



CHELTENHAM BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Thursday, 21 January 2021
2.00 pm

Virtual WEBEX video conference via YouTube -
<https://www.youtube.com/user/cheltenhamborough>

Membership	
Councillors:	Garth Barnes (Chair), Paul Baker (Vice-Chair), Dilys Barrell, Mike Collins, Stephen Cooke, Bernard Fisher, Paul McCloskey, Tony Oliver, John Payne, Diggory Seacome and Simon Wheeler

The Council has a substitution process and any substitutions will be announced at the meeting.

Important Notice

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Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **MINUTES OF THE LAST MEETING** (Pages 3 - 12)
Minutes of meeting 17th December
5. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**

- 5a **20/01680/FUL British Telecom, Oriel Road,
Cheltenham, Gloucestershire GL50 1BA** (Pages 13 - 30)
[Planning application documents](#)
- 5b **20/01997/FUL Edge Hill, Kidnappers Lane,
Cheltenham GL53 0NX** (Pages 31 - 44)
[Planning application documents](#)
- 5c **20/01997/FUL & LBC Chapel Spa, North Place,
Cheltenham Glos GL50 4DW** (Pages 45 - 66)
[Planning application documents](#)

[Listed building consent documents](#)
- 5d **2020/02028/FUL Burrows Field, Moorend Grove,
Cheltenham Glos** (Pages 67 - 96)
[Planning application documents](#)
- 5e **20/01655/FUL Car Park, Synagogue Lane,
Cheltenham, Gloucestershire** (Pages 97 - 102)
[Planning application document](#)
- 5f **20/01972/FUL 11 Alstone Croft, Cheltenham,
Gloucestershire, GL51 8HB** (Pages 103 - 106)
[Planning application documents](#)
6. **APPEAL UPDATES** (Pages 107 - 108)
Appeal updates
7. **ANY OTHER ITEMS THE CHAIRMAN DETERMINES
URGENT AND REQUIRES A DECISION**

Contact Officer: Democratic Services,
Email: democraticservices@cheltenham.gov.uk

Planning Committee**Thursday, 17th December, 2020****2.00 - 4.45 pm**

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Dilys Barrell, Councillor Mike Collins, Councillor Stephen Cooke, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler
Officers in Attendance:	Mike Holmes, Michelle Payne, Emma Pickernell, Ben Warren, Claire Donnelly

1. Apologies

There were none.

2. Declarations of Interest

Councillor Barrell declared a non-pecuniary interest in item 5f, 105 Winchcombe Street, as her son worked for Cheltenham Borough Homes.

3. Declarations of independent site visits

Cllr. Baker indicated that he had visited 4 Hartley Close, Crooks Industrial Estate and 24 Charlton Close.

Cllr. Barrell indicated that she had visited 4 Hartley Close, Crooks Industrial Estate, 24 Charlton Close and 5 Glynrosa Road, and clarified that she had viewed all of them from the road.

Cllr. Cooke indicated that he had visited Balcarras School, 4 Hartley Close, 5 Glynrosa Road, Crooks Industrial Estate and 24 Charlton Close.

Cllr. Oliver and Cllr. Payne indicated that they had visited Crooks Industrial Estate, 4 Hartley Close, 24 Charlton Close and 5 Glynrosa Road. Cllr. Payne added that he was familiar with Balcarras School, Winchcombe Street and the Pump Room too.

Cllr. McCloskey indicated that he had visited all the sites.

4. Minutes of last meeting

Cllr. Barrell raised a point of accuracy on the previous minutes, asking that the wording be changed from 'from the outside' to 'from the road'.

With the amendment having been noted, the minutes of the meeting held on 19th November were approved and signed as a correct record.

5. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule**5. 20/01371/FUL Balcarras School, East End Road, Charlton Kings, Cheltenham GL53 8QF**

The Senior Planning Officer presented the report, which related to the construction of a new two storey modular building to temporarily accommodate up to 120 year seven pupils from September 2021 to summer 2022, following which the proposed building would be repurposed for educational use by the Balcarras Academy Trust.

The Chair invited public speaker, Mr Dominic Burke, headteacher of Balcarras School to address the committee in support of the application. He explained that due to a delay in the development of the new High School in Leckhampton, there would be an acute shortfall in secondary school places in September 2021. Balcarras, as the sponsor to the new school, agreed to provide a temporary home for the pupils who would be due to start the new school in September 2021. Once the pupils moved to the High School in September 2022, the newly built modular building would be repurposed for use by Balcarras School, who had two 'bulge' year groups of 8 forms rather than 7 and was consistently oversubscribed. Therefore permission was requested for this to be a permanent building. Mr Burke continued that, apart from the extra High School pupils in September 2021, Balcarras had no plans to increase its pupil admission number. The school would do its best to avoid the creation of extra traffic and had negotiated the provision of school buses to transport the Leckhampton pupils.

A member asked about the provision of toilets in the new block, suggesting that six might not be enough for over 120 people. The Senior Planning Officer responded that if the toilets were insufficient, this would be picked up at the building control stage. Another member stressed the importance of the transport arrangements and asked for confirmation that this would not have an unreasonable impact. Matthew Prince (Gloucestershire Highways) suggested there would be an increase, but confirmed that the school travel plan had been adjusted and amended to accommodate the additional pupils and that there were provisions in place to cope with increased traffic, including provision of an additional bus and that their own assessment found them to be sufficient.

Members made the following comments:-

- The County Council had failed in getting the new school up and running in time and this had led to the present situation. Objections to this application were the result of the County's inaction.
- The proposal was not perfect, but it would go some way to solving a crucial issue as it was important to make increased school places available.
- Agreed that the proposal was positive and had to be supported to cover the capacity required. It was the best that could be made of a difficult situation.
- The application was praised for turning a negative into a positive, and for delivering plans for a building with genuine long-term value. There would be a temporary impact, but it would be worth it in the long term.
- Glad the school would be able to keep the building and make use of it on a permanent basis.
- Concern was expressed about parking, particularly at certain times of day, and the suggestion made that the county council should encourage students from Leckhampton to use school buses and to supplement the cost of them.
- Need to ensure school travel plan works properly as there will be increased traffic and need to be mindful of local residents and the objections that they made.
- Following a visit, the children's safety did not appear to be compromised and traffic was moving very slowly.
- Need this extra capacity and very grateful to the Headteacher of Balcarras for taking this on to cover the shortfall.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to permit.

For: 11

Against: 0

Abstentions: 0

GRANTED

5. 20/01031/FUL Crooks Industrial Estate, Cheltenham GL53 0ED

The Senior Planning Officer presented the report, which related to the construction of two semi-detached dwellings, with associated off road parking and rear amenity space, on a piece of land to the front of the Crooks Industrial Estate off Croft Street in Leckhampton, currently used for car parking. The application was before committee due to neighbouring concerns and an objection from the Architect's Panel and at the request of Cllr Cooke.

A member noted that the access shown on plan covered private ground and asked whether the access would be permanent. The Senior Planning Officer responded that there was a condition attached requiring parking and turning space to remain available, and that taking this away would breach contract. A further question queried whether there would be space within the site for the people who were currently parking there, otherwise cars might end up parking on the road. The Senior Planning Officer responded that tenants had been offered alternative parking elsewhere within the industrial estate.

A member asked why the highways department was now in favour of the application, having previously objected to it. Matthew Prince (Gloucestershire Highways) responded that this was due to the re-alignment and proper provision of off-street parking, making it no longer a hindrance or safety issue for pedestrians.

Another member asked whether the Office Works building already there would be retained. The Senior Planning Officer clarified that they would. In answer to a further question on car parking, the site plan was shown to indicate where any additional parking requirements would be absorbed.

During the debate, the following points were made:

- Acknowledgement that the parking issue was a drawback, but a suggestion that members should go ahead with the assurances given and that it could be effectively addressed, considering the amount of space on the site.
- Comments from a tenant were cited, who raised doubts about the viability of the industrial site if this development did not go ahead and pointed out the employment benefits it would bring. It was felt that the new development design enhanced the street scene.
- The proposal was imaginative and well-designed and it was good to see new residential accommodation in a nice part of the town. Town centre housing was badly needed and would have the additional benefits of reducing travel and boosting the local economy.
- The local ward councillor had received an unusually large number of emails from concerned residents, considering the relative size of the development, and suggested attaching conditions to reduce the impact on local amenities, such as the provision of parking for all residents who currently parked there. The Senior Planning Officer advised that a condition along those lines would be unsuitable as it was private land, which could be closed at any time if the owner saw fit.
- A couple of members stressed that the committee should not prioritise the needs of those who had been parking for free on private land for a long time, and that it was not as though a public car park was being shut down.
- One member felt the hedge added nothing in terms of biodiversity, however another disagreed, suggesting that the hedge offered an added layer of a security for cars parked behind it.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to permit.

For: 10

Against: 0
Abstain: 1

GRANTED

5. 20/01907/FUL 4 Hartley Close Cheltenham GL53 9DN

The Planning Officer presented the report, which related to extensions, alterations and remodelling works to a detached bungalow in a residential area to form a two storey flat roof dwelling. The application was at committee at the request of the ward councillor who raised concerns with the design and its impact on the street scene.

A member asked about subservience, the right to build upwards and the effect of the building on its neighbours and also for clarification on the matter of the windows of the extension looking straight into the neighbour's property. The Planning Officer clarified that the new dwelling was considered 'remodelled', so the principle of subservience was not relevant. The rules regarding additional floors also did not apply to single dwellings. The Officer confirmed that the neighbours had raised the point that their 2 storey building would overlook the extended dwelling on the application site which has a lot of glazing, and added this was not a matter they sought to protect in this particular application.

During the ensuing debate several members stated they could not support the application. There was no objection to the principle of the property being remodelled, but rather to the manner of the remodelling. Many properties in this area had been extended but had maintained the same character but this application was not in keeping with the area's unique identity. Several members were impressed by the plans and design for the new bungalow, which were imaginative and it was a sensible development, but they felt it was not for this site and would have an adverse effect on the overall feel of the area. A design more in keeping with the area was needed and although the design was good, any design had to complement the other houses and not jar with them. It was out of place in this location.

A member suggested that conditions 127B, 127C, 127D and SD41i, all of which related to character, landscape setting and sense of place, were suitable reasons to refuse the application.

Another member acknowledged that it was a different sort of design, but suggested that was common nowadays, and was supportive of the application.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to permit.

For: 2
Against: 9
Abstain: 0

REJECTED

A vote was taken on the reason for refusal.

Part 127B was removed as no one had objected to it on the grounds of the architecture, layout or landscape.

The reasons cited were parts 127C and 127D of the MPPF, part SD41i of the Joint Core Strategy and part D1 of the Cheltenham Plan Policy.

For: 10
Against: 1
Abstain: 0

Application refused on the grounds stated above.

5. 20/01946/FUL 24 Charlton Close, Cheltenham GL53 8DJ

The Planning Officer introduced the report relating to a detached bungalow located on a residential cul-de-sac. The application was a revised application to the previously approved scheme for a new carport and garage and to the re-roof and render of the existing property, in that the width of the carport had increased by 1M. The application was retrospective as the works had been completed. The application was at committee at the request of Councillor Harvey due to an overbearing impact, loss of amenity and not building in accordance with approved plans. Letters of objection had been received from six neighbouring properties.

Pictures and diagrams were shown of what has been built. The Officer stated that key planning concerns were the design, the impact on the street scene and the impact on the neighbouring amenity. However having taken all these into account, the recommendation was to permit.

The Chair invited public speaker, Mr Tony Russell, to speak in support of his application. Mr Russell made the following points:

- The garage and carport were well within the building line and referred back to the previous planning application in March.
- The building was done in accordance with the plans, but a mistake was made with the measurement by 1M.
- The carport is 100mm inside his boundary and the garage is 250mm inside.
- The neighbour's property is over building line by 150mm compounding the problem.

Ward Councillor, Councillor Harvey was invited to speak and made the following points:

- Neighbours saw original application and did not object back in March.
- An overhang of 150mm, approx. 6 inches, is very different to the extra on the build of 1 metre (1000mm).
- Neighbours only saw a problem once building work was completed and saw how close it was.
- Gutters actually touch, so maintenance and cleaning of such would be a problem.
- Developers and planning enforcement all agreed building was bigger than should have been.
- Have a retrospective planning application for a plan an extra metre in width.
- Not fair or reasonable on neighbours to have their amenities affected this way.
- Neighbours have articulated C4 and SP7 of the policy as reasons for refusal.
- Based on evidence to hand this should be refused and disappointed enforcement action was not undertaken.
- Asked members to support his move to refuse.

In response to questions from members, the Officer confirmed:

- That the works had been completed so was completely retrospective.
- With regard to the building line, the council did not get involved in boundary disputes.
- The application was a revised scheme to the previously approved scheme to rectify the works that have been built, in that the carport has been built one meter wider than was previously approved.
- If the application had originally been submitted a metre bigger and been built over the boundary this would have shown up in the application and been a boundary issue.

During the ensuing debate, members made the following comments:

- Upsetting for applicant when something built is not to the approved plans. Design is fine but the impact on neighbours is not. So will not be voting with Officer recommendation.
- Previously approved plans on basis of 3.7M, but has been built at 4.7M. This is a big difference and in contravention of original plans so cannot be supported.
- If it is an error by the applicant's professionals they should pay for it to be rectified.

- The impact on neighbours is there for ever. Need to refuse on behalf of neighbours who would probably have objected to the application if they had known the dimension was 4.7M.
- Objective planning view difficult. There were no objections to original application and if it really has been built a metre nearer than proposed, need to see relationship to adjacent property. If refused under loss of amenity, need to know what that is exactly. Is inability to clean gutters a loss of amenity?
- Sympathy with applicant, as during build someone should have realised proximity to neighbours and questioned the measurements.
- Question of how neighbours would clean and maintain their gutters; creates a problem for them and this can be considered a loss of amenity.
- Carport has an overbearing impact and overhangs neighbour's property. Gutters actually look as if impinging on roof slates and the fabric of the house.
- No mention of dimensions on the report, which not seen as a good reflection on planning and building enforcement.

The Interim Head of Planning advised members not to get too involved in a neighbours dispute and must consider this application on its own merits and relevant material considerations.

The Legal Officer clarified that the boundary dispute was a private matter between neighbours and not a planning consideration for members. The Legal Officer further clarified that this was a new application and must be considered on its own merits and not that it was not built in accordance with previous plans from the previous application.

The chair moved to vote on the Officer's recommendation to permit.

For: 1
Against: 8
Abstain: 2

Motion to permit **LOST**

Members discussed the reasons for refusal and agreed on loss of amenity, over development and overlarge in scale; design, citing SD4, SD14, D1 and SL1 of the policy.

Upon a vote to refuse for the reasons set out above:

For: 8
Against: 0
Abstain: 3

REFUSED

5. 20/01944/FUL 5 Glynrosa Road, Cheltenham GL53 8QR

The Planning Officer introduced the report relating to a link-detached property located within a residential area on Glynrosa Road. The applicant was seeking planning permission for a two storey front extension, single storey rear extension and a first floor side extension over the existing garage. The application was at committee at the request of Councillor McCloskey who raised concerns regarding the scale of the proposed development, subservience and the impact on the character of the surroundings. These concerns were also raised in a Parish Council objection.

Pictures and diagrams were shown. The Officer stated that key planning concerns were the design, the impact on the character of the area and the impact on the neighbouring amenity. However having taken all these into account, together with the concerns of local residents,

the Officer considered the proposed development to be compliant with policy and recommended to permit.

Public Speaker, Mr Andy Train, was invited to speak in support of the application and made the following points:

- His family moved to Cheltenham in 2014 and established a successful business employing over 130 staff locally.
- Family consists of 5 members who were outgrowing space in current house.
- No spare room for visitors or for being able to care for elderly sick relatives in the future.
- Cannot afford to move to a larger 5 bed house.
- The current homeworking requirement put extra pressure on space available which proved very difficult in running a large business from home.
- If unable to extend may need to move out of Cheltenham, relocating the business.
- Very much like and want to support the local area and its amenities.
- Fully understand concerns of neighbours and parish council and would work closely with them to minimise disruption during construction, with no wish to impose on their happiness or have negative effects on the local surroundings.
- Feels application in line with other similar extensions in the area.

A member asked if any tests been carried out on loss of light for the neighbours, to which the Officer replied that there were three windows in the side elevation of the neighbouring property. One was a frosted landing window; the other first floor window was a secondary bedroom window which passed the light test, and on the ground floor the third window failed the 25 degree light test but there were two significant openings to the same room that would not be impacted by the development.

A member raised a point of clarification in that he explained that he called the application to committee to allow time for the objections from the Parish Council to be received as the Parish Council had discussed this matter but the comments arrived too late and the Officer was unaware they were coming.

The Chair opened up the matter for debate.

- A member wished to view the photos once more to show that the 10 houses in that road were built in identical style and questioned, from the members' stance in the previous debate, that the proposed extension would not be in keeping with the design of the houses in that road and that consideration should be given to the impact on the neighbouring area.
- Policy D1 was quoted, stating it required extensions and alterations of existing buildings to avoid causing harm to the architectural integrity of the building and a member felt the extension over the whole garage of an interlinked detached house was not compliant and proposed Policy D1 as grounds for refusal.
- There was a little bit of confusion over drawings as front and back of the houses looked very similar.
- The question of the importance of subservience was asked and the Officer explained that Cheltenham's Supplementary Planning Document – Residential Alterations and Extensions, specifically talks about the need for subservience in relation to semi-detached properties, whilst this property was detached it had still been considered. The officer explained that the extension was set in from the rear and side elevation and the overall roof height of the proposed extension was lower than the existing ridge height, and concluded that officers had considered the proposal to achieve a suitable level of subservience.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to permit.

For: 7

Against: 2
Abstain: 1

GRANTED

5. 20/01509/LBC 105 Winchcombe Street, Cheltenham, GL52 2NL

The Senior Planning Officer presented the report relating to an application for listed building consent for the installation of two box gutters to the side gable of 105 Winchcombe Street and the fitting of new lead valleys to numbers 105 and 107. Pictures and diagrams of the properties were shown. The Conservation Officer was satisfied that the scheme would not be detrimental to the significance of the listed buildings as their architectural and evidential value would remain. The recommendation was to approve the application.

There being no questions, comments or debate, the Chair moved straight to the vote to grant listed building consent as outlined in the report.

For: 10
Against: 0
Abstain: 0

GRANTED unanimously

5. 20/01702/LBC Pittville Pump Rooms, Cheltenham GL52 3JE

The Senior Planning Officer presented the report relating to an application for listed building consent for an investigative survey to open up three sections of the balcony of the Grade II listed Pittville Pump Room to assess the damage to the fabric as a result of water ingress. Pictures and diagrams were shown. The key issue was the impact of the proposal on the significance of the grade II listed building and the wider setting of the park and garden. The Conservation Officer was satisfied the works would not affect the historic fabric and the works would sustain the heritage assets. The recommendation was to approve the application.

One member wished to point out that Pittville Pump Room was a Grade I listed building and should be treated as such.

There being no further comments, questions or debate, the Chair moved straight to the vote to grant listed building consent as outlined in the report.

For: 10
Against: 0
Abstain: 0

GRANTED unanimously

6. Appeal Updates

There were no appeal updates.

7. Any other items the Chairman determines urgent and requires a decision

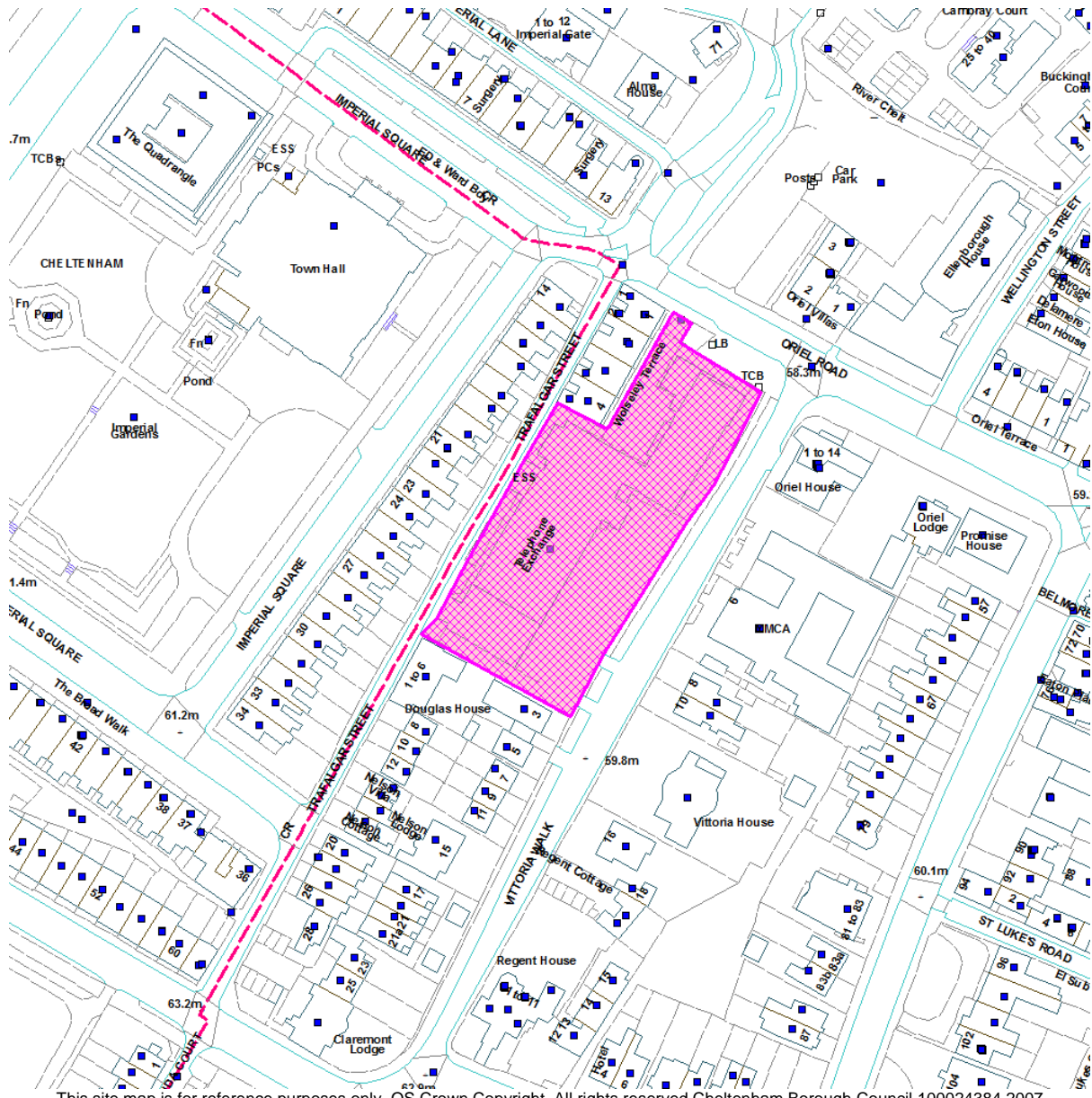
There were none.

Chairman

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APPLICATION NO: 20/01680/FUL		OFFICER: Mr Daniel O Neill
DATE REGISTERED: 29th September 2020		DATE OF EXPIRY: 24th November 2020
DATE VALIDATED: 29th September 2020		DATE OF SITE VISIT:
WARD: College		PARISH:
APPLICANT:	The Applicant	
AGENT:	CBRE	
LOCATION:	British Telecom, Oriel Road, Cheltenham	
PROPOSAL:	New sliding vehicle access gate to Oriel Road, replacement of existing gate to Vittoria Walk and new metal railings on top of existing low level brick wall to achieve an overall height of 1.7m, as well as 1.2m railings opposite Wolsley Terrace.	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site, known as British Telecom building, is a large office commercial building at the corner of Oriel Road and Vittoria Walk. The main access to the site is from Oriel Road with additional access from Vittoria Walk. The site is located within the Montpelier Character Area of the Central Conservation Area.
- 1.2 The applicant is seeking planning permission for a new sliding vehicle access gate to Oriel Road, replacement of existing gate to Vittoria Walk and new metal railings on top of existing low level brick wall to achieve an overall height of 1.7m, as well as 1.2m railings opposite Wolseley Terrace.
- 1.3 Revised plans have been submitted throughout the course of this application and alterations to the proposal description to reflect these revisions.
- 1.4 The application is at the request of planning committee due to the impact on the conservation area, listed building and design approach.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Core Commercial Area
Flood Zone 2
Principal Urban Area
Smoke Control Order

Relevant Planning History:

00/01146/GDO28 WDN

Installation of mast, antenna, equipment cabin and development ancillary thereto (Formally British Telecom)

00/01322/FUL 29th January 2001 PER

Installation of telecommunications base station at roof level (Formally British Telecom)

00/01339/FUL 29th December 2000 PER

To form a new enclosure within the existing building and addition of a 5.0 metre mast for CCTV camera (Revised Plans) (Formally British Telecom)

01/00676/FUL 27th June 2001 PER

Alteration of existing elevation to provide new doors and ventilation louvre

01/01154/FUL 17th December 2001 PER

Construction of telecommunications base station at roof level. Installation of 3 no. antennae and 3 no. dishes and equipment cabin (Revised)

02/00941/FUL 29th July 2002 PER

Removal of 2 no. window panes and their replacement with 2 no. aluminium louvres coloured bronze to match existing louvres

02/01455/FUL 18th December 2002 REF

Installation of a 5m stub tower and equipment cabin behind a steel and GRP screen with 6no. antennae, 2no. dishes, associated cabling and other ancilliary works

85/00776/PF 18th September 1985 WDN

Cheltenham Telephone Exchange Cheltenham Gloucestershire - Erection Of Roof-Mounted 1.8m Diameter Dish Aerial To Create A Radio Link With Gloucester Between August 1985 and March 1987

86/00882/PF 25th September 1986 PER

Cheltenham Telephone Exchange Cheltenham Gloucestershire - Alterations To Elevation To Provide Emergency Exit And Laying Out Of Car Parking Area

86/01402/PF 22nd January 1987 PER

Cheltenham Telephone Exchange Cheltenham Gloucestershire - Alteration To Car Park Entrance To Improve Visibility And Safety Of Pedestrians Using Footpath

88/01032/PF 25th August 1988 PER

Cheltenham Telephone Exchange Cheltenham Gloucestershire - Provision Of New Fire Escape Door In Existing Stair Tower In Accordance With The Additional Plans Received On 5th August 1988

88/01649/PF 15th December 1988 PER

Installation Of Temporary Containerised Telephone Exchange For A Period Of 12 Months

04/00390/FUL 20th April 2004 PER

Installation of 3 pole mounted antennas on two poles, 1 face mounted antenna and 1 pole mounted dish antenna, 6 pack equipment cabinets, cabling and other ancillary works. Re-positioning of existing telecommunications pole and antenna

05/01329/FUL 14th October 2005 PER

Replace three windows with air inlet louvres to Vittoria Walk elevation

12/00880/FUL 6th August 2012 PER

Proposed installation of a ventilation louvre on the ground floor, to replace existing glazing

13/00637/FUL 23rd August 2013 PER

Installation of 6no. air conditioning units on roof

77/00664/PF 11th August 1977 PER

New boundary walls and barrier

77/00665/PF 7th September 1977 PER

Alteration to gates and fence

84/01365/LA 26th January 1984 GRANT

Demolition of unused telephone exchange

13/01492/DISCON 26th September 2013 DISCHA

Discharge of conditions on planning permission ref: 13/00637/FUL - Condition 2) Colour finishes of the equipment

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Central conservation area: Montpelier Character Area and Management Plan (Feb 2007)

4. CONSULTATIONS

Building Control

1st October 2020

No comments to be made.

GCC Highways Planning Liaison Officer

11th November 2020

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

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

The Highway Authority therefore submits a response of no objection.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	74
Total comments received	4
Number of objections	4
Number of supporting	0
General comment	0

5.1 Letters of notification were sent to 74 neighbouring properties. The application as received comments of objection and this has been summarised but not limited to the following points;

- Impact on the conservation area
- Impact on the significance of the listed building

- Poor design
- Constricted pedestrian access

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations when determining this application are design, impact on the wider conservation area and street scene, impact on neighbouring properties and highways safety.

6.3 The site and its context

6.4 The property known as British Telecom is located at the corner of Oriel Road and Vittoria Walk. To the side facing west is a row of Grade II listed terraced properties known as Wolseley Terrace, where the application site and these properties are separated by a footpath.

6.5 The application site front boundary presently consists of a low level brick wall and automated barrier facing Oriel Road. This low level brick wall also acts as part of the side boundary facing Vittoria Walk and is attached to a 1.7m high brick wall with automate sliding gate for additional vehicular access. Both boundary treatments are visible from the public realm.

6.6 Design, layout and impact on historic environment

6.7 The application proposes to add new railings above the existing low level brick wall, the installation of a new sliding gate for vehicle access to Oriel Road and the erection of metal railings to the western boundary adjacent to the public footpath and Wolseley Terrace. Additionally, the application also proposes to replace the existing sliding gate to Vittoria Walk.

6.8 Officers held concerns on the initial designs proposed for low level brick wall and the new sliding gate facing Oriel Road. The design was for close boarded metal fencing atop this brick wall and close board metal fencing for the sliding gate. It was considered that this design was visually utilitarian in appearance and unsympathetic to the character of the wider locality. Officers felt that the design did not express design overtones in relation to other forms of boundary treatments in the area.

6.9 Concerns were also raised regarding the proposed 1.7m high decorative metal railings to the western boundary adjacent to the public footpath and Wolseley Terrace. Despite the design of these proposed railings replicating historic railings, it was considered to be an over dominant feature adjacent to a public footpath and opposite Wolseley Terrace.

6.10 Revised plans were later submitted to address officers concerns. The proposed close boarded metal fencing has been replaced with metal railings atop the low level brick wall. These railings will incorporate connotations of historic railings. A key element to the appearance of historic railings from the Regency period is the spacing between bars, usually 140mm apart, and decorative finials atop individual railing bars. These elements have now been incorporated within the proposed works. Furthermore, the proposed metal railings to the western boundary have been reduced to allow for a less dominant appearance when utilising the footpath between the application site and Wolseley Terrace.

- 6.11** Officers consider that on balance the proposed works are acceptable and will not cause detriment the character and appearance of the wider conservation area. It is acknowledge that the height of the proposed works is most likely at its limit. Consideration has been given to how there is no established pattern of boundary finishes along this section of Oriel Road and there is evidence of similar works within the wider locality.
- 6.12** Furthermore, the proposed boundary line facing Oriel Road is approximately 10m from the edge of the carriageway and this will minimise the impact when viewed in context with the wider street scene. This in important given that an important view or vista as identified within *The Montpellier Character Area* is the view along Oriel Road facing west towards the Promenade. Part of the view includes the surrounding historic buildings including those facing Oriel Road, at the cross roads with the Promenade and the Town Hall. Officers consider that the proposed works will not distort, distract or deter this vista given its considerable setback from Oriel Road.
- 6.13** A concern was raised regarding how the proposed works would obscure views of the adjacent Grade II listed Wolseley Terrace, potentially causing harm to the architectural significance of the designated heritage asset. Wolseley Terrace features a ground floor above the existing street level with front facing balcony's surrounded by decorative ironwork. The proposed works would not be higher than the base of these balconies, while glimpses of the basement will still be visible when viewed from street level. It is common feature for railings to appear outside Regency buildings and this is evidence within the surrounding area.
- 6.14** A further concern was raised regarding the impact to the setting of this Grade II listed building. The setting of this building has already been compromised by the establishment of the British Telecom building constructed within the latter half of the 20th Century. It is opinion of officers that the proposed development will not cause any further harm to this setting but admittedly will not enhance it either. On balance, it was considered that at best the proposal would preserve the setting of the listed building and its surrounding area. Together with how views of Wolseley Terrace are still permissible and what could be achieved under permitted development, it is consider that no unacceptable impact or harm to the significance of this listed building will be caused and it would not warrant a refusal of permission in this instance.
- 6.15 Impact on neighbouring property**
- 6.16** There are no significant amenity concerns as a result of the proposed development and the proposed boundary line has already been identified with the existing boundary treatment. Officers consider that the proposed works will not harm the amenity of the surrounding properties in respect to privacy, light and outlook.
- 6.17** A comment was received regarding the need vehicular access to facilitate maintenance of Wolseley Terrace. This would be a civil matter between the occupiers of Wolseley Terrace and the application site has the area for vehicle access is land occupied by the applicants. This would not fall under the responsibility of a planning application.
- 6.18** A concern was also raised on how the proximity of the metal railings adjacent to the public footpath and opposite Wolseley Terrace could create a constricted pedestrian environment. It is important to remember that any form of boundary enclosure can be erected up to 1m without the benefit of planning permission.
- 6.19 Access and highway issues**
- 6.20** The Highways Authority have been consulted as part of this application and the raise no objection to the proposed works. As such, it is considered that no harm to the wider transport network will be caused.

6.21 Other considerations

6.22 A comment from a surrounding neighbour highlighted that listed building consent was required given that the proposed works are attached to no. 4 Wolseley Terrace. Officer understanding is that the railings will not be attached to this property however a condition has been added for further design details in relation to method of construction. The applicant has been informed that if the intention is to propose attaching the railings then an application for listed building consent may be required.

6.23 It is acknowledged that no Heritage Statement has been submitted alongside elevational and plan drawings. This application is considered as a minor development and the site is not a listed building or building designated as locally listed. It would be unreasonable to request this information given what can be built without the benefit of planning permission.

6.24 Public Sector Equalities Duty

6.25 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 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
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

In the context of the above PSED duties this proposal complies with the 3 main aims set out.

7. CONCLUSION AND RECOMMENDATION

7.1 Officer recommendation is to permit this application subject to the conditions set out below:

8. 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 Notwithstanding the submitted details, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:
- a) Stone (capping and plinth): (physical sample(s), name/type and source to be submitted to the LPA).
 - b) Railings and gates (including finials): (physical sample/swatch of paint colour to include manufactures name and specific product details, and method of construction)

The works shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

INFORMATIVES

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

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

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

APPLICATION NO: 20/01680/FUL		OFFICER: Mr Daniel O Neill	
DATE REGISTERED: 29th September 2020		DATE OF EXPIRY : 24th November 2020	
WARD: College		PARISH:	
APPLICANT:	The Applicant		
LOCATION:	British Telecom, Oriel Road, Cheltenham		
PROPOSAL:	New sliding vehicle access gate to Oriel Road, replacement of the existing gate to Vittoria Road and new metal fencing on top of existing low level brick wall to achieve an overall height of 1.7m.		

REPRESENTATIONS

Number of contributors	4
Number of objections	4
Number of representations	0
Number of supporting	0

8 Vittoria Walk
Cheltenham
Gloucestershire
GL50 1TW

Comments: 19th December 2020

As a resident of Vittoria Walk I object to the BT's planning application to erect a fence 'to reduce anti social behaviour occurring on the British Telecom site.' This will not resolve the problem, it will simply displace the YMCA residents and make the place look ugly in the meantime. Both BT and the YMCA need to collaborate to make a more longterm solution that will not negatively impact our neighbourhood.

M R Ratcliffe Consultants Ltd
Suite 1 To 6 And 10 To 13
Wolseley House
Wolseley Terrace
Cheltenham
Gloucestershire
GL50 1TH

Comments: 21st October 2020

Thank you for notification of BT alterations to land adjacent to 1-4 Wolseley Terrace.

Attached is my response which makes clear the detrimental effect BT's application would have on this locality.

I would also like to emphasise that buildings 2, 3 & 4 Wolseley Terrace are occupied by a charity The Isbourne Foundation, which receives rate relief. The Foundation provides an education centre which is open 24/7 in non-Covid times. There is a constant flow of disabled students with various degrees of mobility to the Centre, both on foot and

vehicular. This ill-thought out plan would severely impact on the disabled and less fortunate people within our community.

In addition to the necessary vehicular disabled access, there are circa 100 self-employed tutors and therapists who teach in the educational Centre at various times of the week and also require on numerous occasions vehicle access to load and unload teaching materials.

On the question of security, I am conscious that a small number of principally young people from the YMCA in Vittoria Walk congregate under the sheltered area on occasions. I can assure you that at no time have any of the Isbourne Team or students felt threatened, in fact quite the contrary because they are always most amenable. I acknowledge that there can be a small degree of drug abuse, but surely an organisation the size of BT could provide disposable facilities at minimal cost as part of their Corporate Social Responsibility to their local community. Having occupied Wolseley Terrace since 1983 - some 37 years - I am sadly unaware of any local contribution which BT has made locally to our town but I stand to be corrected of course.

I have asked other tenants to respond as quickly as possible but with the 'dispersed' nature of homeworking, I am sure you can appreciate there is a delay. Both the BID and Chamber of Commerce offices are not yet officially open.

Lastly, I am content to speak to the planning committee either during their visit or at their planning committee meeting, given the opportunity.

Cheltenham Chamber Of
Commerce
2 Trafalgar Street
Cheltenham
Gloucestershire
GL50 1UH

Comments: 21st October 2020

I am writing on behalf of Cheltenham Chamber of Commerce both as a Chamber but also as an occupier of Wolseley Terrace to register our objection to this application.

While we do have every sympathy with BT's problem we do not consider that anti social behaviour can be solved by the construction of an extremely unattractive metal fence. At best it will only move the problem to another site it will not solve it. The solution must surely be at source and not by building a fence.

We hope that application which only detracts from the area will be refused.

Isbourne Foundation
4 Wolseley Terrace
Cheltenham
Gloucestershire
GL50 1TH

Comments: 21st October 2020

Page 23

I have seen a copy of Mr Ratcliffe's comments sent to you recently on behalf of himself as landlord of 1-4 Wolseley Terrace and his company M R Ratcliffe Consultants Ltd who occupy No 1 Wolseley Terrace.

I write on behalf of The Isbourne Foundation, a registered charity who occupy No 2-4 Wolseley Terrace and would confirm my full support for his submission.

In addition I would like to raise the need for maintenance vehicle access, not only for ease of access but to deliver and collect materials. As I'm sure you are aware these Regency buildings, I believe some 170 years old, require constant on going attention to keep them in pristine condition.

The Isbourne Education Centre which is all about wellbeing for both the individual and our community is proud of its location and appearance in our town centre being close to our iconic Town Hall and situated within Cheltenham's Conservation Area. Having talked at length to my staff, tutors and therapists we are horrified of the inappropriate approach being undertaken by British Telecom. One can only imagine the damage to the Regency environment of this terrace should planning permission be granted.

I understand the reason for this application is to combat antisocial behaviour. However I would seriously question whether this is an appropriate course of action which only moves the alleged antisocial behaviour to another location. Surely an organisation the size of British Telecom has some form of social responsibility to its communities and it would not take much imagination to find a satisfactory resolution.

As Mr Ratcliffe alluded to in his response I am also able to confirm that at no time over the past 20 years have the occupants at the Centre felt threatened, in fact quite the contrary.

I hope that common sense will prevail and that this application is rejected.

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Planning Application 20/01680/FUL: British Telecom Oriol Road Cheltenham Gloucestershire GL50 1BA - New sliding vehicle access gate to Oriol Road, replacement of the existing gate to Vittoria Road and new metal fencing on top of existing low level brick wall to achieve an overall height of 1.7m.

I am the owner of Wolseley Terrace which is grade II listed and located adjacent to the application site. I wish to object to the application on the grounds that it causes harm to the significance of Wolseley Terrace and the Cheltenham Central Conservation Area (Montpellier Character Area). This harm could be avoided by changes to the layout and design.

I also draw your attention to the fact that the railings appear to be attached to the front corner of my property at No.4 Wolseley Terrace and thus require listed building consent.

Significance

The significance of Wolseley Terrace is described in detail in the Design and Access Statement I submitted in support of APPLICATION REF 16/00832/lbc. The application site forms part of the setting of Wolseley Terrace that contributes to its significance and to the wider significance of the conservation area in the following ways:

Archaeological interest – the access proposed for enclosure contributes to the archaeological interest of both Wolseley Terrace and the conservation area as evidence of Cheltenham's early planned development and the historic access to the Wolseley House plot and the listed terrace.

This part of the conservation area was laid out in the first half of the C19 when Cheltenham was rapidly expanding and planned residential and spa development established the layout of streets and urban blocks that form the structure of modern Cheltenham. The BT buildings occupy the historic site of Wolseley House which was served by a U-shaped carriage drive off Oriol Road. Wolseley Terrace was erected in 1833 on the western side of the drive with gardens opposite. Wolseley House was demolished by BT in the early 1960s and the terrace gardens redeveloped but part of the historic drive was retained, the last remnant of the plan shown on historic maps of by Williams of 1824 and Merrett of 1834.

Historical interest – the openness of the site and its unenclosed relationship with Wolseley Terrace are visual clues that help understand the historic relationship of the terrace to its former gardens and to the U-shaped carriage drive that served Wolseley House. This complements the historical interest of the terrace as an example of the intensification of development in the town centre in the 1830s and its popularity as a resort with retiring military and naval officers (also reflected in the naming of adjacent: Trafalgar Street, Vittoria Walk).

Architectural and artistic interest - the openness of the site and its unenclosed form allow clear and impressive views of Wolseley Terrace's front elevation from Oriol Road and thus contribute to the architectural and artistic interest of the listed terrace and the conservation area.

Wolseley Terrace is a largely unaltered and impressive example of the classically inspired Georgian architecture that characterises the Cheltenham Central Conservation Area. It is typical of the 'unity of background, purpose, style and material' identified by the Georgian Group as defining the very particular interest and special character of Cheltenham.

Its front façade is a holistically conceived, carefully balanced, high-quality composition that uses giant-order pilasters to define the bays of the building, give the terrace vertical rhythm and to emphasise the principal floors of accommodation. The elevation displays a hierarchy of architectural features typical of the style: large sash windows, elegantly balustraded balconies and fine flights of steps to the principal floor. A first floor above a plat-band with classical motif and smaller sash windows and a semi-basement behind pillars and elegant wrought iron railings set at the back of pavement.

Described in 1833 as 'an elegant row of buildings', the front elevation of Wolseley Terrace was clearly designed to be impressive in views from Oriel Road. Despite negative changes in its setting made by the redevelopment of the Wolseley House site by BT, the high-quality visual impact of the terrace is recognised both in the list description and in the conservation area appraisal which identifies the view west along Oriel Road, past Wolseley Terrace, as key to the character of the conservation area.

Impact of the proposals on the significance of Wolseley Terrace and the conservation area

The proposed change in setting of Wolseley Terrace would harm the significance of the listed building and the conservation area.

The replacement of the existing drop-barrier to Oriel Road with a 1.7m high sliding gate and introduction of a new set of 1.7m high railings along the front of Wolseley Terrace, attached to the front corner of No. 4 and set 150mm back from the pavement kerb, would considerably change the setting of the listed terrace. The location, design and amount of development proposed would harm the significance of Wolseley Terrace and the contribution it makes to the significance of the conservation area as follows:

1. The railings would be about as high as the base of the balcony serving the principal floor of the terrace and would thus obscure views of the front elevation from this level downwards and prevent a proper appreciation of the terrace's high architectural quality.
2. The height and proximity of the railings to the terrace and their physical attachment to No.4 would obscure important views of: the pillars and wrought iron railings at semi-basement level, the railings and steps to the front doors and the architectural relationship between the ground and basement floors.
3. The design of the proposed railings, apparently set in sections between chunky vertical posts, is poor and would be particularly inappropriate in the context of the high-quality historic wrought iron railings and balustrades that characterise Wolseley Terrace and other historic buildings in the conservation area.
4. The height and proximity of the railings to the terrace would create a constricted and unpleasant pedestrian environment in the context of the listed building.

5. The design of the proposed sliding gate is ugly, utilitarian and industrial in style and would be inappropriate in the context of the high-quality architecture and residential appearance of Wolseley Terrace.
6. The alignment and design of the new sliding gate would obscure views of the front elevation of the terrace and introduce a visually intrusive boundary feature unaligned with any physical or architectural element of the terrace's carefully designed and balanced elevation.
7. The openness of the area would be reduced and views from Oriel Road obscured.
8. The historic functional relationship between the Wolseley Terrace and the former U-shaped carriage drive would be lost by the introduction of a physical barrier between the two.

While the harm would be greatest in terms of the architectural and artistic interest of the listed building, harm would also be caused to the architectural and artistic interest of the conservation area by the poor design quality of the proposals.

The historical interest of the listed building would be harmed by the loss of the functional relationship between the terrace and the access drive. The negative impact on the ease with which this can be understood and related to the historic planning and development of the town centre would harm the historical interest of the conservation area.

The contribution the site makes to archaeological interest, though not physically lost, would also be diminished by the visual impact of the proposed boundary treatments.

Policy

National Heritage policy is contained in section 16 of the [National Planning Policy Framework \(NPPF\)](#) as follows:

- Paragraph 189 – requires applicants to describe the significance of heritage assets affected by their proposals, including any contribution made by setting. ‘The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3’ published by Historic England provides information on good practice in this respect and recommends a staged approach to assessment of impact and mitigation.
- Paragraph 193 – requires great weight to be given to the conservation of listed buildings and conservation areas irrespective of the amount of harm development might cause.
- Paragraph 194 – requires a clear and convincing justification for any harm caused to designated heritage assets including harm caused by development within their setting.
- Paragraph 196 – relating to less than substantial harm requires the inclusion of public benefits in any justification.
- Paragraph 192 – requires local authorities to take account of new development making a positive contribution to local character and distinctiveness.
- Paragraph 200 – relates to the desirability of new development in conservation areas and the setting of heritage assets to enhance and better reveal significance.

Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 Adopted 11th December 2017 (JCS) provides a local interpretation of the above policy and is clear at paragraph 4.9.6 that “new development should complement and relate to its surroundings, not only in terms of its appearance but also in the way that it functions. This will require developers to consider the relationships between buildings, relationships of buildings to their settings, and relationships with adjacent land uses and the wider landscape, all of which contribute to local character and distinctiveness.”

The Central Conservation Area Montpellier character area appraisal and management plan February 2007 forms part of the evidence base for the JCS and is also therefore relevant. It contains relevant management policies as follows:

- MP2 – relating to the preservation and enhancement of the character of the conservation area that require high quality design and a proper consideration of context for new development.
- MP7 – relating to boundary enclosures that requires use of contextually sensitive boundary treatments.
- MP8 – relating to street furniture that seeks to reduce and minimise visual clutter.
- MP12 – requiring new development to respect important views within the conservation area including the key view west along Oriel Road in which Wolseley Terrace is a feature.

Assessment against policy

The application fails to comply with the requirements of paragraph 189 of the NPPF as it has not identified the heritage assets affected by the proposal or described their significance. Neither has it followed Historic England’s advice in identifying setting or taken the recommended staged approach to assessment of impact on significance resulting from a change in setting. Such an assessment would require proposed elevations of the railings and sliding gate showing Wolseley Terrace, these have not been provided.

The application does not comply with the requirement of paragraphs 194 and 196 of the NPPF to provide a clear and convincing justification for the harm it would cause to both the listed terrace and the conservation area. The only public benefit offered is the avoidance of antisocial behaviour. The application does not, however, demonstrate that other, less harmful, options that might deliver similar benefits have been explored.

Alternative options that would avoid harm might involve:

- use of CCTV (identified in the conservation area appraisal as a successful in tackling problems of antisocial behaviour) combined with,
- BT management policies to address the security of personnel using the building,
- realignment of railings to enclose the under-croft of the building leaving the existing vehicular access unchanged and omitting the new sliding gate.

The unattractive and unsympathetic location, design and appearance of the proposed railings and sliding gate would result in an increase in visual clutter that is contrary to policy MP8 of the conservation area appraisal and would not conserve the quality of the key view along Oriel Road as required by policy MP12.

The high standards of contextual design for placemaking and boundary treatments required by policy MP2 and MP7 of the conservation area appraisal, policy SD8 of the JCS and paragraphs 192 and 200 of the NPPF are not delivered by the utilitarian design of the sliding gate, unattractive appearance of the railings, their proximity to and harmful impact on Wolseley Terrace.

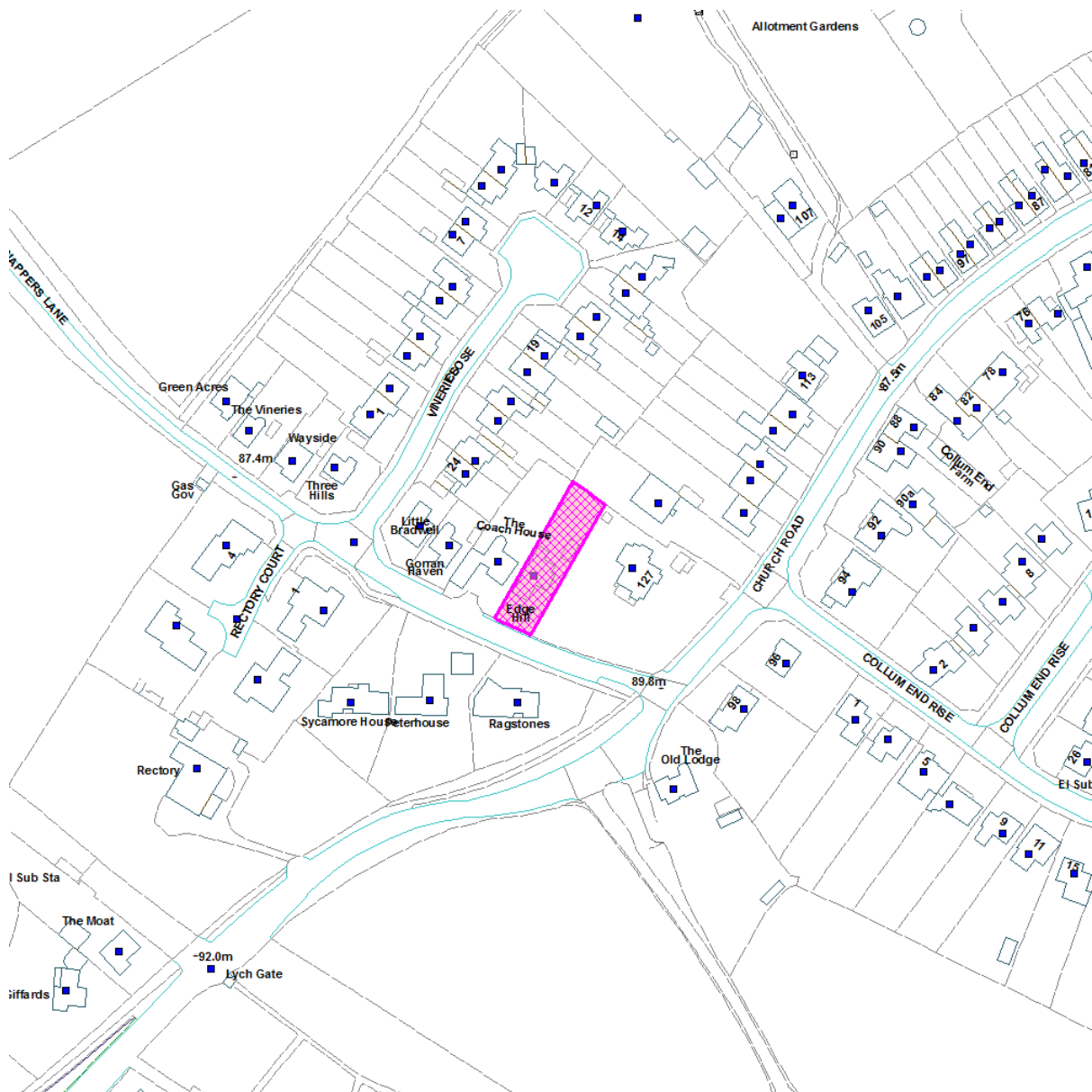
Conclusion

On the basis of the assessment above, I object to the application on the grounds that it results in unjustified harm to the significance of the grade II listed building of Wolseley Terrace and to the Conservation Area and is therefore contrary to both national and local policy. Amendments to the proposal might address these objections.

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APPLICATION NO: 20/01882/FUL	OFFICER: Mr Daniel O Neill
DATE REGISTERED: 29th October 2020	DATE OF EXPIRY: 24th December 2020
DATE VALIDATED: 29th October 2020	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Mrs Heidi Wood
AGENT:	
LOCATION:	Edge Hill, Kidnappers Lane, Cheltenham
PROPOSAL:	Extensions to existing property

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Edge Hill is a detached bungalow located on the north side of Kidnappers Lane. The site is not located within a conservation area or other designated areas.
- 1.2 The applicant is seeking planning permission for extensions to existing property including an upward extension, single storey rear extension and remodelling of existing property.
- 1.3 The application has been called to Planning Committee at the request of Cllr Cooke to the impact on neighbouring properties in respect to amenity. The Parish Council have also objected to the proposal for a second storey.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

20/01797/PREAPP 23rd October 2020 CLO

Addition of first floor to existing bungalow and extension to front elevation

06/01786/FUL 15th February 2007 WDN

First floor extension, two storey rear and single storey front extensions to create a two storey dwelling

09/01837/FUL 8th August 2011 DISPOS

Extensions and alterations to bungalow to create a two storey dwelling

86/01607/PF 21st January 1986 PER

Retention of front boundary wall 1.8m high

18/00530/FUL 1st March 2019 DISPOS

Erection of 5 bedroom dwelling following demolition of existing bungalow

19/02344/FUL 9th April 2020 DISPOS

Erection of 5 bedroom dwelling following demolition of existing bungalow

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Ward Councillors

19th November 2020

I am one of the borough councillors for Leckhampton.

I think the proposed building in itself is an interesting and imaginative design and, as a two-storey building, not out of keeping with the immediate area.

But I think officers should pay careful attention to the concerns of the neighbour at the Coach House. Because of the narrowness of the application site it does seem to me that the proposed building will be extremely close to their boundary and so quite close to and higher than their house, perhaps overshadowing it. This is not apparent from the street views so I hope officers can verify their accuracy.

The Local Development Framework Residential Alterations and Extensions Supplementary Planning Document does stress the importance of maintaining space between buildings and neighbours' right to adequate daylight (p7) and the need for skillful design of side-facing windows to preserve privacy (p9) and these must be respected.

Building Control

2nd November 2020

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

Parish Council

19th November 2020

The Parish Council makes the following comments:

The two story house is not in appropriate in itself for the area.

Comments from the Coach House regarding the scale and closeness to their boundary should be given serious consideration.

Gloucestershire Centre For Environmental Records

8th November 2020

Biodiversity report available to view online.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	5
Number of objections	4
Number of supporting	0
General comment	1

5.1 Letters of notification were sent to 13 neighbouring properties. The application has received 4 comments in objection and these have been summarised but not limited to the following points;

- Design not in-keeping

- Principle of additional storey
- Loss of light
- Impact to the privacy
- Overbearing affect
- Loss of view/outlook

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations when determining this application are design, in relation to character and appearance of the wider locality, impact on the wider street scene and impact on neighbouring amenity

6.3 The site and its context

6.4 The property is a detached bungalow located on the north side of Kidnappers Lane surrounded by two storey dwellings of a variety of styles. Edge Hill is located between the two storey red brick dwelling known as The Coach House, Kidnappers Lane, and adjoins the rear boundary of 127 Church Road, a large dwelling located on a substantial sized plot.

6.5 The detached bungalow is not of any particular architectural merit and is the only of two single storey bungalows within the immediate section of Kidnappers Lane. There is mixture of rendered, red brick, buff brick and stone cladded dwellings within this locality.

6.6 Design and layout

6.7 Cheltenham Plan Policy SL1 requires extensions and alterations of existing buildings to avoid causing harm to the architectural integrity of the building or group of buildings. This is reinforced by JCS policy SD4 indicating that considerations to include context, character, legibility and identity, amenity and space.

6.8 The application proposes various extensions to the existing dwelling including an upward extension to provide a two storey property with a single storey flat roof rear extension. It is also proposed to remodel the property by facilitating a design approach that will modernise the original building.

6.9 Consideration has been given to the acceptability of the proposed upward extension to facilitate an additional storey. It is important to note when considering the scale and context of this application that the land does rise from west to east. The adjacent properties to the west are two storey dwellings located on lower land and the application site sits on this rise before gradually levelling. This is a similar context to the properties on the south side of Kidnappers Lane, opposite the application site.

6.10 Whilst it is acknowledged that the proposed development will sit higher than the adjacent neighbouring property known as The Coach House, officers consider that the scale of the proposal would not be particularly harmful to its surroundings. By facilitating an upward extension, the proposal would follow the gradual evolution and contours of the land, while mirroring the height of the existing dwelling opposite. There is no established pattern of house types, building line or architectural uniformity in layout within this section of Kidnappers Lane.

- 6.11** Furthermore, officers consider that the extended property would sit comfortably within its plot and will retain a generous amount of space surrounding it. The existing footprint would remain similar with a small increase to the front and single storey extension to the rear elevation. This will allow for the space between each adjacent neighbouring property and the setback from the main road to be retained. Given the surrounding layout of the development and its position away from the highway; it is considered that the addition of a second storey can be achieved on this site without resulting in any significant harm to the wider street scene and the character of the area.
- 6.12** The proposed style and appearance of the remodelled dwelling is different from the design of the existing dwelling. The proposed development will mirror the existing use of render to the exterior elevations, however new modern materials such as grey aluminium windows, black brick and timber cladding will be introduced. It is of the opinion of the case officer that this development will represent a contemporary design approach. Paragraph 127 of the NPPF indicates that decisions should not discourage highly innovative design. Officers consider that there is not a strong sense of established character within the vicinity and other properties in the immediate locality vary in scale, form and design. There is also recent works undertaken in the local area that have established modern extensions and alterations to be acceptable.
- 6.13** Officers have duly noted that the design and style of the proposed development will undoubtedly alter the existing status quo. It is considered however that the proposal represents an acceptable high quality design and contemporary approach that will not result in a dwelling at odds with the character of the wider locality and will not cause an unacceptable harm to the wider street scene. Overall, on balance, the application is considered to comply with the relevant design policies.
- 6.14 Impact on neighbouring property**
- 6.15** JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook and overbearing impact will therefore be considered.
- 6.16** The property to be most affected by the proposed development is the adjacent neighbour to the west known as The Coach House. It is noted that the side of the dwelling at Edge Hill runs parallel to boundary, approximately 0.6m away. In comparison, the property known as The Coach House sits an angle in context to the shared boundary line. At its principal elevation it is approximately 3m to boundary and this gap begins to narrow towards its rear with approximate 2m from dwelling to boundary.
- 6.17** In order to facilitate whether the proposed development will cause an unacceptable loss of to the neighbouring front windows serving the sitting room, the 45 degree light test has been used. The light test has passed on both plan and elevation when assessing the impact to the front bay window, the proposed development will not intercept the angle of light to the midway point of this window. To the rear elevation, the light test passes on elevation but fails on plan when assessing the impact to the rear doorway. Given that this room has additional light source to the front and rear, with the front bay window unaffected; it is considered that no harm will be caused to this habitable room.
- 6.18** This neighbouring property has a rear conservatory which projects beyond the rear elevation of the parent dwelling. This completely glazed conservatory will have multiple light sources which will be unaffected by the proposed development. As such, no unacceptable loss of light will be caused to this area.
- 6.19** In respect to an overbearing effect, it is noted that the rear elevation of The Coach House will be setback from the rear of the two storey proposal. The length of the proposed development is not considered excessive as to result in a particularly long wall adjacent to

the boundary. It is also of note that these properties have relatively long rear gardens/amenity space areas.

6.20 The side of the proposed development at Edge Hill would be clearly visible from both the patio areas and the rear windows of The Coach House, albeit at an oblique angle. However, views of the existing bungalow are established when looked upon from the rear windows and patio area. Officers therefore considered that the scale and form of the development would not result in a significant overbearing effect for the occupiers of this neighbouring house.

6.21 With regard to the neighbouring property 127 Church Road, careful consideration has been given to potential impact caused by the development upon their amenity. The two storey rear elevation of this neighbouring house will be approximately 14m away from the boundary to the application site and will not directly face the proposed development. This neighbouring dwelling sits on a generous sized plot with considerably outside amenity space. Officers consider that no harm will be caused to this property in respect to privacy, light and outlook.

6.22 Concerns have been raised locally regarding a potential loss of privacy as a result of new first floor side windows. All the windows to the side facing east will be obscurely glazed with a restricted opening and a condition has been attached to ensure that this is maintained. Revised plans were submitted to address concerns that the first floor window to side elevation facing west, serving an additional bedroom, could cause overlooking. This window has been altered to with a high-level opening approximately 1.7m from floor level.

6.23 The proposed flat roof to the single storey rear extension has also queried as to its use a potential balcony. A condition has been attached that this roof cannot be used as a roof terrace, balcony or other private amenity area.

6.24 Other considerations

6.25 Several comments have been received regarding how the proposed development will be visible and potentially cause harm to the view from neighbouring windows. It is unreasonable to refuse an application for planning permission for these reasons and there is not material planning consideration for a loss of view.

6.26 Public Sector Equalities Duty

6.27 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 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
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

In the context of the above PSED duties this proposal complies with the 3 main aims set out.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Officer recommendation is to permit this application subject to the conditions set out below:

8. 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.

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the proposed first floor side windows facing east shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

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

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the proposed first floor rear window serving the bathroom shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

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

- 5 The flat roof area of the development hereby permitted shall not be used as a balcony, roof garden or other external amenity area at any time. Access to the flat roof shall be for maintenance purposes only.

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

- 6 Notwithstanding the submitted details, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a) Timber Cladding: (physical sample(s), name/type and source to be submitted).
- b) Fenestration arrangement: (to include manufactures name and specific product details).
- c) Brickwork: (physical sample, to include manufactures name and specific product details.)

The works shall not be carried out unless in accordance with the details so approved.

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).

INFORMATIVES

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

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

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

APPLICATION NO: 20/01882/FUL		OFFICER: Mr Daniel O Neill	
DATE REGISTERED: 29th October 2020		DATE OF EXPIRY : 24th December 2020	
WARD: Leckhampton		PARISH: LECKH	
APPLICANT:	Mrs Heidi Wood		
LOCATION:	Edge Hill, Kidnappers Lane, Cheltenham		
PROPOSAL:	Extensions to existing property		

REPRESENTATIONS

Number of contributors	5
Number of objections	4
Number of representations	1
Number of supporting	0

21 Vineries Close
Cheltenham
Gloucestershire
GL53 0NU

Comments: 8th November 2020

We have been enjoying the outlook from the east-facing window of our lounge for 33 years.

We do not want to look at a large new house, which is being built on land nearly 3 feet higher than our house .

The lane is already busy with the new school and we do not want more construction traffic, especially near Edge hill where the road is narrow and very near the 'T junction' with church road.

127 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0NY

Comments: 18th November 2020

I am emailing you my concern about the above application for rebuilding the bungalow Edge Hill.

I am the neighbour of this proposed plan and have spent much time looking at the proposal in detail.

I live at Home Orchard, 127 Church Road and have lived here for over fifty years.

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Edge Hill was built in the grounds of Home Orchard, between the coach house and the main dwelling. The height of the bungalow was subject to strict limitations at that time because of its proximity to the main house.

Despite the passage of time the garden of Home Orchard and indeed the house itself remain in the same position and would be totally overshadowed by the proposed height of Edge Hill.

I am hoping to seek planning for an annex for myself in my grounds and have agreed with my architect that the roof height should remain no higher than that of Edge Hill as it is now to have minimum impact.

In all of the planning refusals to a large scale development on the site of Edge Hill a first floor balcony had been included which overlook Home Orchard.

As you will see from a plan of the area my garden would have no privacy, and my sitting area, my light and sky view from inside the house would all be compromised.

I understand the desire for a large house instead of a bungalow but I object to the scale of this plan in relation to the size of the plot.

Such close proximity to both neighbouring properties would surely negate windows on the side elevations? My architect quoted Local Plan CP4 and paragraph 17 of the NPPF which seems to substantiate this.

I would be very grateful if somebody from Planning could come and advise me about this large scale development which is being proposed to overlook both my home and garden.

Thank you for your attention,

The Coach House
Kidnappers Lane
Cheltenham
Gloucestershire
GL53 0NX

Comments: 14th November 2020

While we quite understand the desire of the applicants to create a much bigger home in order to accommodate their growing family, we do not believe that the very narrow plot which their bungalow occupies can sustain the much larger house that they propose. We are therefore obliged to object to the above planning application.

Our objection firstly relates to the visual impact and loss of residential amenity that would be caused by such a large extension. Your office noted regarding the previous proposals for the site: "The depth and extent of footprint into the rear of the site is excessive and the proximity to boundaries and consequent width of the building is still of concern, both from an urban grain and neighbour amenity perspective." (E-mail from Lucy White, Senior Planning Officer, Cheltenham Borough Council to PSK Architects, 22 August 2018). The current application has not at all reduced the proposed footprint, nor the proximity to boundaries - nor indeed the height, apart from the final 2.8 m at the rear of the building.

As a result, the proposed new building will be a mere 60 centimetres from our boundary fence, and will rise approx. 9 metres above our garden, completely dominating the rear of our house. The proposal would therefore be contrary to Cheltenham Local Development Framework (Supplementary Planning Document: Residential Alterations and Extensions), section 3.2 and Policy SL1: Safe and Sustainable Living of the Cheltenham Plan.

Lucy White's e-mail of 22 August 2018 further refers to the impact of the overly large development on "urban grain", and requests an elevation street scene drawing in order to evaluate this further. The Street Views (1-3) that have been supplied with the current proposal are, however, significantly inaccurate. Firstly, they significantly overstate the amount of space between the extended Edge Hill 2-storey house and the Coach House (in fact, the total space would be under 2.5 metres, with a distance to the boundary fence of only 60 cm). Additionally, the Street Views fail to show that the proposed house would actually loom half a storey above the Coach House (the current bungalow's ground floor already stands almost half the story higher than the ground floor of the Coach House, largely because of the contour of the land). Finally, both the Existing Block Plan and the Proposed Block Plan are inaccurate, as the Edge Hill building sits closer to Kidnappers Lane than the Coach House, rather than the same distance as shown. Such a high building in this location will be harmful in terms of both urban grain and visual impact.

Our second objection relates to "right to light." The height of the proposed extension and its proximity to the boundary fence would lead to infringements of Cheltenham Local Development Framework, para 3.2 and Cheltenham Residential Alterations and Extensions: Design Guide.

Windows on the side of our house on both ground and first floors currently provide direct sunlight to the sitting room and master bedroom respectively; the first-floor side window also provides attractive views of Leckhampton Hill. All this is made possible because of the sensitively angled design of the current Edge Hill bungalow roof. Were the bungalow to be extended so far upwards, all direct light and views would be lost; we would simply look out at a dark, featureless wall a couple of metres from each window.

Since the proposed new building would be a mere 60 centimetres from our boundary fence, and will rise approximately 9 metres above our garden, it would also place our patio in almost constant shade, as mentioned above. Our conservatory, too, would be thrown into shadow. We are unclear whether "right to light" extends to the loss of direct sunlight to these areas, although Cheltenham Local Development Framework, para 3.2 and Cheltenham Residential Alterations and Extensions: Design Guide, both suggest that this is the case.

Our third objection relates to loss of privacy. The side elevation of the current proposal indicates a first floor bedroom window that would have a clear view of our patio almost immediately below, which is our principal outdoor seating area. We believe that this is contrary to Cheltenham Local Development Framework (Supplementary Planning Document: Residential Alterations and Extensions), section 3.2, and paragraph 17 of the National Planning Policy Framework.

In conclusion, the applicants would surely benefit from a larger home, and we would certainly have no objection to a sensitive single storey extension nor indeed to appropriately placed dormer windows within the bungalow's current roof. Sadly, however, their current proposal for such an excessively large building on the very narrow Edge Hill

site would be severely damaging for the reasons outlined above. We trust that these comments will be taken into account in the decision-making process. We should be happy for you to arrange to visit our home and garden if you wish to view the application site from that perspective.

Little Bradwell
Kidnappers Lane
Cheltenham
Gloucestershire
GL53 0NX

Comments: 20th November 2020

Whilst supporting the need for increased accommodation on the site we object on grounds of visual impact.

We believe that the style, massing and choice of materials of the proposed redevelopment is too impactful and overpowering.

The bungalow is originally an infill site between the larger red brick house on the corner of Kidnappers lane and Church Road, and the Coach House. It is a very narrow plot.

We have extended our house so understand the needs of a growing family, but we have always tried to extend in a way that did not change the character of the existing building and chose a limited / muted pallet of materials to reduce impact.

There is also the potential for a stunning piece of architecture that responds to all the site constraints and creates a lovely home.

The opening up of the driveway will also change the character of the lane at an area of the lane that is already quite dangerous.

10 Pilford Road
Cheltenham
Gloucestershire
GL53 9AQ

Comments: 19th November 2020

I am one of the borough councillors for Leckhampton.

I think the proposed building in itself is an interesting and imaginative design and, as a two-storey building, not out of keeping with the immediate area.

But I think officers should pay careful attention to the concerns of the neighbour at the Coach House. Because of the narrowness of the application site it does seem to me that the proposed building will be extremely close to their boundary and so quite close to and

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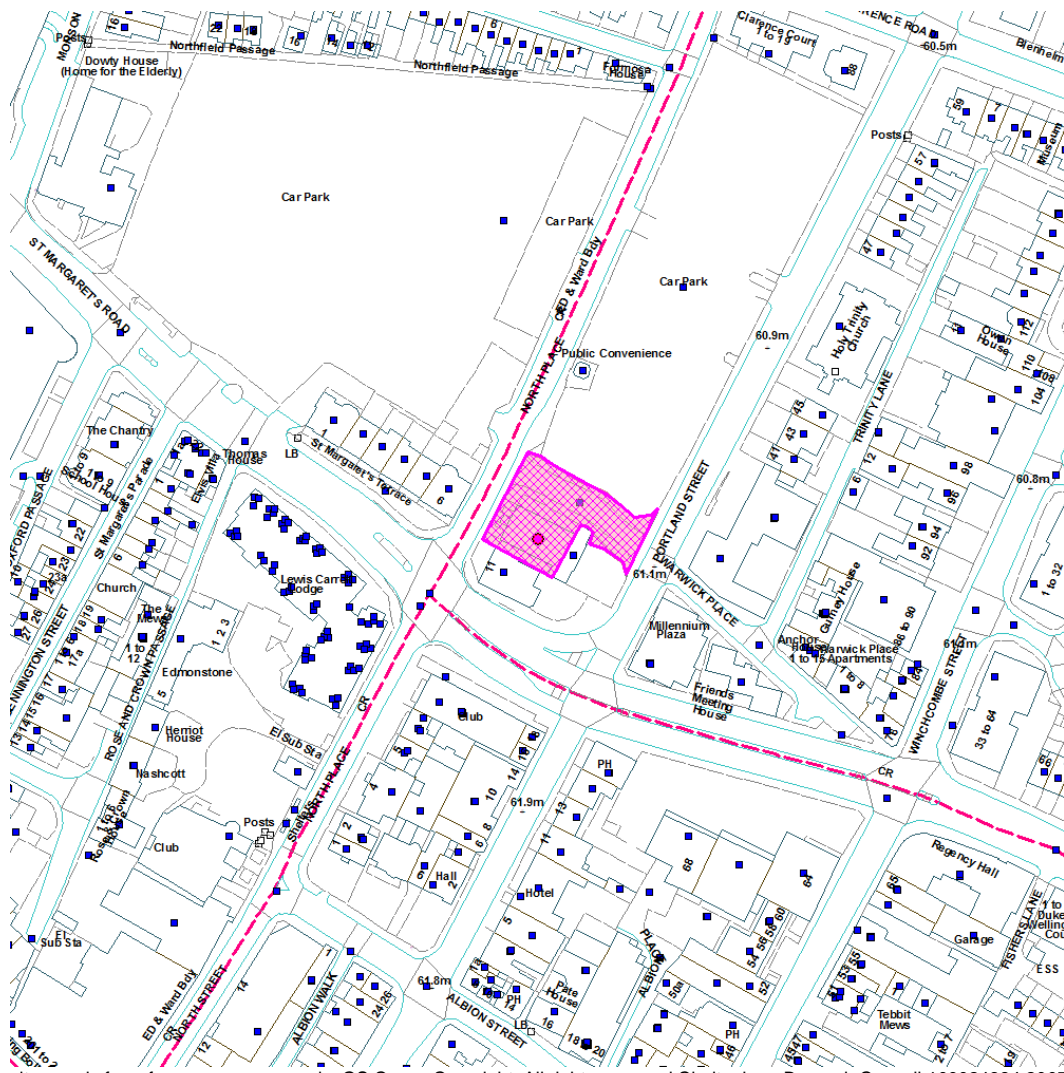
higher than their house, perhaps overshadowing it. This is not apparent from the street views so I hope officers can verify their accuracy.

The Local Development Framework Residential Alterations and Extensions Supplementary Planning Document does stress the importance of maintaining space between buildings and neighbours' right to adequate daylight (p7) and the need for skillful design of side-facing windows to preserve privacy (p9) and these must be respected.

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APPLICATION NO: 20/01997/FUL & LBC		OFFICER: Michelle Payne
DATE REGISTERED: 14th November 2020		DATE OF EXPIRY: 9th January 2021 (extension of time agreed until 22nd January 2021)
DATE VALIDATED: 14th November 2020		DATE OF SITE VISIT:
WARD: Pittville		PARISH:
APPLICANT:	Chapel Spa Ltd	
AGENT:	BHB Clive Petch Ltd	
LOCATION:	Chapel Spa, North Place, Cheltenham	
PROPOSAL:	Change of use of existing spa (Use Class D1) to 8no. apartments (Use class C3) with associated internal and external alterations	

RECOMMENDATION: Permit & Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

The site

- 1.1 The application site is prominently located on North Place, close to the Fairview Road / St. Margaret's Road junction, and within the Old Town character area of the Central conservation area.
- 1.2 The site is occupied by a grade II listed building built as a Chapel (Portland Chapel) in 1816, with the portico added in 1865; it was the first nonconformist Gothic Revival building erected in Cheltenham. The building is two storeys over basement; and Ashlar over brick beneath a hipped slate roof. It was listed in 1972.
- 1.3 The building is currently in use as a day spa, Chapel Spa. Members will note that the description of development refers to the existing use as Class D1; however, following recent changes to the Use Classes Order, the existing use now falls within Class E.
- 1.4 Directly opposite the site sits St. Margaret's Terrace, a substantial four storey terrace of six grade II* listed buildings, c1820-25. Additionally, the neighbouring building, no. 11 North Place, and the building to the rear fronting Portland Street are grade II listed. Portland Street car park is located to the north of the site.
- 1.5 Diagonally opposite the site on the corner of North Place and St. Margaret's Terrace is the recently constructed Lewis Carroll Lodge, a block of 65no. sheltered apartments for the elderly; planning permission having been granted on appeal.

The proposal

- 1.6 The applicant is seeking planning permission and listed building consent for a change of use of the entire building to create 8no. apartments (Use class C3) together with associated internal and external alterations. The proposed scheme would provide for a mix of 5no. two bed apartments, 2no. one bed apartments, and 1no. studio.
- 1.7 The apartments at ground and first floor level would be accessed via the existing entrance on North Place; whilst, at basement level, existing flat roofed extensions on both sides of the building would be demolished to enable the provision of separate entrances to the individual apartments; and to provide some outdoor amenity space. Adequate bin and cycle storage facilities would also be provided in these areas.
- 1.8 Members will recall that planning permission and listed building consent was previously granted in May last year for a change of use of the building to a 12 bedroom hotel with the spa facilities retained at basement level, application ref. 20/00119/FUL & LBC.
- 1.9 This revised application is before the planning committee at the request of Cllr McCloskey to ensure that the proposals are given same level of scrutiny.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Conservation Area
Core Commercial Area
Listed Building
Principal Urban Area
Residents Associations
Smoke Control Order

Planning History:

CB13901/00 Provision of additional toilet facilities in basement	PERMIT	2nd May 1978
CB13901/01 Use of part premises for Play Group	PERMIT	7th August 1979
CBL0689/00 Alterations to form internal staircase from Church to lower ground floor and substitution of door with side-light for existing window on side elevation of basement	PERMIT	21st February 1985
CBL0689/01 Alterations	WITHDRAWN	22nd February 1990
CB13901/02 Change of use to Fitness Centre incorporating indoor climbing wall (in accordance with revised plans received 04 Aug 94 and 25 Aug 94)	PERMIT	25th August 1994
CBL0689/02 Basement: Replacement of WC facilities and installation of changing facilities & construction of partition walls. Ground level: Construction of climbing wall. Gallery level: Balustrade replacement	PERMIT	25th August 1994
01/00476/LBC Internal alterations including construction of new mezzanine floor, new changing rooms in basement, spa area in basement and treatment rooms on ground floor	GRANT	30th July 2001
02/01973/LBC Installation of glass door and screen on inside of existing entrance doors	GRANT	14th February 2003
07/01030/LBC Internal alterations and general refurbishment	REFUSE	9th October 2007
07/01677/COU Change of use from garage/storage to mews type dwelling to front Trinity Lane	WITHDRAWN	7th February 2008
07/01686/LBC Installation of external and internal air circulation units at basement level	WITHDRAWN	25th January 2008
14/01925/LBC Masonry repairs to Portico and northern boundary wall	GRANT	26th November 2014
14/02108/LBC Various internal alterations to reception area to include blocking up of an existing doorway, creation a new double door opening with glazed fanlight over, and alterations to change existing flush door from an opening door to a sliding door	GRANT	19th January 2015
15/01208/FUL Dropped kerb and hardstanding to facilitate parking area	PERMIT	19th February 2016
16/02067/LBC Signage to portico of the building, two free standing signs to the front and addition of up lighting	GRANT	10th April 2017
16/02067/ADV	GRANT	10th April 2017

Signage to portico of the building, two free standing signs to the front and addition of up lighting

18/00332/FUL

PERMIT

4th April 2018

Retention of dropped kerb (temporary permission granted 15/01208/FUL)

18/02288/LBC

GRANT

14th December 2018

Proposed insertion of a glazed screen at the east end of the first floor gallery

20/00119/COU

PERMIT

29th May 2020

Change of use of existing spa (Class D1) to hotel (Class C1) with associated internal and external alterations

20/00119/LBC

GRANT

29th May 2020

Change of use of existing spa (Class D1) to hotel (Class C1) with associated internal and external alterations

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 7 Ensuring the vitality of town centres

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan (CP) Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy (JCS) Policies

SD2 Retail and City / Town Centres

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Old Town Character Area Appraisal and Management Plan (2007)

4. CONSULTATION RESPONSES

Heritage and Conservation

30th November 2020

Significance

The building (the Chapel) was constructed in 1816, with the portico added in 1865 and the ground and first floor windows altered in 1895. Listed on 5 May 1972; list entry number: 1387374 (Grade II).

The Chapel was built as a private non-conformist chapel at the expense of Robert Capper, J.P (1768-1851) in 1816 and gifted to the Countess of Huntingdon's Connexion in 1819. (Selina, Countess of Huntingdon (1707-1791) played a prominent part in the religious revival of the 18th century and the Methodist movement in England and Wales, and founded a society of evangelical churches in 1783, known as the Countess of Huntingdon's Connexion).

D. Verey and A. Brooks in *The Buildings of England, Gloucestershire 2: The Vale and the Forest of Dean* (Yale University Press: 2002), state that in Cheltenham from c.1830, 'The parish church had been supplemented by proprietary chapels' (p. 228). The increase in the number of chapels reflects the rapid growth in population during the nineteenth century; between 1801 and 1871 the recorded population of the town grew from 3,076 to 53,159.

Given the date of the Chapel (1816) it suggests that it was an early nineteenth century forerunner of this type of development within the town, contributing to the historic value and therefore the significance of the building.

The proposal site is located in the Central Conservation Area (Old Town Character Area); a designated heritage asset (the Conservation Area was designated by Gloucestershire County Council on 28 May 1973 and its boundary extended by Cheltenham Borough Council on 14 August 1987).

Listed buildings are located to the immediate west, east and south of the proposal site, including St. Margaret's Terrace built 1820-1825 (Grade II*) to the west and 32 Portland Street (Grade II), constructed c.1816 presumably as a house for the chaplain/preacher of the Chapel, which it abuts to the rear (east).

The Chapel is faced in ashlar, has two storeys over a basement and is rectangular in plan. Designed with proportions and features of Classical architecture, with gothic (pointed-arched) window openings to the upper storey which reflect the taste of the early nineteenth century and echo the ecclesiastical architecture of earlier periods.

The Chapel provides historic and evidential value through being purpose built and designed to function as a place of worship for non-conformists, and architectural/aesthetic value through the polite form of the building. These values all contribute to the significance of the listed building.

Legislation and policy (as applicable to the respective forms of application)

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant listed building consent to 'have special regard to the desirability of preserving the building' or any features of special architectural or historic interest which it possesses.'

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission, to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission with respect to any building or land in a conservation area, to pay special attention 'to the desirability of preserving or enhancing the character or appearance of that area.'

Paragraph 184 of the National Planning Policy Framework 2019 (NPPF) states that 'Heritage assets' are an irreplaceable resource, and should be conserved in a manner appropriate to their significance'.

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Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (JCS) states that 'Designated' heritage assets and their settings will be conserved and enhanced as appropriate to their significance.'

Consideration

The consideration of the scheme is undertaken as a desk based assessment (note that the officer did visit the building in relation to application(s) 20/00119/COU and 20/00119/LBC).

The NPPF defines significance as 'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic' (Ministry of Housing, Communities & Local Government, 2019, Annex 2: Glossary, p. 71).

The Good Practice Advice Note (GPA) Managing Significance in Decision-Taking in the Historic Environment states that,

'Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself' consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies. Negative change could include severing the last link to part of the history of an asset' (Historic England, 2015, para 28, p. 8).

The document, Conservation Principles, policies and guidance for the sustainable management of the historic environment (English Heritage: 2008) (though it remains the current advice and guidance of Historic England the new name for the organisation), provides a number of 'heritage values'.

Evidential value: the potential of a place to yield evidence about past human activity.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present ' it tends to be illustrative or associative.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory (para. 5, p.7).

These heritage values can contribute to the significance of a heritage asset.

The text of the list entry for the building refers to the exterior of the building as having '2 tiers of windows, the lower tier have wooden mullion and transom windows with fixed lights, the upper in pointed-arched recesses with Y-tracery.' It appears that this, the current design, is the result of later though historic work replacing earlier windows.

Evidence suggesting the design of the original windows can be found in a number of sources including the following:

J.K Griffith in the 1818 publication A General Cheltenham Guide states of the Chapel that 'It is a handsome stone erection, with gothic sashes.' (online edition, p. 142).

George Rowe in the publication Illustrated Cheltenham Guide of 1845, provides an 'illustration' depicting the Chapel as having multi-pane windows to the ground floor and multi-pane windows with Gothic/pointed arched glazing bars to the first floor (p. 61).

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D. Verey and A. Brooks in *The Buildings of England, Gloucestershire 2: The Vale and the Forest of Dean* (Yale University Press: 2002), refer to 'recessed pointed windows in two storeys, their delicate Gothick glazing replaced with Y-tracery in 1895 by Thomas Malvern [1863-1930]' (p. 240).

Note that the submission is ambiguous as to the date of the windows, with drawing 21976/23 (elevations as proposed) stating that the 'Existing modern windows' be removed' and the Heritage Impact Assessment providing a likely date of replacement of the original sashes at the end of the nineteenth century (section 6, p. 33).

The application proposes to replace existing windows; however, whilst an earlier design of the windows is referred to in various sources and is 'illustrated' in one known instance, the specific details of an original design are unknown and the application does not provide any significant evidence, beyond a rough 'illustration' of 1845. The weight to be given to the accuracy of the illustration is questionable as it does not truly depict aspects that appear to be original that remain, such as the height of the entablature.

Though the current windows are seemingly not contemporary with the date of construction of the Chapel, they do date from the late nineteenth century (1895) and are by a known architect. They represent an historic evolution in the development of the building, which includes the addition of the porch in 1865, and are in a form, with tracery, appropriate to a place of worship. As such they provide aesthetic, historic and evidential value to the significance of the building.

Specific detailed plans of the proposed windows are seemingly absent from the application; however, double glazing is proposed. This is of course not an historic approach, has a poor reflective quality (double image) and usually requires bulky framing and glazing which leads to an overall poor design. In some instances applied glazing bars are proposed which are equally incongruous.

Double glazing is likely to lead to poor detailing and even if single glazing were to be proposed, the loss of the existing windows would detract from the significance of the listed building through the removal of nineteenth century fabric that is evidence of its historic evolution. Any perceived visual enhancement would clearly not outweigh the detriment to the significance of the building through the loss of the existing historic windows.

Note that there is ambiguity in the proposed operating method of the windows. Drawing 21976/22 (sections as existing and proposed) refers to 'sliding sash windows', by contrast drawing 21976/23 (elevations as proposed) states that the new windows will include 'top-hung opening lights'.

The application proposes the loss of a blind window to the south-west elevation (upper ground floor level) to be replaced by a glazed window [the blind window was depicted as being retained in application 20/00119/LBC]. It is not apparent that the submission comments on this significance of the blind window. Appropriate information on this feature is required to inform a consideration of its proposed loss.

The scheme proposes the removal of relatively modern extensions/additions and the installation/alteration, perhaps re-instatement of fenestration at basement level. The list entry refers to basement windows being 10/10 sashes; however, their extent and location is not made clear. Sources provided in Heritage Impact Statement suggest that the basement was used as a school room therefore the existence of fenestration historically at basement level is likely (Heritage Impact Assessment: pp. 13, 15 & 16). In principle this aspect of the scheme is broadly acceptable; however, there are concerns with the use of double glazing, as discussed above. Note that any historic windows or doors that remain at basement level should be retained and suitably repaired; the Historic Impact Assessment seems to suggest that historic windows may remain (pp.25 and 30).

The Historic England publication *Methodist and Nonconformist Chapels in Cornwall: Guidance and Assessment Framework* (2019) states that 'The interior is often most sensitive to change[and that] Subdivision of the principal worship space can be difficult to accommodate due to the open quality of the internal space, a characteristic of the auditory plan form within this type of building' (p.24). Whilst it is acknowledged that the document relates to Cornwall, it is relevant as it draws on examples from beyond that county and deals with a building type that has many fundamental shared aspects of design regardless of their location.

Within the building a number of historic features can be found including windows, cast iron columns, the metal brackets supporting the gallery and historic fabric in parts of the gallery floor/structure. Whilst the extent of the gallery has been altered it clearly shows evidence of its original form, and though partitions have been installed, the horizontal and vertical open space, a defining aspect of non-conformist chapels, is evident. The proposed scheme will result in the legibility of these aspects being significantly compromised.

The Chapel's open space is a fundamental aspect of the interior of the building and a key component of its significance. It, along with the associated gallery, provides evidence of design responding to the needs of worshippers by allowing the whole congregation to be seated within sight and sound of the pulpit or preacher. The purpose built places of worship of the non-conformists were often lacking in internal architectural features or decoration and therefore the space is apparent as a core component of the design of the building. Though altered, the open space and gallery are clearly legible and reflect the historic arrangement. This auditory plan form contributes to the architectural/aesthetic, historic and evidential value of the significance of the building.

The Heritage Impact Assessment as submitted states that 'the proposed changes to the interior would not result in any additional 'harm' to an already heavily compromised and much altered space' to such an extent that its significance has been extremely eroded' (p.39). However, its significance should be considered in the context of what is evident currently, and any remnants have more importance given their scarcity in the immediate environment.

It is evident that the proposed infilling of the open space, through the horizontal division at gallery level and the intrusion of vertical partitions, will result in the total loss of the legibility of this essential defining aspect of the Chapel, to the clear detriment of its significance.

The proposed comprehensive sub-division of the basement (lower-ground floor) will eradicate the remains of the historic open plan form to the detriment of the significance of the building.

Given that the proposed alteration of the windows will detract from the architectural/aesthetic value of the building it will be detrimental to the character and appearance of the conservation area.

The NPPF at paragraph 193 requires Local Planning Authorities when considering the impact of a proposed development on the significance of a designated heritage asset, to give great weight to the conservation of the asset; and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm equates to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal.

Planning Practice Guidance (Historic environment) published by Central Government (Ministry of Housing, Communities and Local Government) (23 July 2019) states, 'Public benefits should' be of a nature or scale to be of benefit to the public at large and should not just be a private benefit.'

Due to unacceptable aspects of the scheme, it is considered that the proposal will be detrimental to the importance of the designated heritage asset; the degree of harm is considered to be less than substantial. When balancing the harm against the public benefits of the proposal the NPPF requires great weight to be given to the conservation of the heritage assets (paragraph 193).

The Senior Planning Officer/decision maker(s) will need to carry out the balancing exercise as per the provisions of the NPPF.

Conclusion

Whilst it is acknowledged that the interior of the Chapel has been altered, this does not provide justification for further harmful interventions. If anything, what remains of the central open space is crucial to the understanding of how the building was designed to function and should be afforded greater value.

The windows proposed for removal are part of the historic evolution of the Chapel and provide evidence of the approach to design in a non-conformist chapel in the late nineteenth century. Their proposed replacement would not provide a perceived visual enhancement, but would entail the loss of historic windows. The existing windows have significance and need to be retained.

The scheme will detract considerably from the architectural, aesthetic, historic and evidential value of the Chapel to the detriment of its significance, and is contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the JCS. Therefore the proposal is unacceptable.

Notwithstanding the above, it is acknowledged that the Senior Planning Officer/decision maker(s) will need to give due consideration and weight to those elements of the scheme, proposed once more in the subject application(s), which were granted consent via applications 20/00119/COU and 20/00119/LBC.

Building Control

1st December 2020

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

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 20 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. At the time of writing this report, two representations have been received in support of the application. The comments have been circulated to Members separately.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of a change of use; heritage impact; and parking and highway safety.

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 planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2.2 Paragraph 11 of the NPPF sets out a “*presumption in favour of sustainable development*” which in decision making 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 clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole.*

6.2.3 The development plan comprises saved retail policies of the Cheltenham Borough Local Plan Second Review 2006 (LP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).

6.2.4 Material considerations include the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

6.2.5 The existing spa use is not protected by national or local policy; the existing use falls outside those B-Class employment (or similar) uses safeguarded by CP policy EM2.

6.2.6 Additionally, there is no fundamental policy objection to the provision of a residential use on this site. The site is sustainably located within Cheltenham’s Principal Urban Area wherein adopted JCS policy SD10 supports new housing development and conversions to dwellings on previously-developed land.

6.2.7 Moreover, notwithstanding the above, the Council is currently unable to demonstrate a five year supply of deliverable housing sites (the five year supply calculation from January 2020 was 3.7 years). As such, the housing supply policies in the development plan are out-of-date and the ‘tilted balance’ in favour of granting planning permission is triggered.

6.2.8 The site is not the subject of any other designation that would preclude residential development in principle.

6.2.9 As such, the general principle of a change of use of the building for residential purposes must be acceptable subject to the material considerations discussed below.

6.3 Heritage impact

6.3.1 JCS policy SD8 requires designated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 192 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:

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

6.3.2 Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA), in considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

6.3.3 As previously noted, this application proposes extensive alterations to the listed building in order to facilitate the proposed development and, as can reasonably be expected, the Conservation Officer is again recommending refusal as they are rightly focussing solely on the impacts of the development on the designated heritage asset.

6.3.4 The Conservation Officer identifies the level of harm to the grade II listed building as being 'less than substantial'; however, that said, when considering the impact of a development on the significance of a designated heritage asset, paragraph 193 of the NPPF requires great weight to be given to the asset's conservation irrespective of the level of harm to its significance.

6.3.5 Where less than substantial harm has been identified, NPPF paragraph 196 requires the harm to "*be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"

6.3.6 PPG (Paragraph: 020 Reference ID: 18a-020-20190723) sets out that public benefits can be "*anything that delivers economic, social or environmental objectives*" and "*be of a nature or scale to be of benefit to the public at large and not just be a private benefit*".

6.3.7 PPG (Paragraph: 015 Reference ID: 18a-015-20190723) provides additional guidance in relation to the optimum viable use for a heritage asset; advising that only in a small number of cases will a heritage asset "*be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.*" It goes on to state:

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one...

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset...

6.3.8 The previous application was supported by a Business Viability Report which stated that *“the only economically viable use for the building was as a Boutique Spa Hotel”*, recognising the existing Spa facilities at basement level as an important asset. An additional supporting document prepared by John Ryde Commercial, which explored the viability of alternative potential uses, concurred that *“When the market recovers...demand for hotel accommodation with associated Spa facilities will...provide the best outcome for future use of this building.”*

6.3.9 Whilst a residential use was not completely ruled out previously, the costs of stripping out the spa installations at basement level were considered to be a major deterrent; and conversion to fewer than 10no. apartments was not considered viable.

6.3.10 Now seven months on, this application is accompanied by an updated report from John Ryde Commercial. The updated report sets out that, as result of the on-going Coronavirus pandemic, a boutique hotel use is no longer viable in the short to medium term but that *“the residential market continues to be active and conversion to apartments, whilst marginal in terms of viability is considered to be commercially proceedable [and] will also be more favourably received in the funding/debt market for development finance”*.

6.3.11 Officers are therefore satisfied that, whilst in the long term a hotel use might well be economically viable, in the short term, the conversion of the building for residential purposes now appears to be the optimum viable use; and, given the current shortage of housing within the borough, the public benefits of a residential scheme are apparent.

6.3.12 In addition, officers consider the previous grant of consent which remains extant to be a material consideration in the determination of this current application with particular regard to the harmful alteration of the building. Much of the ‘less than substantial’ harm resulting from the extensive alterations to the listed building, having previously been deemed to be outweighed by the public benefits in securing a viable use for the building.

6.3.13 As per the previous application, the applicant is again proposing to retain the cast iron columns which support the rebuilt galleries; the applicant’s Heritage Consultant highlighting these as the *“only significant internal features”*.

6.4 Access and parking

6.4.1 Adopted JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks, where appropriate. The policy reflects the advice set out within Section 9 of the NPPF.

6.4.2 The proposed development will be served by 8no. car parking spaces accessed from Portland Street via an existing vehicular access. A similar parking arrangement was previously proposed for the recently approved hotel use and was supported by the County Council as the Local Highway Authority; and therefore, whilst the County has not provided any response to this current application, officers are satisfied that the proposal will not result in any harmful impact on the local highway network.

6.5 Other considerations

Amenity

6.5.1 There are no amenity concerns arising from the proposed use; and it is not considered that the conversion of the building for residential purposes will impact on adjacent land users. No objection has been raised by local residents.

Public Sector Equalities Duty (PSED)

6.5.6 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.

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

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

6.6 Conclusion and recommendation

6.6.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.6.2 Officers consider the general principle of a change of use of the building to be acceptable; however, the proposed use would result in less than substantial harm to this designated heritage asset and, in accordance with NPPF paragraph 196, this harm must be weighed against the public benefits of the proposal.

6.6.3 With this balancing exercise in mind, officers are satisfied that the proposed use is now the optimum viable use for the building and it can be concluded that the public benefits of the proposal would outweigh the less than substantial harm to the listed building. The change of use for residential purposes will make a small but valuable contribution to the housing stock within the borough.

6.6.4 With all of the above, officers recommend that both planning permission and listed building consent be granted subject to the following conditions:

7. SUGGESTED CONDITIONS/INFORMATIVES

20/01997/FUL

- 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 first occupation of the development, parking and turning facilities shall be provided in accordance with approved Drawing No. 21976/25. Such areas 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).

- 4 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with approved Drawing No. 21976/25. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

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

- 5 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with approved Drawing No. 21976/24A. The refuse and recycling storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

20/01997/LBC

- 1 The listed building consent 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The listed building consent 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 Notwithstanding the submitted details, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a) New windows (to include but not limited to: elevational drawings at a scale of 1:10 or a similar standard scale, sectional drawings (horizontal and vertical) at a scale of 1:2 or a similar standard scale, an indication of material(s) and details of external finishes/paint(s));
- b) New external doors including over-lights (to include but not limited to: elevational drawings at a scale of 1:10 or a similar standard scale, sectional drawings (horizontal and vertical) at a scale of 1:2 or a similar standard scale, and indication of material(s) and details of external finishes/paint(s));
- c) Railings (to include but not limited to: elevational drawings at a scale of 1:10 or a similar standard scale, sectional drawings (horizontal and vertical) at a scale of 1:2

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- or a similar standard scale, and indication of material(s) and details of external finishes/paint(s); and
- d) All new extract vents and flues.

The works shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

- 4 All disturbed surfaces shall be made good using materials to match the existing materials, composition, form, finish and colour of the existing building.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

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APPLICATION NO: 20/01997/FUL & LBC		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 14th November 2020		DATE OF EXPIRY : 9th January 2021	
WARD: Pittville		PARISH:	
APPLICANT:	Chapel Spa Ltd		
LOCATION:	Chapel Spa, North Place, Cheltenham		
PROPOSAL:	Change of use of existing spa (Use Class D1) to 8no. apartments (Use class C3) with associated internal and external alterations		

REPRESENTATIONS

Number of contributors	2
Number of objections	0
Number of representations	0
Number of supporting	2

The Barn
 Banks Green
 Upper Bentley
 Redditch
 B97 5SX

Comments: 23rd November 2020

I wish to register my support for the planning applications submitted by Chapel Spa, Cheltenham (20/01997/FUL and 20/01997/LBC)

I have compared the existing exterior elevation drawings, with the proposed elevation drawings, and find:

The proposed drawings show significant and welcome improvement to the exterior of the building by removing the modern flat-roofed extensions which, are incongruous and detract from the clean lines of the exterior walls, which, from reading the history of the building was the intention of the original design. If permission were to be given, the whole exterior would revert to the unique 1816 design of the building. This would allow a great number of people to appreciate the architecture, faithfully represented and preserved for generations to enjoy.

The internal alterations, however, are irrelevant, as the important aspects of the interior were discussed and dealt with by the planning committee when debating the last planning applications (20/00119/COU and 20/0119/LBC), for a Spa Hotel, when the committee found in favour of the development, and stated that "the public benefits outweighed the harm".

If permission were given, the apartments would have the advantage of being within a conservation area, in the centre of Cheltenham without the need to travel to work by car but would be supporting the town centre's severely malnourished and damaged shopping centre, and facilities. Which would help to bring back life into Cheltenham.

It would cause less traffic and therefore less pollution and could provide much needed homes in a short period of time.

This is in direct contrast to large areas of development land in Cheltenham that have been "land-banked" by large developers choosing to buy building land as investments, and then "moth-balling" the land for many years as they wait for prices to rise. Then they sell at great profit, without turning a spade.

This renders land designated for housing as useless. It is not being utilised for its intended purpose, but conversely used as a revenue maker for the land-owner, with the resulting paralysis of house building, depriving Cheltenham of hundreds of new homes.

To conclude, if the permissions are granted, the building will be preserved for posterity, as it looked in the Regency era, and eight new homes will be provided, for the people of Cheltenham, notwithstanding all the other positives I have mentioned above.

128 London Road
Cheltenham
Gloucestershire
GL52 6HJ

Comments: 24th November 2020

I support the planning application for Chapel Spa, Cheltenham (20/01997/FUL and 20/01997/LBC). It seems to me that, if this building is not quickly put to use, it will deteriorate and become an eyesore in an otherwise fairly tidy area of the town. I was very disappointed to learn that the use as a Spa and hotel cannot go ahead. However, the present proposal has the advantages of

- 1) providing much needed housing,
- 2) helping keep this area of our town in good repair,
- 3) giving travel-free access to the town for the occupiers who would hopefully find/have employment in the town,
- 4) supplying ongoing maintenance of the building.

It is good to read that the applicant wishes to do some work to restore the building to its original state. The two flat roof "wings" have served their purpose, and to have them removed would enhance the appearance of the building. I doubt very much that a more suitable use of the building could be found, especially in the present financial situation.

I refer to my research study: The Effect of Covid-19 on Investment Decision Making of Spa Hotel vs Residential Investment, which should be read in conjunction with my letter.

Dear Planning Officers and Committee Members,

In this time of the most and severest destruction of businesses in 100 years, and certainly since World War 2, it is with the greatest regret that I have to put before the Committee another application in respect of Chapel Spa.

The only reason that I am forced to return to the Planning Committee is because of the Coronavirus Pandemic. Covid-19 has completely annihilated my plans for the Spa Hotel, as the hotel industry as a whole has been the most severely affected of all industries in the UK (*Office for National Statistics surveys in my research study*).

The upsetting result of the Pandemic is now showing in the number of closures of hotels in the county. While I am writing this letter, there are 18 hotels, 15 pubs and 5 Spas/fitness clubs for sale in Gloucestershire (*businessforsale.com*). Also, the physical impact of Covid-19 can be depressingly seen in Cheltenham's town centre, where there are more than 58 shops which have closed permanently (*gloseco*)

I would like to assure you that I do not act on a whim, but research and investigate my subject thoroughly before coming to a course of action.

On the 28th May 2020 the planning committee took the responsibility of granting me permission to convert Chapel Spa into a Spa Hotel. My application was prepared and submitted pre-pandemic, and just one week after the receipt of permission, the two banks that had agreed in Jan 2020 (again pre-pandemic) to part finance my hotel project, pulled out.

They both explained that it is not possible to finance a new project in the hospitably & leisure industry for the foreseeable future, as there is no confidence in the industry due to Covid.

Hotel owners are struggling to repay loans taken out to finance their businesses, and many are closing their doors with huge debt hanging over them! The banks were worried!

The banks forecast that viability would not be Page 64n to hotels for several years, and Brexit was also mentioned as a negative factor in the discussions, as the additional uncertainties associated with Brexit could easily put this timeframe much further back.

My devastation cannot adequately be described in this letter, and so I will not try!

However, my determination to do the best for not only the building but also for my family by providing an income and therefore survive in business, has taken me along this present path in an effort to avoid bankruptcy and impoverishment entirely due to the Coronavirus pandemic.

It should be noted that I am still paying my business loan monthly repayments and continuing to heat, secure and pay all fixed costs for the building, otherwise it will deteriorate very quickly especially over winter if I simply switch everything off. But this cannot carry on, as it amounts to over £8,000 per month.

I have since gone back to the banks and asked if they would agree to part finance a conversion to apartments, and they have both agreed. I have therefore embarked on this course of action as it is the only viable course left to me and, as a direct consequence, the building also.

If you remember the research for my previous application for the spa hotel in January, resulted in three final options:

1. Spa Hotel
2. Residential
3. Permanent Closure

In the real world of business as it is now, the Spa Hotel option does not exist for the foreseeable future!

The nightmare that I am living with daily, involves; no revenue at all, scared clients & staff, significant debts, continuing to pay fixed costs, lockdowns, uncertainty, and sadly, inadequate support from the Government for the leisure industry while we are in the Tier system, which will continue until Easter 2021 or later.

It is torture and slow death for the hospitality & leisure industry.

Therefore, I had no choice but to keep Chapel Spa closed since the 4th of November.

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However, If the building were to be converted into apartments it would not only secure its future but provide much needed homes with every facility to hand, both in the apartments and locally in the town centre.

I have explained the most difficult of positions that I find myself in, and that is why I have absolutely no choice but to ask for your permission to change the use to residential apartments, which is now **the only viable use for the building** in both the short and medium terms.

In relation to the listed building alterations, the council has of course already granted permission for the alterations to Chapel Spa in the previous application (20/00119/LBC/COU) i.e. the infilling of the first floor, replacement of all the windows on the 1st & ground floors and creating partition walls.

What remains to be permitted is the enhancement to the building, i.e., removing two modern flat roofed wings erected in 2001, reinstating the lower ground floor's original design windows, removal of advertising, and landscaping the exterior. The exterior of the building will be significantly enhanced by returning it to its original appearance of 1816.

This application will also incorporate the only three original items still remaining internally: All cast iron columns, the curved ceilings to the ground floor, and the ceiling height has been raised to show the small cast iron brackets of which only 12 remain of the original 66.

Finally, I would like to end my letter with a quote from Cllr. Payne from the Planning Committee meeting in May when he said, "*Cheltenham Borough Council is trying to recover the town and we must adapt to change, otherwise there will be empty buildings with no one to look after them*" This struck a chord with the committee and was accepted by all the other councillors.

I sincerely hope the Council Officers and Committee Members consider carefully the situation as I have described it in this letter, and consent to my applications.

Yours Sincerely,

Mr. Mina Louka BA, PGDMS, MBA, CMgr FCMl

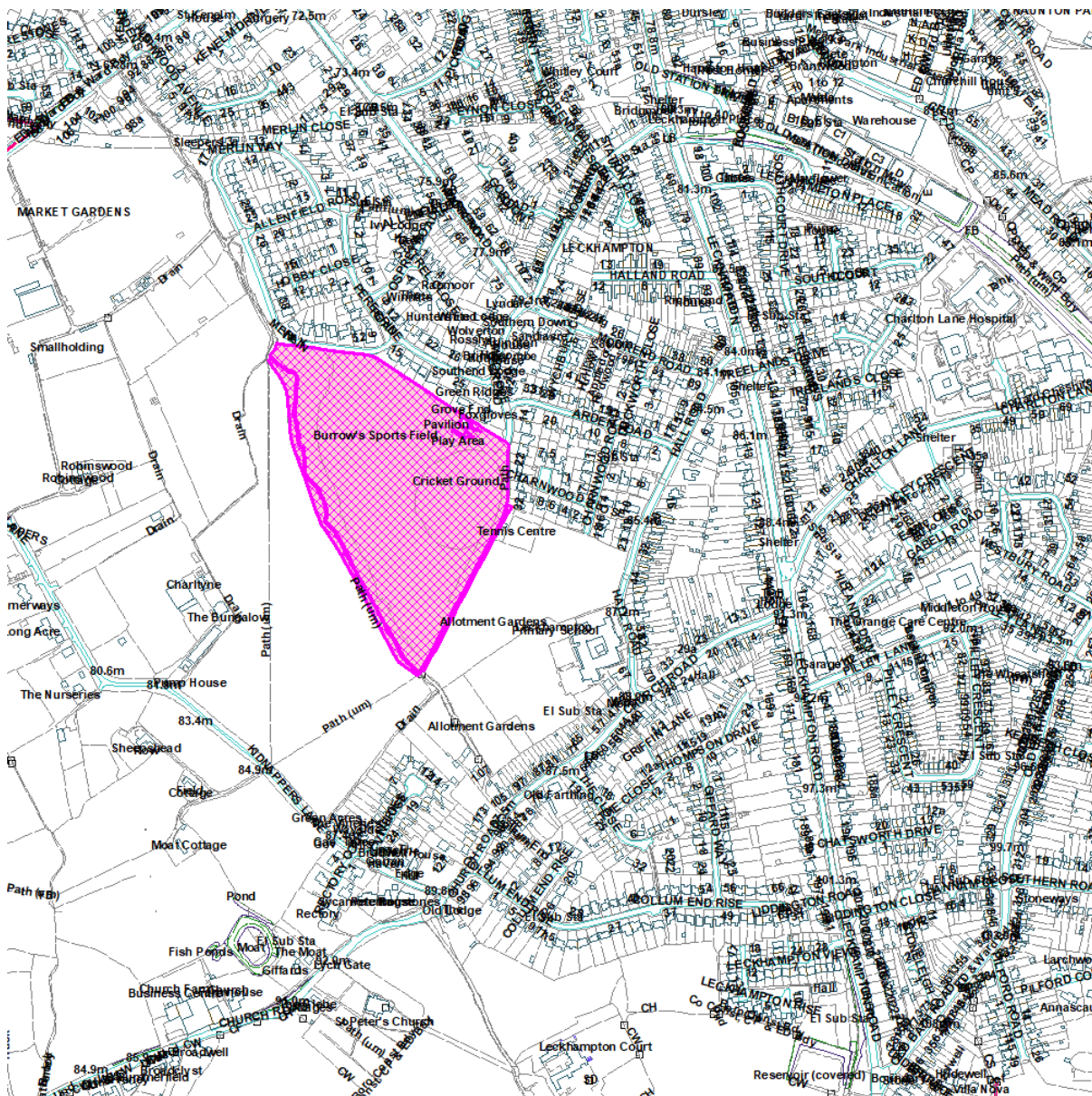
Owner & Managing Director

[Chapel Spa, 10 North Place, Cheltenham, GL50 4DW](#) | www.chapelspa.co.uk

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APPLICATION NO: 20/02028/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 19th November 2020		DATE OF EXPIRY: 18th February 2021	
DATE VALIDATED: 19th November 2020		DATE OF SITE VISIT:	
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill	
APPLICANT:	Cheltenham Borough Council		
AGENT:			
LOCATION:	Burrows Field, Moorend Grove, Cheltenham		
PROPOSAL:	Engineering works to improve and level playing surfaces		

RECOMMENDATION: Permit – final authority delegated to the Head of Planning



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an existing playing field located off Moorend Grove within the Leckhampton area of Cheltenham. The site extends to 6.3 Hectares with the area of land affected being approx. 4 Hectares.
- 1.2 At present the site has 4 adult size football pitches, 2 cricket squares, a BMX pump track and a playground.
- 1.3 Engineering works are proposed to improve the quality of the playing surfaces by undertaking levelling to ensure a consistent gradient to FA and ECB standards. The proposal also includes drainage works to ultimately improve pitch quality.
- 1.4 The submitted plans indicate that the site would be laid out to provide 6 'mini-soccer' pitches, an adult pitch and 2 youth pitches along with a cricket square.
- 1.5 The application is before the planning committee as the application is being made by Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Flood Zone 2
Flood Zone 3
Landfill Sites boundary
Public Green Space (GE36)
Smoke Control Order

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 8 Promoting healthy and safe communities
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

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD9 Biodiversity and Geodiversity
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management
INF3 Green Infrastructure

4. CONSULTATIONS

Parish Council

16th December 2020

The Parish Council has considered the proposals carefully and fully supports the application. This will be an excellent community resource.

Environmental Health

11th December 2020

With reference to the above planning application I have reviewed the documents provided and have no objection to this development in principal, however there is also potential for noise and nuisance from construction works to affect neighbouring properties.

In light of this I must therefore request the following be added to any permission for development:

Construction Management:

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:

- Parking of vehicles of site operatives and visitors
- Method of prevention of mud being carried onto highway
- Waste and material storage
- Control measures for dust and other air-borne pollutants
- Control measures for noise in regards to both demolition and construction
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works.

If you would like to discuss further, or if you believe the recommendations are not suitable, please do not hesitate to contact me.

Tree Officer

10th December 2020

The CBC Tree section does not object to this application on the proviso that a suitable tree protection method can be installed during the course of any construction/earth moving. This protection should be for the large poplar in the middle of the field, The Queen mother poplar copse on the western boundary and approximately half of the eastern tree avenue - ie in proximity of the ground works.

On no account should soil/spoil be stored in the vicinity of the Root Protection Area.

The rooting area of the large poplar tree in the middle of this field should not be impacted by this proposal. The avenue of trees to the east of the site should not be impacted either. However it would be preferable if the mini football pitches were moved westward so as to ensure that the canopy of these trees will not be over the pitches. This will help reduce impact of tree 'litter'-twigs, fruit, leaves etc falling from above but also reduce the likelihood

of surface roots causing injury to players. Such movement westwards need only to be in the order of 3-4 metres to allow for future growth without nuisance being incurred.

Environment Agency

23rd November 2020

I refer to your letter consulting us on the above planning application, however based on the information submitted this appears to be a lower risk planning consultation which does not require direct consultation with us; it does not fall within our 'consultation filter'.

INFORMATIVES

For our flood risk comments please refer to our Area Flood Risk Standing Advice.

In addition to obtaining planning permission, should the proposals involve any works, in, under, or within 8 metres of the top of the bank of any designated main river the applicant may require a permit from us under the Environmental Permitting (England and Wales) Regulations 2016. For more information and advice or to confirm whether a permit is required, what type, and exemptions, the applicant should ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. For further advice please see: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Contaminated Land Officer

11th December 2020

With reference to the above planning application I have reviewed the documents provided and have no objection to this development in principal, however the application site is entered on the Council's contaminated land database and will therefore require a Contaminated Land investigation.

In light of this I must therefore request the following be added to any permission for development:

Contaminated Land:

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

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
 - human health
 - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
 - adjoining land
 - ecological systems
 - groundwaters and surface water
 - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

If you would like to discuss further, or if you believe the recommendations are not suitable, please do not hesitate to contact me.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	40
Total comments received	3
Number of objections	1
Number of supporting	1
General comment	1

5.1 The application was publicised by way of letters to 40 neighbouring properties. 3 direct responses have been received, generally in support although 1 representation has raised concerns. A summary of over 90 comments made directly to the greenspace team has also been provided.

5.2 The comments received can be broadly summarised as follows:

Object:

- Concerns about drainage and impact on rivers/flooding downstream. SUDS required
- Concerns about new cycleway [n.b. this does not form part of this application]
- Concerns about disruption from construction
- Proposal does not solve parking problems

Support

- Community support and effort in bringing scheme forward
- Benefits for local schools
- Opportunities for physical and recreational activity – benefits to physical and mental health

- Facility easily accessible by many
- Opportunities for local clubs to progress
- Range of improvements being proposed

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be (i) the principle, (ii) visual impact, (iii) impact on neighbour amenity, (iv) Access and Highways issues, (v) flooding and drainage, (vi) ecology, (vii) trees.

6.3 Principle

6.4 Section 8 of the NPPF (promoting healthy and safe communities) asks that planning policies and decision should plan positively for the provision and use of (amongst other things) sports venues and open space to enhance the sustainability of communities and residential environments. It also requires that the delivery of local strategies to improve health, social and cultural well-being for all sections of the community be taken into account and supported.

6.5 Paragraph 96 of the Framework states that *“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.”*

6.6 These aims are echoed in policy INF3 (Green Infrastructure) of the JCS which seeks to protect and enhance green infrastructure including areas for recreation and play.

6.7 This application relates specifically to the engineering works in connection with the improvements proposed to the playing fields, however these are part of a wider package of works proposed at the site including improvements to the pavilion, provision of a circular footpath, provision of cycle stands

6.8 The improvements to the pitches will be in line with the FA and ECB requirements. The aims of the proposal tie in with national aims to increase physical activity along with a recognition of the benefits this can have for physical and mental health as well as providing a valuable community resource.

6.9 As such the principle of the proposal is supported.

6.10 Design and layout

6.11 Section 12 of the NPPF seeks to ensure that all development is of a high quality and sympathetic to local character including landscape setting.

6.12 These aims are echoed in policies D1 of the Cheltenham Plan and SD4 of the JCS.

6.13 The aim of the project is that the eventual appearance of the site will be much as it is today, albeit with a slight change in land levels to provide suitable playing surfaces.

6.14 Drawings have been provided which provide existing and proposed levels across the site. This demonstrates that on the whole the changes to land level are relatively subtle with the largest change being an increase of 0.6m at the western-most corner of the adult pitch. The land around the pitches would be regrading to blend to the boundaries.

6.15 A summary of the intended work is detailed below:

- Strip vegetation and thatch to a depth of 15mm;
- Strip topsoil to 200mm and take to temporary store;
- Grade subsoil to design levels as per drawings;
- Rip formation layer and trimming;
- Application of prilled gypsum at a rate of 15g m²;
- Rip formation layer to a depth of at least 300mm;
- Topsoil replacement;
- Laser grading to final design levels;
- Fertilisation. Stone burying/picking to a minimum level of 50mm;
- Installation of a piped and secondary drainage system and connection outfall. Drainage pipes will be 160mm diameter, perforated plastic pipe, compliant with BS4962. The pipe will be a minimum of 500mm deep;
- Backfill drainage with gravel over the pipe to a depth of 250mm below final ground level;
- Trenching and pipe laying. Trenches will be cut with space in the base such that pipes can be evenly laid. The piping will meet the specification requirements and will be plastic pipe, compliant with HPAS. The diameters will be between 80mm – 225mm;
- Supply and spread rootzone top-dressing material, seeding, establishment, reinstate easement areas and seed;
- Area A (attachment 7) will have mole drains fitted at 800mm centres, to a depth of 350mm;
- Construct a 5 pitch natural cricket square to a depth of 100mm using suitable cricket loam and establish;
- Maintenance to handover.

6.16 It is considered that the proposed regrading and levelling works will retain the general playing-field character of the site and would not have an adverse impact upon the character or appearance of the area.

6.17 Impact on neighbouring property

6.18 Policies SL1 of the Cheltenham Plan and Policy SD14 of the JCS seek to ensure that development does not have an unacceptable impact upon neighbour amenity.

6.19 The use of the playing fields as proposed does not require consent, it is purely the engineering works that trigger the need for consent.

6.20 It is acknowledged that the carrying out of the works has the potential to result in disturbance to neighbouring properties both through the engineering works and the

movements of contractors vehicles etc. The project specification documents included with the application suggest measures to ensure disruption is minimised, further the Environmental Health Officer has suggested that a Construction Management Plan is required by condition and this forms part of the recommendation below.

6.21 Subject to these controls the impact upon neighbouring property is considered to be acceptable.

6.22 Access and highway issues

6.23 Section 9 of the NPPF relates to sustainable transport and includes a requirement that in assessing development proposals appropriate opportunities to promote sustainable transport modes have been taken up, safe and suitable access can be achieved and any significant impacts on the transport network can be effectively mitigated to an acceptable degree. Policy INF1 of the JCS echoes these aims

6.24 The Local Highway Authority have been consulted on the proposals and their comments are awaited.

6.25 The alterations to the pitches would not have any direct highway impacts, although the impact of the construction phase on the highway network requires consideration. As mentioned above the wider package of works for the playing fields includes improvements to the walking and cycling facilities in the area thereby enhancing the attractiveness of these sustainable modes of transport.

6.26 Flooding and Drainage

6.27 Section 14 of the NPPF (Meeting the challenge of climate change, flooding and coastal change), states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

6.28 Policy INF2 of the JCS explains that minimising the risk of flooding and providing resilience to flooding, taking into account climate change will be achieved by amongst other things requiring new development to incorporate suitable Sustainable Drainage Systems (SuDS).

6.29 One of the key objectives of the proposal is to avoid instances of waterlogging to the pitches and as such a drainage design has been put forward which results in runoff from the pitches being conveyed to the watercourse (Hatherley Brook). The assessment provided with the application states that ponds will be provided to increase storage capacity during periods of high rainfall and asserts that the development will not significantly increase flood risk to the wider catchment area.

6.30 The Local Lead Flood Authority (LLFA) has yet to provide formal comments however they have indicated that they may have concerns due to the function the site currently plays as attenuation in flood events as part of the site is within Flood Zone 3. Further clarity is required as to how flood water is to be stored and displaced in the new scheme.

6.31 It is anticipated that there is likely to be an engineering solution to this issue which will need to be negotiated and agreed with the LLFA, however this matter is not resolved at this time.

6.32 Ecology

6.33 Section 15 of the NPPF (Conserving and enhancing the natural environment) and policy SD9 of the JCS seek to ensure development does not have an unacceptable impact upon protected species.

6.34 The application has been accompanied by an Ecological Appraisal report, with an extended phase 1 habitat survey being carried out across the site. The works are limited to the amenity grassland areas of the site which are species poor and unlikely to support protected or notable species. No further surveys are required.

6.35 The report includes a number of recommended enhancement measures including the retention of woodland and hedgerows, habitat management etc. which should be achievable on areas not impacted by the levelling works.

6.36 Trees

6.37 The scheme has been discussed with the tree officer who has arranged to coordinate with the Parks team on the final detailed design. A Tree Protection Plan is recommended to ensure that the trees are protected during the construction phase.

6.38 Other considerations

6.39 Contaminated Land

6.40 The site is listed within the Council's contaminated land database and as such a condition has been requested requiring an investigative survey and any mitigation works required to be carried out.

6.41 Public Sector Equalities Duty (PSED)

6.42 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.

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

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

7. CONCLUSION AND RECOMMENDATION

7.1 The principle of the proposal is supported as detailed above. There remains an unresolved issue in relation to flooding, however it is anticipated that an engineering solution can be found which will resolve these concerns. As such the proposal is recommended for approval, subject to no objection from the LLFA. This is also subject to no objection being received from the Highway Authority. Should members be minded to support the application it is recommended that the final authority to grant be delegated to the Head of Planning in consultation with the Chair and Vice-Chair of the Planning Committee.

8. CONDITIONS / INFORMATIVES

- 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 The development shall be carried out in strict accordance with the recommendations and requirements of the ecological survey report dated November 2020 submitted with the planning application.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

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

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

- 5 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:

- Parking of vehicles of site operatives and visitors
- Method of prevention of mud being carried onto highway
- Waste and material storage
- Control measures for dust and other air-borne pollutants
- Control measures for noise in regards to both demolition and construction
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the use could have an unacceptable environmental impact on the area.

- 6 Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be

produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
 - human health
 - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
 - adjoining land
 - ecological systems
 - groundwaters and surface water
 - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

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

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

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

INFORMATIVES

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

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

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 In addition to obtaining planning permission, should the proposals involve any works, in, under, or within 8 metres of the top of the bank of any designated main river the

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applicant may require a permit from us under the Environmental Permitting (England and Wales) Regulations 2016. For more information and advice or to confirm whether a permit is required, what type, and exemptions, the applicant should ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. For further advice please see: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

APPLICATION NO: 20/02028/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 19th November 2020		DATE OF EXPIRY : 18th February 2021	
WARD: Leckhampton		PARISH: LECKH	
APPLICANT:	Cheltenham Borough Council		
LOCATION:	Burrows Field, Moorend Grove, Cheltenham		
PROPOSAL:	Engineering works to improve and level playing surfaces		

REPRESENTATIONS

Number of contributors	3
Number of objections	1
Number of representations	1
Number of supporting	1*

Please note, approximately 90 emails/letters of support were submitted direct to the Parks and Landscapes department of CBC – extracts are included below

98 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

Comments: 7th January 2021

Firstly, I will declare my interest, homeowner in a Flood Risk area downstream at Surdington Road. Grandson and I use the park and cycle track regularly.

It is not clear who is the owner of the property is the application form lists the Council but "fieldsintrust" would seem to have an interest. Their view is essential if they own the property. This is also essential because I have been unable to ascertain from the Council who maintains the River, they say the Owners. Currently, the river it is not maintained.

Whilst I fully support this application, But I have serious concerns, and this is not helped by the officer's report not being available to the public or any of the consultation reports being available.

In particular, the Local Flood Officers report. The development on-top-of the River Hatherley Brook and the source is the field that's why it is always wet. Any development must consider the Surface drainage required. Given this is the source of the River I wish to see the officers report consultation comments. In addition, any development in this area will require an Environmental Permit.

This new cycleway to "Traverse" the field is has "no entrance and no exit" except the main gate of the park. The path East to Leckhampton has a cycle prohibition. The gate to the West (Merlin Way) is not big enough. Thus, a new access is required to the highway. What comments were made by GCC relating to the construction of the Highway (Cycle Way). Will the new path comply with the Transport Authority standards? This is not helped by the being no master plan for sustainable transport in Leckhampton as required by the NPPF.

Having inspected the area yesterday I believe the construction proposed is not suitable for an area which is constantly spring fed and the source of the river. It may create a dam and add to the problems. Who is the design authority? Who will supervise the build such that it complies with the standards required?

Lastly, comments made seem to indicate that this development is not fully scoped. As I believe that the field is going to be subject to improved land drainage. If that is the case the LPA and the Council. Need to consider the SuDs system required and more importantly:

NPPF 157. All plans should apply a sequential, risk-based approach to the location of development - taking into account the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property.

They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management.

Therefore, I would seriously recommend a review of the application by Delegated Planning Authority and Greenspace Team the Council.

I confirm that I am fully in favour of the objective to have a sustainable route through the field which accords with my objective to have a sustainable route from Leckhampton to the A46. This is the only park in Leckhampton thus constant improvement to provide a first class facility is imperative.

In relation to the Application this site has a Main River through it with all the other applications in the area they need SuDs I am very concerned about flooding at we live down stream this is not and objection it is about design. I have asked the Flood officer for advise and will ask the EA to comment. The park is in and extremely poor state of repair and planning violations in some areas.

14 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9BZ

Comments: 1st December 2020

I am a trustee of Leckhampton Rovers FC (LRFC) and of course I therefore wish to express overwhelming support for the Burrows Fields improvements. I thought it might help others with their considerations if I put a little context to the improvements.

I have been leading this project for the club. It started 2 ½ years ago and has already been a long journey. Hundreds of hours have been spent by club members getting the project to where it is today - liaising with local councillors, raising money, architects, designers, the FA, ECB and many others.

The club had a vision to have a place to call home for its many members. Initially it was a football project, but it has become so much more than this. We have engaged with the local community and the support has been amazing. The cricket and tennis clubs that use the Burrows have joined the initiative, Broadlands Playgroup is excited about what it could do for its children, local and national sports associations have given their support as have Cheltenham Borough Council, Leckhampton Parish Council and individual politicians and councillors. The club has a long partnership with Leckhampton Primary School and is already talking to the High School Leckhampton about mutual benefits. Both are fully behind this initiative.

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So what is it that has generated so much support? A project that will benefit the physical and mental wellbeing for everyone in the local community. Whether this is formal or recreational activity, running, walking, dog walking - everyone will benefit.

It is not just the playing fields that are being considered, it has gone so much further than this.

- The pavilion is being completely internally refitted to enable access for everyone;
- A circular footpath is being laid linking all the access points to the site;
- Cycle stands are being put in;
- An outdoor trim trail is coming as well.

Of course, the site is not without issues. The lack of parking is recognised as one of these. This is a general issue and not just related to sport at the site. However, LRFC recognises this and wants to help mitigate issues where it can. The club has a number of initiatives it is working on including:

- The footpath and cycle stands will encourage walking and cycling to the Burrows;
- The club is in discussions with Leckhampton Primary School and the High School Leckhampton about possibly using car park at the schools during match days. Both have agreed to this in principle;
- The club has written on behalf of its membership to Miller Homes and the planning officer about improving the footpaths linking the proposed new housing development, the High School Leckhampton and the Burrows;
- The club has appointed a communications officer and one of their roles will be liaising with LRFC football coaches about match day parking;
- Approximately 60% of the club members live within easy walking/cycling distance of the Burrows;
- The club would like to invite a local resident to join its facilities committee to offer local insight, not just about parking but other opportunities to improve the community around the Burrows, and approaches to residents are in progress;
- The fields will not be extended and the capacity will be the same before and afterwards;
- The club has an ongoing dialogue with the local council about matters affecting the Burrows and will continue to support the local area.

So, please be reassured that this matter and others are very important to the club.

I spend a lot of my time at the Burrows, sorting out this project and recreationally. Last summer, post lockdown I enjoyed a walk to the site to watch my son play football. There were matches in progress between Leckhampton teams, all relishing the opportunity to play sport again. Lots of green shirts running around, smiles on their faces, enjoying the freedom and pleasure that football can bring.

And of course their supporters were there as well. Loving being out on a pleasant summer evening watching their child in the beautiful surroundings of the Burrows.

This is why the club are so committed to doing this!

Comments: 23rd December 2020

Below are some emails/letters of support that were sent to Cheltenham Borough Council just before the planning portal was available. All fully support the project (over 90)

Sent: 17 November 2020 09:05
To: Internet - Parks and Landscapes
Subject: Burrows field

To whom this may concern,
we actively encourage the procurement of burrows field as a permanent base for Leckhampton rovers academy.
regards,

Sent: 17 November 2020 09:06
To: Internet - Parks and Landscapes
Subject: Burrows improvements

To whom it may concern

I am a parent of two boys, both of whom play for LRFC (U11 and U13 teams). I am also Team Administrator and Covid-19 rep for both U11 Devils and U13 Hurricanes teams.

As a family we have been involved with the Club for 8 years+. The boys get so much enjoyment from playing football with their friends, with good quality coaching in a safe environment too.

There are numerous benefits of a home ground in that it provides players and coaches with long term stability and the feeling of 'belonging' to a Club. The players get excited when it's a "home" game so it's important for them to have somewhere they can call "home".

The plans for LRFC in securing the Burrows as a home ground have my full support.

Regards.

| Principal Geo-environmental Consultant - Site Evaluation & Restoration |

]

Sent: 18 November 2020 07:24
To: Internet - Parks and Landscapes
Subject: Burrows improvements

To whom it may concern.

I am writing in support for the plans that LRFC have proposed for developing the Burrows as a home ground for the club.

As a local resident of Leckhampton (for 20 years) I have enjoyed making use of the local fields for personal exercise and wellbeing. My son (who has played for LRFC since age 7), has also enjoyed the space provided for his football playing. We have appreciated being able to play in our local playing field, just a walk away from where we live.

The football team is a very well-supported and social age group - the parent support from the touch line as committed as the bunch of boys who have grown up together since the start of the team. The team consists of a mix of children from different local primary schools. It is a very cohesive group which has integrated really well, and provides a means of uniting families in a way which local school provision has not been able to.

The players would massively benefit and appreciate a home ground to develop their team potential as they grow older, and would be proud to offer support/inspiration (and perhaps develop some volunteering opportunities) to younger year groups in the club if able to train at the same facility.

Also the planned investment in improving the quality of the playing field would provide a positive experience for footballers as well as a meeting place to welcome visiting teams will be hugely valued.

As a family we would like to continue to support the club, and this will be massively encouraged by providing us with a home venue that's accessible to all (footballers and supporters) throughout the year, as described in the LRFC proposed development plans.

Many thanks for considering and hopefully approving the LRFC plans, it will be a great focal point and asset for our local community to be proud of.

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Sent: 17 November 2020 23:18
To: Internet - Parks and Landscapes
Subject: Burrows Playing field project - LRFC

To whom it may concern.

Please find attached a copy of my comments and support for the proposed project by LRFC regarding development of the Burrows playing field.

Kind regards

Sent: 17 November 2020 16:50
To: Internet - Parks and Landscapes
Subject: Burrows Playing Field

To who it may concern,

We are writing to you as grandparents of two boys who are currently members of Leckhampton Rovers Football Club playing in the u11 and u8 teams. We have brought up two sons ourselves and have always been avid followers of their football exploits over the years. We are now excited to be supporting our grandsons and their teams. We have seen first hand the friendships and camaraderie that exist and flourish by being part of a club. In our experience the benefits of having a home ground are huge. It can become a hub for the whole community and help to create and enhance a club's identity. It can provide a stable environment for the whole club, providing coaching and training facilities as well as a base for children, parents and grandparents to meet with the obvious fun and enjoyment this provides.

We support this proposal wholeheartedly and look forward to attending games at The Burrows as part of Leckhampton Rovers Football Club in the near future.

Kind Regards

Sent from my iPhone

Sent: 18 November 2020 07:10
To: Internet - Parks and Landscapes
Subject: Burrows project.

Dear Sir or Madam,

My involvement with Leckhampton Rovers is my son joined a u8 team he is still with his team now at U16's. I also took on coaching the team a few years ago. The team now has 21 players from all over Cheltenham, and at this uncertain time I can honestly say the team and the Club has helped the boys physically and more importantly with their mental well being. The club is inclusive and puts mixed ability before winning at all costs, which is a priority to some clubs.

I am fully behind the burrows project which will bring the club together and give it a home to help with coaching, matches and social events.

Overall I fully support the project and can see it helping the club to grow and provide many benefits to Leckhampton and the whole of Cheltenham.

Kind Regards

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Sent: 17 November 2020 16:19
To: Internet - Parks and Landscapes
Subject: Burrows project

To whom it may concern

I am writing to say that Leckhampton Rovers Football Club has my full support for their efforts to secure the Burrows as the home ground for the club.

Having the fields levelled to ensure high quality pitches and the pavilion refitted will be a great benefit to the club and the local community.

My son started by participating in the fabulous Academy training sessions at the Park around three years ago and is now an enthusiastic member of the U10 Warriors Team.

I love seeing how the team is improving thanks to the dedicated efforts of the coaches and I believe playing football as part of a team offers opportunities to gain many valuable life skills.

I personally really enjoy watching the matches and think that if the Burrows were our home ground, we would see even more supporters for the matches and that it would also create a really nice community atmosphere and give teams the opportunity to support each other more easily.

Myself and my family would love to see this project go ahead and we hope that a decision will be made to allow this to happen.

Kind regards

Sent: 17 November 2020 17:27
To: Internet - Parks and Landscapes
Subject: Burrows Upgrade

Hi

I fully support this, it will be great to have a better surface field for football and cricket, circular path also sounds great.

Rgds

Leckhampton Road.

Sent: 17 November 2020 17:43
To: Internet - Parks and Landscapes
Subject: Leckhampton Burrows Field Project

To whom it may concern,

My son is currently part of the under 9s and has been going since the age of five. He has grown massively in confidence in this time and made lots of new friends. The coaches have been amazing in encouraging him and helping him learn new skills which he hasn't always found easy!

It's such a shame and indeed very odd that such an established and we'll know club doesn't have a place it can call home. It would make perfect sense for the sustainability of the club. It would be somewhere safe for the children to all their home ground.

We fully support the plans.

[Leckhampton Wizards]

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Sent: 18 November 2020 09:32
To: Internet - Parks and Landscapes
Subject: Leckhampton Rovers FC supporting letter

To Whom It May Concern,

I am mum to 12 year old who has the absolute privilege to play for one of your LRFC teams- U13 Vulcans. Joe only joined in the late summer but if you were to see him at training or matches you would not be able to tell he had just joined - this is an absolute credit to the coaches, the boys and the parents- a true footballing family. He loves playing his football, and is developing week on week- all the boys are, and this is due to the dedication, care and quality of the coaches. Their coaching is stimulating, aspirational and open to everyone - I believe most of the boys have continued their footballing journey from an early age and the joy and love of the game is there to see on their faces every week.

Therefore, as a family, we fully support the plans to secure funding to enable LRFC to have the Burrows as their own home ground and develop it into an inspirational facility. This type of investment would ensure LRFC go from strength to strength, and would positively reinforce the impact that football has on young peoples lives, their families and the community they live in.

Yours sincerely

(parents and supporters of Vulcans)
(Vulcans Player)
(siblings and supporters of Vulcans)
(Grandparents and supporters of Vulcans)

Sent: 17 November 2020 16:36
To: Internet - Parks and Landscapes
Subject: Letter to support LRFC request for Burrows project

Hi

My son plays in the U11's for Leckhampton Rovers (FRFC). He has played since he was 5 and built up a great friendship group with his team members. The season was cut short last year due to Covid and he sorely missed seeing his friends and playing football each week. Now that the season has resumed he is enjoying it more than ever.

I help out with supporting the coach and setting up for the game each week. It is tricky moving the kit to different locations and the club would benefit from a permanent venue. This would give the team a chance to see others teams as well, and gain inspiration from older LRFC players.

Having played rugby and football at clubs in my youth, part of the enjoyment is debating the game afterwards with other members of the club. A permanent facility enables this and I am therefore fully supportive.

Regards

Sent: 19 November 2020 18:39
To: Internet - Parks and Landscapes
Subject: LRFC - Burrows Proposal (Message of Support)

To whom it may concern

I have 2 children that play for LRFC at U14 & U18 - both have attended since they were 5 years of age.

The club has been a tremendous benefit to their lives - offering them physical education, camaraderie and excellent training to help them develop their skills.

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However, what the club really needs are some dedicated home grounds which offer a quality playing surface and appropriate changing facilities. This will be of direct benefit to the community of Leckhampton and beyond - encouraging even more local children to have the chance to play - particularly given the increased housing in the area and expected increase in population. The plans for LRFC at Burrows have my full support.

261 Old Bath Road
Leckhampton
GL53 9EF

Sent: 17 November 2020 09:06
To: Internet - Parks and Landscapes
Subject: LRFC plans for own home ground

To whom it may concern,

We are writing in support of LRFC securing the Burrows as a home ground for the club. We are the Parents of 2 boys who both play for LRFC teams in age groups under 16 and under 13. They both love being part of LRFC as they love their football, the friendships they have made within their teams and the great coaching that they have received. It would be fantastic to have a quality home ground which would encourage future players and be something our current players can be proud of. It can only be a good thing for the local community and the plans have our full support.

Yours faithfully

Sent: 17 November 2020 22:38
To: Internet - Parks and Landscapes
Subject: Re: LRFC PLANS FOR THEIR OWN HOME GROUND

Hi

I am writing in support of Leckhampton Rovers obtaining their own training ground. My son started football training at the academy in 2017 when he was just 5. Every Saturday my husband would take him and soon became a Leckhampton Rovers coach for the under 7s. Since then the team has grown in numbers creating a dynamic group of enthusiast children. Building on their cognitive skills, team building and self confidence. Not only do the boys have a love of football but they have grown real friendships amongst them.

To have their own training ground would be amazing as there were a number of occasions when they could not train due to the University either using the grounds or making the decision to cancel the use of it. This year in particular they have been unable to use 'The Park Campus' which I believe has had a massive impact on all the children, and coaches, morale and mental health.

A ground they can call home would make them even prouder to be apart of Leckhampton Rovers.

Kind Regards

Parent

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Sent: 17 November 2020 18:59
To: Internet - Parks and Landscapes
Subject: Support for leckhampton Rovers/ Burrows

Dear Sir/ Madam

My son has been a member of Leckampton Gootball Club for the last two years and is currently playing in the Vulcans under 13s. I am writing to give my wholehearted support to plans to secure the Burrows as a homeground for them.

I have always found Leckhampton Rovers to be incredibly well run and the commitment the coaches show is admirable. My son gets immense pleasure from playing, and loves the training and the matches. It's great that he can play in the local area with his friends and feel part of a local community. Events this year have made us appreciate this more than ever, and stress the importance for young people to have an outlet to have opportunities for regular exercise, to be challenged, and to have a sense of belonging.

I feel it would be hugely beneficial for Leckhampton to have their own ground, to develop stability and continuity in training and matches. Having a home ground would support a sense of pride and ownership amongst the boys.

Kind regards

Sent: 21 November 2020 20:16
To: Internet - Parks and Landscapes
Subject: Burrow's field

To whom it may concern

Good afternoon

I am emailing in full support of the proposed improvements to Burrow's Field. Our son aged 16 has played football for Leckhampton Rovers Meteors for 6 years. He has gained in so many ways over these years - friendship, exercise, fun, skills, and has benefitted from some amazing coaching. It would be fantastic for him, and so many others, to have an improved facility so close to home. We currently have to drive several miles to his 'home ground' in Winchcombe. I wonder how many families this has put off joining the club over the years? We have lived in Leckhampton for 22 years and have seen Burrow's Field grow and develop in this time - we have supported all of these improvements as they give so much to the community, both now and in the future.

I really hope this amazing project goes ahead

Kind regards

Sent: 17 November 2020 11:50
To: Internet - Parks and Landscapes
Subject: Burrows Field & LRFC

To whom it may concern:-

I have been affiliated with Leckhampton Rovers for over 10 years.

During that time I have been a coach at the Academy and a manager of one of the many teams run by the club.

In my time with the club I have seen it grow and thrive starting with a couple of dozen children at the Saturday Morning Academy on the fields of Leckhampton Primary School through to last

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Saturday (17/10/20) when there were over 120 children playing football at the Park Campus of Gloucestershire University.

During this time I have seen many children (my own included) grow in confidence due to the skills imparted by the club.

A home ground for Leckhampton Rovers feels like the next natural step. It will allow the club to expand further and continue to provide excellent community based football coaching to children of all ages.

My son has loved playing for LRFC, has built a strong friendship group based on their shared love of the sport and has learned the lessons of sportsmanship and teamwork that the club ethos engenders. He is now volunteering on a Saturday morning as part of his DofE Silver Award.

The plans that the club have for a home ground have my full support.

Yours

Sent: 17 November 2020 09:21
To: Internet - Parks and Landscapes
Subject: Burrows Field

To whom it may concern

We have a young family with three children some / all of which we hope will play for Leckhampton Rovers at some point in the future. We live locally on the Leckhampton Road.

It would be fantastic to have an enhanced facility available locally which will give our children a platform to enjoy sport within the local community.

The plans have our full support.

Regards

Sent: 15 November 2020 08:38
To: Internet - Parks and Landscapes
Subject: Burrows field

Dear Councilor's

I would like you to acknowledge my full support for the improvements to Burrow fields. We as family use this playing field to walk, meet other families and my two sons use the field to play Sunday league football. It is a jewel in the Leckhampton area, and the planned improvements are totally welcome and overdue.
Kind regards

Sent: 15 November 2020 21:58
To: Internet - Parks and Landscapes
Subject: Burrows Field Development

What a wonderful idea, one I fully support '.

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Sent: 21 November 2020 13:13
To: Internet - Parks and Landscapes
Subject: Burrows field

To whom It may concern:

My son has been playing for LRFC for over 3 years and now plays for the Lions U10 - he loves it. From a personal point of view he has made strong friendships and the experience & confidence he has gained has helped towards life skills is invaluable.

I think LRFC having a permanent home at Burrows is a wonderful idea and I really like the sustainable and inclusive approach and would be extremely happy to see this realised.

Many thanks

Sent: 26 November 2020 17:18
To: Internet - Parks and Landscapes
Subject: Burrows football ground.

To Whom It May Concern

Further to the general interest in improving the Burrows Football Ground I would like you to respond sympathetically to the proposal.

We understand the concern of the locals as regards possible car congestion especially as we live on Whaddon Road and know what it is like when there are football matches both in the parks and at Cheltenham Town.

However, we have two children who play for Leckampton Rovers and, more generally, a good facility is always an attraction to occupy the youth and give them some pride in their activities.

Furthermore, if the ground is improved, it makes the Burrows a fall-back option if other pitches are flooded.

More generally, in these Covid-19 times it is good to encourage all healthy outdoor events for the benefit of our children's future.

God bless,

Sent: 17 November 2020 09:22
To: Internet - Parks and Landscapes
Subject: Burrows Ground...

To whom it may concern,

I am writing to give my full support to Leckhampton Rovers' plan to obtain The Burrows as a home ground.

As the parent of two boys who for two years have played in Leckhampton Rovers' groups (currently Year 1 and Year 2 respectively), I recognise the huge value of having good club facilities, which are able to support learning new skills, quality coaching and the friendship and enjoyment (for both my boys and myself) that goes with having a club 'home'.

By having one's own ground, it is clear that the club will be in a more stable position financially, will be able to provide consistent coaching opportunities and ways for those in the community to get involved.

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Furthermore, I am aware of the value of having a community hub and the benefit this brings to the local area. I feel that having such a hub will be an invaluable resource for the wider community.

I would very much look forward to the club obtaining The Burrows, and give this proposal my wholehearted support.

Yours sincerely,

Sent: 15 November 2020 13:39
To: Internet - Parks and Landscapes
Subject: Burrows improvement

Good afternoon,

We have recently received a note about the Burrows Improvements and I would like to make one comment.

This relates to the 'circular walk' that will be provided.

I think a circular walk is a great idea but I would ask that the path's route along the back of the Peregrine Road houses is sited on the park side of the tree's and not between the 5 trees and the back gardens.

I hope this request makes sense as it would not be ideal to have the path less than 1.5m from the boundary and our back gardens.

Kind regards

21 Peregrine Road
GL530LN

Sent: 15 November 2020 11:19
To: Internet - Parks and Landscapes
Subject: Burrows improvement

Hi, i am very excited about the LRFC proposal and it has my full support ,
Regards

Sent: 15 November 2020 12:05
To: Internet - Parks and Landscapes
Subject: Burrows improvement

This sounds amazing and I would fully support the development,

Sent: 17 November 2020 09:56
To: Internet - Parks and Landscapes
Subject: Burrows improvement

To whom it may concern.

My 12 year old son has been a keen member of Leckhampton Rovers Football Club for the last six years. Thanks to the club and the dedication of his coaches, he and the rest of his team have

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received excellent training in football and as a result have become quite a force to be reckoned with, full of football enthusiasm and talent. He always looks forward to his training sessions and match days.

A ground of its own at the Burrows will help to ensure that the club has the stability and sustainability it needs to continue to provide this important service to the young people of Cheltenham.

The plans for the Burrows to be used as the home ground for the LRFC has my full support.

Kind regards,

Sent: 15 November 2020 11:28
To: Internet - Parks and Landscapes
Subject: Burrows Improvement Project

I think this is a fantastic collaboration between CBC and one of the county's biggest and most inclusive football clubs. I believe it will help to secure the long term future of one of Cheltenham's green spaces and finally provide LRFC with a permanent home. Hundreds of young boys and girls have benefitted from playing football at LRFC and this project will ensure this legacy continues well into the future.

Between this and the proposed new walking track it will mean the community has some top notch facilities on it's doorstep. I am confident LRFC will do a great job managing these facilities and the concerns regarding the limited parking.

Sincerely,

Sent: 16 November 2020 08:35
To: Internet - Parks and Landscapes
Subject: Burrows improvement project

Dear Parks and gardens,

My boys enjoy their football and it will be really good to have the improvements at the Burrows.

Sent: 17 November 2020 08:48
To: Internet - Parks and Landscapes
Subject: Burrows improvement project

To whom it may concern.

I'd like to offer my full support to LRFC's plans to secure a home ground at the Burows.

My youngest son has been associated with the club for 5-6 years, starting out with their Wildcats programme. LRFC are a welcoming and inclusive of the LGBTQ commity which has encouraged my son to get involved in coaching/volunteering to support future generations of youth football.

The current facilities at Park Campus are OK, however these facilities are not controlled by the club and on many occasions sessions have unfortunately been cancelled, sometimes for several consecutive weeks . Having a home ground will create a more sustainable platform for youth/senior football to continue and thrive in Cheltenham. In this current climate, and potentially future climates, a home ground will also enable the club to have a more controlled and safe

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environment whilst giving a greater opportunity for people to volunteer and gain valuable coaching/leadership/team building skills.

Lockdown has had a detrimental impact on my son, the level of isolation has caused my son to have quite high levels of social anxiety. My son's school means that several friends are spread across the county or even outside the county, therefore even when restrictions were relaxed physical contact with friends was very limited. Being involved at LRFC provides my son with another community and sense of purpose that has been vital to his mental and physical health.

Having a home with good facilities will enable the LRFC community to grow and provide opportunities to support more people/families in the future.

Kind regards

Sent: 17 November 2020 12:32
To: Internet - Parks and Landscapes
Subject: Burrows improvement project

Good afternoon

I am writing to offer my support for the Burrows improvement project proposed by Leckhampton Rovers football club.

My son has played for Leckhampton Rovers football club for four years and these improvements would really improve the facilities for all of the children who play in the area.

The plans seem well thought through and will improve the amenity for the local community. I like the fact that the work will be done in stages so that everyone can still have access to the Burrows fields. We walk our dog there regularly and will continue to do so during and after the work is complete.

Thank you.

Kind regards
(16 Murvagh Close, Cheltenham, GL53 7QY)

Sent: 14 November 2020 18:09
To: Internet - Parks and Landscapes
Subject: Burrows improvement

Hi,

This project sounds great and has my full support.

It will be great for cheltenham.

Thanks

Sent: 15 November 2020 18:17
To: Internet - Parks and Landscapes
Subject: Burrows Improvements

Hi there,

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As a local resident and a parent to a keen footballer, this improvement plan sounds great. It has my full support.

Many thanks,

Sent from my iPhone

Sent: 17 November 2020 08:53
To: Internet - Parks and Landscapes
Subject: Burrows improvements

To whom it may concern,

This is a note to show support for the proposed improvements to Burrows fields for Leckhampton Rovers and the broader community.

My son has recently joined the under 8s setup and loves it. There is a great community spirit around the club, which is a huge attraction given the state of the world this year.

To have improved, stable, 'home' facilities will be a great step forward, not only for the football community but also for everyone in the local area.

Thanks

Sent: 17 November 2020 10:18
To: Internet - Parks and Landscapes
Subject: Burrows improvements - support

To whom it may concern

I'm writing to register my strong support for the proposals for Leckhampton Rovers FC to secure the Burrows as a permanent home ground.

As the parent of a keen footballer, I've been involved with Leckhampton Rovers for many years. My son started training with the academy when he was 5 or 6 and is now part of the U11s.

In that time, my experience of the club has been wholly positive. Everything from the quality of the coaching to the administration of the club has been extremely impressive, especially for a club that is one of, if not the, biggest clubs in Cheltenham.

My son has grown within the club making new friends and becoming a decent footballer as a direct result of the training and support he has received. As a parent, I have watched as a supporter from the side lines, helped out on occasions and made new friends as a result.

The facilities used over the years have been more than adequate but it has never felt right that a club the size of Leckhampton exists on a slightly itinerant basis, with training and games spread across a number of venues.

This often means the club, and the many kids who count on it for their football, are at the mercy of third parties - for example, a recent league match at Naunton Park was played on grass that was far too long for a decent game. I feel that having a home ground would put the club on a more stable footing and enable it to solidify its position as the hub of the Leckhampton footballing community. As a parent, knowing the future of the club is secured in this way, for my son to enjoy for many years to come is very important. I'm also confident that the club will be a responsible and considerate custodian of the ground should this project go ahead.

The proposals therefore have my complete support.

Thanks

Sent: 22 November 2020 16:27
To: Internet - Parks and Landscapes
Subject: Burrows improvements

I fully support this development

Sent: 14 November 2020 18:29
To: Internet - Parks and Landscapes
Subject: Burrows improvements

Hi

I would just like to say I fully support this project and it sounds like a great proposition to improve the current facilities.

Regards

Sent: 14 November 2020 18:46
To: Internet - Parks and Landscapes
Subject: Burrows improvements

Dear all,

I would like to express my support for the proposed project.

It will be even more important in the post COVID world to provide leisure facilities for the Cheltenham children.

Thanks very much

Sent: 14 November 2020 18:53
To: Internet - Parks and Landscapes
Subject: Burrows improvements

Totally support this fantastic and much needed local initiative. Well done to all involved.

Sent: 14 November 2020 18:53
To: Internet - Parks and Landscapes
Subject: Burrows improvements

Hello,

I wanted to get in contact to show my support for Leckhampton Rover's plans for Burrows Playing field.

As a resident of Arden Road (30 seconds walk from Burrows), I think a focus on the improvement of the field is such a good idea and will provide a great resource for lots of children in the area.

All the best LRFC and I fully support the project.

Thanks

Sent: 14 November 2020 19:15
To: Internet - Parks and Landscapes
Subject: Burrows improvements

To who

16 Moorend Grove
Cheltenham
Gloucestershire
GL53 0HA

Comments: 27th November 2020

This appears to be an engineering task far greater than the pump track construction. That caused me significant inconvenience during construction with lorries Qing up early mornings. The noise was even louder than the usual high volume traffic in this bottleneck and my drive was often blocked. Even though the plans are spread out over 2 years? I don't see how u are going to mitigate against even more inconvenience to me.

Traffic/parking

The traffic volume has increased significantly ove the least few years , especially with large vans/cars carrying bikes and with increases due to school expansions/use, other sports (not just football) and increases in houses (more to come). This means that parking is an issue not just at weekends. There is no enforcement of legal parking so double parking , parking on pavements and across my drive is common. This is not only inconvenient for me but is dangerous for pedestrians and the ever increasing cyclists using park. Your plans again don't offer solutions to this. It is naive to think that offering solutions for footballing community wil resolve this issue. COVID has illustrated it will not as organised football has not taken place and still the parking issues persiist

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APPLICATION NO: 20/01655/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 24th November 2020	DATE OF EXPIRY: 19th January 2021
DATE VALIDATED: 24th November 2020	DATE OF SITE VISIT:
WARD: Lansdown	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	
LOCATION:	Car Park, Synagogue Lane, Cheltenham
PROPOSAL:	Provision of a temporary public, pay and display car park (forming an extension to an existing car park) for an additional period of 3 years (renewal of planning permission 15/00954/FUL)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of approximately 0.4 hectares and is located within the Old Town Character Area of Cheltenham's Central Conservation Area. The site is also located within the Core Commercial Area and Flood Zone 3, and extends from St Georges Place to the east through to Chelt Walk car park to the west. The site was previously occupied by the vacant and dilapidated buildings of the former Shopfitters site. The impact of their removal was considered as part of the 2015 application.
- 1.2 The site is bounded by a number of key-unlisted and Grade II listed buildings, and the Grade II* listed Synagogue building to the north; a public house and public footpath adjacent to the River Chelt to the south; and the Chelt Walk car park to the west.
- 1.3 The applicant seeks planning permission for the provision of a temporary public, pay and display car park for an additional 3 year period (renewal of planning permission 15/00954/FUL). No changes to the existing car park layout, access arrangements, surfacing material, associated lighting or fixtures or opening hours are proposed. The existing temporary car park is an extension of the Chelt Walk town centre car park. Condition 2 of the 2015 planning permission requires the use of the land as a temporary car park to cease from September 25th 2020.
- 1.4 The application is before planning committee because the applicant and principal landowner is Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Core Commercial Area
Flood Zone 2
Flood Zone 3
Principal Urban Area
Residents Associations
Smoke Control Order

Relevant Planning History:

85/00768/ZHIST 22nd August 1985 PER

Land At Synagogue Lane Cheltenham Gloucestershire - Change Of Use To Car Park

87/01110/PR 26th November 1987 PER

Land At Synagogue Lane Cheltenham Gloucestershire - Renewal Of Permission For Car Parking

15/00954/FUL 25th September 2015 PER

79 St Georges Place - Provision of a temporary public, pay and display car park (forming an extension to an existing car park) for a period of 5 years following demolition of existing buildings on the site and with associated lighting, part re-surfacing and remedial repairs to existing boundary walls.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 4 Decision-making

Section 7 Ensuring the vitality of town centres
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 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

EM1 Employment Land
D1 Design
H2 Land Allocated for Mixed-Use Development
SL1 Safe and Sustainable Living
TN2 Long-stay car parking

Adopted Joint Core Strategy Policies

SD1 Employment
SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Central conservation area: Old Town Character Area and Management Plan (Feb 2007)

4. CONSULTATIONS

Building Control

1st December 2020

No comment

GCC Highways Planning Liaison Officer

15th December 2020

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

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

Environment Agency

15th December 2020

Thank you for referring the above consultation.

Whilst we acknowledge we have been consulted as the site is located in Flood Zone 3 and within 8 metres of a Main River (River Chelt), as there is to be no built development and the proposal is purely to provide an extension of time to an already established use, we would have no comments to make in response to this consultation.

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 Letters of notification were sent to 31 neighbouring properties and businesses. In addition, site notices were displayed within the vicinity of the site and an advert placed in the Gloucestershire Echo.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The key issue is the acceptability of extending the use of land as a temporary car park for a further three years; having regard to relevant policies of the recently adopted Cheltenham Plan. Impact on local amenity and any highway safety implications will also need to be considered. Matters relating to heritage and conservation, access and highway safety, flood risk, archaeology and site contamination were addressed as part of the original 2015 application.

6.3 Officer Comments

- 6.4 Policy EM1 of the Cheltenham Plan identifies the application site and adjoining Chelt Walk car park (and a number of other sites across the Borough) as locations for new employment development. The application site is included within Plan E4 of the Cheltenham Plan Proposals Map; the red lines on Plans E1-E4 marking the boundaries of the allocations which are separately and collectively part of policy EM1. As such, the proposed extended period of use of the land as a temporary car park must be considered very carefully.

- 6.5 The applicant has submitted a supporting statement which sets out the reasons for extending the temporary period. In summary, the extended use of the car park seeks to maintain temporary relief from parking pressure and reduced town centre car parking capacity brought about by recent new high grade office development in Jessop Avenue and other town centre development projects. This has increased demand generally for car parking provision in the south west quadrant of the town centre. Planned works for the St Georges Road and Chester Walk car parks will further reduce capacity. The proposal will also provide temporary capacity to accommodate potential development proposals/works on other CBC car parks (High Street, Royal Well).

- 6.6 It is acknowledged that currently the combined Chelt Walk and Synagogue Lane car parks have noticeable increased capacity. However, prior to the COVID 19 pandemic this car park (and St Georges Road car park) was popular and often at full capacity during the working week.

- 6.7 Notwithstanding all the above, the Property and Assets department of Cheltenham Borough Council is engaged in feasibility studies and pre-contractual work to develop the application site in accordance with the objectives of development plan policy. A timeframe of 2-3 years is anticipated for completion of this preparatory work.

- 6.8 In light of the above, the proposal remains as a temporary use of the land which would not sterilise the site's future redevelopment for commercial purposes.

6.9 Impact on neighbouring property

6.10 Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality. These requirements are reiterated in adopted JCS policy SD14. In addition, NPPF paragraph 127 highlights the need to secure a high standard of amenity for existing and future users.

6.11 No objections or concerns have been raised by local residents or businesses. Similarly, the Council's Environmental Health team has no objection to extending the temporary period.

6.12 Access and highway issues

6.13 The Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are therefore no justifiable grounds on which an objection on highway grounds could be maintained.

6.14 Other considerations

6.15 Flood Risk

6.16 The application site is located adjacent to the River Chelt which is classified as a main river. The site is also located within Flood Zone 3, bringing with it a 'high probability' of fluvial flooding and comprising land assessed as having a 1 in 100 year or greater annual probability of river flooding. The application submission therefore includes a Flood Risk Assessment.

6.17 The Environment Agency has raised no objection to the proposals; there is no built development and the proposal is purely to provide an extension of time to an already established use.

6.18 Public Sector Equalities Duty (PSED)

6.19 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.

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

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

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the extended temporary use of this land as a car park would not sterilise the site's future redevelopment for commercial purposes; having regard

to Policy EM1 of the Cheltenham Plan. The proposals also present an opportunity to relieve pressure on town centre parking capacity and retain public car parking facilities in a location currently under provided.

- 7.2 The recommendation is therefore to grant planning permission subject to the following conditions.

8. CONDITIONS / INFORMATIVES

- 1 The use hereby permitted shall be discontinued on or before 21st January 2023.

Reason: In the interests of good planning. The application seeks permission on these terms and given the wider development aspirations for the site, it is considered appropriate to limit any additional restrictions to bringing forward such redevelopment.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice and also in accordance with the drawing numbers listed in Condition 2 of planning permission 15/00954/FUL which are not superseded by the granting of this planning permission.

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

- 3 There shall be no new structures (including gates, walls and fences) or raising of ground levels on land below 56.66m AOD, within the 100 year plus climate change floodplain, or within 8 metres of the top of bank of the River Chelt, inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority.

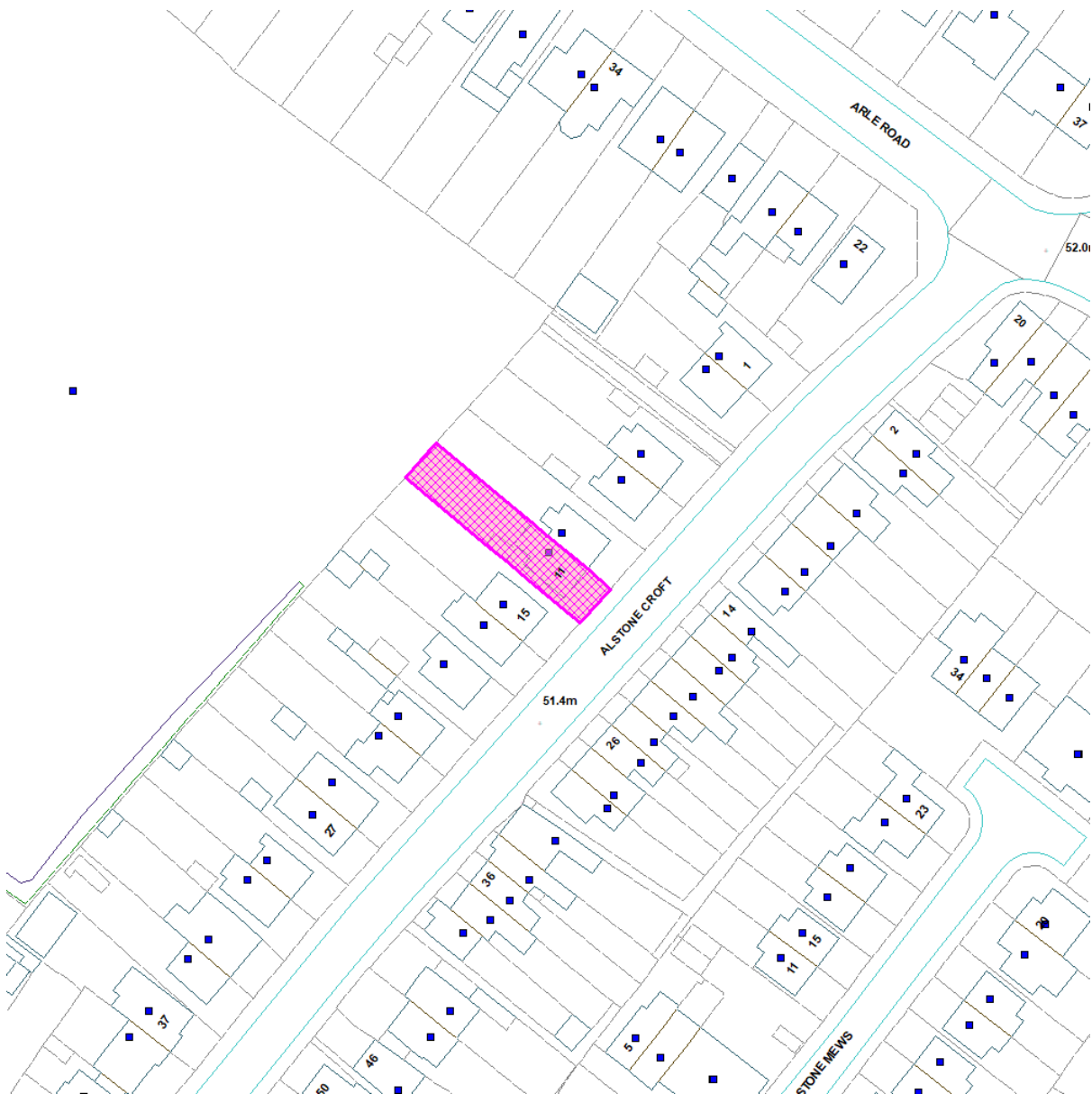
Reason: To prevent any impact on flood flows and flood risk elsewhere, having regard to Policy INF2 of the Joint Core Strategy (2017).

- 4 Within two months of the date of this decision, a Flood Evacuation Management Plan shall be submitted to the Local Planning Authority for their written approval in consultation with the Local Authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles); and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area, having regard to Policy S1 of the Cheltenham Plan (2020) and Policies SL1 and INF2 of the Joint Core Strategy (2017).

APPLICATION NO: 20/01972/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 20th November 2020		DATE OF EXPIRY: 15th January 2021
DATE VALIDATED: 20th November 2020		DATE OF SITE VISIT:
WARD: St Peters		PARISH:
APPLICANT:	Mrs Laura Copestake	
AGENT:		
LOCATION:	11 Alstone Croft, Cheltenham, Gloucestershire	
PROPOSAL:	Single storey ground floor rear extension	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a semi-detached property located within a residential area on Alstone Croft.
- 1.2 The applicant is seeking planning permission for a single storey rear extension.
- 1.3 The application is at planning committee as the applicant works for Cheltenham Borough Council within the Environmental Health team.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 11 Making effective use of land
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Building Control

1st December 2020

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

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Two letters were sent to neighbouring properties, no letters of representation have been received in response to this neighbour consultation process.

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

6.3 A site visit has not been carried out for this application, however site photos have been provided and google maps / google street view have been used to fully consider the proposed development.

6.4 **Design**

6.5 The proposal is for a single storey flat roof extension to the rear of the property to replace an existing conservatory that has now been removed. The proposed extension will sit comfortably within the plot and will read clearly as a subservient addition to the existing building.

6.6 The proposed materials include render to match the existing building and grey bi-folding doors. The extension is considered to be an acceptable modern design that will not result in any harm to the design or character of the existing building.

6.7 The proposal is considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1, adopted JCS policy SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).

6.8 **Impact on neighbouring property**

6.9 The proposed extension will run adjacent to the attached neighbours existing single storey extension, which is of a similar scale and form. The proposal is not considered to result in any unacceptable loss of light or loss of privacy to this or any other neighbouring land user.

6.10 In addition, no letters of objection have been received in response to the neighbour consultation process.

6.11 The proposal is therefore considered to be compliant with Adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

6.12 **Other considerations**

Public Sector Equalities Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 Officer recommendation is to permit the application, subject to the conditions set out below:

8. CONDITIONS / INFORMATIVES

- 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.

INFORMATIVES

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

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

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

Appeals Lodged DEC/JAN 2020/2021

Nothing to report for this month.

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Oakfield House Stables Oakfield House Greenway Lane Charlton Kings Cheltenham Gloucestershire	Erection of a single self-build dwelling following the demolition of existing stables (revised scheme)	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 20/00154/FUL Appeal ref: 20/00014/PP1
Land Adjoining 39 High Street Cheltenham Gloucestershire	Change of use from currently undeveloped land to a food trading site	Delegated Decision	Written representation	Appeal Allowed	Planning ref: 20/00890/FUL Appeal ref: 20/00017/PP1
17 Brook Vale Charlton Kings Cheltenham Gloucestershire GL52 6JD	Three storey side extension (amendment to previously approved scheme 20/00089/FUL).	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 20/00879/FUL Appeal ref: 20/00019/PP1

Authorised By: Mike Holmes 11.01.2021

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