Brizen Park.

6.16 In response to the concerns raised an addendum report was prepared. The Council's Landscape Consultant made the following conclusions based upon this:

- The proposals would result in an adverse visual effect and reduce the amount and quality of the view to the AONB from CHL8, however this is at a minor/moderate adverse level
- Accept that a more discrete access from Farm Lane is not possible due to highway improvements proposed
- The more sensitive sides of the site are its southern side and eastern side. New hedging is proposed which is acceptable
- Works to the woodland would increase its screening value when viewed from the LGS.
- In summary he states:

"There will still be a loss of a parcel of open landscape with this development and the setting of the AONB still remains an area of concern and further house building will reduce the landscape character of its immediate setting. However, the change in landscape character at the site must be judged within its immediate context of other housing, most notably Brizen Park. There will be a Minor, Adverse landscape change to the wider character of the AONB area, but the greater change has already taken place to this fringe of the town with the new school and Brizen Park now influencing the character of this part of Leckhampton."

"With regards to the AONB there will be a small scale reduction in the landscape quality of its setting until the front mitigation landscape works establish and effectively screen off the proposals from being judged in proximity to the AONB. Again the presence of Brizen Park acts as a nearby precedent but it does have a larger depth of screen planting separating it from the edge of the AONB. There is also the partial blocking of a view to Shurdington Hill in the AONB from the 50m stretch of footpath CHL8 to be considered but again this is at largest a moderate/minor adverse effect given the existing housing within the view"

"The proposals do not enhance the landscape character of the site but extends the character of other housing in the area. With the establishment of the boundary mitigation planting and enhanced management the visual effects will diminish but there will be a sense of development and the site where there is none."

6.17 The Cotswold Conservation Board maintain their objection to the proposals, although they say they are cogniscent that the Council's decision has to be made in light of a wider planning balance. The response raises the following points:

- Remain of the opinion that the LVIA underestimates the significance of the overall landscape and visual effect.
- New photomontages show that the development will be visible from AONB even in the summer and at year 15 and would comprise a new element. Recognise this is 'low' magnitude but sensitivity of receptors is high/very high given importance of viewpoints on Cotswold Way and National Trail. Therefore development would result in moderate (i.e. significant) adverse effect.

6.18 Bearing in mind the professional advice and representations that have been received on this matter officers are of the view that the proposal will result in a harmful impact upon the AONB both in terms of views of the AONB from the local footpath network and also in terms of views from the AONB towards the site. It is acknowledged that the site is seen in the context of Brizen Farm and the new school beyond, however in Officers opinion this makes the role of the site more significant in retaining the semi-rural character of the area which is still retained. Given this setting the harm cannot be said to be more than moderate but given the importance of the views in the local landscape, overall the effect is significant. The proposal includes detailed and substantial landscaped elements in an attempt to lessen the impact, however these would take many years to form an effective screen/buffer and even in 15 years time will not screen the development from views from the AONB.

6.19 The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scheme does not conserve or enhance the AONB. Given that the framework contains the aforementioned policy and the scheme is in conflict, there is considered to be a clear reason for refusal.

6.20 It is acknowledged that the Council's landscape advisor does not expressly recommend the refusal of the current application, however the comments clearly identify harm and it is for officers to carry out the balancing exercise.

6.21 Valued Landscape

6.22 The Parish Council consider the application site to be part of a 'valued landscape'. Para 174 of the NPPF states

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with the statutory status or identified quality in the development plan).

6.23 Neither the NPPF or the NPPG provide a definition of 'valued landscape'. It is clear that any landscape character is not reflected in a statutory designation nor mentioned within the Local Plan; however it is accepted that the site is part of the patchwork of fields which add to the general visual qualities of the area which are valued by local communities.

6.24 In any event the proposal is considered to be harmful to the character and appearance of the locality. At present the site plays an important role in the character of the area, as an un-developed element within the patchwork of fields which form the semi-rural edge of Cheltenham. The site has a softening effect upon the adjacent Brizen Park both in long views and in the immediate context. The existing development on the east side of Farm Lane is more organic and sporadic with the areas allocated for development being further to the north. The proposal would introduce an urban element within this context which would be harmful to the character and appearance of the area.

6.25 Green Belt

6.26 The aim of Green Belt policy is to prevent urban sprawl by maintaining openness. Development within the setting of the Green Belt does not impact on this overarching aim as it is not a landscape designation. The proposals therefore do not impact upon the aims of including the adjacent land within the Green Belt.

6.27 Local Green Space

- 6.28** The land to the east of the application site is designated as Local Green Space in the Cheltenham Plan. The application site itself is not within this area.
- 6.29** Paras 101 and 102 of the NPPF refer to the designation of land as Local Green Space. It states that the designation should only be used where green space is a) in reasonable close proximity to the community it serves, b) demonstrably special to a local community and holds a particular local significance, and c) local in character and is not an extensive tract of land. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.
- 6.30** Policy GI1 states that development will not be permitted within a Local Green Space unless there are very special circumstances which outweigh the harm.
- 6.31** There is nothing within the relevant policy framework which refers to development within the setting of Local Green Space and as such there is no conflict with this designation. As acknowledged above the proposal is considered to be harmful to the character of the area, part of which is designated as LGS but that harm is not specific to the designation.
- 6.32 Trees**
- 6.33** The NPPF at para 131 highlights the importance of trees to the character and quality of an area and can help mitigate and adapt to climate change. Existing trees should be retained wherever possible. At para 174 it states that decisions should contribute to the natural and local environment by (amongst other things) recognising the character of the beauty of the countryside including trees and woodland. At para 180 it states that development resulting 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.
- 6.34** Policy INF3 (Green Infrastructure) of the JCS states that development proposals that will have an impact on woodlands, hedges and trees will need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the LPA to mitigate the loss.
- 6.35** Policy GI2 of the Cheltenham Plan states that the Council will resist the unnecessary felling of trees on private land and will seek replacements where necessary. Policy GI3 of the Cheltenham Plan states that development which would cause permanent damage to trees of high value will not be permitted. Development may require retention of trees, planting of new trees, measures to ensure protection of trees.
- 6.36** The application site contains a number of orchard trees. Those to the northern part of the site are protected by a Tree Preservation Order but the remainder are not currently protected. Nevertheless they are acknowledged to be important trees including a number of old pear trees, some of which can be classed as veteran trees. There is also a woodland area adjacent to the watercourse.
- 6.37** The tree officer initially raised concerns in relation to the pressure that these trees would come under as a result of development within the site. It was considered that insufficient attention had been given as to how the fragile trees could be protected in the longer term. There was also a concern that the woodland adjacent to the watercourse had not been adequately addressed.
- 6.38** In response to the concerns further information was prepared including a Tree Protection and Management Plan. The tree officer has confirmed that this is a well thought out and detailed document (see full comments above). Concerns are still raised regarding the effectiveness of deterrent planting and buffer zones which would seek to keep activity away from the vulnerable trees. Further detailed concerns remain regarding construction work and future pressure for works to trees. However no explicit objection has been

received in relation to the impact on trees and it is therefore considered that with very carefully worded conditions the remaining concerns regarding trees could be addressed.

6.39 Ecology and Biodiversity

- 6.40** JCS policy SD9 and advice set out within the NPPF at Section 15 seeks to ensure that development contributes to, and enhances the natural and local environment; and that important habitats and species are protected. Where developers are unable to avoid harm to biodiversity, mitigation measures should be incorporated into the design of the development.
- 6.41** The Councils Ecology advisor has reviewed the submitted information. Their comments are reproduced above but to briefly summarise; they have confirmed that the proposals seek to retain the majority of the valuable ecological features. They initially expressed concern about the loss of some mature trees and the bisection of the southern orchard by the access road. They highlighted that details of how valuable habitats will be protected will be protected and pollution of the brook avoided via a Construction Ecological Management Plan (CEMP) and Landscape Ecological Management Plan (LEMP) which will need to detail how habitats will be managed and create new habitats. They asked for the Biodiversity Net Gain (BNG) Metric to be completed to demonstrate a positive BNG.
- 6.42** Nesting bird precautions are recommended with sparrow terraces replaced by swift boxes. Reptile surveys confirmed the presence of a low populations of common lizard. Precautionary working methods should be detailed in the CEMP. Low levels of commuting and foraging bats were recorded on site therefore a sensitive lighting scheme should be adopted, as proposed in the documents. Trees with bat roost potential should be protected and inspected prior to felling. A precautionary method of working is proposed in relation to dormouse. The CEMP also needs to include details of how trees will be protected.
- 6.43** In response to the concerns raised regarding the bisection of the orchard the applicant has submitted a supplementary report explaining that the proposed access road allows for the retention of all pear orchard trees and that an alternative access would be far less preferential from an ecological and landscape perspective as well as undeliverable from a highway safety perspective. The document also confirms that a CEMP and LEMP will be produced in due course. The Council's Ecology advisor is content with this
- 6.44** The Environment Act 2021 requires that by Autumn 2023 all development will be required to deliver a mandatory 10% Biodiversity Net Gain (BNG). The Council's ecology advisor has requested the BNG calculations which have not been received however there is no mandatory requirement in Cheltenham at present although the NPPF encourages new development to maximise opportunities for biodiversity through incorporation of enhancement measures.
- 6.45** Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)
- 6.46** Policy BG1 of the Cheltenham Plan relates to the Cotswold Beechwoods Special Area of Conservation (SAC) – recreation pressure. It states that development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site Network and the effects cannot be mitigated. All development within the Borough that leads to a net increase in dwellings will be required to mitigate any adverse effects.
- 6.47** It is known that residential developments, alone or in combination with other development, have the potential to result in increased recreational pressures. Natural England (NE) advised that without appropriate mitigation the application would have an adverse effect

on the integrity of the Cotswold Beechwoods SAC and damage or destroy the interest features for which the SSSI has been notified.

- 6.48** To ensure these harms are not realised the LPA have adopted an 'Appropriate Assessment' based on a Habitats Regulations Assessment (HRA) carried out on behalf of the applicant and agreed with NE, upon receipt of a revised version which met their requirements. The HRA concluded that the proposed development had the potential to affect the integrity of the SAC through increased recreational pressure, however this could be mitigated by an appropriate condition requiring the provision of a Homeowners Information Pack. NE have agreed with this approach.

6.49 Design, appearance and layout

- 6.50** JCS policies SD3 and SD4 set out the design requirements for new development proposals. These policies seek to ensure that development proposals are designed and constructed so as to maximise the principles of sustainability, and to ensure that all new development responds positively to, and respects the character of the site and its surroundings. The policies are consistent with advice set out within Section 12 of the NPPF which emphasizes at paragraph 126 that *"Good design is a key aspect of sustainable development"*.
- 6.51** Additionally, JCS policy SD11 highlights the need to ensure that new housing developments provide an appropriate mix of housing to meet the local needs.
- 6.52** Policy HD4 of the Cheltenham Plan includes as site specific requirements; a layout and form that respects the existing urban characteristics of the vicinity' and a layout and form of development that respects the character, significance and setting of heritage assets which may be affected by the development.
- 6.53** The irregular shape of the plot and the constraints resulting primarily from the trees on the site, has led to a layout which takes the form of a series of cul-de-sacs leading off a central road. The detached dwellings are located towards the southern part of the site and in terms of plot width, size and style, echoes that of Brizen Park to the west. As you travel north through the site the dwellings become smaller and the plots more compact; terminating with terraced flats and houses which provide the affordable housing element of the proposals. The layout of the northern section of the site is of concern in terms of urban design objectives. Plots 28 – 30 front onto to the suds pond at the top of the site with gardens adjoining the parking spaces at the rear. Plots 23 – 27 also have gardens which back on to this area. The boundary treatment plan indicates that these would all be at 1.8m. This would create a bleak and unattractive area. This part of the site is of significantly lower quality in terms of layout than the remainder of the site and unfortunately this where the affordable housing is located. Policy SD12 of the JCS requires that wherever possible affordable housing should be seamlessly integrated and distributed throughout the site.
- 6.54** The layout does not represent a good response to local character. Overall the scheme takes its cues from the 'housing estate' character of Brizen Park, rather than the more sporadic, organic form of development present at Leckhampton Farm Court and other development to the east of Farm Lane. It does not respond positively to the wood, brook and adjacent LWS, rather it turns its back on this area and in some areas bounds it with a 1.8m high close boarded fence.
- 6.55** Officers acknowledge that the site is challenging and that to place more of the smaller or terraced units towards the south of the site would increase the impact upon the setting of the AONB. Overall officers feel that elements of the layout exacerbate the concerns expressed above regarding the impact upon the character and appearance of the area.

6.56 Neighbour amenity

6.57 Policies SD14 of the JCS and SL1 of the Cheltenham Plan require that development does not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality.

6.58 The properties which adjoin the site and therefore may experience an impact upon their amenity are 2, 4, 6, 8 & 12 Leckhampton Farm Court and The Berries which fronts Farm Lane.

6.59 2 – 4 Leckhampton Farm Court

6.60 These properties adjoin the red line of the application site however they adjoin a part of the site which is not proposed for development. There may be some visibility of houses through the trees, however there would be no significant adverse impact upon amenity

6.61 6 Leckhampton Farm Court

6.62 The rear elevation of this property is 20m from the boundary of the site. The nearest property (plot 21) is over 28 from this dwelling and is off set from the rear of this plot. As such the relationship between these properties is acceptable.

6.63 8 Leckhampton Farm Court

6.64 The southern elevation of this property is over 10m from the boundary. The north elevation of the nearest property (plot 22) is over 26 from this property and over 15m from the boundary.

6.65 Plots 23 & 24 are adjacent to the south eastern corner of this plot and are at an oblique angle – there is approx 14m corner-to-corner.

6.66 Plot 28 is to the north east of this dwelling. There is approx. 10m corner-to-corner. There are windows on the east elevation of number 8 but they are off-set from the side elevation of this property.

6.67 Whilst the view from this property will undoubtedly change quite significantly the proposed dwellings would not result in a loss of privacy, light or outlook. As such the relationship with this property is considered to be acceptable.

6.68 The Berries

6.69 This is a detached dwelling accessed from Farm Lane. Plots 1, 2, 3, 4, and 9 all abut the boundary of this property. A significant amount of vegetation would be retained and the dwelling is in excess of 20 from adjacent dwellings with over 10m from The Berries to its boundaries. As such the relationship with this property is considered to be acceptable.

6.70 Overall the proposal is considered to have an acceptable impact upon neighbour amenity.

6.71 Highway safety

6.72 Adopted policy JCS INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks; where appropriate.

6.73 The highway authority raise no objections to the proposal subject to conditions. The LPA have no evidence to dispute these findings and as such the proposal is considered to be acceptable on highway safety and access grounds.

6.74 Sustainability

6.75 Policy SD3 of the JCS relates to sustainable design and construction. It states that proposals must demonstrate how they contribute to the aims of sustainability. Development will be expected to be adaptable to climate change and will be expected to incorporate the principles of waste minimisation. Major planning applications must be submitted with an Energy Statement.

6.76 In 2019 Cheltenham Borough Council declared a climate emergency with an aim to be a carbon neutral town by 2030. In 2022 the Council adopted a Climate Change SPD.

6.77 The applicant proposes Air Source Heat Pumps and confirms that the site will not be connected to the gas network. There will also be an EVCP for each dwelling. These measures are welcomed although there is no explanation given as to why solar panels could not be provided.

6.78 The commitments provided represents an adequate response to the SPD.

6.79 Heritage Impacts

6.80 The application site is in the vicinity of listed buildings, however other dwellings within Leckhampton Farm Court are positioned between the application site and the listed buildings. Therefore it is not considered that the proposal would have an adverse impact upon their setting.

6.81 There is the potential for archaeological finds on the site however this can be adequately addressed through condition.

6.82 Affordable Housing & S.106

6.83 The proposal includes 12 affordable dwellings (40%). The mix of these dwellings in terms of tenure has been negotiated with the housing enabling officer and comprises the following:

- Social rent – 5
- Affordable rent – 3
- First homes – 4

6.84 There is a shortage of affordable housing within the Borough and the provision of these dwellings is a significant benefit of the scheme.

6.85 That said there are concerns about the way these have been provided within the scheme as mentioned above. They are not evenly distributed throughout the site and are not indistinguishable from the market dwellings on the site.

6.86 The Education Authority have requested the following contributions:

- Primary – (9.63 places) - £143,932.25
- Secondary – age 16 – 18 (1.5 places) - £34,204.50
- Libraries - £5,880

6.87 Whilst the applicant has not indicated an unwillingness to sign s.106s to secure these contributions no s.106s have been prepared at this stage.

6.88 Other considerations

6.89 Public Sector Equalities Duty (PSED)

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

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

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

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

6.90 Recent Appeal Decisions and 5 Year Housing Land Supply

6.91 It is acknowledged that the Council cannot currently demonstrate a 5 year housing land supply. In a recent appeal decision at Oakley Farm for 250 units the Inspector considered this issue using a figure of 2.9 years provided by the Council of 1.6 years according to the applicant.

6.92 The application was for ‘major’ development within the AONB and therefore the Inspector acknowledged that according to the NPPF such development should only be approved in exceptional circumstances. In terms of the impact on the AONB he concluded that whilst the proposal would not conserve or enhance the beauty of the AONB the harm was limited by the urban surroundings of the site and the fact that the site is enclosed on 3.5 sides by development. He therefore concluded that there was no clear reason for refusing the development and therefore the ‘tilted balance’ was not displaced. Overall he concluded that the ‘very serious’ shortfall of market and affordable housing, as well as the particular locational circumstances of the site amounted to exceptional circumstances and therefore allowed the appeal. In concluding he stated: *“To be clear, I have reached my decision based on the very specific circumstances of this case, including the site characteristics, which are unlikely to be replicated elsewhere.”*

6.93 This appeal is clearly relating to a different set of circumstances and proposed significantly more dwellings than is proposed via the current application. However it does highlight that the authority need to be mindful of the housing shortfall in determining planning applications and to refuse proposals only when there are clear reasons, in line with paragraph 11 of the NPPF.

6.94 Planning Balance

6.95 The application site is not allocated for development and is outside of the Principal Urban Area of Cheltenham. Therefore it is contrary to adopted policy. However because of the undersupply of housing the housing policies within the JCS are out of date.

6.96 Paragraph 11 of the NPPF outlines the ‘tilted balance’ approach which means that in such circumstances planning permission should be granted unless policies that protect areas of

particular importance (such as AONB), provide a clear reason for refusal (para 11 d) i); or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11 d) ii).

6.97 The main benefits of the scheme are the provision of 30 units of affordable and market housing.

6.98 The NPPF sets out that development within the setting of AONBs should be sensitively located and designed to avoid or minimise impacts on the AONB. Officers have found that there is clear conflict with this policy. As such it is considered that para 11 d) i of the NPPF is applicable in this case. Furthermore the proposal is also considered to be harmful to the character and appearance of the local area, and to fail to adequately integrate the proposed affordable housing.

6.99 Whilst the contribution of 30 dwellings would undeniably make a welcome contribution to meeting the shortfall it must also be acknowledged that it is relatively modest. It is considered that the harms identified above significantly and demonstrably outweigh the benefits of the development. As such para 11 d) ii of the NPPF is also considered to apply.

6.100 Therefore it is considered that the tilted balance is disengaged in this instance and that in considering the planning balance overall, the harms of the proposal clearly outweigh the benefits.

7. CONCLUSION AND RECOMMENDATION

7.1 Bearing in mind all of the above the recommendation is to refuse the application.

8. REFUSAL REASONS

1. The application site comprises an undeveloped site which is located at the foot of the Cotswold Area of Outstanding Natural Beauty and, in combination with adjacent land, forms part of the setting of the AONB and the semi-rural edge of Cheltenham.

The application site is not allocated for development and is located outside of the Principal Urban Area of Cheltenham.

The proposal, by reason of siting, form and layout would be out of keeping with the character of the local area and would result in a harmful impact upon the setting of the AONB.

The design and layout of the proposal is suburban in character and the affordable housing is poorly designed and fails to integrate successfully with the market housing. The scheme therefore represents a poor design and layout which is harmful in appearance and fails to respond adequately to its context.

For these reasons the harmful impact arising from the development outweighs the benefits of the scheme, namely the provision of 30 market and affordable dwellings.

As such the proposal is contrary to Sections 5, 12 and 15 of the NPPF, Policies D1, D3 and L1 of the Cheltenham Plan (Adopted July 2020) and Policies SD4, SD7, SD10 and SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (Adopted December 2017).

2. In the absence of a signed s.106 agreement securing the provision of affordable housing or contributions towards education and libraries, the proposal fails to provide an acceptable level of affordable housing or to mitigate its impact upon local infrastructure.

As such the proposal is contrary to policy CI1 of the Cheltenham Plan (Adopted July 2020), policies SD12 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (Adopted December 2017) and sections 3 & 4 of the NPPF.

INFORMATIVES:

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

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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the harm which has been identified.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

CASE OFFICER: Mrs Emma Pickernell

AUTHORISING OFFICER: Liam Jones

DATE: 9th December 2022