



CHELTENHAM BOROUGH COUNCIL

Notice of a meeting of Planning Committee

**Thursday, 17 June 2021
11.00 am
Council Chamber - Municipal Offices**

Membership	
Councillors:	Garth Barnes (Chair), Paul Baker (Vice-Chair), Dilys Barrell, Bernard Fisher, Stephan Fifield, Paul McCloskey, Tony Oliver, John Payne, Richard Pineger, 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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If you make a representation to the meeting you are consenting to the use of those sound recordings for broadcasting and training purposes.

Agenda

- 1. APOLOGIES**
Apologies have been received from Councillor Barrell and Councillor Barnes.
- 2. DECLARATIONS OF INTEREST**
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
- 4. MINUTES OF LAST MEETING** (Pages 3 - 12)
Minutes of the meeting held on 20th May 2021.
- 5. PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT**

Planning Committee**Thursday, 20th May, 2021****2.00 - 5.05 pm**

Attendees	
Councillors:	Councillor Paul Baker (Vice-Chair), Councillor Garth Barnes (Chair), Councillor Dilys Barrell, Councillor Bernard Fisher, Councillor Stephan Fifield, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Richard Pineger, Councillor Diggory Seacome and Councillor Simon Wheeler
Officers in Attendance:	Ben Warren (Planning Officer), Daniel O'Neill (Planning Officer), Mike Holmes (Interim Head of Planning), Nick Jonathan (Solicitor) and Lucy White

1. Apologies

There were none.

2. Declarations of Interest

Cllr Barrell declared a non-prejudicial interest in item 5d.

3. Declarations of independent site visits

Cllr Seacome had visited Loweswater Road and Hanna Court and was familiar with Pittville Pump Room.

Cllr Payne had visited all sites.

Cllr McCloskey had visited Villa Nova, Loweswater Road, Hanna Court and was familiar with Pittville Pump Room and the Oakley Farm site.

Cllr Oliver had visited Villa Nova, Loweswater Road and Oakley Farm.

Cllr Barrell had visited Villa Nova, Loweswater Road and was familiar with Hanna Court and Oakley Farm.

Cllr Baker had visited Villa Nova and Loweswater Road.

Cllr Fifield had visited Pittville Pump Room.

Cllr Barnes had visited Loweswater Road and was familiar with Oakley Farm.

4. Minutes of last meeting

The minutes of the last meeting held on 22 April 2021 were approved and signed as a true record.

5. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule**6. Villa Nova, Undercliff Terrace, Cheltenham 20/02296/FUL**

The Planning Officer presented the report relating to the demolition of existing dwelling, garage and shed and erection of replacement dwelling and additional new dwelling with garaging. The application was before committee at the request of Councillor Horwood, who initially raised concerns regarding access, flooding and land ownership. While some matters had been resolved, the request remained due to his concerns regarding access. An objection was also received from the Parish Council.

Ralph Guilor spoke on behalf of the applicant, explaining that they had bought the site when it was overgrown and in need of significant work, which had made it difficult for surveyors to enter the site. The original intention was to just refurbish Villa Nova but considering the amount of work needed to dispose of asbestos and get it to modern construction standards, it was cheaper to propose a replacement dwelling. The site had planning consent in principle for an additional dwelling, with plans submitted and revised following consultation. Three issues remained to be debated: the flood assessment situation, the width of the lane and the

impact on the AONB. He clarified that because the site was overgrown, it had been difficult to draw boundaries, with vague hand-drawn land registry documents leading to questions over the boundary alignment, though neither affected the proposals. The flood risk assessment had been approved by the Planning Officers.

The ward member, Councillor Martin Horwood, spoke in objection, thanking the applicant and Planning Officer for their work in making significant changes to the application. However, residents had continued to express concerns, which he shared, particularly around flood risk and the possible loss of amenity in the road. Surface water was a particular concern due to the hillside location, as was fluvial flooding, which did not preclude development but required caution. The culverted part of the building under Undercliff Terrace had been flooded the day before the meeting, with the water aiming straight at Villa Nova, with only a crude concrete channel in front of the house to divert this which the application would remove. Ground water was also a concern, and he had seen it rising when he visited the site, and there was no schematic for an sustainable urban drainage system in the application. On the issue of road amenity, he acknowledged that the boundaries had become vague over time but noted that the 1922 and 1927 area plans made it clear that Undercliff Terrace was supposed to observe dead straight lines, which were still there in the shape of the buildings themselves. The applicant's plans would not observe this, and would encroach on the common road area. He advised imposing conditions regarding the flood risk assessment and following the straight lines if the application were to be permitted.

In response to a member question, the Officer clarified that the comments from the architects' panel were made with regard to the original scheme, and that they were not consulted again about the revised plan.

The Officer also responded to member queries regarding flooding, noting that a flooding consultant had produced a full report that raised no objections, although they had initially suggested requiring the submission of a flood scheme. The agent had responded to this proactively and provided all the necessary information. The consultant also visited the site, particularly to look at the position of the watercourse, and did not believe that it had been recently altered. Overall, the consultant was satisfied that the necessary conditions had been met in order to address possible flooding issues, without the need for further information.

The Chair moved to the debate, with one member noting that it was a shame that the architects' panel were not asked to consult on the revised design. They also expressed significant concerns about the scheme, particularly for residents living down the hill, and suggested that the application contradicted parts of the Joint Core Strategy which committed to reducing flood risk. He endorsed Councillor Horwood's proposed condition that the flood scheme be approved before any development started. The impact of the development on the AONB was also significant.

A member suggested that the design did not sit well adjacent to the AONB, and that Cheltenham should look after the small areas of outstanding natural beauty that lay within the town. Another member agreed with this assessment and stressed their concerns about the risk to neighbouring properties in the case of flooding. A robust drainage scheme was required to account for the significant amount of vegetation removed.

A member suggested that an extra condition would not be sufficient, and that it would be wiser to defer the item until a full amended plan could be considered.

A member suggested that the flooding consultant should have been invited to the meeting. The Head of Planning clarified that this had not been possible due to a scheduling clash, and that an officer representing Highways was present.

A member asked what the threshold for 'unacceptable flooding' was in the context of the report. The Planning Officer clarified that this was up to the individual flooding consultant, who had reviewed the application and deemed the risk to be acceptable.

A member proposed an amendment to the condition suggesting a change to the wording regarding the drainage works from 'prior to the first occupation of the development' to 'prior to the development commencing'. The Head of Planning suggested the amendment wording did not work as drainage works would be at the commencement of development. He understood however that the member meant before major works started and suggested the wording needed fine tuning. It was proposed to delegate the final wording to the Head of Planning in consultation with the Chairman, Vice Chairman and Legal Officer and the Chair took a vote on this.

For: 11

Against: 0

Abstain: 0

Condition GRANTED unanimously

Based on this a member was happy not to proceed with a deferral. In answer to a final point on land ownership, the Planning Officer confirmed development would be within the red line which denoted the application site and that they were happy with the boundary line as detailed on the Land Registry.

There being no further questions or comments, the Chair moved to vote on the Officer's recommendation to permit the application with the amended condition 7.

For: 8

Against: 3

Abstain: 0

PERMITTED

7. 1 Loweswater Road, Cheltenham 21/00505/COU

The Planning Officer presented the report relating to a change of use of land at the rear of the property at 1 Loweswater Road to extend the garden land and subsequent residential curtilage. The application was at committee at the request of Cllr Oliver due to the impact on the wider locality and any potential future development. The Officer's recommendation was to permit.

The Chair invited public speaker, Mr Rowe, who spoke in opposition to the application. Mr Rowe stated that the site had been designated as a green open space and maintained by the local authority for the past 50 years and quoted National Planning Policy Framework (NPPF) 97 that no existing open space should be built on. He continued that in 2019 Ubico stripped the hedgerow around the perimeter of the site and local residents found out the site had been sold. In 2020 the mature tree on the site was felled and Mr Rowe cited the Forestry Commission saying that mature trees generally required a felling licence and questioned if the authority had requested seeing this. He also quoted Defra Hedgerows regulations in that hedgerows are worthy of protection if they are of wildlife value and he said dormice and slow worms occupied this site and that a biodiversity survey should have been carried out. He pointed out the benefit of urban green spaces, not least from an environmental aspect, and stated there were no planning reasons to support a change of use.

The Chair invited ward member, Councillor Iain Dobie, to speak against the application. Cllr Dobie reported that when the estate was developed small parcels of land were retained to create a pleasant visual buffer between the houses on Loweswater Road and Winton Road and to act as a habitat for wildlife. This was the case until the applicant purchased the land from the developer in 2019 and subsequently a large tree and much hedgerow and greenery were removed. Local residents had reported that the land had not been maintained to a reasonable level since it was purchased and that they very much wanted to retain their

green spaces. They were further concerned that, if approved, this could set a precedent to allow other parcels of land to be purchased and developed resulting in further loss of amenity. Other factors opposing this application were the height of the summer house and fencing; the street light and telegraph pole located on the land which if removed would make for an unsafe environment for local residents; conversion of part of the land to a parking space which would pose a safety issue; and the site being a natural haven for wildlife. Cllr Dobie further pointed out that the applicant had previously submitted two unsuccessful planning applications for this site and that there had been previous enforcement issues. Residents were concerned that approval could facilitate a future application to turn the summer house space into a new property and Cllr Dobie requested that a suitable condition be attached to prevent any future application for a new property being approved. He urged members to reject this application on grounds of unacceptable loss of amenity – SD14 of the JCS and D1 of the Cheltenham Plan.

In response to member questions the Officer confirmed that:

- The application was only for extending the garden land and not for permission for a summer house to be built and also clarified that the applicant owned the garden land and wanted to extend it with their existing garden or residential curtilage.
- The applicant needed permission as the land was not classed as residential curtilage and this was required to include it as part of their land on the Land Registry.
- It was normal to have a TPO on trees to prevent them being removed and confirmed that this tree did have a TPO until 2003 when it was revoked, but that the Officer was not entirely sure why this happened.
- The summer house was part of the application, but the applicant had not provided details of this or for the fencing, so permitted development rights were removed and included as part of the condition.
- The applicant could still install a fence up to 1m under permitted development rights, but larger than that would need planning permission.
- A member asked if people actually understood that he owned the land and what was the land actually used for now. The Officer replied that the applicant did own the land and bought it in 2019 and land registry documents confirmed this, and that whether the community and local residents could use it now could be a civil matter.

There being no further questions, the Chair moved to debate and the following comments were made by members:

- When the estate was built, the site was clearly a local amenity to provide screening and green space to local residents which they really valued. This was one of several pockets of land on the estate that the developers kept as green space and did not sell, until this applicant was allowed to buy this in 2019 and which has given rise to this unfortunate situation.
- Concerns were expressed that, if approved, this could lead to further development which could not be allowed in the future.
- Have had enforcement issues with the applicant in the past trying to maximise his development and removing part of a publicly owned hedge and not replacing it, as well as applications to build in this space.
- Want to retain this as open space for residents and a site visit had confirmed the importance of this land and why it was left as open space and use of amenity.
- Agreed residents could not actually go on this piece of land, but it offered space, nature, biodiversity and greenery within a tarmacked concrete environment.
- Strongly against this application and the report did not represent the policies of the Council nor the NPPF or JCS which want us to protect and respect open spaces. Strong policies in the NPPF oppose the application.
- Should not be removing things that were put into the development plan in the first place, when layout and landscaping were considered at that stage.

- It was a small landscape feature but it offered an oasis of greenery that supported biodiversity and had environment value and it should not be lost or have a fence put round it.
- Green infra structure in local estates highlighted in local plan plus the Council was spending money putting green spaces into the high street.
- Strongly oppose and move refusal.
- SD14 relevant to this application, trying to keep environment cleaner and greener, so is contrary to this. Support refusal.
- Need to consider other pockets of green space in housing estates owned by developers, so this did not open up the flood gates for further purchases by residents. Should consider acquiring ownership of these pockets of land to prevent this happening in future and a condition should be put on future green spaces within developments.
- In favour of refusal but concern expressed about the uncontrolled use of the land, in that if refused the applicant could still go ahead and put fencing around so local residents would still lose facility of green open space and amenity.
- Applicant could put up a fence up to 1m, so residents could still see the view, but clearly the applicant was not keen on wildlife as the plan was marked indicating astro-turf in that space.
- In reply to a further question the Officer confirmed that dormice and slow worm had not been recorded, as they may not have been seen on that day, and as such could not be taken into account.

A member proposed refusal on the grounds of NPPF 127b,d, re achieving well designed places; NPPF 97a,b,c, re preserving open spaces; Local Plan habitats 10-22, Local Plan green infra-structure 16.3; environmental values 16.6, 16.7; JCS INF 3 Green infra-structure 5.4.1, 5.4.3.

The Chair moved to the vote, in the first instance on the Officer's recommendation to permit.

FOR : 0
 AGAINST : 11
 ABSTAIN : 0

Against unanimously

The Chair referred to the refusal reasons already cited and moved to vote in favour of refusal of the application. The Officer would work with the Chair and Vice Chair on finalising the reasons for refusal.

FOR : 11
 AGAINST : 0
 ABSTAIN : 0

Agreed unanimously

APPLICATION REFUSED

8. Pittville Pump Room, East Approach Drive, Cheltenham 21/00579/LBC

The Planning Officer presented the report relating to the replacement of six cracked and unsafe floor slabs under the colonnade of the Grade II listed building Pittville Pump Room. The application was before committee due to the property being owned by Cheltenham Borough Council.

A member pointed out that Pittville Pump Room was a Grade I listed building and asked that this be corrected.

In response to a member question, the Officer clarified that the slabs had been broken as a result of the works carried out to the building, with the machinery used having caused damage to the slabs.

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

For : 11
Against : 0
Abstain : 0

GRANTED unanimously

9. Hanna Court, St Georges Place, Cheltenham 21/00683/FUL

The Planning Officer presented the report relating to the installation of secure pedestrian and vehicular access gates at the entrance into Hanna Court. The application was before committee as Cheltenham Borough Council was the land owner and Cheltenham Borough Homes the applicant.

In response to member questions, the Officer stated as regards to access and turning, that Highways had reviewed it and not raised any concerns and that the development would be installed with access controls, so residents would have a fob, it would not be manual, and likewise deliveries would have access to a control panel to buzz. The Officer also confirmed there was a pedestrian gate access and in reply to a further question on waste disposal / collection, he stated he could not exactly comment, but assumed Cheltenham Borough Homes had considered those issues.

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

For : 11
Against : 0
Abstain : 0

PERMITTED unanimously

9. Oakley Farm, Priors Road, Cheltenham 20/01069/OUT

The Senior Planning Officer presented the report relating to the outline application for the development of up to 250 residential dwellings and associated infrastructure at Oakley Farm, Priors Road with approval sought for the proposed means of access to the site from Harp Hill. The site covers an area of approximately 14.9ha and lies wholly within the Cotswold Area of Outstanding Natural Beauty (AONB).

The application had been referred to Committee for determination following requests from several councillors due to the level of public interest, the scale and significance of the proposals and resultant harm to the AONB. However an appeal against the Council's non-determination of the application was lodged by the applicant on 14 April 2021.

Members were therefore being asked to consider the Officer's recommendation and putative reasons for refusal had they been determining the application in order to advise the Secretary of State of the Council's views. Members were reminded that the Council was not the determining authority for this application.

The Chair invited public speaker, Mrs Gregson, to speak in objection to the application on behalf of the Friends of Oakley Farm Pastures Slopes. Mrs Gregson pointed out the Oakley Farm site was in the AONB and thus afforded the highest protection in planning terms and was not in the Development Plan. She said Cheltenham like many other planning authorities, was struggling to meet its 5 year housing land supply and this speculative

application was founded on that shortfall. However new housing developments were in the pipeline and the temporary shortage of housing land should not be recovered by non-strategic speculative proposals such as this. She suggested that the applicant might claim that because Cheltenham cannot provide a 5 year housing land supply, exceptional circumstances exist to allow development in the AONB. However she stated that Cheltenham's situation was not exceptional as some 30% of local planning authorities had a supply shortfall. She stated that conserving and enhancing landscape and the scenic beauty of the AONB was of major importance when considering development within the AONB and that the overall landscape and visual effects of the proposal would result in significant loss of protected sloping pastures. There was also the significant impact the development would have on the heritage assets of Hewlett's reservoir. She informed members that over 370 objections from local people had been received as well as from professional consultants. The proposal was not in the public's interest and she urged members to support the Officer's recommendation.

The Chair invited Councillor Babbage, ward councillor, to speak in objection to the application. Cllr Babbage commended the Officer on the very thorough and detailed report. He stated he could not improve upon the comprehensive set of refusal reasons or better set out the strength of local concern about this scheme from the hundreds of objections from local residents. He referred to the comments just made by the Friends of Oakley Farm and the strong planning reasons to refuse the scheme. He highlighted a couple of the reasons for refusal, the first one being the AONB, which should have the highest level of protection under planning law, the same as a national park. Secondly were the highways issues and the very critical highways report, which cited the danger of the road junction and the severe impact this development would have on surrounding roads, streets and junctions. For the reasons set out in the Officer's report and by local residents, he urged members to endorse the refusal reasons for this application in order to protect this sensitive site in the town.

A Member raised concerns about the junction at London Road and Greenway Lane which he considered to be a junction most impacted by this scheme and which was not covered in the report.

The Planning Officer confirmed that this junction had been assessed as part of the Transport Assessment submitted with the application and asked the Highways Development Team Leader from Gloucestershire County Council, who was present at the meeting, to speak further on this.

The GCC Highways Officer informed members that the junction had been assessed and reported on in the original transport assessment. That concluded that approximately 14% of vehicle movements from this site would come into this junction and that supporting modelling information suggested that there was still spare capacity within that junction. This was caveated by the fact that the assessment year was a younger year than we would normally expect to see and thus the assessment was probably underplayed. Also, given that the site was not part of the current development plan, usually a strategic model would be used that would consider wider assigned trips. Consequently the analysis was not as full as it should be, therefore we have cited in our representation a severe impact on the highway network because the full tools were not proposed.

A Member expressed his concern about the Highways Officer's comments if they were based on historic numbers and questioned which year the assessment was made. Given the nature of the Sixways junction with a school and a new development, he felt that this junction was the most seriously impacted by this scheme and with a lack of up to date data, he felt this was a weak response and the junction critical.

The Head of Planning responded to members' questions on the relevance of the tilted balance in relation to the AONB and the fact the Council had not got a 5 year supply of housing land. He explained that exceptions were areas of AONB and major developments.

Thus it was of relevance and it would have an impact on 5 year housing supply but it was an outline application and consideration was needed of the timeline from now to house build, which would be the latter part of the 5 year period.

The Planning Officer answered a Member question relating to the lack of s106 agreements in place and confirmed that given the refusal status of the application these agreements had not been completed. The reasons for refusal relating to lack of s106 agreements would likely drop off as the appeal progressed.

A Member commented that if at appeal outline permission is granted, the time limit for implementing the approval would be 3 years. However, the principle of the proposed development would already be agreed so developers could sit on it for 10 years.

With regard to questions on flooding, the Planning Officer commented that the Local Lead Flood Authority had no concerns with the submitted drainage strategy there would be no on-site or off site flood risk; the site was located in Flood Risk zone 1, with no water course running through the site. A detailed drainage scheme would be submitted and considered at reserved matters stage.

In reply to a question about the number of cars being allowed to exit from the Oakley Grange site onto Harp Hill and Greenway Lane, the Highways Officer stated that the Oakley Grange application was considered many years ago now and had gone through many planning regime changes. He advised the committee not to place too much weight on this now, but to consider the capacity at the junction in terms of network delay and queuing and the implications of that. Concerns about the Sixways junction had already been raised by the Highway Authority in that it had been underestimated in the appraisal being put forward.

The Chair moved to debate and reminded members that it was down for refusal so there was no need to argue against that if they were in agreement.

A Member had a couple of concerns about the list of reasons for refusal as outlined in the report. On the first line of reason No.2, he suggested omitting the word 'major' from the line 'constitute major development within the Cotswold area of AONB', thus stating that no development within the AONB is acceptable. Also in the next paragraph 'proposed construction of 250 houses', he suggested leaving the number out altogether so as not to give the developer the opportunity to reduce the number and resubmit to committee.

The Chair introduced Legal Officer Jeremy Paterson, who would be taking the case forward and representing the Council at the Inquiry. Mr Paterson expressed concern over re-wording the reason for refusal, as suggested, in terms of prohibiting all development within the Cotswold AONB. He explained that when the Council made these decisions, policy reasons had to be provided and in this case, the relevant policies were SP2 and SD10 as set out in reason for refusal 1. These had to be stated so the appellant was clear as to why the application had been refused.

The Member commented that he did not disagree but stressed that in terms of impact on the AONB, the harm to the AONB ought to outweigh the benefits of the proposal. In this location, because it is in the AONB, the applicant will be unable to show any benefits, regardless of numbers of houses proposed.

The Chair acknowledged the Member's concerns but told Members that the committee had to trust the views and expertise of its Legal Officers.

A Member proposed moving to the vote. He said the application was contrary to the local plan, to the JCS and the NPPF. He added it was a great report that could not be added to and he moved to accept the report and the refusal reasons.

The Chair agreed there was nothing extra to add to the report and that they had excellent officers supporting the committee in the way forward. There being no further Officer

comments, the Chair moved to vote on the Officer's recommendation and putative reasons for refusal.

FOR : 11
AGAINST : 0
ABSTAIN : 0

AGREED unanimously for refusal

10. Appeal Updates

A member asked when the committee would be able to debate the Oakhurst Rise series of appeals. The Head of Planning stated there was no date at the moment as the appeal decision could still be challenged, but that he would be happy to have such a meeting about this outside of committee at the relevant time.

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

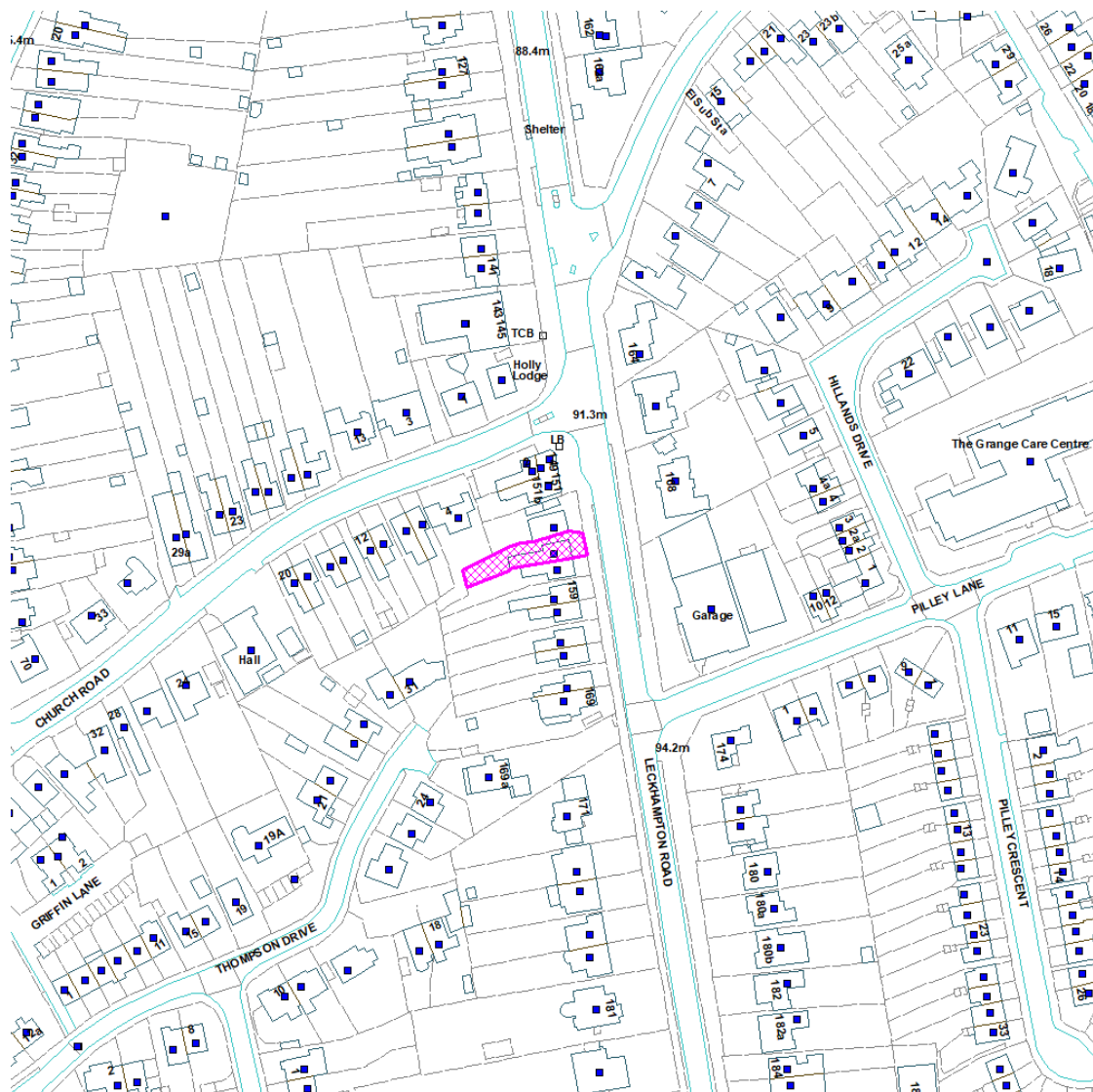
There were none.

Chairman

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APPLICATION NO: 21/01106/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 11th May 2021		DATE OF EXPIRY: 6th July 2021
DATE VALIDATED: 11th May 2021		DATE OF SITE VISIT:
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Mr and Mrs Ellis	
AGENT:	Port Architects Ltd	
LOCATION:	155 Leckhampton Road ,Cheltenham, Gloucestershire	
PROPOSAL:	A loft conversion with dormer, two infill extensions, window alterations (revised scheme to previously withdrawn application ref. 21/00909/FUL)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 155 Leckhampton Road; a two storey, semi-detached residential property located within the Leckhampton with Warden Hill Parish. The site is not in a conservation area.
- 1.2 The applicant is seeking planning permission for a loft conversion with rear dormer, two single storey rear infill extensions, and window alterations. This application is a revision to a previously withdrawn scheme (re.21/00909/FUL).
- 1.3 The application is at planning committee due to an objection from the parish council, and at the request of Councillor Horwood due to an unacceptable loss of amenity on no.'s 153 and 155 Leckhampton Road, creation of an enclosed courtyard, and the creation of an inaccessible space which is likely to collect water and debris impacting upon no. 153 Leckhampton Road.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area

Relevant Planning History:

06/01198/FUL

26th September 2006

PERMITTED

Single storey utility and shower room together with a single storey sun lounge to the rear of the property

21/00909/FUL

6th May 2021

WITHDRAWN

Single storey rear infill extension, rear dormer to facilitate loft conversion, and alterations to fenestration.

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 12 Achieving well-designed places

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD14 Health and Environmental Quality

Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Parish Council

2nd June 2021

The Parish Council objects to this application.

The council is concerned that the ground floor extension proposed will be immediately adjacent to the boundary line with no 153 for the length of the new side entrance hall which will be therefore be extremely close to the building at No 153. The proposed extension to the existing rear/side extension at the back corner is also taken even closer to the boundary line and it is already only inches away from it. Together these alterations will make access for maintenance to a large part of the side of either property impossible.

In addition, because all the properties along this part of Leckhampton Road are stepped, the ground level of the existing pathway is already higher than ground level at No 153 and the council understands that water and debris have already collected in the gully between them above the damp course level of No 153. Although the origin of this problem is probably the building of No 153 right on the boundary line, the proposed creation of an almost completely enclosed courtyard space seems very likely to exacerbate it and make it very hard to for later remedial work to be carried out.

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 Letters have been sent to four neighbouring properties, one response has been received objecting to the proposal.
- 5.2 A summary of the main points raised by the objecting neighbour include:
- Extension results in prevention of access for maintenance,
 - Loss of privacy due to clear glazed first floor side elevation window.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The application proposes a rear dormer, single storey infill extensions and alterations to windows; they key considerations are therefore the design and impact on the neighbouring amenity.

6.3 Design

6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 127 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

6.5 The Council's Supplementary Planning Document: Residential Alterations and Extensions (SPD) set out five basic design principles; maintain character, subservience, ensure adequate daylight, maintain space between buildings and maintain privacy. The document emphasises the importance of later additions achieving subservience in relation to the parent dwelling setting out an extension should not dominate or detract from the original building, but play a supporting role.

6.6 Rear dormer

- 6.6.1 The aforementioned SPD guidance also provides design guidance for extending into the roof space, stating '*loft conversions should not have the appearance of an extra storey*' and '*a dormer window should always be set within its roof*'. The proposed rear dormer would be relatively large, however the original roof would still be read and it does not read as an additional storey. The design of the rear dormer would take on a modern design, being finished in lead cladding. The dormer is considered to be appropriate in terms of its scale, form and design complying with the relevant design guidance.

6.7 Single storey rear extensions

- 6.7.1 One extension would infill an area to the rear of an existing single storey rear extension. This extension would be small in scale and have a footprint of approximately 0.9 metres by approximately 2 metres, with the proposed roof form continuing the roof form of the existing single storey extension.
- 6.7.2 The other single storey rear extension providing a 'boot room', would infill an existing courtyard area between the rear elevation of the original building, the existing two storey rear wing and the existing single storey rear extension. The extension would have a footprint of approximately 3 metres by approximately 3.5 metres, with a flat roof at a height of approximately 2.9 metres. The extension would extend up to the boundary, but would not form a new boundary between the application property and no. 153 Leckhampton Road. Concerns have been raised in regards to the design of this extension due to the creation of an inaccessible area between the property and the boundary of the site. Whilst it is unfortunate that the proposal may result in an area that it is considered to be inaccessible, it is the opinion of officers that the proposed extension does achieve an acceptable design when assessed against the relevant design policies and guidance.
- 6.7.3 As such, both the single storey rear extensions are considered to achieve an acceptable standard of design, are of an appropriate scale and form clearly reading as subservient additions.

6.8 Window alterations

- 6.8.1 The proposed changes to the fenestration on the front, rear and side elevations are acceptable.

- 6.9 The proposed rear dormer, single storey rear extensions and associated window alterations are considered to be acceptable in terms of design and comply with policy SD4 of the JCS and policy D1 of the Cheltenham Plan, and the guidance set out within the Council's adopted Supplementary Planning Document: Residential Alterations and Extensions and Section 12 of the NPPF.

6.10 **Impact on neighbouring property**

- 6.11 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.
- 6.12 There has been one public representation received following the public consultation; this neighbour objects to the scheme, the main points raised are summarised in paragraph 5.2 of this report. The impact on neighbouring amenity has been assessed as part of the application process.

- 6.13 There are no concerns that the rear dormer would result in harm to the amenity of adjoining land users. Officers must be mindful of the permitted development fall back position and that a dormer that was finished in materials to match could be constructed at this property without needing planning permission. As such, this element of the scheme is appropriate.
- 6.14 The smaller single storey rear extension is not conceded to result in further harm to the neighbouring property given its small scale and form. The larger 'boot room' extension would be located adjacent to the neighbouring property (no. 153 Leckhampton Road) and therefore would not project beyond this property. As such, there are no concerns that there would be harm to the amenity of no. 153 Leckhampton Road in terms of a loss of light or loss of privacy as a result.
- 6.15 The proposed rear dormer and single storey extensions would protect the existing amenity of adjoining land users in terms of a loss of light and loss of privacy. As such, the scheme is in accordance with policy SD14 of the JCS and policy SL1 of the Cheltenham Plan and the guidance set out within the Council's adopted Supplementary Planning Document: Residential Alterations and Extensions and Section 12 of the NPPF.
- 6.16 There are 2no. existing first floor side elevation windows, as part of the application, the windows are to be altered to reflect the proposed internal alterations. The existing bathroom and bedroom are to be swapped internally, and therefore a clear glazed window is proposed within 'bedroom 3' to the rear of the existing two storey rear wing. Due to the location of this window and the relationship with no. 153 Leckhampton Road, views would be provided over the private amenity space of no. 153 Leckhampton Road. As such, revised plans have been sought to overcome this issue; this will be addressed in an update.

6.17 **Other matters**

6.18 Access for maintenance

- 6.18.1 The key material planning considerations of this application are matters of design and impact on neighbouring amenity. It is of officers opinion that the proposed larger single storey infill extension is of an acceptable design that complies with the relevant planning policies and guidance. Whilst it is unfortunate that the proposal may result in an area that could be considered as 'inaccessible', this is not a material planning consideration, and any future maintenance issues is a civil matter to be dealt with between land owners. As such, whilst the comments raised by the neighbour and parish council have been duly noted, the concerns regarding maintenance is not a material planning consideration.

6.19 **Other considerations**

6.20 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 It is considered that the proposed rear dormer, single storey rear extensions and window alterations are in accordance with the relevant planning policies and guidance. As such, the recommendation is to permit this 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.

- 3 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to adopted 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: 21/01106/FUL		OFFICER: Miss Claire Donnelly	
DATE REGISTERED: 11th May 2021		DATE OF EXPIRY : 6th July 2021	
WARD: Leckhampton		PARISH: LECKH	
APPLICANT:	Mr and Mrs Ellis		
LOCATION:	155 Leckhampton Road, Cheltenham, Gloucestershire		
PROPOSAL:	A loft conversion with dormer, two infill extensions, window alterations (revised scheme to previously withdrawn application ref. 21/00909/FUL)		

REPRESENTATIONS

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

153 Leckhampton Road
Cheltenham
Gloucestershire
GL53 0AD

Comments: 3rd June 2021

Having carefully assessed the proposed plans for 155 Leckhampton Road, we have a number of objections.

Firstly, previous owners of 155 caused a damp issue along the entire side of our property by filling in our drainage channel to the side of the property which is directly beneath the eaves. This was remedied through an insurance claim and our drainage channel has been kept clear by 155 since as we do not have access.

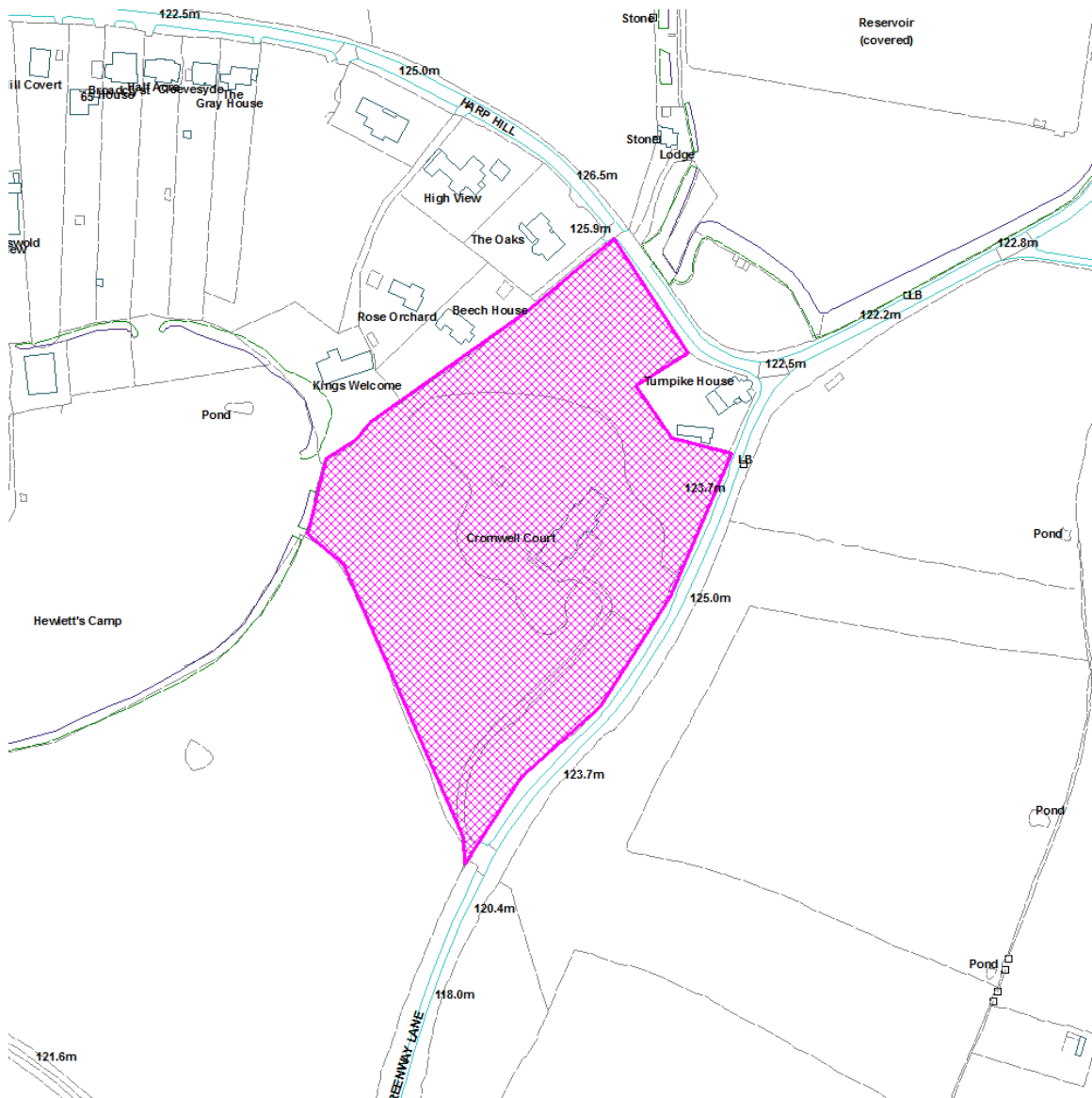
The proposed boot room on the ground floor extends beyond the boundary of 155. The side of our property is not a party wall and the proposed extension would prevent any maintenance to our property.

In addition to this, we object to the proposed change of side window on the first floor. Currently the window is a small frosted bathroom window. This window looks directly onto our house and garden. The proposed third bedroom has a large window to the back of the property so this large new clear glazed window looking straight onto our property is totally unnecessary.

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APPLICATION NO: 21/00646/CONDIT	OFFICER: Mrs Lucy White
DATE REGISTERED: 20th March 2021	DATE OF EXPIRY: 15th May 2021
DATE VALIDATED: 20th March 2021	DATE OF SITE VISIT:
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Churcham Homes Ltd
AGENT:	SF Planning Limited
LOCATION:	Cromwell Court, Greenway Lane, Charlton Kings
PROPOSAL:	Variation of condition 2 of planning permission 20/01612/CONDIT - amendments to house type and layout of plots 1, 2, 4 & 6

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application proposes the variation of condition 2 (substitution of drawings) of planning permission 20/01612/CONDIT and amendments to the house type/design and layout of plots 1, 2, 4 and 6 of the approved scheme.
- 1.2 The previous planning permission sought to vary conditions on the original planning permission (18/02581/FUL) to allow for the delivery of the consented scheme through a phased programme of construction. As individual plots come forward, each self-builder would be able to implement their phase of the development and claim their own Community Infrastructure Levy (CIL) self-build exemption.
- 1.3 The original planning permission issued in 2019 relates to the demolition of the existing dwelling and construction of 8no. self and custom build dwellings with associated works and infrastructure, including sustainable drainage, new internal access roads, improvements to existing internal access road, site regrading and landscape planting.
- 1.4 Cromwell Court is a large mock-Tudor dwelling built in the early 1980s set in large grounds. The site is located wholly within the Cotswold Area of Outstanding Natural Beauty (AONB).
- 1.5 This application is before the Planning Committee following a request from Councillor Fisher. The reason given for the referral is that the proposed development does not fall within the definition of self-build housing development as set out in nPPG guidance.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Residents Associations

Relevant Planning History:

17/02517/PREAPP 16th May 2018 CLO

Residential development up to 9 dwellings. Demolition of existing property

79/00922/PF 9th May 1979 PER

Erection of a private house

13/00413/TPO 19th April 2013 PER

1) Oak within grounds of Cromwell Court, overhanging rear garden of Beech House (T1) - remove epicormic growth Beech House side only, reduce limbs to boundary on Beech House side only. 2) Oak within grounds of Cromwell Court, adjacent to Beech House (T2) - remove low limb over Beech House to boundary and reduce remaining limbs by 30%. 3) Oak within grounds of Cromwell Court, along driveway to Beech House (T3) - remove stem over driveway of Beech House, back to boundary

17/01072/TPO 9th November 2018 ALL5D

Five day notice to fell Ash Tree

17/01090/TPO 11th July 2017 PER

Crown clean (remove deadwood, broken and crossing branches) from 4 oaks and 2 ash situated alongside Harp Hill and Greenway Lane. Fell Oak alongside greenway lane due to decay fungus infection. Fell ash alongside Harp Hill as it is dying and dead branches pose a risk to the highway.

17/01630/TPO 26th September 2017 PER

Selective felling of trees in woodland compartments as part of a woodland management/restoration plan - details available on CBC website

18/00903/FUL 13th June 2018 REF

Retention of fence and gates

18/01776/FUL 23rd November 2018 PER

Sub-division of existing dwelling into 8 apartment units

18/02581/FUL 22nd March 2019 PER

Demolition of existing dwelling and construction of 8 x self & custom build dwellings with associated works and infrastructure, including sustainable drainage, new internal access roads, improvements to existing internal access road, site regrading and landscape planting

20/01612/CONDIT 12th November 2020 PER

Variation of conditions 2, 3, 7 and 9 on planning permission ref. 18/02581/FUL - to accommodate a phased construction programme

20/02292/TPO 29th January 2021 PER

1) Oak (T16) on western boundary By Beech House and The Oaks- reduce the crown via retrenchment pruning & decompact the soil in the root zone. 2) Ash (G1.1) - reduce the crown via retrenchment pruning & decompact the soil in the root zone. 3) 18 No. pines on north-west boundary adjacent to Harp Hill (Cpt3) - fell to ground level and replace with 54 No. new trees in the woodland compartments

21/00140/DISCON 24th February 2021 DISCHA

Discharge of conditions 11 (Arboricultural Method Statement) and 12 (landscaping scheme) of planning permission 20/01612/CONDIT

21/00647/DISCON PDE

Discharge of conditions 3 (Design Code) and 13 (drainage scheme) of planning permission

21/01336/CONDIT PCO

Variation of planning condition 2 of planning permission 20/01612/CONDIT - proposed amendments to plot 3

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan Policies

D1 Design

L1 Landscape and Setting

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SP2 Distribution of new development

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD6 Landscape
SD7 The Cotswolds Area of Outstanding Natural Beauty
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Parish Council

12th April 2021

No Objection.

GCC Highways Planning Liaison Officer

8th April 2021

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.

John Mills Cotswold Conservation Board

8th April 2021

Thank you for consulting the Cotswolds Conservation Board ('the Board') on this proposed development, which would be located within the Cotswolds National Landscape.¹

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.² The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 (link);
- Cotswolds AONB Landscape Character Assessment (link) particularly, in this instance, with regards to Landscape Character Type (LCT) 2 (Escarpment);
- Cotswolds AONB Landscape Strategy and Guidelines (link) particularly, in this instance, with regards to LCT 2 (link), including Section 2.1;
- Cotswolds AONB Local Distinctiveness and Landscape Change (link);
- Cotswolds Conservation Board Position Statements (link) particularly, in this instance, with regards to Housing and Development (link).

The Board will not be providing a more comprehensive response on this occasion. This does not imply either support for, or an objection to, the proposed development.

NOTES:

- 1) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.
- 2) Section 85 of the Countryside and Rights of Way Act 2000. (Link).

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	100
Total comments received	1
Number of objections	0
Number of supporting	1
General comment	0

- 5.1** Letters of notification were sent to 100 neighbouring properties; including the residents who had made representations in respect of the original planning application. One representation in general support of the current proposals was received; the comments made, in summary relate to the following:

- Smaller properties and improved landscaping
- Visual appearance more sympathetic to site location and AONB
- Loss of trees, wildlife and habitats

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** Guidance set out within the National Planning Practice guidance (nPPG) acknowledges that issues may arise after planning permission has been granted, which require modification of the approved proposals and that where less substantial changes are proposed, an application seeking a minor material amendment can be made under section 73 of the Town and Country Planning Act 1990, where there is a relevant condition that can be varied (Paragraph: 013 Reference ID: 17a-013-20140306).

- 6.3** If granted, the application results in the issuing of a new planning permission which sits alongside the original permission which remains intact and un-amended (Paragraph: 015 Reference ID: 17a-015-20140306).

- 6.4** As such, the only consideration in the determination of this application is the acceptability of the proposed revisions to layout and house type/design of plots 1, 2, 4, and 6. The principle of the redevelopment of this site for self-build housing, and the proposal's overall impact upon the character and landscape qualities of the Cotswold AONB, neighbour amenity and highway safety have been established through the original grant of planning permission.

6.5 Officer Comments

- 6.6** The proposed revisions to layout and house types are limited to plots 1, 2, 4 and 6 and, in summary, include revisions to footprint, alterations to garages, front entrance locations and roof terraces. The proposals would result in a modest reduction in overall

size/footprint of the four houses and plot 6 dwelling would be set lower in the ground than as approved. Plot boundaries would remain the same with the exception of some minor adjustments to the boundary between plots 2 and 6 to allow for replacement attached garages and improved vehicular access and turning within the two individual plots. This adjustment would also allow for ease of development of the two plots by individual self-builders.

- 6.7** A submitted Design and Access Statement provides a more detailed explanation of the proposed changes and rationale for doing so. In essence, the proposals follow the design approach of the approved scheme and the general scale, form, layout of plots and access road and general appearance would be unaltered; the proposed limited materials palette of grey Cotswold Stone, painted render and grey cladding facing materials adding consistency and responding to that of the previously approved scheme. The height, roof form, contemporary style approach to design and architectural quality would remain the same.
- 6.8** Condition 3 (requiring the approval of a Design Code for the development as a whole) and all other conditions attached to the previous planning permission are not proposed to be amended as part of this application. Members should also note that the current proposals would not alter the overarching purpose and requirements of the Design Code. An application to discharge Condition 3 was submitted to the Council recently and is currently being considered by officers. Similarly, details of new tree/woodland planting have recently been approved and this aspect of the proposed landscaping scheme would remain unaffected by the current proposals.
- 6.9** In light of the above considerations, the proposed amendments to plots 1, 2, 4 and 6 are considered acceptable and adhere to the objectives of Policy D1 of the Cheltenham Plan and Policies SD4 and SD7 of the JCS.

6.10 Other considerations

6.11 Self-build housing development

- 6.12** A local Councillor has raised concerns that the proposed development does not fall within the definition of self-build housing and as such would be CIL liable. In response to these concerns, the applicant has submitted a supplementary note which sets out national policy guidance on self-build and custom housebuilding and the reasons why the development at Cromwell Court falls within this category of house building. This document and the proposals in general have been reviewed by the Council's legal officer. Advice has also been sought from the Council's CIL officer.

- 6.13** National Planning Practice Guidance (nPPG) states that:

'Self-build and custom housebuilding covers a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation ("turnkey"). The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.'

- 6.14** The nPPG does not differentiate between self-build and custom housebuilding. However, it is useful to set out the differences:-

- A self-build home is one built to the plans or specifications of the occupant on a single plot.
- A custom build home is built to the plans or specifications of the occupant on a multi-plot site which is actively managed by a third-party enabler. Custom build involves the occupier of a new home commissioning or building their new custom home through a range of housing delivery models facilitated and/or supported by a landowner, developer, contractor, or enabler. The occupier will agree to purchase a serviced plot of land and will be committed to act within defined parameters (Design Code) designed to manage house design and size as well as the timescale for construction. This can include purchasers being able to customise a new pre- designed home (choice of plot, exterior and interior finishes and internal layout and add extra features). Custom build homes are, where necessary funded by a stage release self or custom build mortgage and payments for the build are made in stages as the build progresses.

6.15 In contrast, speculative house building typically involves dwellings largely indistinguishable by their design, other than by their size and house type. Choice in finishes is limited to the developer's choices and these choices are usually only offered when purchasing off plan. Furthermore, there is no differentiation in the sales process and branding for speculatively built houses on the same site. Plot purchasers would have no opportunity to thereafter deliver their own home by working on their own.

6.16 Similarly, the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

6.17 Condition 15 of the previous planning permission states that:

'Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for the construction of self-build dwellings as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.'

6.18 It is clear therefore, that self-build housing may be delivered in a variety of ways, including 'turnkey' custom-build houses, whereby a dwelling is constructed on behalf of a custom-builder and made ready for occupation. Examples of self-build and custom building projects nationally demonstrate that the means of delivery can vary substantially; from a completed scheme of houses, where the purchaser of each plot has the ability to choose internal and external finishes and alter aspects of the internal layout to a purchaser having full control over the design and build of a single plot from start to finish. Custom and self-build housing can also include conversions and renovations.

6.19 In the case of Cromwell Court, the previous application was submitted and approved on the basis that the scheme would be delivered as a custom-build housing project. The applicant has subsequently confirmed that each unit will be constructed on behalf of a custom-builder ready for occupation (turnkey) and delivered in a phased manner in response to individual custom-builders coming forward as and when. It is understood that the applicant has been working with custom-builders to deliver houses that meet the requirements of individual parties. This has resulted in the current application to vary the layout and architectural design features of plots 1, 2, 4 and 6. These dwellings will be

delivered (ready for occupation) by the applicant on behalf of their respective custom-builders. The applicant has also confirmed that they are willing to engage with the Council to ensure that registered potential self-builders on the Council's self-build register are informed of the contact details for the site.

- 6.20** It is anticipated that further applications to amend the previously approved details for the remaining plots will be submitted once other self-builders come forward. With that in mind, members are advised that an application to vary the layout and design of Plot 3 has recently been submitted (21/01336/CONDIT).
- 6.21** It is acknowledged that the approved scheme in 2019 for 8 self-build dwellings is confusing in that the 8 dwellings appeared 'ready' for construction purposes and, seemingly, had not been subject to any design input from individual self-builders. However, officers are assured that the manner in which this scheme will be delivered does fall within the definition of self-build, as set out in paragraph 6.13 above. As mentioned above, each plot will come forward and be delivered by the applicant separately, on behalf of the custom builders, as turnkey custom-build homes; the approved scheme details altered to suit the requirements of the individual plot purchasers but keeping within the parameters of an approved Design Code. The condition restricting the use of the site/construction of houses to self-build dwellings would be re-instated in any subsequent planning permissions (s73 applications).
- 6.22** In addition, each plot purchaser will be required to sign a CIL self-build exemption form which is legally binding. Each purchaser will need to declare that the development/house meets the requirements of self-build and submit evidence to prove the same to avoid a 'disqualifying event'. Failure to do this, or other disqualifying events occurring during the rest of the 3 year clawback period, would require the self-builder to repay the relief granted. Therefore, if at any point it becomes apparent to the Local Planning Authority that the circumstances and/or information provided do not meet the criteria of self-build then the property would be disqualified and CIL would become payable.

6.23 Public Sector Equalities Duty (PSED)

6.24 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.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 For all reasons set out above the recommendation is to grant planning permission subject to the following conditions which have been carried over from the original planning permission(s) and re-worded where necessary.

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of the original decision notice (21st March 2019) issued under planning permission (18/02581/FUL).

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 development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice and in accordance with all other drawings listed in Schedule 1 of planning permission 18/02581/FUL and 20/01612/CONDIT 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 Notwithstanding the submitted details, a document setting out the design principles (hereafter referred to as a 'Design Code') for the development hereby approved shall be submitted to the Local Planning Authority for written approval. The Design Code shall set out how the principles and objectives of the Design and Access Statement by Ian Singleton shall be met by the development hereby approved and shall include the following matters:

- (i) The overarching design, form and general arrangement of external architectural features of buildings including the walls, roofs and fenestration.
- (ii) The hierarchy for roads and public spaces;
- (iii) The colour(s), texture and quality of external materials and facings for the walls and roofing of buildings and structures;
- (iv) The design of the public realm to include the colour, texture and quality of surfacing of footpaths, streets, parking areas and other shared surfaces;
- (v) The design and layout of any street furniture.
- (vi) Waste and refuse bin storage arrangements
- (vii) Boundary treatment/enclosures, fences and walls

The Design Code shall be submitted and approved by the Local Planning Authority prior to the commencement of Phase 2 and the development shall be carried out in accordance with the approved Design Code.

Reason: In the interests of the character and appearance of the area, having regard to Policy D1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD7 of the Joint Core Strategy (2017).

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

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

- 5 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 18.0048.AP01B with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles having regard to Policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 6 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 40m north east (Left) and 53m south west (Right) distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided , having regard to Policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 7 No phase of development shall be occupied until the vehicular parking and turning facilities for that phase of development have been provided in accordance with the submitted plan drawing no. 18.0048.AP01B, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided having regard to Policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 8 Throughout the construction and demolition period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods having regard to Policy INF1 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

- 9 No phase of development shall be occupied until the proposed car parking spaces for that phase have been designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

- 10 The development hereby approved shall not be carried out unless in accordance with the approved Arboricultural Impact Assessment (ref: DTCL.137.AIA.2018). The protective measures specified within the Arboricultural Impact Assessment 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 saved policies G12 and G13 of the Cheltenham Plan (2020).

- 11 An Arboricultural Method Statement (AMS) shall be submitted to and agreed in writing by the Local Planning Authority for the construction of the boundary wall adjacent to tree ref: T2 at the proposed entrance to this site. This tree has been described in the approved Arboricultural Impact Assessment as a veteran tree and as such no development should take place from a distance of 15 times the radius of the trunk diameter. This AMS should also give a detailed description and supervision of the described no-dig road. This no-dig road needs to be of a porous nature so that water is not diverted away/off tree T2 roots.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies G12 and G13 of the Cheltenham Plan (2020).

- 12 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

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

- 13 Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

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

- 14 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 with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 15 Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for the construction of self-build dwellings as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.

Reason: To ensure there are enough serviced plots of land to meet the demand for self-build and custom housebuilding in the borough, having regard to the self-build register and the provisions 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 The applicant will note that all relevant conditions have been carried over from the previous planning permission 20/01612//CONDIT and reworded/updated where necessary. The Local Planning Authority is aware that conditions have been complied with and part discharged through application ref: 21/00140/DISCON and is therefore satisfied that the details submitted for application 21/00140/DISCON are also relevant to this revised consent. Further applications to discharge/part discharge Conditions 11 and 12 of this planning permission will not be necessary unless changes to the details approved are proposed.

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APPLICATION NO: 21/00646/CONDIT		OFFICER: Mrs Lucy White	
DATE REGISTERED: 20th March 2021		DATE OF EXPIRY : 15th May 2021	
WARD: Battledown		PARISH: CHARLK	
APPLICANT:	Churcham Homes Ltd		
LOCATION:	Cromwell Court, Greenway Lane, Charlton Kings		
PROPOSAL:	Variation of condition 2 of planning permission 20/01612/CONDIT - amendments to house type and layout of plots 1, 2, 4 & 7		

REPRESENTATIONS

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

The Oaks
 Harp Hill
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL52 6PR

Comments: 25th March 2021
 I support 21/00646/CONDIT

I wish this to put on record and will check it has been done.

The changes to the planning improve the visual appeal of the properties , and whilst not a strict planning guideline, it should be welcomed as it is more sympathetic to the location. The properties are smaller , but also will integrate better into a plot that is within an area of AONB. It is hoped that the condition of providing an opportunity for self build is still retained.

The improved landscaping plans are also welcomed for a site of over a thousand trees and wildlife that has totally disappeared, is now dead and become extinct in this area. Sadly these factors were totally disregarded and the impact has been catastrophic as it was more important to build houses for the planning department. Where the birds, deer, bats and other wildlife used to reside, they are now dead and missing, is something the council may wish to consider when granting planning permission in an AONB and land covered with a totally inadequate tree preservation order. It is hoped that Cheltenham planning department takes the responsibility for the wanton destruction of wildlife and forested areas as their actions have been both reckless and without remorse.

As I live in the area, I know what brutal destruction the Cheltenham planning department have enabled. The facts are clear , they have destroyed a significant AONB and the habitat of animals, birds, and and the benefit of 1000 trees to the environment. Hold your heads in shame, because you have destroyed so much , created little, lead to the death of much, made a number very rich and Cheltenham poorer. None of that counts on a

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planning application, but it counts against the integrity, the sense of responsibility of Cheltenham planners, who abdicated any sense of morality , and have allowed destruction of wildlife, to the AONB and the environment. I hope you sleep well with your brutal actions. You should hold your heads in shame.

APPLICATION NO: 21/00853/COU	OFFICER: Michelle Payne
DATE REGISTERED: 20th April 2021	DATE OF EXPIRY: 15th June 2021 (extension of time agreed until 18th June 2021)
DATE VALIDATED: 20th April 2021	DATE OF SITE VISIT:
WARD: Pittville	PARISH:
APPLICANT:	Cheltenham Borough Homes Ltd
AGENT:	n/a
LOCATION:	37 Robert Harvey House, Winchcombe Street, Cheltenham
PROPOSAL:	Alterations to ground floor to facilitate a change of use of guest room to an additional flat

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Robert Harvey House is located on the eastern side of Winchcombe Street, just north of Belmont Road, within the Old Town character area of the Central conservation area. The building provides sheltered housing over five floors, and comprises 37 self-contained flats and a guest room. The building benefits from ramped, disabled access.
- 1.2 The application proposes alterations at ground floor level to facilitate a change of use of the guest room to provide an additional flat with disabled living facilities, utilising part of an existing flat. The existing lounge area of Flat 37 will become the lounge/kitchen area of the new flat, creating two equal size flats. The proposals for the new flat will include an electronic front door opening mechanism, a widened entrance hall area, and an extended shower room with wheelchair access.
- 1.3 The application is before the planning committee as the applicant is Cheltenham Borough Homes, and Cheltenham Borough Council is the landowner.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area
Residents Association
Smoke Control Order

Relevant Planning History:

None of any relevance to this proposal

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 11 Making effective use of land
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

SD4 Design Requirements
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

Old Town Character Area and Management Plan (2007)

4. CONSULTATION RESPONSES

Property Services

15th April 2021

Property Services have no objections to these proposals.

Building Control

6th May 2021

No comments to be made.

GCC Highways Development Management

7th May 2021

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

The justification for this decision is provided below.

The proposal seeks the alterations to ground floor to facilitate a change of use of guest room to an additional flat at 37 Robert Harvey House Winchcombe Street Cheltenham. The proposal is not perceived to result in any harm. 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

- 5.1 Given the nature of the proposals, individual letters of notification were not sent out; however, a site notice was posted and an advert was published in the Gloucestershire Echo. No representations have been received in response to the publicity.

6. OFFICER COMMENTS

- 6.1 There is no policy in the development plan which would preclude the provision of an additional flat in this location. Indeed, JCS policy SD10 requires residential development to achieve maximum densities appropriate to their context, whilst Section 11 of the NPPF sets out the need to ensure that developments make an efficient use of land.
- 6.2 The Design and Access Statement which accompanies the application sets out that the existing guest room, which is not self-contained, has been continually underutilised and, following consultation with residents, the creation of an additional flat with disabled living facilities is considered to be a more beneficial use the space.
- 6.3 Externally, only minor alterations to the building are required to implement the proposed works; namely, the replacement of an existing door in the side elevation with a window to enable the provision of a new dividing wall between the flats.

- 6.4 The proposed works will therefore not result in any harmful impact on the building or the wider conservation area, nor result in any harm in terms of neighbouring amenity.
- 6.5 Whilst the application does not propose any additional parking for the flat, the site is sustainably located within the town centre, and no highway objection has been raised.

Other considerations

- 6.6 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to the Public Sector Equalities Duty (PSED). 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.
- 6.7 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.
- 6.8 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposed development accords with relevant national and local planning policy, and the officer recommendation is to grant planning permission.

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.

INFORMATIVE

- 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.

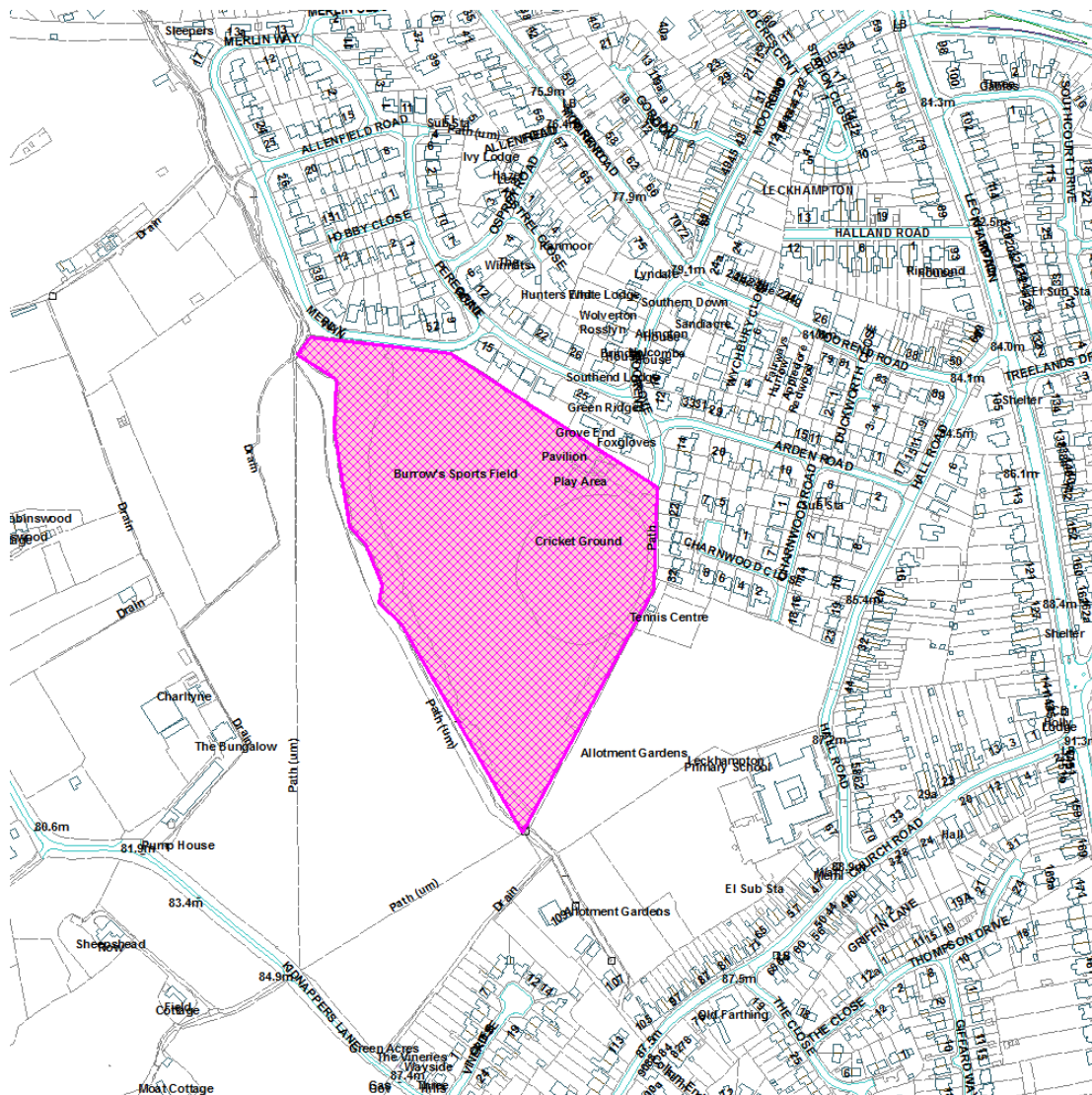
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

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APPLICATION NO: 21/00935/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 24th April 2021	DATE OF EXPIRY: 19th June 2021
DATE VALIDATED: 24th April 2021	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Cheltenham Borough Council
AGENT:	Cheltenham Borough Council
LOCATION:	Pavilion, Burrows Sports Field, Merlin Way
PROPOSAL:	Fitting of an air source heat pump on wall of Pavilion

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an existing pavilion building which sits within the Burrows Playing Field, which is located off Moorend Grove within the Leckhampton area of Cheltenham. The overall site extends to 6.3 Hectares.
- 1.2 The Pavilion is proposed to be refurbished and as part of this it is proposed to install an air source heat pump. The external plant comprises a box unit which extracts heat from the air. The overall dimensions of this are 0.95m wide, 0.74m high and 0.39m deep. The unit would be located on the western elevation of the pavilion building.
- 1.3 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
Landfill Sites region
Parish Boundary
Principal Urban Area
Public Green Space (GE36)
Smoke Control Order

Relevant Planning History:

15/02065/FUL 19th Feb 2016 PER

Construction of BMX pump track

17/01489/DISCON 2nd Aug 2017 DISCHARGED

Discharge of Condition 5 of planning permission 15/02065/FUL (Construction method statement). Construction of BMX pump track

17/01737/AMEND 13th Sep 2017 ALLOWED

Non material amendment to planning permission 15/02065/FUL construction of BMX pump track - Amendment to path location.

20/00332/FUL 5th May 2020 PER

Creation of two sustainable perimeter pathways in Burrows field to allow users (on foot and cycle) to traverse field

20/02028/FUL 17th Feb 2021 PER

Engineering works to improve and level playing surfaces

20/02182/AMEND 17th Dec 2020 ALLOWED

Non- material amendment to planning permission 20/00332/FUL, seeking to construct a path off the consented perimeter path to run alongside the children's nursery

21/01081/DISCON Pending Consideration

Discharge of conditions 4 (Tree Protection), 5 (Construction Management Plan), 6 (contaminated land) and 7 (SUDS) of planning permission 20/02028/FUL

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

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

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality
INF5 Renewable Energy/Low Carbon Energy Development

4. CONSULTATIONS

Building Control

19th May 2021

No comments to be made.

Parish Council

17th May 2021

The Parish Council has no objection to this application. It would also advise that it has donated an S137 grant to LRFC Burrows/CBC joint project so that the Pavilion refurbishment can be as carbon neutral as possible.

Environmental Health

20th May 2021

I have received some additional info relating to this application from an acoustic consultant. This confirms that any noise from the heat pump is likely to be inaudible in the nearest residential property, and as such I have no objections to this application.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	22
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to 22 neighbouring properties and a site notice. No representations have been made.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be (i) principle, (ii) design and appearance, (iii) neighbour amenity.

6.3 Principle

6.4 Section 8 of the NPPF (promoting healthy and safe communities) asks that planning policies and decisions 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 The air source heat pumps proposed here are associated with a wider scheme of improvements to the pavilion and playing fields including provision of paths and improvements to playing surfaces.

6.6 The overall aims of this project align with the ambitions of the Council and the relevant planning policies. The air source heat pumps will allow the pavilion to operate in a more sustainable manner with less reliance on traditional technologies. As such the principle of the proposal is supported.

6.7 Design and layout

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

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

6.10 The proposed external plant associated with the project comprises a unit fitted to the rear of the building. It is modest in scale and whilst it is utilitarian in appearance, it would not detract from the overall appearance of the building, due to its size and the position on the western elevation.

6.11 As such the design and appearance is considered to be acceptable.

6.12 Impact on neighbouring property

6.13 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.

6.14 An Acoustic Consultant has provided information in relation to the noise generation associated with the equipment. This has been provided to the Council's Environmental Health Officer who has confirmed that there would be no noise audible at the nearest residential property and as such he has no objection to the proposal.

6.15 As such Officers are satisfied that the proposal would not result in any adverse impact upon neighbouring properties.

6.16 Other considerations

6.17 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.

6.18 Climate Emergency

In February 2019 Cheltenham Borough Council declared a Climate Emergency and stated an ambition to become carbon neutral. Renewable technologies such as that proposed as part of this application are welcome as part of this agenda.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The proposed air source heat pump is considered to have an acceptable impact upon the building and neighbouring properties. It is part of a package of measures to upgrade the facilities at the pavilion in a sustainable manner and is supported by officers. As such the recommendation is to approve the application.

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.

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Appeals Lodged MAY/JUNE 2021

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Oakley Farm Priors Road Cheltenham Gloucestershire GL52 5AQ	Outline application for development comprising of up to 250 residential dwellings including provision of associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and formation of new vehicular access from Harp Hill. All matters reserved except for means of access to site from Harp Hill.	Non-determination	Appeal Inquiry	Oct 2021	Appeal ref: 21/00005/PP1 Planning ref: 20/01069/OUT
The New Barn Ham Road Charlton Kings Cheltenham Gloucestershire GL52 6ND	First floor front/side extension	Delegated Decision	Appeal Householder Fasttrack	Aug 2021	Appeal ref: 21/00006/PP1 Planning ref: 21/00052/FUL

3 Hetton Gardens Cheltenham Gloucestershire GL53 8HU	Demolition of Garage and Carport, Proposed Two Storey Side Extension, Garage, and General Modernisation and Facade Treatments	Delegated Decision	Appeal Householder fasttrack	Aug 2021	Appeal ref: 21/00007/PP1 Planning ref: 21/00069/FUL
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Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
138 Gloucester Road Cheltenham Gloucestershire GL51 8NB	Update of existing advertisement to support a digital equivalent which will display static advertisements on rotation	Delegated Decision	Written representation	Appeal Dismissed	Appeal ref: 21/00002/ADV1 Planning ref: 20/01798/ADV

Authorised By: Mike Holmes 07.06.21