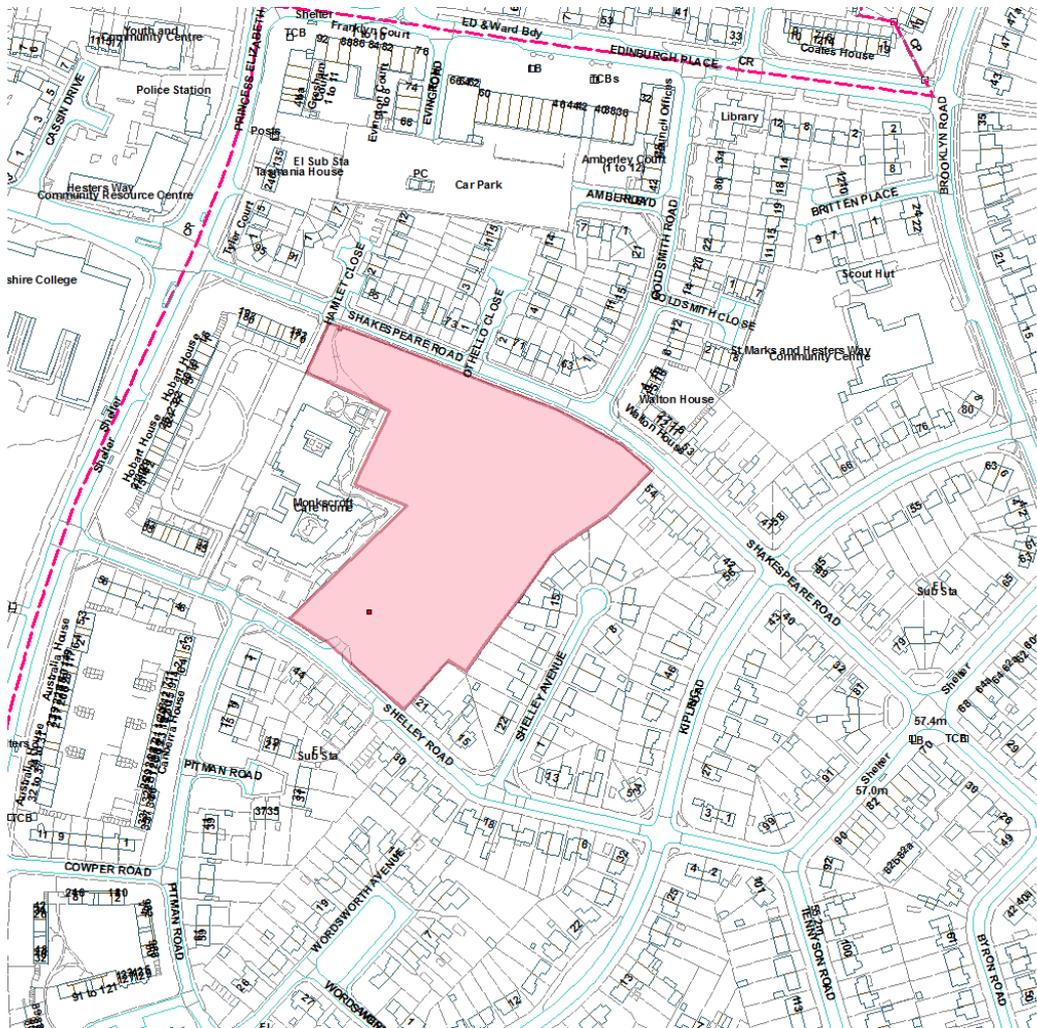


APPLICATION NO: 25/00837/FUL	OFFICER: Michelle Payne
DATE REGISTERED: 28th May 2025	DATE OF EXPIRY: 27th August 2025 (extension of time agreed until 20th February 2026)
DATE VALIDATED: 28th May 2025	DATE OF SITE VISIT:
WARD: St Marks	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	Grass Roots Planning Ltd
LOCATION:	Land Off Shelley Road Cheltenham
PROPOSAL:	Development of 70 dwellings, public open space, drainage, access and all other ancillary works.

RECOMMENDATION: Permit subject to conditions and s106 agreement



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises an approximately 1.8 hectare parcel of land that is irregular in shape and extends through from Shelley Road to the south, to Shakespeare Road to the north. The site is located within the Principal Urban Area and adjacent to, but outside of, 'The Poets' Conservation Area. The site is not publicly accessible and is enclosed along the street frontages by palisade fencing.
- 1.2 The site is allocated for housing in the Cheltenham Plan (Policy HD2) and comprises the majority of the former Monkscroft primary school site which has been cleared of all buildings and structures; however, there are a number of trees that remain within the site.
- 1.3 The site is bound by Monkscroft Care Centre and residential properties on Princess Elizabeth Way to the west and residential properties in Shakespeare Road, Shelley Avenue, and Shelley Road to the north, east and south. There are a number of mature trees and hedges along the site boundaries.
- 1.4 The site falls within Flood Zone 1 and is at low risk from surface water.
- 1.5 The application seeks full planning permission for a new residential development comprising the erection of 70 dwellings together with the provision of public open space, drainage, access and other associated works. The applicant is proposing to deliver a 100% affordable housing scheme comprising 21no. shared ownership homes (30%), and 49no. homes for social rent (70%).
- 1.6 In addition to the drawings, the application has been accompanied by a number of detailed reports and statements some of which have been revised/addended during the course of the application; all of the documents have been available to view on the Council's website (and marked superseded where appropriate).
- 1.7 The application is before the planning committee as Cheltenham Borough Council are the applicant and landowner.
- 1.8 Revised plans have been submitted during the course of the application, and these are addressed in the report below.
- 1.9 Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Land Allocated for Housing
Airport safeguarding over 10m
Principal Urban Area
Conservation Area (Adjacent to)

Relevant Planning History:

01/00370/OUT

REFUSED

7th September 2001

Residential development

19/01190/OUT

DISPOSED

9th February 2021

Outline application for erection of 60 dwellings including access (with all other matters reserved) on site of former Monkscroft Primary School

24/00739/PREAPP

CLOSED

4th March 2025

Proposed residential development for circa 70-75 dwellings, public open space, drainage, access from Shakespeare Road and Shelley Road, and ancillary works.

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2024 (NPPF)

Section 2 Achieving sustainable development
Section 3 Plan-making
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design
D3 Private Green Space
H1 Land Allocated for Housing Development
HD2 Former Monkscroft Primary School
SL1 Safe and Sustainable Living
GI2 Protection and replacement of trees
GI3 Trees and Development
CI1 Securing community infrastructure benefits
CI2 Sports and open space provision in new residential development

Adopted Joint Core Strategy 2017 (JCS) Policies

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

Supplementary Planning Guidance/Documents

The Poets Conservation Area Character Appraisal and Management Plan (2009)
Development on Garden Land and Infill Sites in Cheltenham (2009)
Cheltenham Climate Change (2022)

4. CONSULTATIONS

See consultations appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent 58 neighbouring properties, four site notices were posted, and an advert published in the Gloucestershire Echo.
- 5.2 Eight representations have been received in response to the publicity; seven of which are in objection. In addition, a petition signed by 36 residents, relatives and staff of the neighbouring care home has been submitted. The comments have been circulated in full to members, but the objections are summarised below:
- Accept that dwellings are needed but this is overdevelopment that will result in a large increase of traffic
 - Shakespeare Road and Shelley Road are narrow and already busy and used for on road car parking
 - Population density will negatively impact on amenity
 - Noise pollution will increase significantly impacting on quality of life
 - The development will destroy wildlife habitats and result in a loss of green space
 - The character and appearance of the Poets estate must be preserved
 - How will impact on neighbouring properties and privacy be managed
 - The number of houses will lead to increased strain on local services/infrastructure
 - Density of housing should be reduced to 20 dwellings
 - The development will lead to more anti-social behaviour
 - The development will devalue a lot of the existing properties
 - The height of the flats will lead to a loss of privacy to existing properties
 - The impact on the residents in the care home should be seriously considered
 - The three storey buildings are not-in-keeping with the surrounding area
 - Why is the existing access to Shelley Road not being used
 - There is inadequate parking provision proposed
 - An earlier application for 60 houses in 2019 didn't receive any comments of support and that was for fewer homes
 - A park or public space would be better for the area
- 5.3 In addition to the objections, one letter in full support of the development has been received on behalf of Pulham's Coaches.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The key considerations in determining this application are:

- the principle of development in terms of the proposed residential use;
- design and layout;
- sustainability and climate change;
- impact on the historic environment;
- access, parking and highway impacts;
- impact on the amenity of neighbouring land users;
- drainage and flooding;
- trees and landscaping;
- ecology and biodiversity net gain; and
- s106 obligations.

6.2 Policy background / Principle of development

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated in NPPF paragraph 48.

6.2.2 For Cheltenham, the development plan comprises the saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP), adopted policies of the Cheltenham Plan 2020 (CP) and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS). Material considerations include the National Planning Policy Framework 2024 (NPPF), and Planning Practice Guidance (PPG).

6.2.3 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development which in decision-taking means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i) *the application of policies in [the] Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

6.2.4 It should be noted that paragraph 11d) was explicitly updated in the latest revision to the NPPF to direct developments to sustainable locations, make an effective use of land, and ensure the provision of affordable homes.

6.2.5 In Cheltenham, the housing policies (those most relevant to this application) are out-of-date as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (the latest published figure in September 2025 being just 2.69 years), and the 'tilted balance' in favour of granting permission is therefore engaged.

6.2.6 Despite the housing policies being out-of-date, JCS policy SD10 advises that "*Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans*"; and as previously noted, this site is allocated for housing development (CP policy HD2) for approximately 60 dwellings.

6.2.7 The proposed development would result in the welcome provision of an additional 70no. residential units, proposed as 100% affordable housing, and make a valuable contribution to the borough's housing stock, helping to alleviate the acute shortfall. This is a matter that carries significant weight in the determination of this application.

6.2.8 Moreover, throughout the NPPF, emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to "*seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.*"

6.2.9 As such, officers are satisfied that the general principle of developing the site for residential purposes in this location is acceptable. The site is sustainably located within a predominantly residential area and is allocated for housing. However, as per above-referenced NPPF paragraph 11(d) it is still necessary to assess whether policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed, or the adverse impacts of supporting the proposals would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.

6.3 Design and layout

6.3.1 Chapter 12 of the NPPF places great emphasis on the importance of design in decision making, and states at paragraph 131 that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.

6.3.2 Paragraph 135 of the NPPF requires decisions on planning applications to ensure that new developments *“will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to local character...including the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*.

6.3.3 Local design requirements are set out in CP policy D1 and JCS policy SD4, with all new development required to adequately reflect principles of urban and architectural design, to complement and respect neighbouring development and the character of the locality, and to avoid causing harm to the architectural integrity of the building or group of buildings, or the unacceptable erosion of open space around the existing building.

6.3.4 Additional guidance of some relevance to this application can be found in the Council’s SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines. The SPD at paragraph 3.5 goes on to state that:

Responding to character is not simply about copying or replicating what already exists in an area. It is not merely about preservation of what is important about a place but must also allow a place to evolve in a manner which is appropriate in the context of the place, seeking always to enhance a place. Change in itself is not considered a bad thing automatically, but change that results in harm to the character or amenity of an area will normally be unacceptable.

6.3.5 The Design and Access Statement (DAS) which accompanies the application sets out how the layout evolved during the design process, and how the site layout responds to the constraints of the site. As part of the development of the site, the proposals seek to provide improved connections between Shelley Road and Shakespeare Road, and access to public green open space; provide for sustainable drainage (SuDS) making use of the change in level across the site with an aquatic pond and wetland areas to the southwest; and enhance natural habitats on site.

6.3.6 Notwithstanding pre-application discussions, there were concerns raised at pre-application stage that had not been suitably addressed in the formal application submission, and further revisions have therefore been secured during the application process. Of particular concern was the rear pathways/alleyways serving plots H13-23, which was also flagged as a concern by the Designing Out Crime Officer, who suggested that where rear

accesses were required, they should only serve 2 or 3 properties. This element of the scheme has therefore been significantly improved during the course of the application. Although a number of the rear access pathways would continue to serve up to 4 dwellings; the rear access arrangements are now, on balance, supported.

6.3.7 Other improvements to the scheme include, but are not limited to, the provision of boundary walls facing the public realm in lieu of timber fences to provide a more robust solution over the long term and a more attractive streetscape; softening of parking areas through planting; and revisions to end elevations where they would face onto public spaces to include new window openings and architectural detailing to improve the street scene and provide overlooking and passive surveillance of public spaces.

6.3.8 The buildings proposed across the site are two or three storeys in height, and comprise 24no. one-bedroom apartments, 24no. two-bedroom houses, 19no. three-bedroom houses, 2no. four-bedroom houses, and 1no. five-bedroom house. The apartment blocks are located in the south-western and north-eastern corners of the site and have flat roofs, whilst the houses which are largely terraced have pitched roofs.

6.3.9 Architecturally, the Urban Design Officer (UDO) considers the proposals to be of a high standard, achieving a simple, restrained contemporary aesthetic of a scale and mass that should sensitively respond to the surrounding context in both urban grain and form. They also find that the built form provides a good level of continuous frontage across the layout, which generates good enclosure and edges to the public realm. In addition, they consider the elevations and proposed materials to be of a high quality, and that the bespoke design unique to this site would positively enhance the development's character and identity over time, whilst the gable-fronted terraces would add a strong sense of identity and character to the development.

6.3.10 Externally, a simple palette of materials is proposed across the site, primarily comprising light-coloured bricks, with a change in tone at ground floor on the taller buildings, and tiled roofs. Additional interest to the street scene and facades would be provided by brick detailing above windows, feature panels, and door canopies. Officers are satisfied that such a simple palette of materials would ensure that overall, the development would have a coherent appearance and create a character and identity of its own, whilst responding to nearby developments.

6.3.11 Vehicular access to the site would be provided via a relocated access on Shelley Road and a new access point on Shakespeare Road, with vehicular, pedestrian and cycle linkage provided north to south through the site. The UDO considers this to be *"a particularly strong aspect of this scheme as it will increase connectivity across the local area and permeability across the site itself too. The connection across the site is clear and direct, and designed with continuous frontage along its length which will contribute to making it feel safe and attractive to use for all users."*

6.3.12 High quality landscaping is proposed throughout the site, including the planting of 75no. new trees which would help to soften the development. The layout also provides for large areas of public green space, and to the south incorporates a community growing area, informal play equipment including trim trail, benches for rest and recreation, and an active travel route. It is hoped that the opening up of the site would have a positive impact and create an inclusive public space of benefit to all members of the local community.

6.3.14 SuDS infrastructure would be incorporated to include drainage swales to the north, and an attention pond to south of the site.

6.4 Sustainability and climate change

6.4.1 In addition to the afore-mentioned design policies, JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; with development proposals required to “*demonstrate how they contribute to the aims of sustainability*” and “*be adaptable to climate change in respect of the design, layout, siting, orientation...*”

6.4.2 The policy also requires major applications to be accompanied by an Energy Statement that indicates the methods used to calculate predicted annual energy demand and association annual Carbon Dioxide (CO₂) emissions.

6.4.3 JCS paragraph 4.4.11 goes on to advise that:

Before considering the use of renewable energy technologies the design of a development should first identify measures to reduce overall energy demand. This can include choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for space heating and/or cooling and lighting. Secondly, the design should include measures to use energy more efficiently such as increasing levels of insulation in walls, floors and roofs and improved airtightness.

6.4.4 The adopted Cheltenham Climate Change SPD also provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity into all new development proposals.

6.4.5 The policy and SPD reflects advice within the NPPF at paragraph 161 which states that:

The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

6.4.6 NPPF paragraph 164b) goes on to state that new development should be planned for in ways that “*can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards*”.

6.4.7 The Energy Strategy Report (ESR) that accompanies the application sets out that the development would incorporate a series of energy and low/zero carbon measures to meet and exceed current Building Regulations requirements. Air source heat pumps (ASHPs) and solar photovoltaic (PV) arrays have been chosen as the preferred technology across the development.

6.4.8 The ESR has been updated during the course of the application and adequately responds to climate change matters; it is sufficient to demonstrate general compliance with policy SD3, the SPD, and the NPPF.

6.5 Impact on historic environment

6.5.1 JCS policy SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance and is consistent with paragraph 210 of the NPPF. Additionally, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid to the

desirability of preserving or enhancing the character or appearance of a conservation area in determining planning applications. CP policy HE2 (National and Local Archaeological Remains of Importance) is also relevant.

6.5.2 As previously noted in the introduction, the application site is located outside of, but adjacent to, 'The Poets' Conservation Area (CA) which comprises a carefully planned and laid-out residential suburb constructed in the years immediately after the First World War. The CA character appraisal identifies that the houses have good group value and a distinctive identity; are set in well-spaced plots which creates a unifying rhythm along the street and a fine urban grain; and there is a strong influence of the Arts and Crafts movement in the architecture of the houses. Roads within the area are generally tree-lined with the trees forming a distinctive visual characteristic of the area. The Townscape Analysis Map within the character appraisal identifies key views/vistas, none of which look directly towards the application site.

6.5.3 The NPPF at paragraph 207 sets out that in determining proposals affecting heritage assets, applicants should be required to describe the significance of any heritage assets affected, including any contribution made by their setting, with the heritage assets assessed using appropriate expertise where necessary. Paragraph 207 also requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation where a site includes, or has the potential to include, heritage assets of archaeological interest.

6.5.4 With regard to the adjacent CA, the application is suitably accompanied by a detailed Heritage Statement (HS) which considers The Poets CA to be a heritage asset of medium significance. The HS goes on to conclude that the proposals will provide a well-considered development in the setting of the CA, potentially resulting in a "*Low Beneficial impact to the setting and heritage significance of the Poets CA, as it will maintain the existing suburban setting of the CA*". Officers concur with the findings of the HS and are therefore satisfied that the general character and appearance of the conservation area and its setting would be preserved.

6.5.5 From an archaeological perspective, the application is accompanied by a Written Scheme of Investigation for Archaeological Mitigation (WSI). Archaeological investigations carried out on site as part of a previous planning application having established the presence of archaeological remains of a Romano-British settlement with residual prehistoric material indicating a possible earlier phase of activity at the site.

6.5.6 The County Archaeologist, having reviewed the WSI, initially advised that it did not fully mitigate for all the significant archaeological remains which have been identified from the previous investigations, and sought an amendment to the WSI. The amended WSI now proposes an appropriate programme of archaeological work, the implementation of which could be secured by condition.

6.5.7 The proposed development is therefore considered to be acceptable on heritage grounds.

6.6 Access, parking and highway impacts

6.6.1 JCS policy INF1 requires all development proposals to provide safe and efficient access to the highway network for all transport modes; and provide connections where appropriate, to existing walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. The policy states that planning permission will only be granted where the impacts of the development are not considered to be severe and requires developers to assess the impact of proposals through a Transport Assessment. The policy generally reflects the advice set out within section 9 of the NPPF.

6.6.2 The access, parking and highway safety impacts associated with the proposed development have been assessed by the Highways Development Management Team (HDM) at the County Council, as the Highway Authority acting in its role as statutory consultee.

6.6.3 Having reviewed the Transport Assessment (TA) that accompanies the application and the detailed proposals, HDM raise no objection. HDM are satisfied that the predicted traffic generation and distribution in the TA is a reasonable assumption about the likely impact of that traffic on the local highway network. Furthermore, whilst HDM acknowledge that there is a known accident issue at the Tennyson Road/A40 junction, they are satisfied that the likely traffic flow through the junction at peak times is not likely *“to have a severe impact on capacity or result in an unacceptable reduction in highway safety.”*

6.6.4 HDM also recognise the site’s sustainable location *“with reasonable opportunities to walk cycle and use public transport to reach local services and employment opportunities.”*

6.6.5 In addition, although car parking levels are slightly below MfGS standards, HDM are satisfied that the proposed car parking provision accords with the available census data around the likely levels of car ownership in the area.

6.6.6 A Residential Travel Plan has been submitted and agreed; the monitoring of which would be secured in a s106 agreement.

6.6.7 On balance, the proposed development is therefore considered to be acceptable on highway grounds.

6.7 Impact on the amenity of neighbouring land users

6.7.1 CP policy SL1 states that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality. CP paragraph 14.4 advising that:

In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise, smells, dust, fumes, vibration, glare from artificial lighting, hours of operation, and traffic / travel patterns.

6.7.2 JCS policy SD14 reiterates this advice and also seeks to ensure high quality developments that *“protect and seek to improve environmental quality”*. In addition, NPPF paragraph 135f) also highlights the need to ensure that developments achieve a high standard of amenity for both existing and future users.

Privacy, outlook and daylight

6.7.3 Almost all development will have some impact on neighbouring land users. In this case, given the scale and massing of the proposed development, and its relationship with nearby residential neighbours, officers are satisfied that the proposed development would not result in any unacceptable level of harm in terms of privacy, outlook or daylight.

6.7.4 With regard to privacy, all upper floor windows are set a sufficient distance from the site boundaries to ensure that no unacceptable overlooking of neighbouring properties would occur. Moreover, in terms of outlook, whilst views of the proposed development would clearly be available from neighbouring properties and gardens, there are no concerns that the development would appear particularly overbearing, and certainly not to the point that permission could be refused on amenity grounds. Similarly, officers are satisfied that no significant loss of daylight would occur, nor overshadowing of existing residential gardens.

Noise

6.7.5 From a noise perspective, the application is accompanied by a Noise Report which considers the impacts on future occupiers of the development, and a noise assessment for the proposed air source heat pumps. The reports have been reviewed by the Environmental Health team (EH) who raise no objection.

6.7.6 Additionally, given the scale of development proposed, it is not considered that noise levels from future occupiers of the site would be detrimental to the enjoyment of the existing residential neighbours.

6.7.7 Some noise and disturbance during the construction phase of the development is inevitable and to be expected; however, this is not a reason to refuse development proposals. That said, to ensure that the impacts of the construction phase are suitably mitigated, a condition is suggested which requires the submission of a Construction Management Plan to ensure that suitable provision is made for the parking of site operatives, storage of plant and construction materials, abnormal loads or unusually large vehicles and the control of dust and other air-borne pollutants, noise, etc. The developer will need to adhere to the accepted hours of work set out by EH which are 7:30am to 6pm Monday to Friday, and 8am to 1pm on Saturdays, with no working on Sundays and/or Bank Holidays.

Air quality

6.7.8 The application is also accompanied by an Air Quality Assessment (AQA) which identifies a medium risk for dust soiling and low risk for health effects during the construction phase. Mitigation measures for the construction phase are therefore sought by condition.

6.7.9 During the operational phase, the AQA concludes *“that the proposed would not have a significant effect on local air quality and that air quality at the proposed development would be suitable for residential use”*.

6.7.10 Overall, on balance, the proposed development is therefore considered to be acceptable on amenity grounds, and officers are satisfied that the development will achieve a suitably high standard of amenity for future occupiers, and existing residential neighbours.

6.8 Drainage and flooding

6.8.1 JCS plan policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. Additionally, where possible, the policy requires new development to contribute to a reduction in existing flood risk; and to incorporate Sustainable Drainage Systems (SuDS) where appropriate.

6.8.2 The policy is consistent with NPPF paragraph 181 which states that when determining planning applications, the local planning authority should ensure that flood risk is not increased elsewhere.

6.8.3 In this regard, the application has been accompanied by a Flood Risk Assessment and Drainage Design Philosophy which have been reviewed by the County Council as the Lead Local Flood Authority (LLFA) who are a statutory consultee for surface water flood risk and management.

6.8.4 Additional/updated information has been submitted during the course of the application in response to LLFA recommendations, and the LLFA now raise no objection; subject to the inclusion of conditions. Having reviewed the application again, the LLFA have confirmed in writing that the suggested pre-commencement condition in relation to a SuDS

strategy is not required; however, the other conditions relating to measures to control the risk of flooding during construction, and future maintenance of the SuDS are required.

6.8.5 Severn Trent have also confirmed they do not object to the drainage proposals; the incorrect manhole was initially identified.

6.8.6 Officers are therefore satisfied that the proposed development is acceptable in relation to flooding and drainage and is compliant with JCS policy INF2 and the relevant paragraphs of the NPPF.

6.9 Trees and landscaping

6.9.1 CP policies GI2 and GI3 seek to resist the unnecessary felling of trees, and ensure the planting of new and replacement trees, where practicable. JCS policy INF3 also highlights the need for new development to contribute positively towards green infrastructure and protect existing green infrastructure. In addition, NPPF paragraph 136 highlights the importance of trees and sets out a requirement to ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in new developments.

6.9.2 The application proposes the removal of 30no. trees, comprising 2no. Category 'B' trees, 26no. Category 'C' trees and 2no. Category 'U' trees; 3no. of which are located within the public highway. The tree removal proposals have been reviewed by the Trees Section (TS) who initially objected to their removal, albeit recognising that the relative importance of these trees would need to be considered in the overall planning balance.

6.9.3 The TS also sought additional detail in relation to the species and sizes of new trees to be planted but was unable to endorse the initial iteration of the landscape plans. However, following revisions to the landscaping scheme, in their most recent response, the TS welcomes the changes to the updated planting schedule.

6.9.4 The additional detail sought in relation to the management of the swales and tree planting aftercare, together with access facilitation works and structural management tree pruning proposals, could be suitably secured by condition.

6.9.5 On balance, therefore, officers are satisfied that the proposed landscaping scheme as revised is acceptable. Across the site, a total of 75no. new trees are proposed.

6.10 Ecology and biodiversity net gain

6.10.1 JCS policy SD9 seeks to ensure that all development, wherever possible, makes a positive contribution to biodiversity and geodiversity, 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. The policy reflects the advice set out within the NPPF at paragraph 187.

6.10.2 A minimum biodiversity net gain (BNG) of 10% is now a statutory requirement for major developments, and the mandatory BNG condition is applicable to this development.

6.10.3 In relation to these matters, the application has been reviewed by Wild Service (WS), as the Council's Consultant Ecologist.

Protected species

6.10.4 The Ecological Impact Assessment (EclA) that accompanies the application sets out that the site was surveyed by Focus Environmental Consultants in February 2025 and has previously been surveyed on numerous occasions by Wharton Natural Infrastructure Consultants between 2022 and 2025. Monitoring of a potential badger sett entrance on the

eastern site boundary was carried out by Wharton for 21 days in April and May 2024, with no evidence of badger use recorded. However, given that monitoring was carried out nearly two years ago, a condition is recommended that requires an updated walkover survey of the site to be undertaken prior to the commencement of development, and an update to the EclA submitted for approval. The updated EclA shall confirm (or otherwise) whether there has been a significant change to the site since the most recent surveys in 2024 and whether further surveys for protected, priority or locally notable species or habitats are required. In particular the update shall confirm the status of the site with regards to the inactive badger sett.

6.10.5 No trees on site were found to have potential bat roosting features, and WS acknowledge that a sensitive lighting scheme is proposed to avoid impacts on foraging and commuting bats.

6.10.6 WS also comment:

- *There are no waterbodies within 250m of the site, and great crested newts are presumed to be likely absent.*
- *The grassland, scrub and brash piles provide suitable habitat for reptiles to forage and shelter, but it is considered unlikely that the site supports important populations due to its isolated urban location and the small size of the suitable habitat areas. Precautionary measures have been recommended, which include an ecologist checking areas of dense vegetation prior to clearance and dismantling brash piles by hand.*
- *Suitable bird nesting habitat is present within the scrub and trees. The grassland is considered to have low suitability for ground nesting due to the current levels of disturbance, small size of the suitable habitat and high risk of predation.*
- *No impacts on hazel dormouse are anticipated due to the lack of suitable habitat on-site and isolation from areas of suitable habitat.*

6.10.7 Subject to the updated walkover survey and EclA, officers are therefore satisfied that no undue harm would be caused to protected species.

6.10.8 Proposed ecological enhancements to the site include bird boxes (including sparrow terraces), bat boxes, hedgehog shelters, hedgehog highways; further details of which could be secured by condition. Additional landscaping of value to wildlife includes the creation of SuDS and an attenuation pond.

Biodiversity net gain (BNG)

6.10.9 As previously noted, the mandatory biodiversity (net) gain (BNG) condition applies to this development and therefore a Biodiversity Gain Plan will be required to be submitted and agreed prior to commencement of any works. The Biodiversity Metric and BNG Assessment show that the proposals would deliver a -0.85 net loss in habitat units, which equates to -10.25%. There would be a 0.02 gain in hedgerow units, which equates to a 93% net gain. Off-site offsetting would be required to deliver a 10 net gain in habitat units, and the applicant would be required to purchase off-site habitats from an off-site provider, which would be detailed within the Biodiversity Gain Plan.

6.10.10 The BNG Assessment and Biodiversity Metric have been updated during the course of the application in response to the Ecologist's comments and includes a Post Development Habitat Plan which clearly shows the areas of enhanced and proposed habitats and hedgerows. The Ecologist also considers the updated metric, which includes proposed and enhanced areas of other neutral grassland that are targeting a 'moderate'

condition, to be realistic and achievable. The proposed on-site habitat enhancement/creation measures which include areas of other neutral grassland, native scrub planting, native tree planting, native hedgerow planting and SUDs ponds, are considered to be significant enhancements.

Cotswold Beechwoods Special Area of Conservation (SAC)

6.10.11 The site is c. 7.75km to the north of the Cotswold Beechwoods SAC and within a zone of influence as set out in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022) for recreational pressure for the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

6.10.12 CP policy BG1 relates to recreational pressures on the Cotswold Beechwoods SAC. 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.

6.10.13 Without appropriate mitigation, the proposed development would be likely to have a significant effect on the Cotswold Beechwoods SAC (either alone or in combination with other development) through increased recreational pressure, as a result.

6.10.14 In this case, a financial contribution is sought in accordance with the above-mentioned mitigation strategy, at a rate of £673 per dwelling (**£47,110.00**).

6.10.15 The submitted HRA Informative Report has been updated to include a commitment to providing the financial contribution to the strategic mitigation strategy, and the HRA has been adopted by the council.

6.11 Affordable housing

6.11.1 Paragraph 61 of the NPPF states that to support the government's objective of significantly boosting the supply of homes, it is important that the needs of groups with specific housing requirements be addressed. Within this context, paragraph 63 goes on to state that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

6.11.2 In Cheltenham, outside of Strategic Allocation sites, JCS policy SD12 seeks the provision of a minimum of 40% affordable housing in new residential developments of 11 dwellings or more.

6.11.3 In this case, as previously noted, the application proposes a 100% affordable housing scheme, and therefore clearly exceeds the requirements of policy SD12. The agreed affordable housing mix comprises 49no. social rented homes, and 21no. shared ownership homes, and is supported by the Council's Housing Enabling Officer

6.12 Infrastructure delivery / Developer contributions

6.12.1 JCS policy INF6 states that where site proposals generate infrastructure requirements, new development will be served and supported by adequate on and/or off-site infrastructure and services which are fairly and reasonably related to the scale and type of development proposed. Planning permission should normally only be granted where sufficient provision has been made to meet the needs of new development and/or which are required to mitigate the impact of the development upon existing communities.

6.12.2 That said, where there is concern relating to the viability of a development, with regard to the on- and/or off-site provision of infrastructure, JCS policy INF7 requires an

independent viability assessment to be submitted, and, where necessary, independently appraised.

6.12.3 Planning obligations can only be sought where they meet the statutory tests set out in regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and as policy tests in the NPPF. They must be:

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

6.12.4 The contributions that would be sought in connection with this proposed development are set out below.

Education and libraries

6.12.5 Gloucestershire County Council have commented on the proposed development and set out the infrastructure and services requirements for education and libraries provision arising from the development and the contributions required to make the development acceptable in planning terms.

6.12.6 The contributions sought by the County are **£187,756.67** towards secondary education (ages 11-16), **£63,862.81** towards secondary education (ages 16-18), and **£13,720.00** towards improvements to Hesters Way Library. No contribution towards primary education is required as there is adequate space capacity forecast to be available at the closest schools.

Off-site play provision

6.12.7 The Green Space Development (GS) team have commented on the proposals and find the *“quality, quantity, and variety of public green space appear to be sufficient”* and *“A community growing space of adequate size is proposed, which offsets the allotment requirement of 0.04 hectares.”*

6.12.8 However, with regard to play provision, although the proposed site layout includes a mix of informal and formal play features, which partially offset the Fields in Trust (FiT) standard play provision requirements, the following contributions to off-site facilities have been sought:

- LEAP contribution (towards maintenance of surrounding play areas): **£12,900.00**
- Contribution to multi-use games area and youth facilities: **£42,000.00**

Community Centre

6.12.9 Local ward members have engaged with this scheme with a request for funding to support repairs and maintenance to the nearby Common Ground Community Centre; and officers have discussed this request with ward members in the context of the strict statutory tests that apply to s106 obligations and the associated limitations on negotiation. Advice has also been provided in relation to the potential use of the Community Infrastructure Levy (CIL). Officers do not consider that the request meets the statutory tests for a section 106 obligation, and therefore officers advise that s106 funding cannot be supported in this case.

Financial viability

6.12.10 In this case, with reference to paragraph 6.12.2, a Financial Viability Assessment (FVA) has been submitted on behalf of the applicant, prepared by Carter Jones LLP. The FVA concludes that that the proposed development scheme *“cannot viably deliver the*

requested S106 financial contributions given the deficit position demonstrated against the Benchmark Land”.

6.12.11 Notwithstanding the above, as per the requirements of aforementioned policy INF7, the FVA has been independently reviewed by Vail Williams on behalf of the Council. The Vail Williams review found that whilst the overall approach to assessing the viability of the proposed development was appropriate, there were a number of areas where there were differing opinions, or further clarification or explanation was required; and recommended that an independent quantity surveyor be instructed to review and validate the applicant’s cost plan.

6.12.12 Following the necessary independent QS review of the applicant’s cost plan, by Brookbanks, Vail Williams have confirmed in writing that the scheme is unviable.

6.12.13 All of the documentation has been publicly available to view on the Council’s website.

6.12.14 As such, whilst it is regrettable that financial contributions towards education and libraries, and off-site play provision cannot be secured in association with this proposed development, given that the scheme is for a 100% affordable housing development, officers are satisfied that, on balance, the application is one that should be supported given the current shortfall of housing within the borough. The delivery of affordable homes in the borough is a key priority in the Council’s Corporate Plan 2025 to 2028.

s106 obligation

6.12.15 Although the aforementioned financial contributions cannot be secured for this development for viability reasons, a legal agreement would still be required in relation to the Biodiversity Net Gain delivery, delivery of affordable housing, future management and maintenance of the public open space, monitoring of the Travel Plan, and mitigation towards to recreational pressures on the Cotswold Beechwoods SAC (this contribution not subject to viability nor negotiable).

6.12.16 In this case, as the council is both the local planning authority (the decision-maker) and the applicant/landowner, and consequently cannot covenant with itself (required as s106 obligations are entered into as a deed), alternative options would need to be explored. The most likely option would be a two-tier authority approach, whereby it is possible for the planning authority to enter into an agreement with another tier authority (the county council) to make the s106 obligations enforceable.

6.13 Other considerations

Minerals and Waste

6.13.1 The conditions suggested by the GCC Minerals and Waste team have been added.

Public Sector Equality Duty (PSED)

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

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

6.13.3 In this case, having considering the merits of the planning application, this authority is satisfied that the proposed development meets the requirements of the PSED.

6.13.4 Due regard has been had to the nine protected characteristics recognised within the PSED, and officers are satisfied that no-one has been discriminated against in the determination of this application. All representations received in response to the publicity exercise have been duly noted and taken into account.

7. CONCLUSION AND RECOMMENDATION

7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 Furthermore, paragraph 11 of the National Planning Policy Framework 2024 (NPPF) sets out a presumption in favour of sustainable development which in decision-taking means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i) *the application of policies in [the] Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

7.3 In Cheltenham, the housing policies (those most relevant to this application) are out-of-date as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the latest published figure (September 2025) being just 2.69 years, and as such the 'tilted balance' in favour of granting permission is engaged. Moreover, it is important to recognise that the site is allocated for housing in the development plan (CP policy HD2) and the provision of affordable housing within the borough is a key priority in the Council's Corporate Plan 2025 to 2028.

7.4 Notwithstanding the above, in accordance with NPPF paragraph 11(d), it is still necessary to assess whether policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or the adverse impacts of supporting the proposals would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.

7.5 From a design perspective, the Urban Design Officer considers the proposals to be of a high standard, achieving a simple, restrained contemporary aesthetic of a scale and mass that should sensitively respond to the surrounding context in both urban grain and form. They also consider the elevations and simple palette of materials proposed to be of a high quality, and that the bespoke design unique to this site would positively enhance the development's character and identity over time, whilst the gable-fronted terraces would add a strong sense of identity and character to the development.

- 7.6 High quality landscaping is proposed throughout the site, including the planting of 75no. new trees which would help to soften the development. The layout also provides for areas of public green space and, to the south, incorporates a community growing area, informal play equipment including trim trail, benches for rest and recreation, and an active travel route. It is hoped that the opening up of the site would have a positive impact and create an inclusive public space of benefit to all members of the local community.
- 7.7 It is acknowledged that the application proposes the removal of 30no. trees, 3no. of which are located within the public highway but, given the generous landscaping and tree planting proposals, their removal is, on balance, acceptable.
- 7.8 Vehicular access to the site would be provided via a relocated access on Shelley Road and a new access point on Shakespeare Road, with vehicular, pedestrian and cycle linkages provided north to south through the site to increase connectivity across the local area and permeability across the site itself.
- 7.9 The highway related aspects of the development have been assessed by the Highways Development Management Team (HDM) at the County Council, who raise no highway objection subject to conditions. HDM are satisfied that the predicted traffic generation and distribution in the Transport Assessment is a reasonable assumption; the likely traffic flow through the Tennyson Road/A40 junction at peak times is not likely *“to have a severe impact on capacity or result in an unacceptable reduction in highway safety”*; and that the proposed car parking provision accords with available census data in relation to car ownership in the area. A Residential Travel Plan has been submitted and agreed.
- 7.10 The application is accompanied by an Energy Strategy Report (ES) which provides a thorough and suitable response to climate change matters. The ES sets out that the development would incorporate a series of energy and low/zero carbon measures to meet and exceed current Building Regulations requirements; with air source heat pumps and solar photovoltaic (PV) arrays chosen as the preferred technology across the development. Electric vehicle charging points would also be provided.
- 7.11 The heritage impacts of the scheme have been fully considered and found to be acceptable. The detailed Heritage Statement submitted in support of the application concludes that the proposals will provide a well-considered development in the setting of the adjacent conservation area, potentially resulting in a *“Low Beneficial impact”* to its setting and heritage significance; and officers concur with the findings of the HS and are satisfied that the general character and appearance of the conservation area and its setting would be preserved.
- 7.12 Archaeological investigations previously carried out on the site established the presence of archaeological remains of a Romano-British settlement with residual prehistoric material indicating a possible earlier phase of activity at the site. From an archaeological perspective, the County Archaeologist is satisfied that the amended Written Scheme of Investigation now proposes an appropriate programme of archaeological work; the implementation of which could be secured by condition.
- 7.13 The site falls within Flood Zone 1 and is at low risk from surface water. The application has been accompanied by a Flood Risk Assessment and Drainage Design Philosophy which have been reviewed by the County Council as the Lead Local Flood Authority (LLFA). Following the submission of additional/updated information, the LLFA now raise no objection subject to conditions. SuDS infrastructure makes use of the change in level across the site with an aquatic pond and wetland areas to the southwest. Severn Trent have also confirmed they do not object to the drainage proposals.
- 7.14 The Ecological Impact Assessment (EclA) that accompanies the application sets out that the site has been surveyed on numerous occasions and monitoring of a potential badger

sett entrance on the eastern site boundary found no evidence of badger use. However, as that monitoring was carried out nearly two years ago, an updated walkover survey of the site will need to be undertaken prior to the commencement of development, and an update to the EclA submitted for approval. No other concerns in relation to harm to protected species are raised. Ecological enhancements to the site include bird boxes (including sparrow terraces), bat boxes, hedgehog shelters, hedgehog highways.

- 7.15 A minimum biodiversity net gain (BNG) of 10% is now a statutory requirement for major developments, and the mandatory BNG condition is applicable to this development; a Biodiversity Gain Plan is therefore required to be submitted and agreed prior to commencement of any works. Off-site offsetting would be required to deliver a 10% net gain in habitat units, and the applicant would be required to purchase off-site habitats from an off-site provider. The proposed on-site habitat enhancement/creation measures which include areas of other neutral grassland, native scrub planting, native tree planting, native hedgerow planting and SUDs ponds, are considered to be significant enhancements.
- 7.16 The site is within a zone of influence as set out in the Cotswold Beechwoods SAC Recreation Mitigation Strategy (May 2022) for recreational pressure for the Cotswold Beechwoods SAC, which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). All development within the borough that leads to a net increase in dwellings will be required to mitigate any adverse effects. In this case, a financial contribution would be sought in accordance with the above-mentioned mitigation strategy, at a rate of £673 per dwelling.
- 7.17 From an amenity perspective, whilst it is acknowledged that the proposed development would have some impact on neighbouring land users, in this case, given the scale and massing of the proposed development, and its relationship with nearby residential neighbours, officers are satisfied that the proposed development would not result in any unacceptable level of harm in terms of privacy, outlook or daylight. Matters relating to noise and air quality have also been considered. Overall, on balance, the proposed development is therefore considered to be acceptable on amenity grounds, and officers are satisfied that the development will achieve a suitably high standard of amenity for future occupiers, and existing residential neighbours.
- 7.18 The application is supported by a Financial Viability Assessment (FVA) that concludes that that the proposed development scheme *“cannot viably deliver the requested S106 financial contributions given the deficit position demonstrated against the Benchmark Land”*. The FVA has been independently reviewed, and it has been confirmed that the scheme is unviable.
- 7.19 As such, whilst it is regrettable that financial contributions towards education and libraries, and off-site play provision cannot be secured in association with this proposed development, given that the scheme is for a 100% affordable housing development, officers are satisfied that, on balance, the application is one that should be supported given the current shortfall of housing within the borough. The delivery of affordable homes in the borough is a key priority in the Council’s Corporate Plan 2025 to 2028.
- 7.20 With all of the above in mind, taking into account all of the economic, social, and environmental aspects of the application, and paragraph 11d) of the NPPF, on balance, officers are satisfied that the proposed development is one that should be supported. Where adverse impacts have been identified they will not significantly and demonstrably outweigh the benefits of the proposed development.
- 7.21 The officer recommendation therefore is to grant planning permission subject to a signed s106 legal agreement, and the schedule of conditions below. The applicant’s agreement to the terms of the pre-commencement conditions has been secured.

8. SUGGESTED SCHEDULE OF CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development, including all site clearance and vegetation removal, an updated walkover survey of the site shall be undertaken by a suitably qualified ecologist and an update to the Ecological Impact Assessment (EclA) shall be submitted to and approved in writing by the Local Planning Authority. The updated EclA shall confirm (or otherwise) whether there has been a significant change to the site since the most recent surveys in 2024 and whether further surveys for protected, priority or locally notable species or habitats are required. In particular this shall confirm the status of the site with regards to the inactive badger sett present.

Reason: To ensure legal and policy compliance with regards to protected species, in particular the Protection of Badgers Action (1992) and habitats, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 4 Prior to the commencement of development, including all site clearance and vegetation removal, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- a) a risk assessment of potentially damaging construction activities;
- b) identification of biodiversity protection zones (e.g. buffers to areas of retained habitat);
- c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within any areas of retained habitat);
- d) a precautionary working method statement for the following species: bats, amphibians, reptiles, nesting birds, badger and hedgehogs;
- e) the location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- f) details of any external lighting required during construction phase;
- g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary); and
- h) ongoing monitoring, including compliance checks by a competent person during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless the ECoW otherwise sets out alternative details which are subsequently agreed by the Local Planning Authority.

Reason: To ensure the protection of biodiversity on the site during construction, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 5 Prior to the commencement of development, a Construction Management Plan or similar shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall provide details of:

- a) 24 hour emergency contact number;

- b) hours of operation;
- c) parking of vehicles of site operatives and visitors (including measures taken to ensure there is no parking on the public highway by either staff or delivery vehicles at any time and ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- d) routes for construction traffic and appropriate signage;
- e) any temporary access to the site;
- f) locations for loading / unloading and storage of plant, waste and construction materials;
- g) suitable wheel washing facilities to ensure that no mud or any loose material is carried from the site onto the public highway at any time (any such facility shall be positively drained to a suitable outfall to ensure no surface water runs away from the facility);
- h) measures to protect vulnerable road users (cyclists and pedestrians);
- i) any necessary temporary traffic management measures;
- j) arrangements for turning vehicles;
- k) arrangements to receive abnormal loads or unusually large vehicles;
- l) methods of communicating the construction management plan to staff, visitors and neighbouring residents and businesses;
- m) control measures for dust and other air-borne pollutants;
- n) noise mitigation measures;
- o) measures for controlling the use of site lighting whether required for safe working or for security purposes;
- p) any generators that will be used at any time during the build phase; and
- q) measures to control the risk of flooding during construction.

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, and to prevent the risk flooding or any loss of amenity to neighbouring land users, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and policies SD14, INF1 and INF2 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 6 Prior to the commencement of development (including all site clearance and vegetation removal), tree protective fencing to BS 5837:2012 shall be installed on site, inspected and approved in writing by the Local Planning Authority. The approved protective fencing shall thereafter remain in place until the completion of the construction process unless otherwise agreed in writing by the Local Planning Authority.

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

- 7 Notwithstanding the submitted Site Waste Management Plan (SWMP), prior to the commencement of development, an updated SWMP or equivalent shall be submitted to and approved in writing by the Local Planning Authority. The updated SWMP must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation and demolition and construction phase set out by material type (e.g. wood, brick/concrete, soils, plastics, spoil, etc.); and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of reuse and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the SWMP must also set out the proposed proportions of recycled content that will be used in construction materials, and a commitment that at least 10% (by value) of the materials to be used will be comprised of recycled content. The development shall be fully implemented in accordance with the SWMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted core policy WCS2 of the Gloucestershire Waste Core Strategy and adopted policy SR01 of the Minerals Local Plan for Gloucestershire.

- 8 Prior to any access facilitation pruning on site, details shall be submitted to and agreed in writing by the Local Planning Authority. The details should include the re-pollarding of willow T5 where a new access road is to pass through the tree's Root Protection Area. Other access facilitation pruning (or other structural management pruning) should include proposals (if any) to T10, T14, T15 and T16.

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

- 9 Prior to the commencement of any works above slab level, an Ecological Mitigation and Enhancement Strategy (EMES) shall be submitted to and approved in writing by the Local Planning Authority. The EMES shall include details of the provision of permanent bat roosting feature(s), hedgehog homes, and nesting opportunities for birds, and the location, specification, height and orientation of these features shall be shown on a plan. The development shall thereafter be carried out in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development delivers a biodiversity net gain on site, having regard to policy SD9 of the Joint Core Strategy (2017), and Schedule 7A of the Town and Country Planning Act 1990.

- 10 Notwithstanding the submitted Lighting Plan, prior to the commencement of any works above slab level, an updated Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority. The updated plan shall:- show the position and luminance levels of proposed external lighting and how this responds to the landscape setting of the area; and include methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)). All external lighting shall thereafter be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area and avoid light pollution in this location, whilst providing adequate safety and security, having regard to adopted policy SL1 of the Cheltenham Plan (2020), and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 11 Prior to the commencement of any works above slab level, a 30-year Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be prepared in accordance with the approved Biodiversity Gain Plan and include:
- (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

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

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

All habitat creation and enhancement works set out in the approved HMMP shall be carried out no later than the first planting season following first occupation of the building or the completion of the development whichever is the sooner, and a completion report evidencing the completed habitat enhancements, shall be submitted to and approved in writing by the Local Planning Authority. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site, having regard to policy SD9 of the Joint Core Strategy (2017), and Schedule 7A of the Town and Country Planning Act 1990.

- 12 Prior to the commencement of any works above slab level, full details of the provision made for facilitating the management and recycling of waste generated during occupation shall be submitted to and approved in writing by the Local Planning Authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. The development shall be fully implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The refuse and recycling storage facilities shall be maintained for this purpose thereafter.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted core policy WCS2 of the Gloucestershire Waste Core Strategy.

- 13 The development shall be carried out in accordance with the approved Written Scheme of Investigation for Archaeological Mitigation (Rubicon Archaeology, September 2025).

Reason: To make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works and advance understanding of any heritage assets which will be lost, having regard to adopted policy HE2 of the Cheltenham Plan (2020) and adopted policy SD8 of the Joint Core Strategy (2017).

- 14 The development shall be carried out in accordance with the recommendations contained in the Ecological Impact Assessment (Focus Environmental Consultants, May 2025) as updated and approved in writing by the Local Planning Authority, Biodiversity Net Gain Assessment (Focus Environmental Consultants, October 2025) and Report to Inform Habitats Regulations Assessment (Focus Environmental Consultants, October 2025).

Reason: To ensure the protection of biodiversity and protected species on the site during construction, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 15 The development shall be carried out in accordance with the approved Energy Strategy Report (calfordseaden LLP, Revision 05, September 2025) and Sustainability Statement (calfordseaden LLP, Revision 05, September 2025) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development maximises the principles of sustainability and is adaptable to climate change, having regard to adopted policy SD3 of the Joint Core Strategy (2017), and the adopted Cheltenham Climate Change SPD (2022).

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

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

- 17 The following elements of the scheme shall be installed, implemented or carried out in accordance with details (e.g. brochures/images etc.) which shall have first been submitted to and approved in writing by the Local Planning Authority:
a) Windows;
b) External doors;
c) Rainwater goods; and
d) External vents and flues.

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).

- 18 Should piled foundations be proposed on site, prior to any piling activities taking place, a Piling Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall identify the likely impact of piling activities and identify suitable mitigation of those effects.

Reason: To safeguard the amenity of nearby residential 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).

- 19 Prior to first occupation of the development, 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, shall be submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall thereafter 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 to avoid flooding, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 20 Prior to first occupation of the development, all hard and/or soft landscaping works shall be carried out in accordance with the approved plans listed in Schedule 1 unless otherwise agreed in writing by the Local Planning Authority.

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

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 21 Prior to first occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
- a) a description and evaluation of features to be managed;
 - b) ecological trends and constraints on-site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) details of the body or organisation responsible for implementation of the plan; and
 - f) ongoing monitoring and remedial measures.
- The approved LEMP shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD9 and INF3 of the Joint Core Strategy (2017).

- 22 Prior to first occupation of each dwelling, car and cycle parking provision for that dwelling shall be provided in accordance with the approved plans listed in Schedule 1. The car parking spaces shall be hard surfaced and positively drained to a suitable outfall to ensure no surface water runs onto the highway and maintained as such thereafter, and shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure the adequate provision of car parking within the site in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 23 Prior to first occupation of each dwelling, that dwelling shall be provided with a properly constructed access by both car and foot to the adopted highway to at least base course level.

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

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

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

Reason: To assist in mitigating any impacts the proposed development may cause to designated landscape areas, having regard to adopted policy BG1 of the Cheltenham Plan (2020), and adopted policy SD9 of the Joint Core Strategy (2017).

- 25 The approved Residential Travel Plan (Rappor, Issue 03, August 2025) shall be implemented and monitored in accordance with the regime contained within the plan and for a minimum period of 5 years from first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce vehicle movements and promote sustainable travel, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

INFORMATIVES

- 1 **IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED TO (AS A**

CONDITION DISCHARGE APPLICATION) AND APPROVED IN WRITING BY CHELTENHAM BOROUGH COUNCIL.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cheltenham Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

Information on how to discharge the biodiversity gain condition can be found here: <https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-net-gain-bng/>

30-year Habitat Management and Monitoring Plan templates can be found here: <https://publications.naturalengland.org.uk/publication/5813530037846016>

- 2 The applicant/developer is advised that the accepted hours for construction are Monday to Friday 7.30am - 6pm and Saturdays 8am - 1pm, no works should take place at any time on Sundays, or Bank/Public Holidays. No machinery should be operated, no process carried out, and no deliveries taken at or despatched from the site outside of the accepted hours.
- 3 The applicant/developer is advised that for the use or reuse of sewer connections, either direct or indirect to the public sewerage system, a formal application to Severn Trent Water must be submitted under section 106 of the Water Industry Act 1991. Copies of current guidance notes and application forms can be obtained from their website (www.stwater.co.uk) or by contacting their Development Services Team (Tel: 0800 707 6600).
- 4 The applicant/developer is advised that the estate road and drainage layout will require approval under section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'.

There are detailed issues that need to be approved in order to achieve technical approval under that process and you should contact Gloucestershire County Council to ensure that approvals and agreements are secured before the commencement of works.

The obtaining of planning permission for any design/layout will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications.

If the road is to be privately maintained, residents should be advised that should the public areas be handed to a management company of which they are shareholders they may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc. and advised to take advice on public liability insurance against claims associated with those responsibilities.

- 5 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full. The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing legislation.

GCC S106 Infrastructure Team - Economy and Strategic Planning

1st August 2025

Comment available to view in documents tab.

Ecologist

17th October 2025

We have reviewed the Ecological Impact Assessment (Focus Environmental Consultants, May 2025), letter from Focus Environmental Consultants (June 2025), Biodiversity Net Gain Assessment (Focus Environmental Consultants, May 2025), Report to Inform Habitats Regulations Assessment (Focus Environmental Consultants, June 2025), and Biodiversity Metric (Focus Environmental Consultants, September 2025), and our response with regards to ecology is provided below.

The site was surveyed by Focus Environmental Consultants in February 2025 and has previously been surveyed on numerous occasions by Wharton between 2022 and 2025. A data search from GCER was received in 2024 and has informed the reports and requirement for further surveys.

The site comprises modified grassland, with some ruderal species, mixed scrub, bramble scrub, hardstanding colonised by ephemeral vegetation, lines of trees, scattered trees and an unmanaged garden hedgerow. One large, seven medium and eighteen small trees are scheduled for removal, along with the hedgerow, much of the grassland and all of the scrub.

Monitoring of a potential badger sett entrance on the eastern site boundary was carried out by Wharton for 21 days in April and May 2024. No evidence of badger use was recorded. The report states that update surveys would be required if work didn't commence within 12 months. As the monitoring was carried out nearly 18 months ago, update monitoring surveys are required and the results and mitigation strategy submitted prior to determination.

None of the trees on-site were found to have potential bat roosting features. A sensitive lighting scheme has been recommended to avoid impacts on foraging and commuting bats.

There are no waterbodies within 250m of the site, and great crested newts are presumed to be likely absent.

The grassland, scrub and brash piles provide suitable habitat for reptiles to forage and shelter, but it is considered unlikely that the site supports important populations due to its isolated urban location and the small size of the suitable habitat areas. Precautionary measures have been recommended, which include an ecologist checking areas of dense vegetation prior to clearance and dismantling brash piles by hand.

Suitable bird nesting habitat is present within the scrub and trees. The grassland is considered to have low suitability for ground nesting due to the current levels of disturbance, small size of the suitable habitat and high risk of predation.

No impacts on hazel dormouse are anticipated due to the lack of suitable habitat on-site and isolation from areas of suitable habitat.

Disposal of the wall cotoneaster must be carried out by a specialist contractor.

Proposed enhancements include bird boxes (including sparrow terraces), bat boxes, hedgehog shelters, hedgehog highways, landscaping of value to wildlife, the creation of SuDS and an attenuation pond.

The site is c. 7.75km to the north of the Cotswold Beechwoods SAC. The HRA Informative Report recognises potential recreational impacts on the Cotswold Beechwoods SAC and outlines mitigation measures, which include the provision of 0.5ha of on-site greenspace and

Homeowner Information Packs. Details of alternative off-site recreational opportunities within 3km (11 – 30 minute walk from the site) of the site are also provided. The HRA Informative Report states that a contribution towards the strategic mitigation strategy is unnecessary in this instance; however, given the scale of the proposals and the size of the onsite open space, a contribution to the strategic mitigation strategy is considered necessary to avoid an adverse impact. The HRA Informative Report should be updated accordingly before it is adopted by the LPA.

The Biodiversity Metric and Biodiversity Net Gain Assessment show that the proposals would deliver a -0.85 net loss in habitat units, which equates to -10.25%. There would be a 0.02 gain in hedgerow units, which equates to a 93% net gain.

Habitat enhancement/ creation measures include areas of other neutral grassland, native scrub planting, native tree planting, native hedgerow planting and SUDs ponds. Offsite offsetting would be required to deliver a 10% net gain in habitat units.

Previous comments from the Council's Ecology Officer raised the difficulty of delivering other neutral grassland in 'good' condition within areas of public open space, namely due to disturbance from people and their pets. The rebuttal letter from Focus Environmental Consultants reinforces that it will be possible to meet the required condition criteria provided suitable management is in place. However, whilst we agree that other neutral grassland in 'good' condition should be targeted in the right situations. The area of proposed open space within the site is considered to be relatively small and is likely to be subject to heavy footfall. It is considered unlikely that the bare ground and physical damage condition criteria will be able to be met. Therefore, we would suggest that the majority of the other neutral grassland targets a 'moderate' condition with areas further from the pathways and around the perimeter of the open space targeting a 'good' condition. A post-development habitat plan, which corresponds with the Biodiversity Metric, is required to clearly show the locations of created and enhanced habitats.

The site is not within a Nature Improvement Area or Strategic Nature Area within the Gloucestershire Local Nature Partnership (GLNP) Nature Recovery Network.

If planning permission is granted, the general Biodiversity Net Gain condition will be applied under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. This will be listed separately on the decision notice. The proposed on-site habitats are considered to be significant enhancements and a S106 will be required to secure monitoring by the LPA.

The applicant will be required to purchase offsite habitat units from an offsite provider. This will be detailed within the Biodiversity Gain Plan and will form part of the pre-commencement condition

Requirements prior to determination:

- A post-development habitat plan, which corresponds with the Biodiversity Metric, is required to clearly show the locations of created and enhanced habitats.
- The Biodiversity Metric should be updated to address the comments above in relation to other neutral grassland.
- As the badger monitoring was carried out nearly 18 months ago, update monitoring surveys are required and the results and mitigation strategy submitted prior to determination.
- The HRA Informative Report should be updated to include contributions to the strategic mitigation strategy.

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

To be updated following approval of the requested further information.

1. All works shall be carried out in full accordance with the recommendations contained in the Ecological Impact Assessment (Focus Environmental Consultants, May 2025), Biodiversity Net Gain Assessment (Focus Environmental Consultants, October 2025) and Report to Inform Habitats Regulations Assessment (Focus Environmental Consultants, October 2025), once updated and approved by the LPA.

2. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP should be kept in the site office for reference for site workers. The CEMP-B shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. A precautionary working method statement for the following species: bats, amphibians, reptiles, nesting birds, badger and hedgehog;
- v. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- vi. Details of any external lighting required during construction phase;
- vii. The times during construction when specialists ecologists need to be present on site to oversee works;
- viii. Responsible persons and lines of communication;
- ix. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- x. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- xi. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

3. Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented prior to the occupation of any of the dwelling houses hereby permitted, and thereafter retained and maintained for the lifetime of the development; The scheme shall include, but not be limited to, the following details:-

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken; and
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

4. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy shall be submitted to and approved by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The strategy will:

- a. Identify the areas/features on site that are particularly sensitive for nocturnal species;
- b. Show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using their habitats or wildlife corridors.

c. show the position and luminance levels of proposed external lighting and how this responds to the landscape setting of the area.
d. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).
The scheme should be implemented and maintained in accordance with the approved details for the lifetime of the development.

5. A 30-year Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any above ground works of the development hereby approved being undertaken. The plan shall be prepared in accordance with the Biodiversity Gain Plan and must include, but not necessarily be limited to, the following information:

- I. Description and evaluation of features to be managed, including locations shown on a site map;
- II. Establishment details, including preparation of the land;
- III. Landscape and ecological trends and constraints on site that might influence management; Aims and objectives of management, including ensuring the delivery of at least a 10% net gain in habitat, hedgerow and watercourse (if applicable) units;
- IV. Appropriate management options for achieving the aims and objectives;
- V. Prescriptions for all management actions;
- VI. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5- or 10-year periods;
- VII. Details of the body or organisation responsible for the implementation of the plan;
- VIII. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures and adaptive measures might need to be put in place; and
- IX. Timeframe for reviewing and reporting on the plan. Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The HMMP shall be implemented in accordance with the approved details and all habitats shall be retained in that manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancements have been completed.

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

- *NPPF Para 180 - 194 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework1*
- *SD9 Biodiversity and Geobiodiversity*
- *INF3 Green Infrastructure*

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

Cheltenham Plan, Adopted 2020:

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

Wildlife legislation context:

- *Wildlife and Countryside Act 1981 (as amended)*
- *Conservation of Habitats and Species Regulations 2017*

- *Natural Environment and Rural Communities (NERC) Act 2006*
- *Protection of Badgers Act 1992*

5th November 2025 – revised comments

An updated Biodiversity Net Gain Assessment (Rev 07) (Focus Environmental Consultants, October 2025) has been submitted, which includes a Post Development Habitat Plan in Annexe 5.1.2. The plan is in accordance with the revised Biodiversity Metric and clearly shows the areas of enhanced and proposed habitats and hedgerows.

An updated Biodiversity Metric has been submitted, which includes proposed and enhanced areas of other neutral grassland that are targeting a 'moderate' condition, which is considered to be realistic and achievable.

The results of the updated badger monitoring surveys remain outstanding.

An updated Report to Inform Habitats Regulations Assessment (Focus Environmental Consultants, October 2025) has been submitted, which commits to providing financial contributions to the strategic mitigation strategy. This will need to be secured through a suitable legal agreement. We are now satisfied with the conclusions of the Report to Inform Habitats Regulations Assessment (Focus Environmental Consultants, October 2025), and it can be adopted by the council.

Trees Officer

24th June 2025

Any removal of Highways managed trees will require a S106 agreement to provide funding for new tree planting elsewhere in the Ward. A figure will need to be agreed by all parties and CAVAT should be used to guide this negotiation.

There is some discussion in the tree survey as to the categorisation of high value trees (local policy says a tree should have at least 10 years and BS5837 says at least 40 years). The Trees Section would argue that this is largely academic as the grade B trees to be removed likely have at least 40 years life expectancy anyway. As such, the Trees Section objects to their removal. However, it is accepted it will be the Planning Officer's decision to weigh the relative importance of these trees against the benefits of the scheme in the 'planning balance.'

Ts 15 and 16 are to be recontextualised in modest sized gardens. This is likely to lead to heavy pruning or removal of these trees. The Trees Section will consider a TPO to protect these and other retained trees around the site.

The landscape plan submitted is illustrative. As well as tree locations, it should detail species and size of trees to be planted. It is regrettable that the main road through the site is not properly tree lined (as recommended by NPPF Para 136) and lacks trees especially in the northerly part of the site. There is limited scope for planting in the highway or to the front of houses.

Reason: to protect the amenity value of trees in the Borough as per Policies GI2 and GI3 of the Cheltenham Plan and to ensure the planting of suitable new trees as per Para 136 of the NPPF.

10th October 2025 – revised comments

Whilst there is now a planting spec, and a general guide to show where trees of different sizes will be planted, these plans should be more specific. The plan should be marked up to show where each species will be planted and at what size. Extra heavy and heavy standards should not be planted. The watering requirements of such large trees are very unlikely to be met in a new estate, leading to poorly established or dead trees.

As such, the Trees Section does not endorse the landscape plans in their current iteration.

27th October 2025 - revised comments

All trees to be planted as a part of the landscaping scheme should be container grown not root-balled (as described within the planting schedule).

A detailed management plan of the SWALES and management and aftercare of new trees as well as the management of retained trees should be set out so there is a clear future management plan of all vegetation/trees.

Carex and Salix should be removed from planting plans due to their invasive nature.

Access Facilitation Pruning requirements should be submitted and agreed. This should include the re-pollarding of willow T5 where a new access road is to pass through the tree's Root Protection area. Other AFP (or other structural management pruning) should include proposals (if any) to T's 10,14,15 + 16.

10th November 2025 – revised comments

The CBC tree Section welcomes the updated planting schedule (Doc. no MNK-BDP-XX-00-SH-L-900750 P05) to remove Carex and Salix from the planting scheme.

Similarly the change from root-balled trees to container grown trees.

Please could details of the management plan of the SWALES and tree planting aftercare be submitted and agreed as previously requested.

Similarly, the access facilitation as well as structural management tree pruning proposals be submitted and agreed.

Natural England

3rd October 2025

Comment available to view in documents tab.

19th November 2025 – revised comments

Response in documents tab.

Gloucestershire Centre for Environmental Records

30th May 2025

Please see response in document tab

Environmental Health

8th July 2025

In relation to application reference 25/00837/FUL for the land off Shelley Road, Cheltenham, please can the following be added from Environmental Health:

Condition - construction:

Due to the location of this site as well as it being near to other residential premises, we would therefore recommend the following conditions are attached to any consent for this development to take place:

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

- 24 hour emergency contact number
- hours of operation

- parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction)
- routes for construction traffic
- locations for loading / unloading and storage of plant, waste and construction materials
- method of prevention of mud being carried onto highway - measures to protect vulnerable road users (cyclists and pedestrians)
- any necessary temporary traffic management measures - arrangements for turning vehicles
- arrangements to receive abnormal loads or unusually large vehicles - methods of communicating the construction management plan to staff, visitors and neighbouring residents and businesses
- waste and material storage
- noise controls and mitigation
- details of demolition and controls for this
- control measures for dust and other air-borne pollutants
- measures for controlling the use of site lighting whether required for safe working or for security purposes
- if there is to be the use of generators on site - whether for initial power stream in the development, general lighting/security or for welfare facilities.

Condition - times of work:

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07:30hrs -18:00hrs, Saturday 08.00hrs - 13:00hrs nor at any time on Sundays, Bank or Public Holidays.

Query:

Please can the developer confirm that there will be no use of pilling for foundations at this site?

County Archaeology

18th June 2025

Thank you for consulting the archaeology department on this application. I have checked the county Historic Environment Record and can advise that archaeological investigations have been carried out within the proposed development site as part of a previous planning application. Geophysical survey and trial trench evaluation have established the presence of archaeological remains of a Romano-British settlement with residual prehistoric material indicating a possible earlier phase of activity at the site. Most of the archaeological features recorded correlate to the results of the earlier geophysical survey, suggesting that the archaeological remains of interest are present within the central and southern part of the site (recorded in trenches 3,5,6,7 and 8).

The application is supported by a Written Scheme of Investigation for Archaeological Mitigation by Red River, dated April 2024. From our records it does not appear that this document has been approved by this department, and I advise that this document does not fully mitigate for all the significant archaeological remains which have been identified from the previous investigations. The archaeological evaluation by Worcestershire Archaeology (March 2028) recorded a Roman gully and shallow ditch in trench 8 which showed that additional features may be present in the southern part of the site which were not picked up by the geophysical survey due to the presence of deep topsoil and subsoil deposits in this part of the site.

On the basis of the above I advise that an amendment is required to the proposed mitigation area with added contingency to ensure that all archaeological remains of interest which will be impacted by the proposals are investigated and recorded, as stated in the National Planning Policy Framework, policy 218.

Once an agreed WSI is in place I will be able to recommend a condition be placed on planning permission to ensure the approved programme of archaeological investigation is carried in accordance with the approved details.

13th October 2025 – revised comments

Thank you for consulting the archaeology department on the additional information submitted with the application. I note the submission of a document titled "Land off Shelley Road, Cheltenham; Written Scheme of Investigation for Archaeological Mitigation" by Rubicon Archaeology, dated September 2025.

I advise that the Written Scheme of Investigation proposes an appropriate programme of archaeological work to allow for the investigation and recording of archaeological remains which will be impacted by the scheme.

In order to ensure the programme of archaeological work is carried out and reported on I recommend that a compliance condition is attached to planning permission and you may wish to use the following wording:-

"The proposed development shall be carried out in accordance with the approved written scheme of investigation titled "Land off Shelley Road, Cheltenham; Written Scheme of Investigation for Archaeological Mitigation" by Rubicon Archaeology, dated September 2025."

Reason: 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 218 of the National Planning Policy Framework (Dec 2024).

GCC Minerals and Waste Policy

13th June 2025

Response in documents tab.

Crime Prevention Design Advisor

19th June 2025

Response available to view in documents tab.

28th October 2025 – revised comments

Response available to view in documents tab.

Housing Enabling

19th June 2025

Response available in documents tab.

17th October 2025 – revised comments

Further to my enabling comments which I submitted for this scheme on 17th June (please find attached), I am responding to the revised plans which have been recently submitted Planning ref 25/00837/FUL.

As per my previous comments, I wish to support this scheme and detailed planning application for permission to deliver 70 affordable homes with a mix of :

- 70% Social Rent - 49 homes
- 30% Shared Ownership - 21 homes

Broadly speaking, we are satisfied with the following matters raised by the applicant within their response to consultees dated 24th September.

- All appears appropriate for the proposed M4(2) dwellings and the information covers helpful detail
- All appears appropriate for the proposed 5 bed house
- I am happy to support the proposals for M4(3)
- Glad to hear Future Homes has been incorporated into the scheme design
- Helpful information but the table in the Affordable Housing Statement on page 1 still does not specify around the provision of M4(2) and M4(3) properties

However, I wish to raise some minor points on the following:

- With regard to the Affordable Housing Statement - whilst the Affordable Housing Statement states that two units will be built to M4(3)(2)(b) once it is known who will occupy them, I regret it may not be possible to understand who will be allocated until after the scheme has been taken forward.
- With regard to the schedule, it would be beneficial to insert the same information in the table within the Affordable Housing Statement e.g. which plots on the plan are M4(2) and M4(3) instead of referring to the schedule to identify this information.
- There is a typo within the description of the 5 bedroom 7 person property which states 4B7p in brackets.

Architects Panel

11th August 2025

Design Concept

The panel had no objection to the principle of this development.

Design Detail

There are a number of points that cause concern with regards the proposed scheme particularly given this is a scheme for Cheltenham Borough Council and as such should be setting an example of good design in terms of both place making and sustainable living.

Whilst the site plan looks attractive and illustrates a high proportion of green space on closer inspection it is apparent that the amount of parking proposed is woefully low. Whilst it may be an aspiration to reduce parking numbers there is a reality that many homes will have at least one car. In total 70 dwellings are proposed but only 79 parking spaces. The likely result is that the roads and shared spaces will become littered with vehicles as home owners and their visitors have nowhere to park.

It is also noted that a number of the house types fail to meet the national space standards.

Each house type is presented as single unit however most of the dwellings are in terraces. In looking at the street scene it is not clear exactly how the roof junctions and rainwater drainage will work. There are also some awkward details where two storey and three storey dwellings abut one another.

The aesthetics of the large apartment block are also rather uninspiring.

Recommendation

The panel felt this is a sensible site to be seeking to develop but the concerns outlined above mean that the panel doesn't feel it can support this application.

Building Control

9th June 2025

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

GCC Lead Local Flood Authority (LLFA)

13th June 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.

Flood Risk

The Flood Risk Assessment (FRA) (BR-582-0001-02; 28 April 2025) shows that the site is in Flood Zone 1 and at low risk according to the Risk of Flooding from Surface Water. The catchment for the areas shown to be at high risk appear to be mainly within the site itself so will be managed through the development's surface water drainage strategy.

Surface Water Management

Discharge strategy

The FRA and Drainage Design Philosophy (00.24019-ACE-01-ZZ-T-C-0001-P05; 28 April 2025) show that the site is not suitable for infiltration due to the geology being Charmouth Mudstone and infiltration tests returning poor infiltration rates.

There are no watercourses in the vicinity of the site, so the alternative is to discharge into the Severn Trent Water surface water sewer within Shelley Road.

Discharge rates

The discharge rate will be limited to 4.5 l/s, which is approximately equal to the greenfield runoff rate for QBar and meet's STWs requirements. This will form the method for managing runoff volume.

Sustainable Drainage System (SuDS) strategy and indicative plan

The Drainage Strategy layout plan (00.24019-ACE-00-ZZ-DR-C-1000-P7) shows that SuDS will be incorporated into the development in the form of an attenuation pond, underground storage tanks and swales. The strategy will manage water quality as well as provide amenity and biodiversity benefits, however, the simulations of the drainage to demonstrate it can manage water quantity do not include the swales and filter trench that are proposed to drain sections of the highway. To ensure the highway swales and filter trench have sufficient capacity, they should be included in the modelling of the drainage and the dimensions included on the layout plan.

The Drainage Philosophy document also states that "The filter strip will be maintained by the highway authority", which hasn't been agreed yet and may not be adopted by GCC Highways. This should be changed.

A maintenance plan for how the SuDS features will be maintained can be provided through a condition.

Climate change

Climate change has been incorporated into the strategy at a value of 40%, which is in line with the Environment Agency's latest estimates.

Exceedance flow plan

The Proposed Levels Plan (00.24019-ACE-00-ZZ-DR-C-3200-P6) appears to show a low spot in the highway outside of plot H12, which is at risk of accumulating surface water in events that exceed the design of the drainage. Exceedance flow routes should minimise the risk to people and property and avoid private property where possible. More information should be provided to show where water that accumulates here will travel through and off the site.

LLFA Recommendation

Simulations of the drainage network including all the SuDS features should be provided to demonstrate there will be no flooding in a 1 in 30 year rainfall event and the network can

accommodate the a 1 in 100 year rainfall event plus climate change. Further information is recommended to demonstrate the exceedance flows, particularly around plot H12, can be safely managed around the development.

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

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

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

16th October 2025 – revised comments

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 Drainage Philosophy document (00.24019-ACE-01-ZZ-T-C-0001; Revision P06; 20 June 2025) includes some more information on the design of the highway swales but seemingly no information on their capacity or any updated simulations to demonstrate their capacity. The document also no longer states that the GCC Highways will adopt the swales and filter drain, rather they will be offered for adoption by them.

A Flood Exceedance Plan (00.24019-ACE-00-ZZ-DR-C-1020-P2) has been submitted, which along with the Proposed Levels Plan (00.24019-ACE-00-ZZ-DR-C- 3200-P7), shows where surface water should flow in events when the design of the drainage is exceeded. They show a low point on the highway at the corner outside of dwelling H12 where water will accumulate in exceedance events. The next lowest point along the exceedance flow path identified is 54.544m so water will accumulate to this depth before flowing south. Dwelling H12 has a finished floor level of 54.550m, which would put it at relatively high risk if this were to happen. This dwelling may need to be raised to protect it from flooding in these scenarios. More information on the levels in this area including a kerbing plan could demonstrate that this is feasible.

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.

10th November 2025 – revised comments

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 three highway swales have now been included in the latest Drainage Calculations and are shown to have sufficient capacity to accommodate runoff from their respective catchments. The latest Proposed Levels Plan (00.24019-ACE-00-ZZ-DR-C-3200-P8) also shows that the finished floor level of dwelling H12 has been raised, reducing the risk of it flooding from the

potential for surface water to accumulate in the highway in rainfall events that exceed the design of the drainage.

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

Condition: No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Drainage Strategy; 00.24019-ACE-00-ZZ-DR-C-1000-P10). The SuDS Strategy must include a detailed design. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied.
Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

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

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

Condition: No development shall take place within each phase of development, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall detail the measures to control the risk of flooding during construction.

Reason: To reduce the risk of flooding to surrounding property during the construction of the permitted development.

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

NOTE 2: 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
28th July 2025

With reference to the above planning application the Company's observations regarding sewerage are as follows.

Having viewed the drainage proposals as shown on Drainage Strategy (Drawing: 1000 Rev: P7) we request the following condition is applied.

We do not wish foul sewage to discharge to manhole 1302 as shown on the plan. We also expect surface water to be managed via Sustainable Drainage systems.

It is important for the developer to note that the Development Enquiry letter provided (SAP ref 8305800) is no longer valid as per the letter dated 09/04/2018 which states "Please note that Development Enquiry responses are only valid for 6 months from the date of this letter." I would highly recommend the developer to contact the Network Solutions team to discuss the old Development Enquiry SAP ref 8305800 as a new application may now be required due to length of time passed.

Severn Trent requests that any approval be conditioned as follows:

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

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

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.

4th November 2025 – revised comments

Having received the consultation for the above planning application, I have the following comments to make.

The submitted 'Drainage Strategy' plan (drawing ref: 1000 Rev: P10) shows all foul sewage is proposed to discharge to the public foul sewer at manhole 1304, and all surface water is proposed to discharge to the public surface water sewer, with a proposed discharge rate of 5litres/second.

For your information, before we would consider a connection to the public surface water sewer for surface water discharge, we would request that soakaways and other Sustainable Drainage techniques (SuDs) are investigated.

These alternative techniques should be explored to minimise run-off, for example, soakaways, green roofs, swales and other above ground detention SuDS. Further information is available in [The SuDS Manual \(C753F\)](http://www.ciria.org/CIRIA/CIRIA/Item_Detail.aspx?iProductCode=C753F) www.ciria.org/CIRIA/CIRIA/Item_Detail.aspx?iProductCode=C753F.

If these are proven to not be feasible on site (with satisfactory evidence) we would consider a connection to the public surface water sewer with flows restricted (please provide calculations on how the proposed rate was achieved).

We therefore would ask that the drainage related condition is not discharged at this stage.

I trust you find the above in order, however, if you have any further enquiries then please do not hesitate to contact us at Planning.apwest@severntrent.co.uk.

6th November 2025 – revised comments

I can advise that based on the newly provided information, we have no objection to the discharge of the drainage related condition; all foul sewage is proposed to discharge to the public foul sewer at manhole 1304, and all surface water is proposed to discharge to the public surface water sewer, with a proposed discharge rate of 4.5litres/second which has been agreed via Development Enquiry SAP ref 1156047 (not 5litres/second as shown on plan 'Drainage Strategy' plan (drawing ref: 1000 Rev: P10)).

Based upon these proposals I can confirm we have no objections to the discharge of the drainage related condition.

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 contact our Development Services Team (Tel: 0800 707 6600).

I trust you find the above in order, however, if you have any further enquiries then please do not hesitate to contact us.

GCC Highways Development Management

15th July 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 subject to conditions.

The justification for this decision is provided below.

The site was formerly occupied by Monkscroft Primary school, has a previous planning permission for 60 dwellings with a requirement of the then planning committee for two access points and this application was subject to an extensive pre-application process.

Consultations Appendix

The application is accompanied by a Transportation Assessment. The predicted traffic generation and distribution in the TA are accepted as being a reasonable assumption about the likely impact of that traffic on the local highway network.

The two site accesses have been designed to broadly accord with MfGS although detailed designs will need to be produced and approved as part of the S278/S38 process.

There is a known accident issue at the Tennyson Road/A40 junction but the likely traffic flow through this junction at around 8.5% of peak hour traffic equating to 4 AM peak movements and 3 PM peak movements is not considered sufficient to have a severe impact on capacity or result in an unacceptable reduction in highway safety.

The submitted drainage scheme including proposed swales that are stated to be "adopted by the highway authority" on the drawings is specifically not approved as the proposed scheme is unlikely to be adopted in this form and their approval at this stage may well create problems delivering the scheme.

There are number of points where there appears to be connections to the highway and the development must be designed to ensure only the two vehicular accesses are available and any cycle and pedestrian connections to the highway must be provided with appropriate visibility splays.

It is accepted that the site is in a broadly sustainable location with reasonable opportunities to walk cycle and use public transport to reach local services and employment opportunities.

Car parking levels are slightly below MfGS standards but accord with the available census data around the likely levels of car ownership in the area and are therefore considered acceptable. Cycle parking should be provided at MfGS levels for all dwellings.

In addition to the points raised above it is recommended that should the application be approved it be subject to the following conditions:

Before any dwelling on the site is occupied it shall be provided with a number of car and cycle parking spaces in accordance with relevant parking standards and those spaces shall be hard surfaced and positively drained to a suitable outfall to ensure no surface water runs onto the highway and once occupied shall be maintained as such thereafter.

Before occupation each dwelling shall be provided with a properly constructed access by both car and foot to the adopted highway to at least base course level.

Construction traffic will be managed to ensure there is no parking on the public highway of either staff or delivery vehicles at any time.

The site will be provided with a suitable wheel washing facility that ensures no mud or any loose material is carried from the site onto the public highway at any time. Any such facility shall be positively drained to a suitable outfall to ensure no surface water runs away from the facility.

Before any part of the development hereby approved is brought into beneficial use and irrespective of any document currently submitted a Travel Plan will be submitted to and approved by the LPA which will include a monitoring methodology which will include a survey methodology for assessing the travel mode choices of residents, an initial series of targets for modal shifts for residents and a secondary series of measures should the initial targets not be achieved. These secondary targets could include contributions to improving infrastructure to support sustainable travel modes as well as or instead of other measures to drive change. The Travel Plan once approved will be monitored and managed including an agreed surveying system to identify travel choices of (residents/customers and staff), changes in those travel

choices and submission of annual reports from the Travel Plan Co-ordinator to the Local Authority for at least five years from the occupation of the final part of the development or until the targets in the Travel Plan are met.

I would also be grateful if you could add the following notes to the decision notice:

This estate road and drainage layout will require approval under Section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'.

There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Gloucestershire County Council to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for any design/layout will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that should the public areas be handed to a management company of which they are shareholders they may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and advised to take advice on public liability insurance against claims associated with those responsibilities.

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.

2nd December 2025 – revised comments

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

The justification for this decision is provided below.

The site was formerly occupied by Monkscroft Primary school, has a previous planning permission for 60 dwellings with a requirement of the then planning committee for two access points and this application was subject to an extensive preapplication process.

The application is accompanied by a Transportation Assessment. The predicted traffic generation and distribution in the TA are accepted as being a reasonable assumption about the likely impact of that traffic on the local highway network. The two site accesses have been designed to broadly accord with MfGS although detailed designs will need to be produced and approved as part of the S278/S38 process.

There is a known accident issue at the Tennyson Road/A40 junction but the likely traffic flow through this junction at around 8.5% of peak hour traffic equating to 4 AM peak movements and 3 PM peak movements is not considered sufficient to have a severe impact on capacity or result in an unacceptable reduction in highway safety. The submitted drainage scheme including proposed swales that are stated to be “adopted by the highway authority” on the drawings is specifically not approved as the proposed scheme is unlikely to be adopted in this form and their approval at this stage may well create problems delivering the scheme.

There are number of points where there appears to be connections to the highway and the development must be designed to ensure only the two vehicular accesses are available and

any cycle and pedestrian connections to the highway must be provided with appropriate visibility splays.

It is accepted that the site is in a broadly sustainable location with reasonable opportunities to walk cycle and use public transport to reach local services and employment opportunities.

Car parking levels are slightly below MfGS standards but accord with the available census data around the likely levels of car ownership in the area and are therefore considered acceptable. Cycle parking should be provided at MfGS levels for all dwellings.

In addition to the points raised above it is recommended that should the application be approved it be subject to the following conditions:

Before any dwelling on the site is occupied it shall be provided with a number of car and cycle parking spaces in accordance with relevant parking standards and those spaces shall be hard surfaced and positively drained to a suitable outfall to ensure no surface water runs onto the highway and once occupied shall be maintained as such thereafter.

Before occupation each dwelling shall be provided with a properly constructed access by both car and foot to the adopted highway to at least base course level. Construction traffic will be managed to ensure there is no parking on the public highway of either staff or delivery vehicles at any time.

The site will be provided with a suitable wheel washing facility that ensures no mud or any loose material is carried from the site onto the public highway at any time. Any such facility shall be positively drained to a suitable outfall to ensure no surface water runs away from the facility.

Before any part of the development hereby approved is brought into beneficial use and irrespective of any document currently submitted a Travel Plan will be submitted to and approved by the LPA which will include a monitoring methodology which will include a survey methodology for assessing the travel mode choices of residents, an initial series of targets for modal shifts for residents and a secondary series of measures should the initial targets not be achieved. These secondary targets could include contributions to improving infrastructure to support sustainable travel modes as well as or instead of other measures to drive change. The Travel Plan once approved will be monitored and managed including an agreed surveying system to identify travel choices of (residents/customers and staff), changes in those travel choices and submission of annual reports from the Travel Plan Co-ordinator to the Local Authority for at least five years from the occupation of the final part of the development or until the targets in the Travel Plan are met.

I would also be grateful if you could add the following notes to the decision notice:

This estate road and drainage layout will require approval under Section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'. There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Gloucestershire County Council to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for any design/layout will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that should the public areas be handed to a management company of which they are shareholders they may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and advised to take advice on public liability insurance against claims associated with those responsibilities.

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.

Urban Design **29th July 2025**

I refer to the above application and have a few urban design comments to make.

The proposal seeks to create an infill development on a brownfield site within an established urban area of the town. The surrounding neighbourhood to the north, east and south consists of tree-lined streets and housing forms particularly prevalent of early 20th Century, including attractive Arts and Crafts style housing with a strong identity and character.

Access

- Shelley Rd: the proposed vehicular access provides an interesting vista alignment across part of the site towards the dwellings that front onto the open space (plots 23-26). This contributes to the scheme's legibility, drawing one's view towards scheme. These dwellings (plots H23-H26) provide an opportunity to hold the corner of the block than they currently do.
- Shakespeare Rd- not entirely convinced by the misalignment of the proposed access to the existing access opposite at Othello Rd.
- Pedestrian access opposite Goldsmith Rd - this is very well positioned and aligned, drawing pedestrians directly through and across the site.
- Is there an access off Shakespear Rd to serve plots H19-H22?

Connectivity - the scheme seeks to provide a vehicular, pedestrian and cycle linkage north-south across the site. This is a particularly strong aspect of this scheme as it will increase connectivity across the local area and permeability across the site itself too. The connection across the site is clear and direct, and designed with continuous frontage along its length which will contribute to making it feel safe and attractive to use for all users.

Boundary treatments/edges - little information on the detail of front boundary treatments across the site other than the grass-roofed bin enclosures. We would expect to see some low-level enclosure to contain low shrubbery if these form long areas of frontage against the public realm. Below are some examples of active frontage treatments on housing schemes that achieve a strong relationship to the public realm.

Boundary treatments: timber fencing facing the public realm – boundary walls facing the public realm such as these highlighted should be constructed out of solid walling rather than timber fencing. This is to secure long-term robustness and consistency and to provide a more attractive streetscape too.

Frontages to plots H42-46 –greening these frontages could enhance the north-south GI across the site – consider regular-spaced tree planting along them.

Rear pathways/alleyways - these should be minimised as much as possible, as they generally offer an unsatisfactory solution for access to rear gardens over the long term. Multiple occupiers using the same gate, problems of fly-tipping and lengths of run to get to the rear garden can be cumbersome and can feel unsafe too. It is good to see these alleyways are proposed as gated. Other possible solutions to consider include the provision of ginnel-type arrangements shared between 2-4 dwellings, or larger, bespoke enclosures to the front that include bicycle, recycling and waste storage.

Car parking - the scheme adopts a relatively low car parking provision which frees up the scheme for improved public realm. There are however some areas where the car parking arrangements are weakening the character of the street:

- Block of spaces between plots H9-H10 - there is no screening of this car parking area from the street. Consider incorporating a hedge alongside parking space P18 to soften the gap in the streetscene.
- Bank of car parking spaces surrounding plots H23-H26 – these spaces weaken the character of the street as they surround the entire end of the block. Consider grouping the car parking more centrally within a shared surface to mark the central part of the site. Consider also the opportunity for the built form for this terrace to be more prominent in this location.
- Parking spaces within SuDS area (spaces P36-P39) – these spaces would be better suited in a perpendicular arrangement on the opposite side of the SuDS, against the side wall of plot H18. This would free up the space within the SuDS space.

Large apartment block - designed in a deck-access arrangement providing all the apartments with dual aspect living. This provides excellent access to light, natural ventilation and outlook. The upper floors lack outdoor balconies, however given the generous landscaped, shared outdoor space provided, this outweighs this concern.

Small apartment block (Shakespear Rd - A19-A24) – mostly dual aspect, only 2 apartments single-aspect owing to being the central apartment. Well elevated building.

Open space (Shakespear Rd) - are the end elevations of plots H6 & H7 enough to enclose and address the space? Do they provide passive surveillance onto the open space?

Ambiguous space - some areas of the plan are generous with ambiguous space such as the thin green strips adjacent to plots H13 and H18. The line of trees is good, but it would be a better trade-off to include some car parking alongside plot H18 to free up the SuDS space instead, trees could still be accommodated with car parking. This would reduce the amount of hardstanding required as the reversing space would form part of the route.

Continuity of enclosure and 'turning the corner' needs consideration - main terrace of 4 (plots H23-H26) and at (H6 & H7) - both already mentioned.

Architecture – the house type designs adopt a restrained, contemporary architecture and the gable-fronted terraces add a strong sense of identity and character to the street.

Materials – the proposals seek to achieve a high-quality palette of materials. These have not been specified in the submission material other than the colour/tone. Suggest these are agreed via condition.

30th October 2025 – revised comments

I have reviewed the latest revisions in light of my previous comments, together with our discussions with the design team on this application.

Since my comments on this application (29 July) several improvements have been made to the scheme in response to particular urban design-related issues and suggestions that I raised.

In summary

In urban design terms this scheme provides excellent connectivity to the surrounding neighbourhood and good permeability (ease of movement through) and legibility (ease of understanding one's navigation) across the site.

In terms of response to character, the proposal makes the most of the important natural features it inherits by incorporating the attractive, mature tree group near the Shelley Road edge as part of the open space, and the same approach along Shakespear Rd - and ensures good development frontage onto this and the rest of the public realm through the scheme.

The architecture is of a high standard, seeks to achieve a simple, restrained contemporary aesthetic with a scale and mass that should sensitively respond to the surrounding context in both urban grain and form. The built form provides a good level of continuous frontage across the layout, which generates good enclosure and edges to the public realm.

The elevations and choice of materials proposed are of a high quality and the design is unique to this site which will positively enhance the development's character and identity over time.

Improvements made following design comments:

- Boundary treatments - timber fences facing the public realm have been revised to solid walls. This will secure a more robust approach to the public realm over the long term.
- Rear alleyways – the layout has indeed been revised to reduce the number of properties sharing the same rear access gate to no more than 4 dwellings per gate. This is an improvement to the previous site plan and in line with the secure by design minimum, but not the most ideal solution. While the use of rear alleyways is generally discouraged in contemporary residential layout design, the applicants have included gated access to these rear routes which is some consolation. On this proposed development, refuse & recycling storage provision is designed to the front of dwellings so the need to drag bins across these rear areas is not an issue, these rear accessways will probably be used occasionally for gardening projects and for maintenance purposes.
- Car parking
 - Layout has been revised by adding a hedge alongside parking space P18 as requested to partially screen and soften the car parking area from the street.
 - Other more comprehensive parking changes suggested were not taken on board due to a number of competing constraints across the layout. Overall it's worth noting that the proposed development car parking provision is relatively low which generates more space for amenity provision. Terraced housing typologies make integrated parking solutions a bit challenging and in some cases, limit the scope for additional public realm design as at a minimum each terraced dwelling on this site is designed to have one car parking space.
- Elevations
 - End elevations facing onto public spaces have been successfully revised to include new window openings and architectural detailing to both 'activate' and 'animate' the end elevations. These window openings will provide overlooking and passive surveillance onto these important public spaces across the layout, and at the entrance to the site along Shelley Road.
 - The elevations in general are an example of very good design - they provide a simple, restrained, well-proportioned, contemporary architectural expression which is vital in new housing design. This approach seeks to establish a contextually responsive design - vastly different to the standardised housing design seen across many large housing proposals that very often fail to establish a positive 'identity' and 'sense of place.'

Cheltenham Civic Society

17th June 2025

SUPPORT with comments

This is a well put together application, and we welcome the provision of more social housing.

The very block-like block of flats is not sympathetic to the neighbouring Poets conservation area. A pitched roof could soften its appearance.

There is no designated visitor parking, or parking for carers and other services.

We support the provision of community green space within the development. How will this green space be managed? The green verges in front of the houses on the right-hand side are likely to be used for parking. Are there plans for landscaping to prevent this happening? We think the plans should be accompanied by a commitment to maintain the landscaping so that the attractive images contained in the application documents are realised.

We note the archaeological report and hope that its recommendations will be acted on.

Net Zero/Climate Change

19th June 2025

Summary of comments on the latest Energy Statement:

- Page 17: Energy efficiency design table refers to ventilation via dMEV – reference to ensuring this meets all requirements of Blg Regs would be preferred.
- Page 17: States: *“Solar photo voltaic (PV) arrays will be installed on the roof of each apartment block and all house types. The solar PV array is to be directly connected into each individual dwelling, with a solar PV distribution system(e.g. Allume Energy SolShare or equal and approved) applied to the apartment blocks where feasible.”*
Overall this approach is a good concept for the solar PV on the apartment blocks and ensures tenants will gain the benefit on the installed solar (sometimes unusual on apartment blocks) - “Where feasible” – this would be preferred to be strengthened: would rather where feasibly is replaced with “unless it can be shown that this is clearly not feasible at detailed design stage”, or similar.
- Page 17: Pleased to see that everything has solar PV.
Would be good to know the expected size of PV system per flat.
Would have been nice to see that the 5B7P house had more (as the solar PV array on this property is smaller than that on the 4B7P property) – assume this is down to roof space: Can this be increased?
- Page 18: Pleased to see low carbon heating (ASHPs) specified for all properties: “The ASHP has a coefficient of performance (“CoP”) 3.26 (heating)” – please could clarification be provided on the basis for this figure. Is it a specific ASHP make/model?
- Page 19: Space heating demand – this is higher than in previous draft documentation - previously Space Heat Demand was listed as 24.40 kWh/m²/yr for the houses and 29.60 kWh/m²/yr for the flats. This has increased – an explanation for this would be appreciated.
- No mention of utilising solar PV energy not directly used via energy storage (either via batteries or solar diverter to HW). This should be considered at the detail design stage, so mention of it in this document would be important.
- Page 59 states: “Enhanced building fabric specification has been implemented to reduce the space heating demand” – please can guidance be provided to where this is quantitatively covered in the document, or if not can detail be provided to clarify this, i.e. U-value figures/increase over Blg Regs for walls, roofs, etc.

General point: it would be good to see a table included based on the requirements of the Climate SPD and clearly indicating the metrics and how they are meeting them – or not, there is information in the energy statement on some of the metrics but not all and it would be beneficial to have it all in one place (other applications are incorporating this in their energy statements).

Green Space Development

8th July 2025

Green Space Provision

The quality, quantity, and variety of public green space appear to be sufficient, although no formal calculations have been provided to support this.

Allotment Provision

A community growing space of adequate size is proposed, which offsets the allotment requirement of 0.04 hectares.

Play Provision The site includes a mix of informal and a few formal play features, which partially offset the Fields in Trust (FiT) standard play provision. However, despite the on-site provisions, there remains a requirement to contribute to off-site facilities. A development of this scale will significantly impact the usage and wear of surrounding play areas. In light of this, and considering the needs of local play provision, we are seeking the following S106 contributions:

- LEAP contribution: £12,900
- Contribution to multi-use games area and youth facilities: £42,000

At present, no detailed designs for the playground provisions have been submitted. These should be provided for approval. Several play elements are located near the main through road; therefore, a design risk assessment should be undertaken to ensure compliance with playground safety standards. If necessary, boundary treatments should be installed to reduce the risk of children running into the road.

3rd November 2025 – revised comments

Clearer changes between the 'Shared space/ Active travel route' to the north and the 'Active travel route' to the south. Bollards may be needed to prevent unauthorised vehicles access along the southern Active travel route.

The positioning of the proposed play equipment on Drawing P3003601 does not align with the layouts shown in Play Equipment Design 1, 2, 3, and 4.

It is recommended that grass protection playground matting be installed around all or selected play features to reduce the likelihood of the areas becoming muddy and slippery.

Some play features are positioned too close to the road (without a fence or hedge division), paths, and retaining walls. A hedge is illustrated on the Drawing P3003601 but not the play equipment design documents. The developer needs to be confident that the play features can be installed on the new contours and that they comply with British playground safety standards. Further clarity is required before approval can be granted.

The onsite play provision is insufficient, so the developer is contributing to other local offsite facilities through the Section 106 agreement, as detailed in the Financial Viability Assessment document (page 11), which we are supportive of.

14th November 2025 – revised comments

They haven't commented on my recommendation for grass protective safety matting around some of the units. Although it's not a major safety concern, for long term usability and maintenance I would recommend it on at least the trim trail F5 and F5a. I'm happy to approve the onsite play provision as detailed in MNK-BDP-XX-00-PL-L-900001 landscape drawing.